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GRETA(2014)3

# **GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA)**

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**Reply from Serbia  
to the Questionnaire for the evaluation of the implementation  
of the Council of Europe Convention on Action against  
Trafficking in Human Beings by the Parties**

**1st evaluation round**

Submitted on 1 June 2012

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This reply has been made public at the request of the Serbian authorities



## Table of contents

<b>Preliminary Questions.....</b>	<b>5</b>
Question 1 .....	5
Question 2 .....	5
Question 3 .....	11
<b>I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties.....</b>	<b>16</b>
Section I.1. Integration of the Human Rights approach to action against trafficking in human beings .....	16
Question 4 .....	16
Question 5 .....	17
Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation .....	18
Question 6 .....	18
Question 7 .....	18
Question 8 .....	21
Question 9 .....	22
Question 10 .....	24
Question 11 .....	25
Question 12 .....	25
Question 13 .....	26
Question 14 .....	29
Question 15 .....	29
Question 16 .....	30
Section I.3. Definition of “THB” and of “victim” in the internal law of the parties .....	31
Question 17 .....	31
Question 18 .....	31
Question 19 .....	31
Question 20 .....	32
Question 21 .....	33
<b>II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers.....</b>	<b>33</b>
Section II.1. Implementation of measures to prevent THB.....	33
Question 22 .....	33
Question 23 .....	37
Question 24 .....	38
Question 25 .....	40
Question 26 .....	40
Question 27 .....	42
Question 28 .....	42
Question 29 .....	43
Question 30 .....	43
Question 31 .....	44
Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings .....	45
Question 32 .....	45
Question 33 .....	45
Question 34 .....	46
Question 35 .....	47
Question 36 .....	47
Question 37 .....	47
Question 38 .....	49
Question 39 .....	49
Question 40 .....	50
Question 41 .....	51

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Question 42 .....	53
Question 43 .....	54
Question 44 .....	54
Question 45 .....	55
Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law .....	55
Question 46 .....	55
Question 47 .....	56
Question 48 .....	56
Question 49 .....	57
Question 50 .....	57
Question 51 .....	58
Question 52 .....	58
Question 53 .....	59
Question 54 .....	59
Question 55 .....	59
<b>Comments concerning your Reply to this Questionnaire .....</b>	<b>60</b>
<b>Statistics on THB .....</b>	<b>61</b>
<b>Comments concerning the statistics on THB.....</b>	<b>Error! Bookmark not defined.</b>
<b>Appendix: Documents attached to the Reply to the Questionnaire from Serbia.....</b>	<b>65</b>

## Preliminary Questions

### Question 1

**1.a. Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire.**

The Border Police Directorate within the General Police Directorate, under the Ministry of the Interior of the Republic of Serbia was responsible for coordinating and collecting the replies to this questionnaire.

The Border Police Directorate is headed by Police General Nenad Banović.

The “contact person” appointed to liaise with GRETA is Independent Police Inspector Saša Gosić, Border Police officer from the Section for Suppression of Illegal Migration and Trafficking in Human Beings.

**1.b. Please specify the name and professional title of the person heading this State body/agency.**

**Name**

Nenad Banović

**Professional title**

Police General

**1.c. Please indicate if this person is the “contact person” appointed by your country to liaise with GRETA (or a different person).**

~~Yes~~

No

### Question 2

**2. Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.**

**State body/agency contributing to responding**

Ministry of the Interior

**Main responsibilities and/or fields of competence of this State body/agency**

The Ministry of the Interior of the Republic of Serbia pursues the duties of state administration related to protection of life, safety and property of citizens; prevention and detection of criminal offences; finding and apprehending perpetrators of criminal offences as well as bringing them before the competent authorities; maintenance of public peace and order; providing assistance in case of danger; securing public gatherings and other meetings of citizens; protection of certain persons and facilities including foreign diplomatic and consular offices on the territory of the RS; road traffic safety; border crossing checks; control of movement and stay in the border area; control of movement and stay of foreigners; testing of small fire arms, devices and ammunition; fire protection; citizenship matters; personal identification number; permanent and temporary place of residence of citizens; identity cards; travel documents; international assistance and other forms of international cooperation in the area of internal affairs including readmission; illegal migrations; asylum; human resource training; administrative resolution of disputes in the second instance applying the regulations on refugees and other tasks laid down in the statutes.

**State body/agency contributing to responding**

Ministry of Finance

**Main responsibilities and/or fields of competence of this State body/agency**

The Ministry of Finance pursues the duties of state administration relating to the state budget, determination of consolidated balance of public revenues and public expenditures; the system and policy of taxes, fees and other public revenues; the policy of public expenditures; management of available public finances of the Republic of Serbia; public debt and financial assets of the Republic of Serbia; public procurement; macroeconomic and fiscal analysis, quantification of measures of economic policy; foreign currency exchange system and foreign loan relations; monitoring implementation of regulations related to foreign trade in goods and services and business activities abroad from the aspect of currency exchange

operations and foreign loan relations and other tasks of the foreign exchange inspectorate, in line with the statutes; the system of financial relations with other countries and international financing organizations; preparation, signing and application of international treaties on avoidance of double taxation; customs system, customs tariffs, non-tariff barriers and free zones; basics of the system of social insurance contributions; securing financing for mandatory social insurance; financial effects of the system of determining and computing salaries which are financed from the budget of the Republic of Serbia, territorial autonomy and local self-governments and funds of mandatory social insurance organization; credit and monetary system; banking system; personal and property insurance; aligning activities in the area of planning, obtaining and using donations, EU funds and other foreign development assistance; system of payments and payment operations; securities and capital market; accounting and audit system of accounting statements; bookkeeping; privatization and rehabilitation of banks and other financial organizations; notification of the Republic of Serbia claims in bankruptcy procedures; protection of Republic of Serbia assets abroad; realization of alimony claims from abroad; expropriation; property and other real rights; real estate regime and trade; double ownership of estates; implementation of succession treaties; providing legal aid in relation to foreign nationalized property compensated under international agreements; prevention of money laundering; games of chance; budget control and auditing of direct and indirect users of the Republic of Serbia budget, territorial autonomy and local self-governments and mandatory social insurance organizations and public enterprises; administrative supervision in property transactions; fiscal monopolies, second instance administrative and misdemeanour proceedings within the purview of the Ministry, in accordance with the statutes; provision of solidarity funds, and other tasks laid down in the statutes.

The Ministry of Finance pursues the duties of state administration relating to: analysis of available resources and potentials for national development; establishment of management of the Central Bank of Serbia; proposing, financing and implementation of projects of national importance; analysis of economic, social and demographic development; viability assessment for developmental and investment programmes of interest to the Republic of Serbia; assessment of main economic indices and balances; simulation, testing and impact evaluation of economic and developmental measures and institutional changes; development and improvement of analytical and development planning methodology and application of methodological instruments.

The Customs Administration as a public body within the Ministry of Finance pursues the duties of state administration and performs professional tasks relating to customs clearance of goods, customs surveillance and other tasks relating to passenger control and foreign trade in goods and services and other tasks laid down in the statutes.

***State body/agency contributing to responding***

Ministry of Foreign Affairs

***Main responsibilities and/or fields of competence of this State body/agency***

The Ministry of Foreign Affairs pursues the duties of state administration relating to foreign policy and maintenance of relationships of the Republic of Serbia with other states, international organizations and institutions; monitoring of international relations and bilateral cooperation with other states and development thereof; participation in conclusion, ratification and implementation of international treaties pursuant to the statutes regulating entering into international treaties and domain of the ministry stipulated under this Law; protection of rights and interests of the Republic of Serbia and its citizens and legal entities abroad; information of foreign public on the policy of the Republic of Serbia; monitoring of activities of foreign mass media relating to the Republic of Serbia; preparation of participation of representatives of the Republic of Serbia at international conferences or negotiations for entering into international treaties; affairs relating to accredited official representatives of states and international organizations, collection and publishing of documentation of foreign policy of the Republic of Serbia, as well as other affairs laid down in the statute regulating foreign affairs and other statutes.

***State body/agency contributing to responding***

Ministry of Justice

***Main responsibilities and/or fields of competence of this State body/agency***

The Ministry of Justice pursues the duties of state administration relating to: criminal justice legislation, and legislation on commercial offences and misdemeanour; relations under the law of obligations; inheritance; court proceedings, save administrative proceedings; organisation and functioning of judicial authorities and misdemeanour courts; bar exam; expert court witnessing; court interpreters; enforcement of

penalties; amnesty and pardon; extradition; collecting of data on criminal offences committed against humanity and other goods protected under the international law; passing of decisions on surrender of accused persons to the International Tribunal for criminal prosecution of persons held accountable for severe violations of the international humanitarian law committed on the territory of former Yugoslavia since 1991, subject to final and enforceable court decisions; implementation of the protection programme for participants in criminal proceedings; lawyers and other judicial professions; court guards; statistics and analytics of the work of judicial authorities; international legal assistance; management of seized and confiscated proceeds of crime; ensuring conditions for access and implementation of projects financed from EU IPA funds, grants and other types of development assistance; representation of the republic of Serbia before the European Court of Human Rights and causing the judgment of that court referring to the Republic of Serbia to be published; preparation of regulations on proceedings before the Constitutional Court and legal effectiveness of the Constitutional Court's decisions; preparation of regulation on protection of personal information and confidentiality of information, as well as other duties laid down in the in law.

Note: The Ministry of Justice forwarded the Questionnaire to the Republic Public Prosecutor to receive their contributions.

***State body/agency contributing to responding***

Ministry of Education and Science

***Main responsibilities and/or fields of competence of this State body/agency***

The Ministry of Education and Science pursues the duties of state administration relating to: study, planning and development of pre-school, primary, secondary, and higher education, and pupil and student standard; supplementary education of the children of citizens living abroad; administrative inspection in pre-school, primary, secondary, and higher education, and pupil and student standard; participation in the development, equipping and maintaining of facilities for pre-school, primary, secondary, and higher education, and pupil and student standard, of interest to the Republic of Serbia; professional teaching supervision in pre-school, primary, secondary, and higher education, and pupil and student standard; supervision of professional activities in higher education; organization, evaluation of activities and supervision of advanced professional training for the staff of educational institutions; recognition and equivalence of public certificates obtained abroad; improving social care for talented pupils and students; improving social care for pupils and students with special needs; ensuring conditions for access and implementation of the projects from the domain of the Ministry financed from the EU IPA funds, grants and other types of development assistance; as well as other activities laid down in the statutes.

The Ministry of Education and Science pursues the duties of state administration relating to: the system, development and promotion of scientific and research activities aimed at scientific, technological and economic development; establishment and implementation of policy and strategy of scientific and technological development; establishment and implementation of programs of scientific, technological and developmental studies/research; advanced training and education of human resources for science and research; establishment and implementation of innovative policies; promotion of techno-entrepreneurship, transfer of knowledge and technology in the economy; development and promotion of innovative system in the Republic of Serbia; regulations in the area of protection of intellectual property rights and trade in these areas; development of operation of the system of scientific-technological information and development programs for scientific-technological infrastructure; research in the area of nuclear energy; safety of nuclear facilities; manufacturing and temporary storage of radioactive material, except in nuclear power plants, as well as other activities laid down in the statutes.

***State body/agency contributing to responding***

Ministry of Labour and Social Policy

***Main responsibilities and/or fields of competence of this State body/agency***

The Ministry of Labour and Social Policy pursues the duties of state administration related to: system of labour relations and labour rights in all forms of work except in state authorities; salaries and other earnings from employment and wages in the public sector except in state bodies; occupational safety and health at work; inspection and supervision of labour relations and occupational safety and health at work; union organizing; strike; exercise of employment rights of workers temporarily employed abroad; protection of citizens working abroad; concluding agreement on referring employees to work abroad and sending employees on temporary work abroad; records in the area of labour; cooperation with international organizations in the areas of labour and employment; international conventions on labour, safety and health at work; anti-discrimination policy; social protection system; system of family legal protection; marriage;

gender equality; population policy; family planning, family and children; rights and integration of refugees and displaced persons, returnees pursuant to the readmission agreement for the Roma population and other vulnerable groups; system of pension and disability insurance; social security and protection of the insured military personnel and their dependents; participation in the preparation, conclusion and implementation of international agreements on social security; protection of veterans and disabled persons; protection of civilians who are war invalids and family members of conscripts; fostering a tradition of Serbian liberation wars, protection of monuments and memorials of the Serbian liberation wars, military graves and veterans' cemeteries, at home and abroad, Veterans and Disabled Persons Organizations and associations, as well as other activities laid down in the statutes.

The Gender Equality Directorate, as a body within the Ministry of Labour and Social Policy, pursues the duties of state administration and provide professional services related to: analyses of the situation and proposing measures in promoting gender equality; development and implementation of national strategies for the empowerment of women and improving gender equality; drafting laws and regulations in this area; cooperation with other state bodies, bodies of autonomous provinces and local self-governments in this area, international cooperation, coordination and provision of professional, administrative and technical support to the Gender Equality Council; empowerment of women and promotion of gender equality and equal opportunities policies; integration of the principle of gender equality in all areas of activities of institution of the system; implementation of the recommendations of the UN Committee on the Elimination of Discrimination against Women, as well as other activities laid down in the statutes.

The Labour Inspectorate, a body within the Ministry of Labour and Social Policy, pursues the duties of state administration and provide professional services related to professional activities in the field of labour relations and occupational safety and health at work relating to: regular monitoring and inspection; investigation of deaths, serious injuries and mass injuries at work; confirming compliance with prescribed requirements in the field of safety and health at work, before an employer commences the business operations, as well as other activities laid down in the statutes

The Ministry of Labour and Social Policy performs also the supervision of the performance of the social protection institutions providing social protection services and implementing family law protection of victims of THB, provides professional assistance to the above institutions and adopts bylaws improving the work of the above services in performing the above duties.

***State body/agency contributing to responding***

Centre for the Protection of THB Victims

***Main responsibilities and/or fields of competence of this State body/agency***

The Centre for the Protection of THB Victims was established by the Government of the Republic of Serbia on 13 April 2012 as a social protection institution. This institution comprises two organisational parts: the Service for Coordination of the Protection of THB Victims, and Reception Centre for Emergency and the Short-term Accommodation of THB Victims (accommodation capacities for 6 persons). Due to the necessary preparations that are ongoing (registration of the organisation, adoption of the necessary normative acts, recruiting the necessary human resources), the Centre is expected to be fully operational in June this year.

In November 2011, the Ministry of Justice, through the Directorate for Management of Seized and Confiscated Assets, assigned a 400 m<sup>2</sup> property in Belgrade, which had been confiscated as property originated from the criminal conduct, to the Ministry of Labour and Social Policy for the new Centre for the Protection of THB Victims.

