



VICTIMS OF HUMAN TRAFFICKING: UNDERSTANDING YOUR RIGHTS AND THE SUPPORT YOU CAN EXPECT

Preventing and combating trafficking
in human beings in Serbia

Horizontal Facility for Western Balkans and Turkey

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

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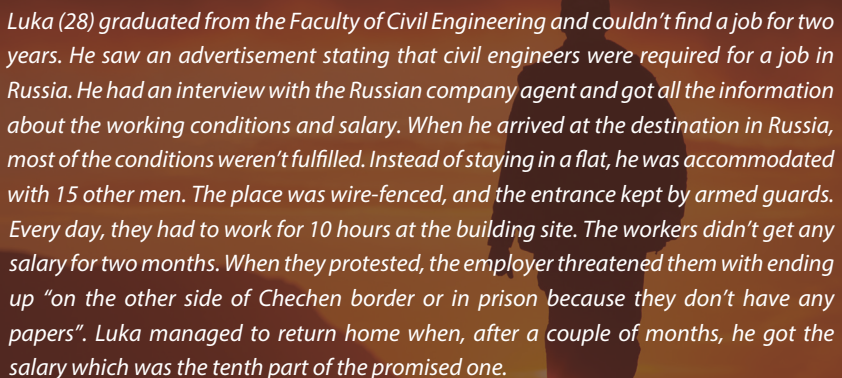


WHAT IS TRAFFICKING IN HUMAN BEINGS?


Trafficking in human beings is widely recognised as a serious criminal offence and a human rights violation, under both international and domestic law. Human trafficking is a form of modern-day slavery. This crime occurs when a trafficker uses, for example, force, fraud or coercion to control another person for the purpose of, for example, engaging in commercial sex acts or soliciting labour or service. Human trafficking can include, but does not require, movement. People may be considered trafficking victims regardless of whether they were exploited in their home town, were transported to the exploitative situation, previously agreed to work for a trafficker, participated in a crime as a direct result of being trafficked, or the exploitation has taken place.

HOW TO RECOGNISE THE SIGNS THAT YOU ARE A VICTIM OF HUMAN TRAFFICKING?

If somebody forced you to work against your will or under conditions that you did not choose and were not free to leave you could be a victim of trafficking. This may have happened to you while looking for a job or traveling to another country or another town for some other reason – maybe they deceived you about the kind of work you would do or the conditions of work and took away from you your money, your passport or other identity document, and forced you to stay in such a situation with threats of violence against you, your family or people you love.



Luka (28) graduated from the Faculty of Civil Engineering and couldn't find a job for two years. He saw an advertisement stating that civil engineers were required for a job in Russia. He had an interview with the Russian company agent and got all the information about the working conditions and salary. When he arrived at the destination in Russia, most of the conditions weren't fulfilled. Instead of staying in a flat, he was accommodated with 15 other men. The place was wire-fenced, and the entrance kept by armed guards. Every day, they had to work for 10 hours at the building site. The workers didn't get any salary for two months. When they protested, the employer threatened them with ending up "on the other side of Chechen border or in prison because they don't have any papers". Luka managed to return home when, after a couple of months, he got the salary which was the tenth part of the promised one.



When you are victim of human trafficking, you have certain rights and are entitled to assistance regardless of whether you are a citizen of Serbia and where the trafficking took place:

RIGHT TO INFORMATION

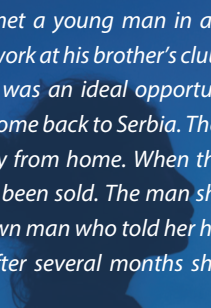
You have the right to know everything about your legal status, your rights and procedures important for your situation. You also have the right to know about services for victims and who can provide them to you.