**Article 9 of the Draft Statute of the Centre stipulates the following activities:**

**V. ACTIVITIES OF THE CENTRE**

**Article 9**

The Centre shall perform the following activities for the territory of the Republic of Serbia:

- 1) identifies and evaluates the situation, needs, strength and risk of THB victims and other relevant persons in their environment;
- 2) develops individual plans for the provision of services and protection to THB victims;
- 3) monitors the implementation of the plans for services and protection, as well as the outcomes of the protection and support provided to THB victims;



- 4)coordinates the protection of THB victims, promoting their reintegration, i.e. voluntary return to the country of origin;
- 5)cooperates with the relevant Centre for Social Work, other authorities, services, and organisations, promoting the establishment and improvement of cooperation and mechanisms for the protection of THB victims at the national and international levels;
- 6)prepares THB victims for participation in court proceedings;
- 7)provides emergency shelter services for THB victims;
- 8)maintains records and documentation, i.e. databases on THB victims, in accordance with law and other regulations;
- 9)participates in the research in the areas of human trafficking and protection of THB victims;
- 10)participates in the project activities and initiates improvements of the system of protection of THB victims;
- 11)develops and publishes professional materials, informs the community about their activities, and promotes their work through annual reports, using their web site, brochures, etc., and all in accordance with their Operating Programme and Information Strategy;
- 12)organises conferences and seminars to promote the protection of THB victims;
- 13)performs other activities in accordance with law, standards, and other regulations.

**Article 14 of the Draft Statute of the Centre stipulates the following organisational units:**

## **VII. INTERNAL ORGANISATION**

### **Article 14**

To promote the efficient performance of the activities, the Centre is organised into the following organisational units:

- 1)Office of the Director of the Centre;
- 2)Service for Coordination of the Protection of THB Victims;
- 3)Reception Centre for Emergency and the Short-term Accommodation of THB victims.

#### Service for Coordination of the Protection of THB Victims

In the Republic of Serbia there are numerous activities implemented to protect and provide assistance to THB victims. The first important element of this mechanism is the Ministry of Labour and Social Policy, i.e. the Service for Coordination of the Protection of THB Victims, which was established within the Institute for Education of Children and Youth in Belgrade. The Service was established in 2004, from 1 July 2005 it has been fully integrated in the social protection system, and it is the result of a joint project with the OSCE mission in Serbia.

The key role of the Service is the protection of the victims' human rights in the course of their identification and in the process of the provision of assistance and protection. In the course of their regular activities, the Service cooperates daily with specialised nongovernmental organisations, police, and the judicial authorities, as well as with other professional organisations and organisations active in the field of combating human trafficking. This operating model allows the Service to create flexible assistance models in accordance with the victim's needs. At the same time, the Service, as a state authority, in partnership with other entities active in the field of combating human trafficking, ensures continued efforts on the protection and assistance to THB victims.

As an important element of the national mechanism for combating human trafficking, the Service acts as the coordination centre in the process of assistance to the victims. At the same time, it acts also as an outreach information service communicating information on available medical, psycho-social and legal services relating to the assistance for the victims. The identification of victims is one of the primary and most important duties of the Services. In the last couple of years, the Services has taken care of and assisted a large number of victims, both foreign nationals and Serbian citizens. The Service works with and provides assistance to victims of all forms of human trafficking (sexual exploitation, forced beggary, coercion to commit crime, etc.). The assessment of the victim's initial needs is only one step in the coordination and protection process. The needs assessment is used to determine the first-line and basic assistance measures for the victims.

The Service also informs the victims about their legal, financial, and psycho-social status, assists with the registration of temporary and permanent residence, as well as initiates proceedings for compensation of financial and non-financial damages. In case of foreign nationals, an interpreter would also be provided. One of the services that can be singled out from the available set of services is also social safety net and assistance. This type of assistance is provided through the Red Cross, as a one-time assistance and emergency care. In cases when psychological assistance is needed, the Service would engage a psychotherapist.

What separates the Republic of Serbia from other countries in the region is that this Service has introduced, in the course of their regular work with the THB victims, a new “potential victim of human trafficking” category in all the cases in which there was no exploitation of the victim, but all circumstances point to the conclusion that it would eventually happen. “Potential THB victims” enjoy equal rights as all other THB victims and are provided the necessary assistance.

With the establishment of the Centre for the Protection of THB Victims (under the Decree of the Government of Serbia from 13 April 2012) as a social protection institution, the Service for Coordination of the Protection of THB Victims became an organisational unit of the Centre. The preparation of the Rulebook on Minimum Standards for the Protection of THB Victims is ongoing. In accordance with the Rulebook Draft Paper, the coordination of the protection of adult fully capacitated victims is ensured by the Centre, while the coordination of the protection of children and incapacitated adults is ensured by the relevant Centre for Social Work, with the necessary involvement of the Service. In addition, the cooperation between the Service and a Centre for Social Work is envisaged in the process of the protection of THB victims.

In accordance with the Rulebook Draft Paper, the coordination of the protection of THB victims includes the following activities:

- 1) assessment of the risk exposure, situation, needs, and strengths of victims and other persons relevant in terms their protection;
- 2) development of plans for protection, reintegration, and meeting other needs of the victims within the framework of their protection;
- 3) referring users to relevant social protection institutions, other social protection service providers, i.e. other institutions – to benefit from the measures and provision of services under their competencies;
- 4) monitoring of the implementation of the plans, measures, and services specified under Items 2) and 3) above;
- 5) ensuring transfer of the victim to the appropriate shelter or other safe environment;
- 6) ensuring the regulation of the legal status, including permanent, i.e. temporary residence, if needed;
- 7) ensuring the availability of legal and other assistance to enable the satisfaction of the victim's rights before the relevant authorities and services.

The coordination of the protection of THB victims is ensured by the Service, i.e. a Centre for Social Work, depending on whether the victim is a fully capacitated adult or a child, i.e. incapacitated adult.

In accordance with the same Rulebook Draft Paper, in the area of the protection of THB victims, The Service performs the following activities exclusively:

- 1) carried out identification
- 2) coordinates the process of the voluntary return of victims to the country of origin
- 3) coordinates the preparation of victims for their participation in court proceedings
- 4) collects information on available services and assistance and support programmes intended for THB victims
- 5) maintains records and documentation of activities on the protection of victims, in accordance with a separate regulation
- 6) maintains data on registered victims, in accordance with law and other regulations

After the professional consultation process is finalised, the above Rulebook will be forwarded to the Minister competent for social protection for adoption.

### Question 3

**3.a. Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire?**

Yes  No

**3.b. If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.**

**Name of NGO or other entity of civil society**

NGO "ATINA"

**Main activities of NGO or other entity of civil society**

NGO ATINA was established in 2004 as a response to the problem of human trafficking and the lack of adequate long-term support programs for victims and help in social inclusion. ATINA's basic starting point was creation of program activities in accordance with requirements and real needs of victims and this is why the program profiled as a program of social inclusion as opposed to existing programs of rehabilitation - with indication of (re)integration. ATINA is completely dedicated to the respect of victims' human rights, cooperation and participation of victims throughout the process of influencing trafficking root causes, such as: relations in the primer and secondary family, poverty, previous experiences of marginalization and discrimination, deprivation from basic rights, unemployment and educational deprivation.

Key objectives of the Comprehensive reintegration program are establishment of structured mechanism for long-term social inclusion assistance for victims of trafficking regardless of their place of residence; access to long-term quality assistance in reintegration throughout Serbia; inclusion and active participation of victims in design and implementation of their individual reintegration programs; their full physical and psycho-social recovery and empowerment; and introduction of evaluation standards to provide for adaptability of the program to beneficiaries' needs.

Above mentioned goals are achieved through delivering of following services to victims through Comprehensive Social Inclusion Program components (up to the full social inclusion): assistance in fulfilling basic needs (including accommodation); assistance in obtaining related rights (from obtaining personal documents, through the cooperation with relevant institutions, to the enrollment into the educational system and labor market); psychosocial, legal and medical assistance; family mediation and counseling; and the provision of all other relevant forms and means of support.

In this way activities are carried out in accordance to social inclusion of victims which are categorizes through: 1) solving the acute problems when entering the program and ad hoc responding to emerging acute problems; 2) determination of the initial status of beneficiaries in mentioned key areas for inclusion process; 3) establishing deadlines for assessing the status of the beneficiaries and making of the agreement of the first goals of the program for and with each individual beneficiary; 4) creating individual plans in all areas together with beneficiaries; 5) monitoring and evaluation of the status of all areas through the process and revision of the plans in relation to the assessment program flow; 6) contacts with government institutions and NGO's involved in the program and relevant to the program and mediation; 7) assessment of performance in each case after leaving the program; 8) follow-up of cases after the official exiting from the program.

Programmes of NGO ATINA, Transition House, Reintegration Centre – Open club and Team for field support are tailored made in accordance with individual needs of human trafficking victims. During last 7 years 167 victims of human trafficking received support and assistance: 123 individuals fully resolved their civil and legal status, 97 individuals were provided with temporary/alternative accommodation, 122 individuals received medical assistance, 143 individual received psychosocial support, 102 individuals were provided with legal assistance, 72 individuals were supported in education process, 152 individuals participated in educational and other workshops, 38 individuals were included into the peer-support group, 125 individuals received financial/material support. In addition, all the above mentioned assistance was provided to 254 secondary beneficiaries (children of victims, family members, spouses/partners and other persons of trust).

In addition to direct assistance to victims of human trafficking, ATINA as separate programme organizes trainings and education for professionals from different fields in order to build and strenghten capacities of institutions and organizations to provide adequate support to victims of human trafficking. Within the capacity building of the institutions and policy development, ATINA participates in the researches and analysis of the human trafficking and similar phenomena, as well as in the process of formulation of possible mechanisms and good practice policies in the field of social inclusion.

Valuable support in work NGO ATINA is receiving from the Joint Programme of UNHCR, UNODC and IOM to Combat Human Trafficking in Serbia, and its donors Government of Belgium, Switzerland and the UN.GIFT, Government of the Republic of Serbia - Ministry of Labour and Social Policy, OAK Foundation, Balkan Fund for Local Initiatives, Global Fund for Children, King Baudouin Foundation, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, OSCE and ViaSat.

***Name of NGO or other entity of civil society***

NGO "Centre for Youth Integration" (Centar za integraciju mladih) - CIM

***Main activities of NGO or other entity of civil society***

"Centre for Youth Integration" ([www.cim.org.rs](http://www.cim.org.rs)) is a non-governmental organization registered in the year 2004 in Belgrade, with its core activities and aim to be reflected in social welfare through development and implementation of programs for direct assistance to the children and young people involved in life and / or work on the streets. For seven years, "Centre for Youth Integration" (CYI) has contacted over 1000 children and young people exposed to life on the streets of the City of Belgrade.

In the year 2007, CYI has opened the first Drop-in centre for children involved in the life and / or work on the streets in Serbia. It was the first "place" organized specifically for those most vulnerable-children and youth who spent most of their days on the streets, a "place" where they could satisfy their basic needs for shelter, food and hygiene. Starting from the year 2008, this service is implemented in the facility at Municipality of Zvezdara (at Krfska street 7a). Beside its basic purpose, it also enables children and young people up to 19 years of age, to learn about various important subjects through a number of additional educational and creative activities developed and adapted for this population. With these activities CYI made efforts to increase the level of social inclusion of these children but also to development their potentials and increase their resistance to the risks they are exposed to.

At the same time CYI worked on the development of other programs, but always in partnership with their beneficiaries and in order to promptly and efficiently provide adequate protection. Thanks to the efforts of this organization, today there are several programs available to this at risk population in Belgrade: Day care center at Municipality of New Belgrade - for children under 15 involved in the life and / or work at the streets; HIV and HCV Prevention program for most at risk adolescents - that addresses the most vulnerable adolescents involved in the life and work in the street; Education Program - that enrolls and provides escorting to the children from informal settlements and children - younger brothers and sisters of the children that are beneficiaries of the Drop in centre to several facilities that organize regular and mandatory preschool preparatory program or provide regular basic primary school education; the magazine "Face of the street" - a specific example of a social enterprise that provides economic empowerment of adolescents from this population. In early 2012, CYI also started implementation of the project "Eye of the Street" - a project which aims to secure funds for funding job trainings for CYI's beneficiaries. By participating in these courses / professional trainings, these young people will increase their competitiveness in the market, and hopefully get a job. Out-reach work is a program that CYI implements since 2005 and it provides a regular contact with children and young people (up to 27 years of age) at the places where they live and work. In fact, all of the CYI's programs are implemented with the help of outreach workers who provide CYI's beneficiaries with information about available services in the community, provide support to the beneficiaries to use these services, provide CYI's beneficiaries with the information about CYI's programs and services, but also who are trained to adequately respond to any emergency situation.

Since one of the most serious risks CYI's beneficiaries are exposed to is the risk of trafficking with human beings, with the cooperation of NGO "ATINA" and the Secretariat for Child Protection of the City of Belgrade (CYI's longtime partner on the development of programs for children), CYI started the project "Sustainable social inclusion of trafficked victims and potential victims of trafficking." This project enhanced past activities of CYI to provide timely and comprehensive protection of children who are victims of trafficking in human beings or are in immediate risk of being trafficked.

As currently on a national level there is no specific program that works exclusively with children victims of trafficking, CYI again with the cooperation with NGO "ATINA", started on setting-up indicators for the identification of children who are victims of trafficking, and will start with the development of a Manual for working with children victims of trafficking. All these and few other activities are also with the aim of further lobbying for the development of specific programs/services for the children who are identified as victims of trafficking.

**Name of NGO or other entity of civil society**

NGO "Novi Sad Humanitarian Centre" (Novosadski humanitarni centar) - NSHC

**Main activities of NGO or other entity of civil society**

NGO "Novi Sad Humanitarian Centre" (Novosadski humanitarni centar) - NSHC is non-governmental and non-profit organization founded in 1998 in Novi Sad which provides direct and outreach-based psychosocial assistance, psychotherapy, educational support and support in economic self-reliance to most vulnerable individuals.

The main segments of their work are:

- Poverty reduction through empowerment of vulnerable and marginalized groups

Our beneficiaries are refugees, internally displaced persons (IDPs), returnees from Western Europe, Roma people, elderly people, victims of human trafficking, people in crisis, unemployed, etc. The assistance is adjusted to the needs of beneficiaries and set towards their empowerment and better access to their rights.

- Research, education, advocacy

Main education and advocacy topics are improving reproductive health and protection from HIV infection and other sexually transmitted infections, support to Roma children (especially Roma girls) in school completion, participatory research of needs of marginalized groups, advocating for the inclusion of Roma in school system.

- Program of lifelong learning and entrepreneurship development

Within this segment NSHC had founded the "NS Telecentre" (Lifelong Learning Center) and implemented projects to promote entrepreneurship and support vulnerable groups in starting their own business;

- Support to the development of civil society

Initiative for Volunteerism Legislation, promoting volunteerism, promotion of action plan for youth policy in Vojvodina, project monitoring and support to organizations of persons with disabilities,

Novi Sad Humanitarian Centre has been implementing the project "Protection and Integration of Victims of Trafficking in AP Vojvodina", since July 2011, with financial support of IOM, within UNGIFT program. The project is being implemented in partnership with Center for Social Work in Novi Sad.

General project goal is to contribute to the protection and social (re)integration of the victims of human trafficking in Serbia, through inter-sector cooperation and decentralisation of service provision.

In order to improve the capacities of Centre for Social Work in Novi Sad for accommodation, protection and care of victims of trafficking (VoT), part of premises were adapted and equipped for further use by VoT.

NSHC is engaged on providing support to VoT, or potential VoT within the Safe House for Women and Shelter for Children in Novi Sad, and providing support to victims in the process of reintegration in other parts of Vojvodina. NSHC's mobile team consists of various experts with significant experience in direct and field work with the most vulnerable categories of population - social worker, psychologist, psychotherapist, lawyer, medical doctor, and others, depending on specific needs of beneficiaries. They visit beneficiaries in their local communities and provide them with psychological support, help them exercise their rights (legal and in the scope of social welfare), assistance in employment, education courses etc.

In order to achieve project goals, NSHC is mostly cooperating with the Service for Coordination of Protection of Victims of Trafficking, NGO's "Atina" and "Astra", Center for Social Work, Police department, and elementary school for adult education in Novi Sad, as well as with relevant institutions in municipalities where VoT stay (centers for social work, employment agencies etc.) based on specific needs of beneficiaries.

**Name of NGO or other entity of civil society**

NGO "Child Rights Centre" (Centar za prava deteta)

**Main activities of NGO or other entity of civil society**

The Child Rights Centre (CRC) is a non-partisan, non-profit, non-governmental organization established in 1997, whose aim is the implementation of child rights in accordance with the Convention on the Rights of the Child. Activities of the CRC are focused on the introduction of such laws, policies and practice that enable the improvement of children's well-being, the protection of their rights and their full participation in society.

The priorities of the Child Rights Center are: efforts to the implementation of the Convention on the Rights of the Child, informing the public on the state of child rights in our country, efforts to the improvement of their status, and to disseminate the idea of their rights through direct work with professionals.

As a member of the National Team for Combating Trafficking in Persons and of the Working Group on Child Trafficking at the National team for the prevention and combating trafficking in human beings, one of the priority work areas of the Child Rights Centre is also to improve the status of children at risk, especially children who are victims of trafficking in human beings.

**Name of NGO or other entity of civil society**

SAVE THE CHILDREN

**Main activities of NGO or other entity of civil society**

Save the Children is the world's leading independent organisation for children. Our vision is a world in which every child attains the right to survival, protection, development and participation. Our mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives. Save the Children in Serbia is implementing two programs: Regional Child Anti-trafficking Program and Comprehensive response to on-line child sexual abuse and exploitation in SEE. In 2012, Save the Children will start new program Setting an agenda for Child Oriented Social Reform with overall goal to strengthen capacities of CSO's and institutions, direct service providers to develop child friendly assistance, services and policies grounded in the best interest of children move (including children victims/at risk of trafficking). In our programs, we implement the following activities: Direct support to children victims of trafficking, as well as preventive activities with children at risk of trafficking; Capacity building of institutions and professionals with child protection mandate to provide adequate support to children victims/at risk of trafficking; Improvement of the institutional and legal framework to provide better response to children at risk/victims of trafficking.

**Name of NGO or other entity of civil society**

The Red Cross of Serbia

**Main activities of NGO or other entity of civil society**

The Red Cross of Serbia consists of two Provincial Red Cross branches – Red Cross of Vojvodina and Red Cross of Kosovo and Metohija and 183 branches in towns and municipalities.

The program activities of the Red Cross of Serbia are implemented thanks to 60,000 volunteer and professional engagements of 800 employees in the network of the Red Cross of Serbia.

The governing bodies of the National Society and its constituent parts are: the Assembly, the Governing board and the Supervisory board

The first article of the Statute of the Red Cross of Serbia reads:

"The Red Cross of Serbia is a humanitarian, independent and voluntary organization and the only National Society in the Republic of Serbia."

The mission of the National Society is to alleviate human suffering with the task of providing help to the vulnerable at times of armed conflict, natural disasters, ecological disasters and other emergencies, saving vulnerable lives and health of people, disseminating the knowledge of the international humanitarian law, working on the prevention and education of citizens in the health and social welfare sector, promoting humanitarian values of the society and, in the state of need, providing social protection and assistance.

In its work, while implementing its objectives and tasks, the National Society shall act in accordance with:

1. The Fundamental Principles, those are: Humanity, Impartiality, Neutrality, Independence, Voluntary service, Unity and Universality
2. Ratified international treaties and widely accepted regulations pertaining to the International Humanitarian Law, especially the Geneva Conventions and the Additional Protocols;
3. Statutes of the International Movement, Statutes of the International Federation and other documents and regulations adopted by the International Movement;
4. Objectives and tasks of the National Society.

In fulfilling the said objectives and tasks, the National Society shall assist everyone without any direct or indirect discrimination based on race, color, sex, nationality, origin, place of birth, religious beliefs, political opinions, economical status, culture, language, age, psychological or physical disability.

In fulfilling its objectives and tasks, the National Society shall exercise the public powers conferred by the Law, which are:

- 1) to participate in the protection and evacuation of the population, material and other goods in the event of armed conflict, natural and other disasters in peacetime and wartime;
- 2) to collect and distribute humanitarian aid provided by international and national organizations and other donors for the victims of armed conflicts, natural and other disasters and other potential dangers prevailing in both peacetime and wartime;
- 3) to organize the collection and collect humanitarian aid in the Republic of Serbia from state authorities, other state bodies, organizations, companies, other legal entities and donors from the Republic of Serbia and to distribute it abroad, in order to alleviate the consequences of armed conflicts, natural and other disasters and potential dangers prevailing in peacetime and wartime;
- 4) to participate in the reception and in the provision of accommodation to the evacuees, refugees and displaced persons, to offer assistance and undertake other measures that may contribute to assisting the victims and vulnerable population, refugees and displaced;
- 5) to initiate, organize, carry out or participate in regular and emergency solidarity actions in the Republic of Serbia in order to assist the vulnerable population and victims of natural, ecological and other disasters as well as armed conflicts, to train staff and provide material, financial and other means for such actions in keeping with the Law;
- 6) to organize the dissemination and disseminate to the citizens the Geneva Conventions and their Additional Protocols;
- 7) to carry out some other work provided for by the provisions of the Geneva Conventions and their Additional Protocols, and obligations stemming from international treaties of the Republic of Serbia in the field of humanitarian assistance;
- 8) to organize a Tracing service in order to gather and register information on evacuees, refugees, displaced and missing persons, victims of armed conflicts, natural and other disasters and dangers prevailing in peacetime or in wartime, and to trace the missing;
- 9) to train the citizens being member of the civil defense on the territory of the Republic of Serbia to provide first aid in the event of natural, ecological and other disasters as well as armed conflict;
- 10) to organize, train and prepare teams, which shall provide first aid, hygiene-epidemiological protection, care for the injured and sick, to carry out social work and psychosocial support to the population and provide technical support to the aforementioned tasks in the event of natural, ecological and other disasters as well as armed conflict;
- 11) to participate in the health promotion and provide first aid training to the population which shall react in the event of an armed conflict, natural and other disasters and potential dangers prevailing in both peacetime and wartime;
- 12) to promote voluntary blood donation and organize voluntary blood donation actions in co-operation with health services and health institutions for blood transfusion.

Red Cross of Serbia in cooperation with donors has been implementing 64 different programs including Anti-trafficking Program.

**3.c. If not, please comment.**

(Not answered)

## **I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties**

### **Section I.1. Integration of the Human Rights approach to action against trafficking in human beings**

#### **Question 4**

**4. Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).**

Yes                      ~~No~~

#### **Possible comments concerning your reply**

Human rights are guaranteed and protected under the Constitution of the Republic of Serbia (published in the "Official Gazette of the Republic of Serbia", No. 83/06, Articles 18-81), the ultimate legal act of the Republic of Serbia, stipulating that the constitutional provisions on human rights shall be implemented directly, which means that the court and any other authority enforcing law may refer directly to the constitutional norm.

A provision of Article 26 of the Constitution, in the second part where it refers to human rights and freedoms, prohibits explicitly subjecting a person to slavery or a practice similar to slavery, i.e. prohibits any form of THB and forced labour including sexual or economic exploitation of a person in a vulnerable position.

The criminal offence THB was introduced in April 2003, and in the revised Serbian Criminal Code from January 2006, the criminal offence THB was divided into the criminal offence THB and the criminal offence Illegal Crossing of State Borders and THB. The criminal offence THB sanctions the following forms of exploitation: labour exploitation, forced labour, committing crimes, prostitution or other forms of sexual exploitation, begging, use for pornographic purposes, slavery or slavery-like practices, removing organs or body parts or use in armed conflicts.

With respect to the criminal offence THB, stipulated under Article 388 of the 2009 Criminal Code ("Official Gazette of the Republic of Serbia", No. 85/2005, 88/2005 – correction, 107/2005 - correction, 72/2009 and 111/2009), significant new elements have been introduced in relation to the previous solutions:

- imprisonment sanctions for all types of this criminal offence have been made more stringent, increasing the maximum sanction for the basic type from ten to twelve years of imprisonment. In case the criminal offence is committed against a minor, which constitutes a qualified form of this criminal offence, the minimum sanction has been increased from three to five years. As a special new element in respect to the sanctioning of the offenders of the criminal offence THB, there is a prohibition to impose sanctions below the statutory minimum sanction.

- the criminal offence THB was extended to include also a number of new forms, including the criminal offence committed by an organised crime group, whereby the minimum stipulated sanction is ten years of imprisonment (Paragraph 7), as well as incriminating the users of the services of THB victims and others enabling exploitation, whereby the cases when the victim is a minor are treated separately (Paragraphs 8 and 9) – see detailed explanation in the reply to Question No. 47.

- an important new element is also the provision that consent of a person to exploitation or slavery or slavery like relationship shall not be relevant for the purposes of establishing the existence of this criminal offence (Paragraph 10), as well that for the purposes of establishing the existence of this criminal offence, it is irrelevant whether the exploitation of the victim actually occurred, if there were actions undertaken to that end.

In addition to the criminal offence THB, the Criminal Code stipulates numerous other incriminations that are closely or remotely related to this criminal offence. In that respect, the following deserves special attention: Trafficking in Minors for Adoption (Article 389); Holding in Slavery and Transportation of Enslaved Persons (Article 390); Illegal Crossing of State Border and People Smuggling (Article 350); Showing, Obtaining, and Possession of Pornographic Material and Child Exploitation for Pornography Purposes (Article 185), and others.



## Question 5

**5. Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (For example, constitutional protection, positive obligation of the state, priority examination, etc.)**

Human rights are guaranteed and protected primarily by the Constitution of the Republic of Serbia ("Official Gazette of the Republic of Serbia", No. 98/2006). From the second part of the Constitution, relating to human and minority rights and freedoms, it ensues that the constitutional provisions on human rights shall apply directly. That means that all courts and other authorities enforcing law may refer to the constitutional norm directly, without the necessary interposition of law. In addition, the constitutional guarantees in terms of the protection of human rights include also the rights guaranteed by international sources (generally accepted rules of international law and international instruments). Article 26 of the Constitution of the Republic of Serbia prohibits slavery and all forms of THB.

Article 170 of the Constitution stipulates the possibility to lodge a constitutional appeal directly to the Constitutional Court. A constitutional appeal may be lodged against individual acts or actions by the state authorities or organisations performing delegated public competences, which violate or deprive human or minority rights and freedoms, in cases when all other means of legal recourse have been exhausted or when no other means of legal recourse for their protection is stipulated.

In accordance with the Law on the Prohibition of Discrimination ("Official Gazette of the Republic of Serbia", No. 22/2009), the provisions of Article 13, Paragraph 1, Item 4, stipulate the "grave forms of discrimination" including slavery and THB. In addition, the above Law introduces the institution and the position of "Commissioner for Protection of Equality", who is elected by the Parliament and has the capacity to protect all persons complaining against discrimination, and in that sense, also THB victims.

The Republic of Serbia has ratified many international human rights conventions and implemented them in the national legislation. In that respect, one has to take into account the fact that the ratified international instruments and generally accepted rules of international law legally prevail over the legislation of the Republic of Serbia, which means that in case an issue is not regulated in detail and explicitly under the national legislation, we may refer in the proceedings and judgments, which has recently become an increasing practice of the judges and prosecutors.

In terms of the case law protection, the Special Protocol for Judicial Authorities on the Protection of THB Victims, adopted by the Minister of Justice on 1 March 2012, underlines the first UN Recommended Principle that the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat THB. To that end, the recent Criminal Procedure Code ("Official Gazette of the Republic of Serbia", No. 72/2011 and 101/2011) stipulates the institution of "especially vulnerable witness", and the provisions of Articles 102-106 stipulate the witness protection area.

In addition to the general provisions on the protection of the parties in criminal proceedings, i.e. those relating to the proceedings involving criminal acts of organised crime, the effective national legislation contains also separate regulations on the protection programme for the parties in the proceedings. This matter is stipulated under the Law on the Protection Programme for Parties in Criminal Proceedings ("Official Gazette of the Republic of Serbia", No. 85/2005). This Law stipulates the terms and procedure for the provision of protection and assistance to the parties in criminal proceedings and persons close to them whose lives, health, physical integrity, freedom or property is threatened because they have given evidence or information that is relevant for the establishment of proof in the criminal proceedings, and without such evidence or information it would have been considerably more difficult or impossible to establish the proof in the criminal proceedings involving crimes: against the fundamentals of the constitutional system and security; against humanity and other goods protected by international law; organised crime.

## **Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation**

### **Question 6**

**6. Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.**

In addition to the Criminal Code, the most relevant regulations regulating this area include: Criminal Procedure Code, Law on Responsibility of Legal Persons for Criminal Offences, Law on Organisation and Competencies of State Authorities in Suppression of Organised Crime, Corruption, and Other Especially Grave Crimes, Law on Seizure and Confiscation of Criminal Assets, Law on Police, Law on Foreigners, Law on Protection of State Borders, Law on Asylum, Law on Juvenile Delinquents and Juvenile Criminal Justice, Law on the Protection Programme for Participants in Criminal Proceedings, Law on Misdemeanours, Strategy to Combat THB (2006), Strategy for suppression of Illegal Migrations (2009), Instructions on the Procedure Regarding Smuggled Persons (Ministry of the Interior, 2009), and Agreement on Cooperation Between State Authorities in Combating THB, including Annex: Guidelines for Standard Operative Procedures Regarding THB victims (November 2009). In the 2005 Criminal Code of the Republic of Serbia (effective as of 1 January 2006), in Chapter 34, which includes criminal offences against humanity and other goods protected under international law, THB is incriminated in Article 388.

The following laws and regulations are very relevant:

- Law on Social Protection ("Official Gazette of the Republic of Serbia", No. 24/11), recognises THB victims as beneficiaries of services and stipulates the possibility for the provision of services by NGOs,
- Family Law ("Official Gazette of the Republic of Serbia", No. 18/05),
- Law on the Prohibition of Discrimination ("Official Gazette of the Republic of Serbia", No. 22/2009),
- Law on Health Care ("Official Gazette of the Republic of Serbia", No. 107/2005, 72/2009, 88/2010, 99/2010, 57/2011)
- Law on Health Insurance ("Official Gazette of the Republic of Serbia", No. 107/2005, 109/2005, 57/2011),
- Law on Administrative Fees, as well as Decision on Establishment of the Service for Coordination of the Protection of THB Victims, Decree of the Government of the Republic of Serbia on Establishment of the Centre for the Protection of THB Victims.