LEGAL ASSISTANCE

You have the right to adequate legal aid in all trafficking-related proceedings. Such assistance serves to help you understand and access your rights and interests. *Although trafficking in human beings is prosecuted ex officio, you have the right to have your own lawyer present during all stages of criminal proceedings, including all instances when you are making the statement. Your lawyer is there to protect your rights, to inform you about your role in the proceedings, to defend your interests and to have your views considered. This is especially important if you want to claim compensation.*

HELP OF AN INTERPRETER

If you do not speak Serbian language or if you do not understand it very well, you have the right to an interpreter and to have all information, particularly the information about your legal rights, presented to you in a language you understand. *Your right to interpreter is guaranteed to you in communication with all institutions and service providers during the entire process of your recovery.*



Jelena (17) met a young man in a café and fell in love. He was planning to go to Germany to work at his brother's club so he asked Jelena to join him. He was convincing her that this was an ideal opportunity for them, that they could go together, earn money and come back to Serbia. The most important thing for her was to be with him. She ran away from home. When they arrived in Germany, at the hotel, she realized that she had been sold. The man she had come with disappeared; she was raped by some unknown man who told her he was her new owner. She was forced to work as a prostitute. After several months she was arrested in a police raid and deported to Serbia.

RIGHT TO A RECOVERY AND REFLECTION PERIOD

You have the right to a 3-month recovery and reflection period, that is, the time you need to start your recovery and decide whether you want to cooperate with the police. During the recovery and reflection period, you have the right to all assistance you need.

No one is allowed to put pressure on you to participate in uncovering and prosecuting of human traffickers and their associates, but if you report the crime then you must take part in prosecution as a witness.

RIGHT TO HUMANITARIAN RESIDENCE

If you are not a citizen of Serbia and your stay in Serbia is not regulated in some other way, the police may grant you temporary residence for humanitarian reasons.

You may get temporary residence of 90 days unconditionally or up to one year if you decide to cooperate with the police and the judicial authorities in investigating and prosecuting traffickers or other persons involved in your exploitation. You have the right to humanitarian residence also if the return to your country is dangerous for your life and safety. In such cases, you can also apply for asylum in Serbia. If you have a temporary residence permit you can move freely across Serbia and you can work in Serbia.

RIGHT TO PRIVACY

You have the right to protection of your private life and identity.

No one may disclose your private information without your consent. The Public Prosecutor and your lawyer can ask that the trial in which you participate as a witness is not open to the public.

PROTECTION OF YOUR SECURITY AS WITNESS/VICTIM

If you decide to testify in the criminal case, you have the right to witness protection and to be treated with respect and dignity. You have the right to request to be treated as an especially vulnerable witness.

The police and the court must protect you from threats, insults, intimidation or any other assault during and after the investigation and trial. If necessary, the court may request from the police to take special protection measures. The public prosecutor and your lawyer may ask the court to give you a status of the especially vulnerable witness based on your age, experience, medical condition and other circumstances. This means that you can testify under special conditions (without having to meet the trafficker, in a separate room, via video link etc.).



RIGHT TO COMPENSATION

You have the right to compensation for damages you suffered while exploited in the human trafficking chain, including material damages, emotional pain, fear, injuries to your honour, reputation, freedom, personal rights, dignity etc.

YOU MAY CLAIM YOUR RIGHT TO COMPENSATION IN TWO WAYS:

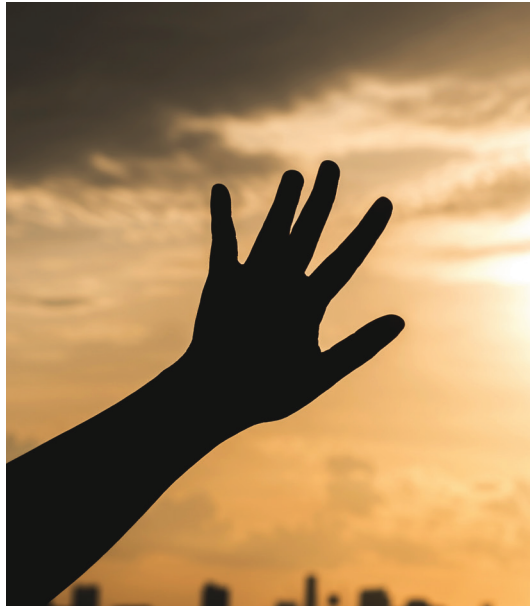
IN CRIMINAL PROCEEDINGS:

your lawyer should file a compensation claim during the criminal trial in which you participate as witness/injured party, stating clearly the amount of compensation you require. While collecting evidence to support the case against the trafficker, the prosecutor may (but is not obliged to) also collect evidence to corroborate non-material damage you suffered. However, in practice, the court usually advises you to file for compensation in separate civil proceedings.