### **Question 7**

**7.a. Does your country have a comprehensive national policy and/or a National Action Plan to combat THB?**

Yes                      ~~No~~

**7.b. If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.**

**Title**

Strategy to Combat trafficking in human beings in the Republic of Serbia

**Date of adoption**

07/12/2006

**Duration (in years)**            (Not answered)

**Main fields of action and body/bodies responsible for its implementation**

The Republic of Serbia has a comprehensive policy for combating THB, focusing on the suppression of THB, adopted Strategy to Combat THB ("Official Gazette of the Republic of Serbia", No. 111/06), National Action Plan for Combating THB 2009-2011 ("Official Gazette of the Republic of Serbia", No. 35/09 from 12 May 2009 – activities still ongoing), and Agreement on Cooperation Between State Authorities in Combating THB, including Annex: Guidelines for Standard Operative Procedures Regarding THB victims, signed in November 2009 by the Ministries whose Ministers sit as members on the THB Council (Interior, Justice,

Labour and Social Policy, Finance, Education and Science, Health) which has contributed to a great extent to a more efficient suppression of THB in the Republic of Serbia.

From 2001, the Republic of Serbia has intensified their efforts in combating the phenomenon of THB by adopting a comprehensive policy to combat THB, and at the end of 2001, the Decision was adopted by the Minister of the Interior (28 December 2001) appointing the first THB Coordinator to coordinate all the activities of the ministries, nongovernmental and international organisations and ensure international and regional cooperation.

On 30 May 2002, the Coordinator established the Republic Team for Combating Human Trafficking (Republic THB Team), comprised of the representatives of the state institutions, nongovernmental and international organisations. To ensure its efficiency, the Republic was divided into 4 working groups, specialised to deal with specific problems:

1. working group for prevention and education;
2. working group for assistance and protection to victims;
3. working group for combating trafficking in children;
4. working group for law enforcement.

The Republic THB Team is headed by the THB Coordinator, with the assistance by the Advisory Body comprised of the working group leaders and the representatives of international organisations.

In accordance with the effective Strategy to Combat THB, which was adopted by the Government of Serbia (December 2006), the state authorities members of the Republic THB Team are: Ministry of Foreign Affairs, Service for Human and Minority Rights, Constitutional Court of Serbia, Republic Public Prosecutor's Office, Ministry of the Interior, Ministry of Labour, Employment and Social Policy, Ministry of Finance, Ministry of Education and Sport, Ministry of Health, and Service for Coordination of the Protection of THB Victims.

The NGOs members on the Republic THB Team are: ASTRA, BeoSupport, Serbian Victimology Association (Viktimolosko drustvo Srbije), Domestic Abuse Counselling Centre (Savetovaliste protiv nasilja u porodici), Atina, Children's Rights Centre and Save the Children (at the time of establishment Save the Children UK). NGOs "Anti-trafficking Centre" (Antitrafiking centar) and "Christian Children's Fund Int." were involved at the time of establishment, but for the last couple of years no longer participate in the work of the Republic THB Team. International organisations members on the Republic THB Team are: OSCE Mission to Serbia, IOM Mission, UNICEF, and UNHCR.

In addition, the members of the Republic THB Team include the Serbian Red Cross and the Council for Children's Rights. In accordance with the above stated, at the time of its establishment, the members of the Republic THB Team included: 10 state authorities, 9 nongovernmental organisations, 2 organisations and professional bodies, and 4 international organisations. The role that is especially underlined and important is that of the Service for Coordination of the Protection of THB Victims, which was established and is operational within the social protection system under the Ministry of Labour and Social Policy.

The Republic THB Team is underlined and described in the Strategy to Combat THB adopted by the Government in 2006, and it is reflected also in the activities in the National Action Plan 2009-2011.

In accordance with the established National Mechanism for Coordination of Activities and Policy Development in Combating THB, comprising of two levels: central-strategic and operative:

The central level of the implementation includes:

1. THB Council
2. THB Coordinator
3. Republic THB Team.

The operative level includes:

1. Judicial authorities and police
2. Service for Coordination of the Protection of THB Victims

- At the operative level, significant support is also received by specialised nongovernmental and international organisations.

The Agreement on Cooperation Between State Authorities in Action Against THB was signed to enable organising joint actions and other activities, minimise the risk factor and exposure to the problem, raise public awareness about the THB problem as a form of modern slavery, improve the legal framework and the national response to THB, improve the statistical monitoring of this phenomenon, in order to ensure assistance, protection and prevention of secondary victimisation of victims/witnesses by state authorities, and timely identification of the problem. The parties to the Agreement committed to special and immediate cooperation in the development of the National Mechanism for Identification, Assistance, and Protection of THB victims, in accordance with the Strategy to Combat THB in the Republic of Serbia, and the Annex to the Agreement contains the Guidelines, i.e. therein stipulated standard operative procedures for efficient and safe referral of THB victims to a range of necessary services, in both cases, transborder human trafficking and trafficking within the national borders of the Republic of Serbia, and the protection of victims. These Guidelines have been developed under a regional project with the international organisation ICMPD – International Centre for Migration Policy Development, with the support of the American agency USAID.

A new "National Strategy for Prevention and Suppression of THB and Protection of Victims in the Republic of Serbia", whose owner is the Ministry of the Interior of the Republic of Serbia, is under preparation and it is expected to be adopted in the course of this year, and all the relevant state authorities and ministries are involved in its preparation, including the Serbian Intelligence Agency (BIA), NGOs "Atina" and "Astra", with the financial and technical support under the UN GIFT Serbia Joint Programme to Combat Human Trafficking in Serbia, which provided an independent consultant. On 18 May 2012, at the premises of the Ministry of the Interior of the Republic of Serbia, the THB Coordinator held a preparation meeting with all the relevant stakeholders participating in the development of the new Strategy, and the first workshop for the development of the new Strategy will be held on 21-23 May 2012, in the town of Vršac, at Hotel Serbia.

**Title**

National Action Plan for Combating trafficking in human beings 2009-2011

**Date of adoption**

12/05/2009

**Duration (in years)**

3

**Main fields of action and body/bodies responsible for its implementation**

National Action Plan for Combating THB 2009-2011 ("Official Gazette of the Republic of Serbia", No. 35/09 from 12 May 2009) – activities still ongoing.

**Title**

Council for Combating Human Trafficking

**Date of adoption**

01/10/2004

**Duration (in years)** (Not answered)

**Main fields of action and body/bodies responsible for its implementation**

The THB Council of the Republic of Serbia was established under the Decision of the Government of the republic of Serbia in October 2004, and constituted in December 2005, as an expert advisory body of the Government.

The THB Council was established to coordinate the national and regional activities in combating THB, consider human trafficking reports by relevant bodies in the international community, and adopt positions and propose measures for the implementation of the recommendations by international bodies relating to THB. The members of the THB Council are: Minister of the Interior, Minister of Education and Sport, Minister of Finance, Minister of Labour and Social Policy, Minister of Health and Minister of Justice, and the Council is headed by "the Minister competent for the interior". The Decision of the Government stipulates that the administrative and technical services for the Council are provided by the Ministry of the Interior.

On 6 November 2008, the Government of the Republic of Serbia appointed Ivica Dačić, First Deputy Prime Minister of the Government and Minister of the Interior, president of the THB Council, and the ministers heading the above ministries were appointed members of the Council.

On 18 November 2008, under a Decision by Ivica Dačić, Minister of the Interior, Mitar Djurasković, Head of Department for Suppression of Crossborder Crime and Criminal Intelligence within the Border Police Directorate was appointed THB Coordinator (in accordance with Article 23 of the Law on Public Administration – “Official Gazette of the Republic of Serbia”, No. 79/2005 and 101/2007 and Chapter IV of the Strategy to Combat THB – “Official Gazette of the Republic of Serbia”, No. 111/2006).

**7.c. If not, please comment.**

(Not answered)

**Question 8**

**8.a. In your country are there persons or entities specialised in the fight against THB and the protection of victims?**

Yes  No

**8.b. If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities.**

The persons or entities specialised in the fight against THB and the protection of victims exist and are active, and currently the focus is on specialisation, especially for working with victims.

In respect to suppressing THB, there are specialised police officers in the Criminal Police Directorate, in the Service for Combating Organised Crime, Border Police Directorate, Department for Combating of Crossborder Crime and Criminal Intelligence (Section for Suppression of Illegal Migrations and Human Trafficking), Regional Border Police Centres, in Sections for Suppression of Crossborder Crime, Illegal Migration and Human Trafficking (7 Regional Centres, operative towards neighbouring countries: Hungary, Romania, Bulgaria, Macedonia, Montenegro, Bosnia and Herzegovina, and Croatia), at the Border Police Stations Belgrade and Airport – Nis, as well as in the City of Belgrade Police Department (Directorate for Foreigners, Department for Suppression of Illegal migration and THB and General Police Directorate, Department for Public Peace and Order) and in all other Territorial Police Departments (26 in total) which have departments or sections for foreigners, suppression of illegal migrations and THB.

The Ministry of the Interior of the Republic of Serbia implements training and education in combating THB, and in special subjects relating to human rights, at three levels, through the following programmes:

- Basic Police Training Programme,
- Police Officer Professional Development Programme, and
- Specialist Training Program for police officers performing those duties in accordance with the organisational establishment.

Such way of planning, organisation and implementation of training and professional development for police officers enables systemic solutions and the sustainable development of continued training as specified in the National Action Plan to Combat THB 2009-2011 (NAP). A Working Group was established for planning, organisation and implementation of such activities, and it prepared and implemented the basic train the trainer course, as well as a specialist course for the police officers performing the duties in the area of combating THB, as a part of the operationalisation of the part of the NAP where it relates to training and professional development for the police officers in the Ministry of the Interior of the Republic of Serbia.

In 2010 and 2011, the „Police Trainer Training Programme in Combating THB“ pilot proposal of the Ministry of the Interior of the Republic of Serbia was implemented with the support of the OSCE Mission to Serbia, focusing on training, improvement of police officers' knowledge, skills, and views for efficient and effective performance of the duties in the area of combating THB and the protection of victims. Training has been provided for 38 police officers from the Ministry of the Interior of the Republic of Serbia who are engaged in the activities on the suppression of illegal migrations and THB – and who have obtained the necessary skills to be lecturers in “Combating THB”. In addition to those, 21 police officers, among whom officers from different “lines of work” (criminal police, traffic police, administrative staff, gendarmerie), who could come across human trafficking cases, have attended a specialist course “Combating THB”, creating a network of police officers from the Ministry of the Interior of the Republic of Serbia trained in the above subject area. After the implementation of the first basic course for trainers and the specialist course, the mentor stage was organised for the attendees, enabling them to obtain trainer skills. The total value of these activities was approximately EUR 26,000. During 2012, by the trainers employed in the Regional Border Police Centres, education courses in “Combating THB “ were provided for the total of 574 border police officers (by 16 May 2012).

In the last five years, the efforts have intensified on the specialisation and education of the judiciary staff. The Judicial Academy has developed, as a part of the Joint Programme UNHCR/UNODC/IOM to Combat THB in the Republic of Serbia, with the support of the Government of Serbia, a special training programme for judges, prosecutors, and police officer in combating THB. In accordance with a Decision by the Judicial Academy Programme Council, this training programme was integrated into the curriculum implemented at the Judicial Academy. That means that this training will be implemented at the annual level. The dynamics depends on the available resources. The plan is to hold 15 trainings annually. In 2010 and 2011, the resources provided for these activities through the Joint Program amounted to USD 60,000. (which is equivalent of a little more than EUR 46,000 converted as of 11 May 2012 – according to <http://www.xe.com/ucc/convert/?Amount=60000&From=USD&To=EUR>). The training was attended by 160 judges, prosecutors, and police officer from the territory of the Republic of Serbia. A total of 9 trainings were held in the centres in the Appeals Court (Belgrade, Novi Sad, Nis, and Kragujevac).

In addition, the Joint Programme organised 9 trainings for social workers in accordance with the Training Programme accredited by the Institute for Social Protection. The title of the training was “Centres for Social Work in the Protection of Victims”. This training included 245 social workers from 77 Centres for Social Work, or 55% of all of the Centres in the country. For these trainings, the Joint Programme allocated EUR 39,450 (USD 50,000), and the plan is to provide one additional training by the end of May 2012. Also, during 2012, training will be supported for the staff in the newly established Centre for the Protection of THB Victims in case management, the role of the Centres for Social Work in the protection of THB victims, conducting interviews with minors, an exchange of international experience. The trainings will be selected from the database of accredited training programmes by the service providers in the area of social protection maintained by the Republic Institute for Social Protection. The allocation for this purpose is EUR 885.

From 2007 to 2010, the NGO Centre for Children’s Rights, in cooperation with the OSCE Mission to Serbia, the Ministry of Labour and Social Policy, and the Ministry of the Interior, under the project „Protection of Children Victims of THB in Light of the Reform Projects of Ministry of Labour and Social Policy and Ministry of the Interior“, organised a training and professional development programme for the representatives of the social protection system and the police officers trained especially in procedures for work with minors who are victims of criminal offences, and border police officers. The objectives of the seminar were to identify the position of a child victim of THB in the protection process, applying the procedures from the General and Special Protocols on Child Protection from Abuse and Neglect. There were 13 seminars organised in total, attended by 148 police officers and 96 representatives of the social protection system. The total value of the project was approximately EUR 65,000. In cooperation with the OSCE Mission to Serbia and the Judicial Academy, in May 2011, two round tables were organised in "Protection of Children Victims of THB". The round tables were organised for the representatives of the courts and prosecutors offices from the territory of four Appeals Courts (Belgrade, Novi Sad, Niš, Kragujevac). The round tables focused on the consideration of court proceedings involving protection of minors victims of THB in order to promote efficient and unified procedure that would ensure fast and coordinated proceeding protecting minors victims of THB from further victimisation and providing them with adequate assistance, i.e. that would contribute to a more efficient information flow between the judicial and other state authorities and services participating in the process for the protection of minors THB victims. The round tables were attended by 27 judges (the judges deciding in criminal court proceedings, civil court proceedings) and 23 public prosecutors. The total value of the project was EUR 9,427.

**8.c. Please specify the financial resources (in euros) allocated to this training.**

186,762.00

**8.d. If not, please comment.**

(Not answered)

**Question 9**

**9.a. Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB? (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)**

Yes

~~No~~

**9.b. If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences.**

**Name of the co-ordinating body**

The Council for Combating Human Trafficking, the Republic Team for Combating human trafficking and the THB Coordinator

**Annual budget (in euros) of the co-ordinating body** (Not answered)

**Administrative status, human resources, composition and competences of the co-ordinating body**

The “national bodies” responsible for coordinating all national actors and actions against THB are the THB Council (of the Government of the Republic of Serbia), Republic THB Team, and the THB Coordinator.

The THB Council is an expert advisory body of the Government, comprised of 6 Ministers (Minister of the Interior, Minister of Education and Sport, Minister of Finance, Minister of Labour and Social Policy, Minister of Health and Minister of Justice), and headed by “the Minister competent for the interior“. The competencies of the Council include “coordination of the national and regional activities in combating THB, consideration of human trafficking reports by relevant bodies in the international community, and adopting positions and proposing of measures for the implementation of the recommendations by international bodies relating to THB“. The Council does not have a budget for their activities.

The Republic THB Team, as described in the reply to Question No. 7, was established at the initiative of the THB Coordinator, by appointing the team members by the relevant Ministries, international and specialised nongovernmental organisations. At that occasion, the operating programme of the Republic THB Team was adopted, focusing on three main areas of action – prevention, protection of victims, and criminal prosecution of traffickers. The activities of the Republic THB Team still have to be formalised, and the invitations to participate in their meetings are sent, in addition to the members of the Team, to all the entities relevant for combating THB in Serbia. The Republic THB Team does not have a budget for their activities, the conference rooms for their meetings are provided mostly by the Ministry of the Interior, and some meetings were organised at the office of the OSCE Mission to Serbia. On 30 May 2012, marking the ten year anniversary of the establishment and work of this specialised body, in the offices of the Ministry of the Interior of the Republic of Serbia, Border Police Directorate, the THB Coordinator has scheduled a thematic meeting “Links between the Protection of THB Victims and Asylum“. On that occasion, the Draft Rulebook on Minimum Standards for the Protection of THB victims in Social Protection will also be presented.

As explained above, the THB Coordinator in Serbia is Mitar Djurasković, Head of Department for Suppression of Crossborder Crime and Criminal Intelligence, within the Border Police Directorate, and he was appointed on 18 November 2008, in accordance with the Decision by the Minister of the Interior. Paragraph 2 of the Decision on Appointment of THB Coordinator states as follows: “The Coordinator shall be a part of the National System for Coordination of Activities and Policy Development to Combat THB that is established in accordance with the Strategy to Combat THB. The task of the Coordinator is to coordinate the activities of the relevant state authorities in combating THB, in accordance with the guidelines provided by the THB Council“.

The THB Coordinator in Serbia calls the meetings and manages the Republic THB Team. The Coordinator does not have a separate budget for his activities, and receives his salary as a police officer with the Border Police Directorate, and is assisted in his activities by the police officers from the Department for Suppression of Crossborder Crime and Criminal Intelligence, which has a separate Section for Suppression of Illegal Migrations and THB. In the course of their work, the Coordinator and the associated demonstrate high level of professionalism and competence, as a result of numerous previous education courses and involvement in international activities, which present occasions for the exchange of “the best practice“.

Considering that in the course of the preparation of a new five-year Strategy in Serbia, what would be followed by a two-year National Action Plan, it is expected that the strategic response of the Republic of Serbia to the THB problem would be revised, in accordance with the changing phenomenon of THB, the evaluation of the implementation of the Strategy and Action Plan to date, the need for more efficient victim protection and further professionalisation and specialisation of the stakeholders participating in NRM, as well as for further harmonisation with the Council of Europe Conventions, the recent European Commission Directive, and other relevant international strategy papers.

**9.c. If there is currently no such co-ordinating body, are there any plans to set one up in the near future?**

(Not answered)

**9.d. If so, please give details.**

(Not answered)

**9.e. If not, please comment.**

(Not answered)

**Question 10**

**10.a. Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB?**

~~Yes~~ No

**10.b. If so, please give details or comments.**

(Not answered)

**10.c. If not, please specify which body/entity has this responsibility.**

The statistical data on the THB are maintained by the Ministry of the Interior of the Republic of Serbia (for the offenders of the criminal offence THB) and by the Service for Coordination of the Protection of THB Victims (for the THB victims). In addition, the data is recorded by the Republic Statistical Office (outcomes of criminal proceedings for the charges brought for the criminal offence THB).

During the reform of the judiciary in the Republic of Serbia from 2009, a software application was developed in the Ministry of Justice facilitating monitoring of judgments on instigated proceedings for various criminal offences, including the criminal offence THB.

Article 9 of the Draft Statute of the newly established Centre for the Protection of THB Victims stipulates 13 activities, including: "maintains records and documentation, i.e. databases on THB victims, in accordance with law and other regulations", "participates in the research in the areas of human trafficking and protection of THB victims", "develops and publishes professional materials, informs the community about their activities, and promotes their work through annual reports, using their web site, brochures, etc., and all in accordance with their Operating Programme and Information Strategy", "organises conferences and seminars to promote the protection of THB victims", and "performs other activities in accordance with law, standards, and other regulations". In accordance with the above, it is clear that this Centre has an obligation to collect the data on victims and to participate in the research.

The collection of data and research of the problem of human trafficking in the Republic of Serbia is done also by the THB Coordinator with his associates, and in addition to his other duties, he participated in filling out and responding to various questionnaires in this area (questionnaires of various UN agencies including UNODC, UN Office for Human Rights/Special Rapporteur for THB, Especially Women and Children, UN Committee for Children's Rights, as well as the European Commission, ICMPD, Selec-SECI Centre, NATO, MARRI, OSCE and ODIHR, IOM, GRETA, EUROPOL, INTERPOL, and other organisations, as well as the requests from foreign police officers in Belgrade). Article 5 of the Agreement on Cooperation between State Authorities in Combating THB (2009), "Exchange of Information", stipulates that "The Parties to the Agreement commit to mutual and timely exchange of information and knowledge that may influence efficient and adequate performance of the activities in the area of THB. To ensure a timely and efficient response to the phenomenon of THB, the Parties shall cooperate with the THB Coordinator and submit him all data relevant for his work".

The Law Schools from Belgrade, Novi Sad, and Niš have also been involved in the research into the problem of human trafficking in Serbia, and have had Legal Clinics to Combat THB established in 2010 and 2011, as one of the activities under the Joint Programme. The Legal Clinics are intended for the training of the interested students and studying of the THB problem, which involves also the lecturers and other non-teaching staff at the Law Schools. In 2011, the Legal Clinic in Nis published the collection of papers „THB – Legal Protection in International and National Framework“, available at

[http://pravnaklinika.prafak.ni.ac.rs/files/TRGOVINA\\_LJUDIMA\\_zbornik.pdf](http://pravnaklinika.prafak.ni.ac.rs/files/TRGOVINA_LJUDIMA_zbornik.pdf).



## Question 11

**11.a. Do NGOs have full membership status in your national co-ordinating body?**

Yes  No

**11.b. If so, how many?**

7

**11.c. Please describe the criteria for NGO membership.**

Specialised NGOs have full membership status in the Republic THB Team. At the time of the establishment, there were 9 of them, as indicated in the reply the Question No. 7. From the NGOs indicated in the Strategy to Combat THB, to date 7 is still active.

All other relevant specialised NGOs that are not formally members of the Republic THB Team (and which are not indicated in the Strategy) are invited to participate in the work of the Team. For example, NGO "Centre for Integration of Youth" (CIM) from Belgrade, which maintains a shelter for homeless children, has participated in the work of this body. This NGO was involved especially in the meetings focusing on the protection of children who live and work on the street, considering that they are particularly vulnerable to human trafficking. The NGO "PRAXIS" from Belgrade, and Belgrade Centre for Human Rights ("Beogradski centar za ljudska prava"), and others were also involved in a similar way. All relevant specialised nongovernmental organisations dealing with the THB problem, promotion and protection of human rights, as well as research in these areas in Serbia are on the "mailing list" of the THB Coordinator, and are informed by email about all the major activities by the Coordinator and the Republic THB Team, and are all invited to the meetings of the Republic THB Team, irrespective whether they are formally members of the Team.

The recent meeting of the Republic Centre for Combating THB on 26 April 2012, the thematic meeting "Trafficked Victims' Right to Compensation of Damages", was attended also by the representatives of the NGO Novi Sad Humanitarian Centre. This meeting was attended also by the representatives of the Ministry for Human and Minority Rights, Public Administration and Local Self-government, Commissioner for Refugees, Appeals Public Prosecutor's Office in Belgrade, and a Supreme Cassation Court judge, as well as the UNHCR, UNODC and IOM Programme Coordinators and the Manager of the Joint Program to Combat THB in Serbia.

On 30 May 2012, marking the ten year anniversary of the establishment and work of the Republic THB Team for Combating Trafficking in Human Persons, in the offices of the Ministry of the Interior of the Republic of Serbia, Border Police Directorate, the THB Coordinator has scheduled a thematic meeting "Links between the Protection of THB Victims and Asylum". On that occasion, the Draft Rulebook on Minimum Standards for the Protection of THB Victims in Social Protection will also be presented. The invitations to participate in this meeting have been extended to all the above mentioned NGOs, irrespective of whether they are formally members of the Republic THB Team, and the invitations will also be sent to the first THB Coordinators in Serbia, Brankica Grupković and Dušan Zlokas.

The criteria for involving specialised nongovernmental organisations in the work of the Republic THB Team at the time of its establishment were commitment, expertise, and professionalism, which means that when it was established this multisectoral and multidisciplinary body included the most attractive NGOs at that moment. Considering that the preparation of the new five-year Strategy and a two-year Action Plan is ongoing, it is expected that a more efficient national coordination body would be established in Serbia, and that the cooperation with nongovernmental organisations would be formalised.

**11.d. If not, please comment**

(Not answered)

## Question 12

**12.a. Are there any other national or international entities or bodies participating in your national co-ordinating body?**

Yes  No

**12.b. If so, please specify.**

The international organizations participating in the work of the Republic THB Team are IOM, UNHCR, OSCE Mission to Serbia and UNICEF (in accordance with the effective Strategy).

The meeting of the Republic THB Team on 26 April 2012, the thematic meeting "THB Victims Right to Compensation of Damages", was attended also by the representative of other international organizations,

such as ICMPD and the German agency GIZ. UNODC also participated in a number of meetings in the previous period, and this UN agency is now very active in Serbia, primarily through the activities under the Joint Programme to Combat THB.

From the beginning of the implementation of the activities in Serbia, from 1 June 2010, the Joint Programme UNHCR/UNODC/IOM to Combat THB in Serbia has participated in the work of the Republic THB Team and has assisted the THB Coordinator. The Attachment to the reply to this Question includes general information about this programme.

**ATTACHMENT: General Information regarding the Joint Programme to Combat THB (2 pages)**

The work of the Republic THB Team is followed also by the representatives of the interested foreign embassies in Belgrade (e.g. USA, UK), as well as the EU Delegation in Belgrade.

In addition to the national entities of the Republic THB Team (in accordance with the effective Strategy – see detailed explanation in the reply to Question No. 7), the representatives of the Ministry for Human and Minority Rights, Public Administration and Local Self-government, Commissioner for Refugees, Appeals Public Prosecutor's Office in Belgrade and Appeals Court, Criminal Police Academy and others also participate in the work of the Team.

A good example of the multidisciplinary approach and cooperation between different entities is the central workshop for the preparation of the National Action Plan to Combat THB (NAP).

On 23 January 2009, in the offices of the Ministry of the Interior, a one-day workshop was held for the preparation of NAP and was attended by the representatives of the Ministry of the Interior, Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Education, Ministry of Health, Republic Public Prosecutor's Office, Criminal Police Academy, Service for Coordination of the Protection of THB Victims, Republic Institute for Social Protection, NGO "Astra", NGO "BeoSupport", NGO Domestic Abuse Counselling Centre, NGO "Atina", NGO Help to the Children ("Pomoc deci"), international organisations – OSCE, OSCE/ODIHR, UNICEF, UNHCR, IOM, as well as the Serbian Red Cross. The representatives of the EC Delegation in Belgrade, USA Embassy in Belgrade, International Centre for Migration Policy Development (ICMPD) and the UN Office for Drugs and Crime participated in the meeting as observers. With the help of the Deputy Prime Minister's Poverty Reduction Strategy Implementation Team, professional facilitators were hired for the preparation of NAP, with the programme and technical support by the IOM and the Serbian Red Cross.

**12.c. If not, please comment.**

(Not answered)

**Question 13**

**13. Please describe the legal basis for international co-operation between your country and other countries in the fight against THB. (Please indicate the title of the legal instruments.)**

**National legislation: title(s) and description**

The legal cooperation between the Republic of Serbia and other countries, in respect to all criminal offences, and also in respect to THB, is based on the national legislation and the concluded international agreements. In respect to the national legislation, firstly, one has to underline the Law on International Legal Assistance in Criminal Matters adopted in 2009 ("Official Gazette of RS", No. 20/2009).

The above Law stipulates all types of international legal assistance between countries in respect to criminal offences, and that means:

- a) extradition of indicted and convicted persons
- b) taking over and transfer of criminal prosecution;
- c) enforcement of foreign criminal judgments:
- d) other types of international legal assistance (implementation of process actions such as service of invitations to appear and notifications, indictment hearings, interrogation of witnesses and court experts, scene investigation, search of premises and persons, temporary confiscation of items); implementation of the measures such as surveillance and recording of telephone and other conversations, controlled delivery, provision of simulated business services, closing simulated legal deals, hiring undercover investigators, computer data search and processing, exchange of notices and service of notifications and case files relating to the criminal proceeding in the requesting country, provision of information without prior request, use of

audio and video-conference links, establishment of joint investigation teams; temporary surrender of a person deprived of liberty in order to be questioned before the relevant authority of the requesting country.

In accordance with the provisions of the above Law, the Law shall apply only in case there is no ratified international agreement closed with the respective country or in case specific issues are not stipulated therein (Article 1).

In respect to the international agreements, one has to underline the provision of Article 16 of the Constitution of the Republic of Serbia stipulating that the generally accepted rules of international law and ratified international instruments constitute an integral part of the legal system of the Republic of Serbia and are implemented directly.

***International (bilateral and/or multilateral) instrument(s)/agreement(s): title(s) and description***

The Republic of Serbia has closed bilateral agreements on various types of international legal assistance in criminal matters with a large number of countries, as indicated in the Attachment (5 pages).

**MULTILATERAL AGREEMENTS**

**a) UN and UN Agency Conventions**

1. UN Convention against Transnational Organised Crime from 15 November 2000, effective from 29 September 2003, with the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons and Especially Women and Children from 15 November 2000, effective from 25 December 2003, the Protocol against the Smuggling of Migrants by Land, Sea and Air from 15 November 2000, effective from 28 January 2004 ("Official Gazette of FRY" - International Instruments, No. 6/2001), and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition from 31 May 2001 ("Official Gazette of SAM"-International Instruments, No. 11/2005).

2. Convention on Slavery from 25 September 1926, effective from 1927 ("Official Gazette", No. 234/1929), with the supplementing Protocol on Amendments from 07 December 1953, effective from 1953 ("Official Gazette of FPRY" - Appendix, No. 5/1955).

3. Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery from 7 September 1956, effective from 1957 ("Official Gazette of FPRY"-Appendix, No. 7/1958).

4. International Agreement for the Suppression of the White Slave Traffic from 18 May 1904, ("Official Gazette of KY", No. 117/1929), updated by the Protocol from 4 May 1949, and effective from 1949 ("Official Gazette of the Presidium of the Parliament of FPRY", No. 2/1951).

5. International Convention on the Suppression of the White Slave Traffic from 04 May 1910 ("Official Gazette of KY", No. 117/1929), updated by the Protocol from 4 May 1949 ("Official Gazette of the Presidium of the Parliament of FPRY", No. 2/1951).

6. International Convention on Suppression of the Traffic in Women and Children from 30 September 1921, effective from 1950 ("Official Gazette", No.117/1929), and updated by the Protocol from 12 November 1947.

7. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others from 21 March 1950, effective from 1951 ("Official Gazette of the Presidium of the Parliament of FPRY", No. 2/1951).