IN CIVIL PROCEEDINGS:

your lawyer files a suit for damages against the trafficker. In civil proceedings you are a regular plaintiff and you cannot have the status of especially vulnerable witness as in criminal proceedings. Usually you will be required to go again through all forensic examinations you were subjected to during the criminal proceedings and to make statements on what had

happened to you, i.e. to prove that you suffered some damage. This procedure may be initiated by any person who finds him/herself injured in the period of 3 years since the damage occurred or if the damage was caused by a criminal offence within the state of limitation for the offence. If you decide to start civil proceedings, you should contact organizations that support victims of human trafficking for assistance and support.



After six months of forced prostitution, the police helped Milica to get out of trafficking. She returned home. She felt ashamed. Her family was not very supportive. With the help of State agencies and non-governmental organizations, she started recovering. They provided psychological support, engaged a therapist for her, helped her finish secondary school and assisted in the legal proceedings. The trial lasted for 3.5 years, but she had a lawyer who was always with her. It was not easy, but the traffickers were convicted eventually. After that, thanks to the support she had, she claimed compensation in a civil proceeding and she won. It was not a large amount of money, but she managed to repay some debts and to open her own small shop.

RIGHT TO RETURN (REPATRIATION)

If you want or need to go back to your country or the country where you lived before coming to Serbia, the Serbian authorities should enable your return without unnecessary



or unjustified postponement and while taking care of your safety.

If you do not have the necessary documents, the authorities of your country should issue them to allow you to return.

PSYCHOLOGICAL ASSISTANCE

Human trafficking experiences can have a severe impact on the victim's mental health. In order to be able to cope with problems, pain, fear and other negative emotions, you have the right to psychological assistance which should help you regain control over your life and live the life you want. Such assistance may range from psychological counselling and support to psychotherapy.

MEDICAL ASSISTANCE

You have the right to free health services as far as these are included in the health insurance scheme regardless of whether you are the citizen of Serbia or not.

Non-governmental organizations can cover the costs of health services, checkups, procedures and medications even if you do not have health insurance or if you need some services to be performed quicker than possible within the state health system.



ACCOMMODATION

If you do not have a place to live or it is unsafe to return home, you have the right to accommodation in a shelter for trafficked persons or in an alternative accommodation. If you are a child or young adult, you may be placed in a foster family, too.

Accommodation in state social institutions is arranged by the Centre for Human Trafficking Victims' Protection. Non-governmental organizations which provide assistance to victims of human trafficking sometimes offer the possibility of supported independent living for the period necessary for you to find a job and become able to cover your living costs.

(RE)INTEGRATION AND SOCIAL INCLUSION

As a trafficking victim, you have the right to information on programmes aimed at helping you rebuild your life. Such programmes offer different activities, education and training opportunities, support to find employment and support to find and join programmes which suit your needs.

These programmes are usually provided by non-governmental organizations. Generally, every actor that supports you should give you information about available (re)integration and social inclusion programmes.



This brochure is not intended as legal advice and does not substitute for seeking legal advice.

The brochure has been prepared using joint funds of the European Union and the Council of Europe. It cannot be considered in any way to reflect the views of the Council of Europe or the European Union.

IF YOU HAVE ANY QUESTIONS OR YOU NEED ASSISTANCE AND SUPPORT, PLEASE CONTACT:

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Center for Human
Trafficking Victims Protection

NGO ASTRA –Anti Trafficking Action

SOS Hotline: 011/785-0000

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*TOLL-FREE NUMBER (ONLY FOR CALLS MADE IN SERBIA)

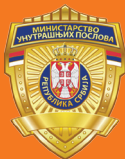
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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

www.coe.int

The European Union is a unique economic and political partnership between 28 democratic European countries. Its aims are peace, prosperity and freedom for its 500 million citizens – in a fairer, safer world. To make things happen, EU countries set up bodies to run the EU and adopt its legislation. The main ones are the European Parliament (representing the people of Europe), the Council of the European Union (representing national governments) and the European Commission (representing the common EU interest).

<http://europa.eu>

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