**b) Council of Europe Conventions**

**1. Council of Europe Convention on Action against THB**

The Convention was adopted on 16 May 2005 and is effective from 1 February 2008. Serbia and Montenegro signed the Convention on 16 May 2005, and the Convention was ratified ("Official Gazette of the Republic of Serbia-International Instruments", No.19/2009). In respect to the Republic of Serbia, effective from 1 August 2009.

**2. European Convention on Mutual Legal Assistance in Criminal Matters**

The Convention was adopted on 20 April 1959 and is effective from 12 June 1962. FR Yugoslavia ratified it in 2001 ("Official Gazette of FRY" - International Instruments No. 10/2001), in respect to FR Yugoslavia (the Republic of Serbia), effective from 29 December 2002.

**3. Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters**

The Protocol was adopted on 17 March 1978 and is effective from 12 April 1982. FR Yugoslavia ratified the Protocol in 2001 ("Official Gazette of FRY"-International Instruments, No. 10/2001). In respect to FR Yugoslavia (the Republic of Serbia), effective from 21 September 2003.

4. Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters from 8 November 2001

Effective from 1 February 2004. Serbia and Montenegro ratified it on 16 April 2005 in Helsinki. Ratified in 2006 ("Official Gazette of SAM"-International Instruments, No.2/2006). In respect to the Republic of Serbia, effective from 1 August 2007.

5. European Convention on Extradition

The Convention was adopted on 13 December 1957 and is effective from 18 April 1960. FR Yugoslavia ratified it in 2001 ("Official Gazette of FRY" - International Instruments No. 10/2001). In respect to FRY (the Republic of Serbia), effective from 29 December 2002.

6. Additional Protocol to the European Convention on Extradition

The Protocol was adopted on 15 October 1975 and is effective from 20 August 1979. FR Yugoslavia ratified the Protocol in 2001 ("Official Gazette of FRY" - International Instruments No. 10/2001). In respect to FR Yugoslavia (the Republic of Serbia), effective from 21 September 2003.

7. Second Additional Protocol to the European Convention on Extradition

The Protocol was adopted on 17 March 1978 and is effective from 5 June 1983. CP Југославија the Protocol in 2001 ("Official Gazette of FRY" - International Instruments No. 10/2001). In respect to FR Yugoslavia (the Republic of Serbia), effective from 21 September 2003.

8. European Convention on the Transfer of Sentenced Persons

The Convention was adopted on 21 March 1983 and is effective from 1 July 1985. FR Yugoslavia ratified it in 2001 ("Official Gazette of FRY" - International Instruments No. 4/2001). In respect to FR Yugoslavia (the Republic of Serbia), effective from 1 August 2002.

9. Additional Protocol to the Convention on the Transfer of Sentenced Persons

The Protocol was adopted on 18 December 1997 and is effective from 1 June 2000. FRY ratified the Protocol in 2001 ("Official Gazette of FRY" - International Instruments No. 4/2001). In respect to FR Yugoslavia (the Republic of Serbia), effective from 1 January 2003.

10. European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders

The Convention was adopted on 30 November 1964 and is effective from 22 August 1975. Yugoslavia ratified it in 1991 ("Official Gazette of SFRY" - International Instruments No. 4/1991). In respect to FRY (the Republic of Serbia), effective from 29 May 2001.

11. European Convention on the International Validity of Criminal Judgments

The Convention was adopted on 28 May 1970 and is effective from 26 July 1974. FRY ratified this Convention in 2002 ("Official Gazette of FRY" - International Instruments No. 13/2002). In respect to the Republic of Serbia, effective from 27 July 2007.

12. European Convention on the Transfer of Proceedings in Criminal Matters

The Convention was adopted on 15 May 1972 and is effective from 30 March 1978. FR Yugoslavia ratified this Convention in 2001 ("Official Gazette of FRY" - International Instruments, No. 10/2001). In respect to FR Yugoslavia (the Republic of Serbia), effective from 31 December 2002.

13. Criminal Law Convention on Corruption

The Convention was adopted on 27 January 1999 and is effective from 1 July 2002. FR Yugoslavia ratified this Convention in 2002 ("Official Gazette of FRY" - International Instruments, No. 2/2002). In respect to FR Yugoslavia (the Republic of Serbia), effective from 1 April 2003.

14. Additional Protocol to the Criminal Law Convention on Corruption

The Protocol was adopted on 15 May 2003 and is effective from 1 February 2005. ("Official Gazette of the Republic of Serbia"-International Instruments 102/2007)

In respect to the Republic of Serbia, effective from 1 May 2008.

15. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime The Convention was adopted on 8 November 1990 and is effective from 1 September 1993. The Convention was ratified by the FR Yugoslavia in 2002 ("Official Gazette of FRY" - International Instruments, No. 7/2002). In respect to the Republic of Serbia, effective from 1 February 2004.

16. Council of Europe convention on the protection of children against sexual exploitation and sexual abuse ("Official Gazette of the Republic of Serbia-International Instruments", No.1/2010)

Agreements closed by the Ministry of the Interior of the Republic of Serbia Promoting International Cooperation and Information Exchange, as indicated in the Attachment (2 pages)

#### **Question 14**

**14. What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international co-operation on action against THB, as provided for in Article 34 of the Convention?**

In accordance with the provision of the Law on International Legal Assistance, and the provisions of the international instruments that were entered into, Serbia has an obligation to inform the requesting party of the outcome of any procedure instigated based on the request by the requesting party, i.e. the final results of action procedure instigated based on the request. Considering that, in accordance with Article 16 of the Constitution of the Republic of Serbia, the Council of Europe Convention on Action Against THB is an integral part of the legal system, and as such, may be applied directly, Serbia has an obligation to inform the requesting country promptly of the final results of action taken in the framework of international cooperation on action against THB.

#### **Question 15**

**15.a. Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country (if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention?)**

Yes ~~No~~

**15.b. If so, please indicate how such information is transmitted and which authorities are involved.**

In accordance with the Law on International Legal Assistance in Criminal Matters, and a number of international instruments that the Republic of Serbia entered into, i.e. acceded to, there is a possibility to spontaneously provide information, without prior request. Thus, in accordance with Article 98 of the above Law, Serbian judicial authorities may provide information on criminal offences and offenders to the relevant foreign authorities without prior request, under the condition of reciprocity, if that is necessary for criminal proceedings in foreign jurisdictions.

Information is provided only if it does not hinder criminal proceedings in the Republic of Serbia. Serbian judicial authorities may request from the relevant authorities of the requesting country that received such information to inform them of any action taken and any decision adopted. In accordance with the above Law, such information may be provided through the Ministry of Justice or through diplomatic channels. Under the condition of reciprocity, information may be provided to a foreign judicial authority directly, and in emergency cases, also through the relevant police organisation a (General Police Directorate, Department for International Operative Police Cooperation, INTERPOL NCB Belgrade). In addition, information exchange is facilitated by numerous agreements on police cooperation that have been signed, as indicated in the reply to Question No. 13.

**15.c. If not, please comment. (Not answered)**

(Not answered)

## Question 16

**16.a. Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB?**

Yes                      ~~No~~

**16.b. If so, please describe the action taken and provide an assessment of its impact.**

The police forces of the Ministry of the Interior of the Republic of Serbia carry out and plan joint actions with the police forces from other countries. While the Service for Combating Organised Crime (SBPOK), Criminal Police Directorate within the Ministry of the Interior of the Republic of Serbia, is currently not involved in any joint action with the police forces outside the territory of the Republic of Serbia in fighting THB, such actions are envisaged in the future, and, consequently, there is a continuous exchange of information with the neighbouring countries ensured through working meetings, SELEC Centre, Interpol NCB and the police liaison officers.

As an example of the police cooperation in fighting THB, we can underline the actions implemented in 2011, in the SBPOK operative processing "VIA". On that occasion, the first action taken after several months of cooperation and implemented jointly by the SBPOK police officers, the Office of the Prosecutor for Organised Crime and the Higher Public Prosecutor's Office in Belgrade, on one side, and the Carabigneri Investigation Unit, the Republic of Italy, and the Anti-Mafia Prosecutor, Department Brescia on the other, through the Interpol NCB and the police liaison officers from the Criminal Police Directorate, with the support of information received by the police officers from Romania (through the SELEC Centre) and Germany (through the Interpol NCB), on 07 October 2011, and it resulted in three persons deprived of liberty in the territory on the Republic of Serbia and two persons (one of which was the organiser of the organised crime group - OCG) deprived of liberty in the territory on the Republic of Italy. As it was later established, the organised crime group comprised of Serbian nationals and one Romanian national was recruiting women/THB victims in the territory on the Republic of Serbia, and transferring them to Italy, to Brescia and Castegnato, where they were sexually exploited and forced to street prostitution. On that occasion, four victims of the criminal offence THB were identified, including two potential victims minors, and one woman was freed from her exploiters.

In the course of the second action implemented as a part of the same operative processing, on 23 December 2011, after a joint action on suppressing a chain of traffickers who sexually exploited Serbian women in the territory of Austria, Vienna, three offenders were deprived of liberty in the territory on the Republic of Serbia, and five persons were deprived of liberty in the territory of Austria, of which one Serbian national, two Austrian nationals and two Slovakian nationals. One victim of the criminal offence THB was identified. The cooperation with the Austrian police officers was ensured through the police liaison officers. In the course of the operative processing and the implementation of both these actions, an exceptional level of cooperation, efficiency and operativeness was demonstrated by all the police officers from the participating countries.

The Republic of Serbia participates in the project for the establishment of Joint Investigation Teams to fight THB in Southeast Europe which is financed jointly by the Slovenian Ministry of the Interior, the Bulgarian Ministry of the Interior, and the Bulgarian Ministry of Justice. In addition to Serbia, other participants in the project are Romania, Montenegro, Macedonia and Albania, as well as the EUROPOL and EUROJUST representatives. The project was initiated in June 2011 and is currently ongoing. The conclusion from the 3 workshops that were organized to date in Slovenia and Bulgaria is that there is need to develop mechanisms in the member countries that would be compatible and applicable in transborder THB cases.

Joint actions with foreign police forces are implemented also in the area of suppressing THB and public awareness rising about the THB problem. A good example is the establishment of the "MARRI Cooperation Network of National THB Coordinators", most of whom are officers in the Ministry of the Interior, which was established in June 2011, in Belgrade, during the Conference dedicated to the problem of homeless children. The second MARRI meeting of the "Cooperation Network of National THB Coordinators" was held in November 2011 in Skopje, which means that this initiative is now fully operational, and it is expected to be continued successfully in the future and lead to numerous joint projects and new joint activities. During the meeting in Skopje, the premiere of the film on THB "Sisters" ("Sestre") was held. The film premiered also in Zagreb, Croatia, in March 2012, and it is agreed that the film would be used by the Croatian Ministry of the Interior for police training.

The Coordinators proposed also a joint celebration to mark 18 October - the European Anti-trafficking Day in the region, with the participation of the police officers from the countries in the region. The cooperation between these experts, exchange of experience and good practices obtained through coordination and

managing the work of various THB-fighting entities would help to strengthen each individual National Referral Mechanism.

In cooperation with the Austrian Ministry of the Interior, IOM and the UK Embassy in Belgrade, in April 2012, two two-day workshops were organised on the subject "Links between THB and Abuse of Narcotics", and a Rulebook for was developed for police officers involved in actions against THB and drug addictions.

**16.c. If not, please describe any plans for joint action or obstacles to joint action.**

(Not answered)

**Section I.3. Definition of "THB" and of "victim" in the internal law of the parties**

**Question 17**

**17.a. Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law?**

Yes                      ~~No~~

**17.b. Please describe how they have been integrated in your internal law.**

All the components have been integrated in our internal legislation in Article 388 of the Criminal Code of the Republic of Serbia, in Paragraph 1, stating: "Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution or other forms of sexual exploitation, begging, pornography, slavery or slave-like practices, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of three to twelve years".

**Question 18**

**18. Please indicate which of the following forms of THB are recognised under your internal law:**

- national
- transnational
- linked to organised crime
- not linked to organised crime

**Possible comments concerning your reply**

The legislation of the Republic of Serbia recognises all four forms of THB, which are defined primarily in the above Article 388 of the Criminal Code. The criminal offence THB is incriminated in the Criminal Code of the Republic of Serbia whose validity is defined in Chapter II, Articles 5-10.

(Temporal Application, Applicability of Criminal Legislation on the Territory of Serbia, Applicability of Criminal Legislation of Serbia to Perpetrators of Particular Criminal Offences Committed Abroad, Applicability of Criminal Legislation of Serbia to Serbian Citizen Committing Criminal Offence Abroad, Applicability of Criminal Legislation of Serbia to a Foreign Citizen Committing a Criminal Offence Abroad and Special Requirements for Criminal Prosecution for Offences Committed Abroad)

**Question 19**

**19.a. Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4e of the Convention?**

Yes                      ~~No~~

**19.b. Please provide the definition of a "victim of THB" under your internal law.**

While in the Criminal Code ("Official Gazette of RS", No. 85/2005, 88/2005 – correction, 107/2005 - correction, 72/2009 and 111/2009), in Article 388, in the definition of the criminal act THB, the term "victim" is not used, that term is used in Paragraph 8 of the same Article for the purposes of incriminating users of the "THB victims" services. In accordance with the provisions of this Criminal Code, the object of trafficking can be any natural person, and the criterion is more strict when the object of trafficking is a minor (person under 18 ears of age), in which case it is irrelevant weather any of the means for committing this criminal offence set forth in the definition was used, it is sufficient to establish that only one of the incriminated actions was taken.

The new Criminal Procedure Code, which was adopted with deferred effectiveness ("Official Gazette of RS", No. 72/2011 и 101/2011), as well as the effective Criminal Procedure Law ("Official Gazette of FRY", No. 70/2001 and 68/2002 and "Official Gazette of RS", No. 58/2004, 85/2005, 115/2005, 85/2005 – other law, 49/2007, 20/2009 – other law, 72/2009 and 76/2010) do not use the term "victim" either, and a natural person who is a THB object appears in the capacity of the wronged party. Both Codes, in the definitions of terms, define the term "wronged party", as a person whose personal or financial rights have been wronged or endangered as a result of crime.

In accordance with Article 41, Paragraph 2, Item 7, of the effective Law on Social Protection: a "minor" (person under 18 years of age) and a young adult up to the age of 26 (young person, youth, the young) is a beneficiary of the rights and services under social protection when, due to family or other life circumstances, his/her health, safety or development is endangered, i.e. if it is evident that without the support from the social protection system he/she could not reach the optimum level of development, and especially if he/she is a THB victim".

In accordance with Article 41, Paragraph 3, Item 4, of the Law on Social Protection: "An adult from the age of 26 to 65 (hereinafter: adults) and an adult having completed the age of 65 (hereinafter: older beneficiary) are beneficiaries for the purposes of Paragraph 1 of this Article, when his/her welfare, safety and productive life in society are threatened by old age, disability, illness, family and other life circumstances, and especially if he/she is a THB victim".

The effective Law on Foreigners, in Article 28, recognises "foreign nationals victims of THB crime", who are granted temporary residence in Serbia, as well as financial support, adequate accommodation, food and basic life necessities.

**19.c. Please provide (a translation of) the legal text(s) in English or in French.**

Criminal Code, Article 388

(8) Whoever knows or should know that a person is a victim of trafficking, and abuses his/her position or allow to another to abuse his/her position for the exploitation referred to in paragraph 1 this Article, shall be punished by imprisonment from six months to five years.

In accordance with Article 41, Paragraph 2, Item 7, of the effective Law on Social Protection: a "minor" (person under 18 years of age) and a young adult up to the age of 26 (young person, youth, the young) is a beneficiary of the rights and services under social protection when, due to family or other life circumstances, his/her health, safety or development is endangered, i.e. if it is evident that without the support from the social protection system he/she could not reach the optimum level of development, and especially if he/she is a THB victim".

In accordance with Article 41, Paragraph 3, Item 4, of the Law on Social Protection: "An adult from the age of 26 to 65 (hereinafter: adults) and an adult having completed the age of 65 (hereinafter: older beneficiary) are beneficiaries for the purposes of Paragraph 1 of this Article, when his/her welfare, safety and productive life in society are threatened by old age, disability, illness, family and other life circumstances, and especially if he/she is a THB victim".

The effective Law on Foreigners, in Article 28, recognises "foreign nationals victims of THB crime", who are granted temporary residence in Serbia, as well as financial support, adequate accommodation, food and basic life necessities.

In accordance with the Law on Republic Administrative Fees, "foreign nationals who are deemed victims of THB are exempt from the payment of the specified fees for temporary residence".

**Question 20**

**20. Does your internal law recognise as victims of THB:**

- women
- men
- children

**Possible comments concerning your reply**

In accordance with the legal framework of the Republic of Serbia, men, women, and children can be recognised as THB victims.



## Question 21

**21.a. To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law?**

The consent of a person to exploitation in a THB case is irrelevant.

That is stipulated in a provision of the Criminal Code, i.e. Article 388, Paragraph 10, which states: "The agreement of persons to be exploited or placed in slavery or servitude referred to in Paragraph 1 of this Article shall not affect the existence of the criminal offence referred to in Paragraphs 1, 2 and 6 of this Article".

This provision applies unequivocally to both sexes, as well as to children, i.e. minors.

**21.b. Please specify if your internal law contemplates the consent of the three categories of victims:**

- women
- men
- children

**21.c. Please provide examples.**

(Not answered)

## II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers

### Section II.1. Implementation of measures to prevent THB

#### Question 22

**22.a. Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years?**

Yes                      ~~No~~

**22.b. If so, please provide the following details. (If more than one campaign or programme was carried out please provide the details for each of them.)**

#### **Title of campaign or programme**

UN Blue Heart Campaign and Film "Sisters"

After its premiere in Belgrade, in April 2011, the film depicting THB "Sisters", made in the production of Monte Royal Pictures, with a technical and financial support of the Government of the Republic of Serbia, Ministry of the Interior, Ministry of Culture, European Delegation and the International Organisation for Migrations (IOM), had a sort of a tour and grew into an anti-trafficking campaign. As a part of this film and the activities that accompanied the film Serbia has implemented also the UN Blue Heart Campaign. After its Belgrade cinema premiere, the film toured 12 towns in Serbia alone. Each showing was followed by organised debates that were attended by 7,500 people in Serbia. In May, the film had its TV premiere on TV "PRVA" (National TV) with seven million estimated viewers, of which it is estimated 30% of female viewers in the age group 14-35.

In the week of the showing of the film on TV "PRVA", a renowned talk show "Women" ("Žene") dedicated one whole show to THB, with the guest appearances by the Minister of the Interior and the Chairman of the THB Council, the producer and one of the actors in the film "Sisters", and the Deputy State Attorney for Organised Crime. It is estimated that the share of female viewers in the age group 14-35 was as high as 37%. For the promotion of the film and announcement of debates, 3,000 posters were printed and 4,000 Blue Heart symbols, 5,000 useful information cards on THB (SOS Line, the Service, NGOs), and 3,000 bookmarks with useful information and phone numbers were disseminated. There were also 10,000 DVD copies of the film made and disseminated, with subtitles in Italian and English languages. Three trailers for the film were developed. The film was shown at the VIVSECT and Mixer festivals in Serbia, at the UN in Vienna and in Geneva, in Skopje and in Zagreb (In the **Attachment** to the reply to this Question, we will forward to GRETA information on the Blue Heart Campaign that was implemented in Serbia in 2011 in

electronic format, including the photographs made at the premiere of the film and during the showing and debates across Serbia).

***Title of campaign or programme***

The prevention activities and campaigns under the Joint Programme UNHCR/UNODC/IOM to Combat THB in Serbia

***Was it based on research for determining effective prevention methods?***

The prevention activities and campaigns that were implemented and that are implemented under the Joint Programme UNHCR/UNODC/IOM to Combat THB in the Republic of Serbia (JP) are have been developed based on assessment to identify the most efficient preventive measures and the vulnerable populations at risk of THB in Serbia.

***Was it addressed to a particular group of potential victims?***

One of the main components of the Joint Programme includes THB prevention strengthening activities. The main Programme Paper envisages that the JP would include 5 prevention campaigns that would, in contrast to the previous campaigns, target especially vulnerable groups and focus to maximising local coverage of the target groups. The first four prevention campaigns were developed after the results of the "THB Prevention Study", prepared under the JP, were published. All the campaigns were selected by a special commission and approved by the JP Programme Council.

The first two campaigns were implemented in 2011 by the Serbian Red Cross, an organisation with a long-standing experience in implementing a large number of THB prevention campaigns. Both the campaigns were implemented through volunteers-peer educators from 30 municipal Serbian Red Cross organisations who had undergone the necessary education and had received all the teaching and other materials for the workshops ("Trafedo" game, "1-2-3 from School to Home" game, colouring books, etc.) that included the total of 2,132 children from two target populations. The first campaign included 1,091 children without parental care, and the peer educators has previously undergone specialist training by the relevant professionals specialising for work with that specific population, and specialised teaching materials were prepared for the workshops. The second campaign covered 1,041 children without parental care through education courses led by peer educators who had previously been trained to facilitate THB prevention workshops. The following two campaigns were also implemented in 2011 through the so-called "forum theatre" plays, especially considering that the JP THB Prevention Study recommended this type of activities as an easier way to transfer and grasp information and knowledge and raise awareness to maximise the protection of the target groups from THB. The Attachment provides the information regarding the prevention activities by the Serbian Red Cross in 2010 and 2011 and the THB Prevention Study. (In the Attachment to the reply to this Question, we will forward to GRETA the Serbia Protection of THB victims and Prevention Study that was prepared under the Join Programme in 2010, in electronic format).

ATTACHMENT: Information regarding the prevention activities by the Serbian Red Cross (6 pages) and Prevention Study

The third campaign was implemented by the NGO Roma Cultural Centre (Romski kulturni centar) from Belgrade, and it included four "forum theatre" plays ("Life by the Road" ("Zivot pored puta") in Romani language for 920 members of the Roma/Ashkalia/Egyptian community in four locations in Serbia. The invitations for the play were in a form of a flyer with the basic information on THB printed on the back side. In addition, the JP published and disseminated a special music CD with the music from the play performed by the famous Romani music band "KAL".

The fourth campaign was implemented by the NGOs Open Club Nis (Otvoreni klub Nis) and Theatre in Action (Teatar u akciji) from Belgrade and it included 6 forum theatre plays ("Second Generation" ("Druga generacija") for 350 refugees and IDPs in the collective centres Serbia. The plan for 2012 is to repeat the above mentioned campaigns with some minor modifications, considering that we have identified a high level of interest by both the target groups and the professionals involved in various assistance programs for the target groups.

The fifth campaign will be implemented directly by the JP and will include a special publication intended primarily for asylum seekers and illegal migrants to provide multilingual information regarding THB, preventive measures, and possibilities to receive assistance in the EU countries which they wish to reach and seek asylum.

***Which bodies, governmental or non-governmental, were in charge of implementing it?***

Serbian Red Cross, NGO's (Roma Cultural Centre, Open Club Nis and Theatre in Action), Joint Programme for combating human trafficking in Serbia

***Description of the material used for the campaign/programme and its dissemination***

Serbian Red Cross - "Trafedo" game, "1-2-3 from School to Home" game, colouring books, etc. (see detailed in the attachment).

The invitations for the "forum theatre" were in a form of a flyer with the basic information on THB printed on the back side.

In addition, the JP published and disseminated a special music CD with the music from the play performed by the famous Romani music band "KAL".

***If possible, please provide an assessment of the impact of the campaign/programme***

***Title of campaign or programme***

October "Month dedicated to fight against THB" in the Republic of Serbia

***Was it based on research for determining effective prevention methods?***

These activities were based on research by THB Coordinator, associates, and police officers from specialised police units - modus operandi, case studies etc.

***Was it addressed to a particular group of potential victims?***

These activities and Campaigne were addressed to young vulnerable groups.

As a clear message to the Serbian and international public that the Republic of Serbia is committed in their efforts to eliminate all types of THB, from 2007, on every 18 October, a celebration is organized to mark the European Anti-trafficking Day (including a central national-level manifestation), and throughout October, various prevention activities are implemented in the course of which the police officers from the Ministry of the Interior of the Republic of Serbia take part directly in round tables, forums, radio and TV shows and education events for children and youth in schools.

In the last couple of years, in this way, over 250,000 young people received the basic information on the THB problem and how to avoid the risk of THB. As a concrete example, we can take the 2010 assessment: in October 2010, several activities that were implemented in the course of which the police officers from the Ministry of the Interior of the Republic of Serbia took part directly in such prevention activities. The police officers from the Ministry of the Interior of the Republic of Serbia (Border Police Directorate and all Territorial Police Departments) participated in public forums in the total of 359 elementary schools and high schools, dorms and universities, in the duration of 386 school classes, with 25,301 students, 2,005 headmasters, professors, teachers, psychologists, and other professionals participating. Some forums were attended by the total of 503 representatives of NGOs, Serbian Red Cross and the Centres for Social Work.

***Which bodies, governmental or non-governmental, were in charge of implementing it?***

The THB Council, MoI of Serbia, Ministry of Labour and Social Policy, Ministry of Education and Science, Schools, Centers for social protection, the Agency for coordination of THB victims protection, NGO's, Local governments, Serbian Red Cross and others.

***Description of the material used for the campaign/programme and its dissemination***

Power point presentations on THB issue, NGO's preventive materials, Serbian Red Cross preventive materials, video materials (films and others), TV and Radio Shows, documentary programmes etc.

***If possible, please provide an assessment of the impact of the campaign/programme***

***Other projects:***

In 2009 and 2010, **NGO ATINA** was developing the Project "**Development of Local Referral Mechanisms and Regional Campaign**" in cooperation with the OSCE Mission to Serbia. This Project ensured strengthened capacities of the professionals and the local institutions in the Novi Pazar, Raska and Prijepolje region for identification, referral, and assistance to victims of THB through support provided for networks to create local referral mechanisms at the local level. Through the regional campaign, the public learned about

the THB problem and was warned about different forms of exploitation that they may come across. A number of studies indicated that this region is severely affected with the THB problem (it was the point of origin, transit and the destination), and that approximately 60% of all victims identified in the period between 2001 and 2008 were exploited in this part of Serbia.

The target group for this Project included: women victims of THB, as well as potential victims of THB, the staff in the Centres for Social Work, the staff in nongovernmental organisations involved in the protection of human rights and the provision of direct assistance to vulnerable populations; health professionals, professors, policemen, prosecutors, local employment agency representatives and the general public. Considering that the NGO ATINA is a member of the Republic THB Team, all other relevant stakeholders, primarily the Service for Coordination of the Protection of THB Victims, and the THB Coordinator together with the members of his team were included in the planning and implementation of the project activities. Under this Project, the NGO ATINA produced and distributed a short film, presentations, instructions and other materials on the THB phenomenon. In cooperation with the independent production house "MREZA" and with the assistance of the women beneficiaries of the NGO ATINA's programme for social inclusion of victims of THB, a short film was made and shown by four local TV stations: "Novi Pazar" regional TV, "Jedinstvo" regional TV from Novi Pazar, "Raska" regional TV and "Enigma" regional TV from Prijepolje. The film was shown in the peak time intervals by these TV stations over a period of one month. The campaign has contributed additionally to the establishment of the local identification and referral network for victims of THB. In addition, in the period when the film was shown, from September 2009 to January 2010, six potential victims of THB were referred to the programmes for social inclusion of THB victims.

The **Youth Integration Centre** (Centar za integraciju mladih) has organized a series of educational and creative workshops on THB prevention for their beneficiaries – children living and/or working on the streets of Belgrade, at the Children's Shelter (CIM's programme that the beneficiaries themselves recognize and where they feel safe). The subjects of the workshops were carefully planned in accordance with the risk assessment and previous experience in working with this especially vulnerable population. While the workshops were open for all the beneficiaries of the Shelter, the focus was on the children identified as exposed to increased risk or a combination of several risks. The workshop activities at the Shelter, as well as the prevention and educational outreach activities in the territory of the City of Belgrade were implemented over a period of three years (2009 to 2011), after which the so-called "end-line" assessment was conducted with a group of young persons who were regular participant at the workshops and the progress was assessed in terms of the beneficiaries' self-evaluations and the preparation of the plans for the future, knowledge about the risks, how to avoid specific situations, etc. Over the last two years, these activities covered approximately 200 children and young persons both at the Shelter and in the field.

**Organisation Save the Children** implemented a Programme for the Prevention of Child Trafficking in three stages: the first stage (2003-2005), second stage (2005-2007) and the third stage (2009-2011). In 2007, a large regional study was conducted on child trafficking to identify the risks of child trafficking, and the groups of children in special risk; but also to identify the resilience factors in children that should be recognised and supported. The study was published under the title "Children Talk: THB Risks and Resilience Factors" ("Deca govore: rizici od trgovine i faktori rezilijentnosti") (May 2007). The study results indicated that the most vulnerable groups are homeless children and children living in institutions for children without parental care. Based on the study results, and in cooperation with local partner organisations (NGOs Children's Rights Centre, ASTRA and CIM), prevention activity programmes were created, designed especially for these groups of children (interactive art and therapy workshops with children living on the street and in the Shelter; prevention outreach activities for homeless children, workshops for children in residential institutions).

The activities implemented over several years with children were documented in a form of an exhibition that was organised in 2011 under the title "Because the Colours are Not Scared" ("Jer boje se ne boje") and hosted in the Beli Dvor (White Court) in Belgrade and in the Cultural Centre "Rex". These activities resulted in a several interventions that thwarted child trafficking attempts in situations when there was a possibility for them to "visit" Italy; children's more open and trusting approach to institutions – reporting high risk situations to the police and the Centres for Social Work, etc. The activities were focused also on the sensitisation of professionals working in direct contact with children to be able to identify high risk situations and ensure adequate support to children in risk – victims of THB.

Also, another visible result at the national level is the model "**National Strategy for the Prevention and Protection of Children from Trafficking and Exploitation for Prostitution and Pornography**" that was developed and that is currently in the Ministry of the Interior, in the procedure to be adopted by the Republic of Serbia. In addition, the activities under the project contributed for children in risk/victims of THB to be

recognised in other relevant THB documents and for specific prevention and support services to be ensured (NAP for the implementation of the Strategy to Combat THB).

In respect to documents on the protection of children from violence, Save the Children supported the preparation of the following papers: National Strategy for the Protection of Children from Violence, Abuse and Neglect, and the NAP for its implementation; the preparation of the National Action Plan for Children, which, in Paragraph 6, specifically addresses children victims of violence, abuse and neglect, recognising especially children in risk/victims of THB, and stipulating special prevention and support measures (in addition, instruments for monitoring of the implementation of the above papers were also developed).

Another result that was achieved is the regional conference „Street Involved Children in SEE Region“ held in June 2011 in cooperation with the OSCE Mission to Serbia, the Ministry of the Interior and the Ministry of Justice of the Republic of Serbia, which recognised for the first time street involved children and the need for institutional coordination in order to improve their protection and the coordination of the assistance in the region. At the end of 2011, Save the Children published a study “Child Beggary in Serbia” („Decije prosjacenje u Srbiji“), including the recommendations by the Ombudsman's Office, which implemented them together with the Youth Integration Centre.

**22.c. If there are currently plans for launching a new campaign or programme, please provide details.**

From 2007, on every 18 October, a celebration is organized to mark the European Anti-trafficking Day in the Republic of Serbia (including a central national-level manifestation), and throughout October, various prevention activities are implemented.

There are plans for launching a new campaign this October (2012), and the THB Coordinators proposed also a joint celebration to mark 18 October - the European Anti-trafficking Day in the region.

**Question 23**

**23. Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.**

The Law on Social Protection (“Official Gazette of RS”, No. 24/11) stipulates the possibility for victims of THB to exercise the right to social assistance benefits, one-off cash benefits, and other rights under that Law to ensure victims’ financial empowerment.

In July 2010, the National Employment Service (NES) and the Service for Coordination of the Protection of THB Victims signed a Memorandum of Understanding. The Memorandum stipulates cooperation in the area of victims’ employment and social protection. Both parties agreed to appoint “contact persons” and to cooperate in solving the problem of employment and economic empowerment of victims at the institutional level. The Memorandum was a part of the project that was implemented by NES, the Service, and the NGO Atina with the support of IOM 1035 Facility. Even though it was a programme activity, the Memorandum created a possibility for long-term cooperation. In the National Action Plan for Employment for 2010 and 2011, for the first time, NES included victims of THB, as an especially vulnerable category. In the Action Plan for 2012 this category was kept as an especially vulnerable category, within the measure for the promotion of employment of less employable persons and increased inclusion of vulnerable groups.

The support activities by Save the Children focus on the development of new and strengthening of the existing alternative types of services and programmes for street involved children. In addition, the planned programmes envisage the strengthening of NGOs, as well as the institutions, direct providers of services to children in risk/victims of THB, to ensure programmes and services adapted to children’s needs and based on the principle of the children’s best interests.

The beneficiaries of the CIM programme have a possibility to receive psycho-social assistance, through several programmes organized to respond to their needs. The attendance of the CIM programmes alone (satisfying the basic needs and attending workshops, strengthening trusting relations with the beneficiaries, but also outreach and visiting places where children and young persons live and work), has a preventive effect and reduces the potential risk of entering the trafficking chain. For the beneficiaries who have already been identified as victims or potential victims of THB, in the coming period, as previously, workshops will be organised as a part of the HIV and HCV Prevention Programme at the Shelter. In addition, for children and young persons (up to 19 years of age) involved in living and/or working on the street, the Shelter provides assistance of a social worker and a lawyer to help solve their legal and civil status and facilitate their contacts with the social services, as well as the assistance by special pedagogists to empower them to face the risk and the final aim to remove them from the risk.

One of the most important tasks of the CIM programme is the reintegration of children and young beneficiaries of the Shelter and the Day Care Centre into the education system. The education programme has a highly preventive impact and aims at the enrolment of preschool and school age children who are in risk of starting to get street involved into the obligatory preschool programme and elementary school. Apart from the mentioned project, this is the second year that CIM is implementing the project "The Street Face" ("Lice ulice") together with two other organisations for two years now with the objective to economically empower the beneficiaries through the sale of the magazine under the same title and earning per sold copy (a half of the price of the magazine belongs to the seller). The project are approximately 20 young persons in the age group 15 to 25, of which 15 is regularly active. On the monthly basis, these young people sell approximately 750 copies of the magazine with the total earnings of slightly more than EUR 330 (RSD 37,500) on average monthly, or approximately EUR 22 (RSD 2,500) per seller. In April, the sellers sold as many as 1,350 copies of the magazine and their earnings were proportionally higher. In addition to this project, at the beginning of 2012, in cooperation with the organisation "AFA", another project, "The Street Eye" ("Oko ulice"), was implemented under which "The Street Face" sellers were given an opportunity to express themselves through photography. The selected photographs will be a gift, i.e. a way for CIM to express thanks to all the companies and individuals who will donate funds for the Fund for Occupational Training for their beneficiaries. By attending the occupational training courses (envisaged to be implemented by the end of the current year) these young people in risk would increase their market competitiveness, and, hopefully, be able to find employment and be permanently removed from the risk.

ATTACHMENT: Description of the measures for social and economical empowerment implemented by the NGO "ATINA" (2 pages)

## Question 24

### **24. What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?**

As a part of the activities that were taken in the course of the implementation of the Joint Programme and that relate to Article 6 of the Convention, the preparation of the "Study of Criminal Law System and Case Law for THB in Serbia" (the Study) was a major effort to assess analytically inter alia the measures undertaken by Serbia to discourage demand promoting exploitation and leading to THB. In that respect, the assessment covered the legal frame, the institutional frame and the case law, and the previous measures undertaken in Serbia, and based on that the recommendations were formulated for the improvement of the response of the Serbian criminal law system to THB.

In the Attachment to the reply to this Question, we will forward the Study of Criminal Law System and Case Law for THB in Serbia in English language, in electronic format.

To discourage demand, in its recommendations, the Study puts in an important place inter alia both the normative definition of this criminal offence and the need for special process protection of victims of THB. Secondly, Serbia has given special attention also to the improvement of the mechanisms for seizure of criminal assets, and a special focus in the Study was put on the need for continued monitoring of the THB phenomenon to improve the multiagency approach and the coordination between the relevant stakeholders participating in the action against THB and strengthen the international cooperation in this area. The Study pays special attention to the importance of special training programmes for police officers, prosecutors and courts in THB in order to strengthen capacities to identify THB, its offenders and victims and improve the outcomes of those professionals in the THB prevention, detection, investigation, proving, court processing and judging, and ensuring security and protection to victims.

The above recommendations were used as the basis for the development of the curriculum for police officers, prosecutors and courts, which is a result of the partnership between the Judicial Academy and JP, and based on which a series of training was held in the Appeals Courts in Serbia. It has to be noted especially that that through the JP implementation, and thanks to the partnership with the Ministry of Justice of the Republic of Serbia, the "Special Protocol on the Procedure of Judicial Authorities in the Protection of THB Victims in the Republic of Serbia" was prepared, with the aim to additionally train the judiciary authorities to tackle efficiently the THB phenomenon in the judiciary system, which would consequently have a discouraging effect on the demand leading to THB.

In accordance with the Constitution and the legislation on education activities, education activities are implemented in accordance with the general education principles to ensure equal rights and access to education for all children, students and adults without any discrimination or singling out on the grounds of

sex, social, cultural, ethnic, religious or other factors, place of temporary, i.e. permanent residence, financial or health status, difficulties and challenges in development or disability or on any other grounds.

- The Law on the Foundations of the Education System stipulates the area of children/student and teacher conduct, recognises physical violence as unacceptable and punishable, specifies the responsibilities of headmasters, teachers, and class teachers in this domain, regulates the preparation of special rulebooks on institutional discipline and conduct (Rulebook on Security, Rulebook on Educational and Discipline Measures, Rulebook on Commendations and Awards, Rulebook on Organising Excursion), and the Rulebook on Professional Pedagogical Supervision specifies also the obligation of institutions to carry out self-evaluations in the area of support to students, which includes also student security.

The protection of children from violence in the internal legislation is supported also by other laws: Law on Preschool Education, Law on Elementary School, Law on High Schools, Law on Textbooks and Other Teaching Aids, Law on Sport, Law on Prevention of the Use of Illegal Substances in Sport, Law on Ombudsman, Family Law, Criminal Code, Law on Prohibition of Discrimination against Persons with Disability, etc.

Considering that the Republic of Serbia adopted the Law on Prohibition of Discrimination, on 26 March 2009, and the Law on National Ethnic Minority Councils, on 31 August 2009, the key legal framework for the improvement of the protection of children and youth from abuse and THB is ensured.

On the basis of the Strategy to Combat THB:

- THB Prevention Programme was implemented in the elementary schools in the City of Kragujevac
- Teachers' Manual THB Prevention – How to Teach Children was prepared in cooperation with the International Organisation for Migrations
- Safe Childhood and Development of Safety Culture in the Young Population Programme was implemented with the fifth-grade elementary school students, in cooperation with the Ministry of the Interior

At the international conference Building a Europe for and with Children – 2009-2011 Strategy, the Minister, Prof. Žarko Obradović PhD, signed on behalf of the Republic of Serbia the Petition against Physical Abuse and Violence against Children.

Considering that the Republic of Serbia has a large number of returnees from the Western Europe, and recognising the complexity of the problem of the deported persons and other vulnerable population categories such as ethnic minorities, IDPs from Kosovo and Metohija, refugees from former Yugoslavia and others, during the integration process, the Ministry has:

- Appointed their experts to work in the working groups for the reception of returnees, in cooperation with the representatives of the relevant Ministries, Standing Conference of Towns and Municipalities, Deputy Prime Minister's Poverty Reduction Strategy Implementation Team, NGO sector, UNDP, UNHCR and OSCE
- Participated in the revision of the Rulebook and Information Booklet for Returnees, which helps the officials in the state authorities, organizations and institutions with public competencies to learn more about the possibilities in the existing legislation, administrative or governance practice
- In cooperation with the Service for Human and Minority Rights and the UNDP Serbia, participated in the presentation of the report "Reintegration of Returnees in Serbia: An Overview of Awareness Raising Activities of the Agency for Human and Minority Rights", and the final results of the project "Awareness Raising among Local State Institutions and Concerned Individuals/Returnees to deal with Returnee Issues"
- Participated in the work of the Commission for Selection of Projects, Monitoring and Evaluation of Project Results within the UNDP project "Reducing Vulnerability of Roma in Serbia" (Component Provision of Small Grants for the Implementation of Local Action Plans for Roma).

The professional systemic support to the staff in educational child care institutions and other educational institutions to help them perform their functions is provided by the regional departments of the Ministry of Education and Sport, School Administrations, with qualified staff, competent in the area of the protection of children from violence. Their activities are specified by the Rulebook on Pedagogical Supervision and the Law on the Foundations of the Education System. Support is provided also by the Institute for Improvement of Education, by way of establishing a framework for continued professional development of education professionals in the performance of the education duties, including children/student security.

The Institute for Improvement of Education ensures the quality of education by developing student achievement standards and monitoring and improving the performance of the institutions, including the safe

school environment. The Government of the Republic of Serbia established the Council for Children's Rights, and the Republic Ombudsman for the Protection of Rights of Citizens and the Republic Centre for Mediation have also been established and their competences include also the protection of children/students from violence.

## **Question 25**

**25. Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot be easily forged.**

The Ministry of the Interior of the Republic of Serbia, in the processes for issuance of biometric documents, complies with all protection standards and procedures to prevent any unlawful use and ensure integrity and security of the personalization and distribution process. In accordance with that, all administrative measures to ensure integrity and security of the personalization and distribution process have been implemented (physical and technical protection measures, IT system user access control).

The New Law on Travel Documents of the Republic of Serbia and the supporting bylaws ensure full protection of travel document templates from abuse, by incorporating biometrical data, which has increased the legal security in the use of travel documents and the safety of travel documents. At the same time, mechanisms for the control of issuance of travel documents in the form of safeguard applications for issuance of travel documents have also been implemented, making the operating process for issuance fully automated.

Travel document templates are produced in accordance ICAO 9303 standards, EU Council Recommendation (EC) No. 2252/2004, and ISO, ISO/IEC 14443 and ICAO NTWG standards.

From 29 November, Serbia has started issuing new microchipped travel documents containing EAS standards as an additional protection element, which are the second generation electronic passports (passports with a chip containing fingerprint, in addition to photograph and signature). The second generation passports have a significantly higher level of protection in relation to the previous generation (BAC).

To prevent child trafficking, the new Law on Travel Documents stipulates that all minors (persons under 18 years of age) must have their own personal travel document.

## **Question 26**

**26. Please specify the measures taken by your country to detect cases of THB at its borders, inter alia by means of border surveillance teams and intelligence measures.**

The control of state border crossings and state border security is under the competence of the Border Police Directorate within the General Police Directorate under the Ministry of the Interior of the Republic of Serbia. As explained above, apart from other organisational units of the police, specialised police officers for suppression of THB are present also in the Border Police Directorate, in the Department for Suppression of Crossborder Crime and Criminal Intelligence (Section for Suppression of Illegal Migration and Human Trafficking and Section for Criminal Intelligence), Regional Border Police Centres, in Sections for Suppression of Crossborder Crime, Illegal Migration and Human Trafficking (7 Regional Centres, operative towards neighbouring countries: Hungary, Romania, Bulgaria, Macedonia, Montenegro, Bosnia and Herzegovina, and Croatia), at the Border Police Stations Belgrade and Airport – Nis, where there are Sections for Suppression of Crossborder Crime, Illegal Migration and Human Trafficking.

The establishment of specialised police units within the Border Police ensures a more efficient detection of THB cases, potential and actual victims of THB and their improved protection, in cooperation with the Service for Coordination of the Protection of THB Victims. Reporting of the THB criminal offence itself has been made easier by the introduction of a special telephone line number 011/3117679 in the Operative Call Centre in the Border Police Directorate (which operates 24 hours, 7 days a week), as well through email: ozs@mup.gov.rs. The statements detailing the circumstances of THB criminal offences are taken by especially sensitised and trained police officers.

The Border Police Directorate operates a CMIS (Case Management Intelligence System), which improves the use of intelligence measures. The intelligence information enables proactive border police response and detection of THB cases. The use of intelligence information has been improved by the job establishment for the Border Police Directorate, which envisages police officers working on criminal intelligence tasks. These measures have been strengthened additionally through international and especially regional cooperation and



information exchange, through SELEC, INTERPOL, joint actions along the borders in cooperation with FRONTEX and through foreign police liaison officers in Belgrade. In the last couple of years, in several cases, victims of THB, Serbian nationals, were identified in the course of interviews by the border police officers (at the airport and on other border crossings) with persons returned from EU countries on readmission, previously recognized as potential victims of THB.

The Republic of Serbia implements continued training for relevant civil servants who may come across THB cases and victims (especially police officers), and special attention is given to the identification of potential victims among trafficked persons. On 01 May 2009, the Minister of the Interior adopted the "Mandatory Instruction on the Procedure for Smuggled Persons" which regulates in detail the procedures to be followed by police officers in dealing with smuggled minors, persons with special needs or asylum seekers. This Instruction regulates the procedure for dealing with victims of THB who are provided protection, removed from the offenders, given assistance and referred to and accommodated in Shelters, in coordination with the Service for Coordination of the Protection of THB Victims.

All Regional Border Police Centre have mobile units whose main task is the prevention of illegal migrations and, in every case, all the procedures with potential victims of THB are lead by specialized and trained police officers. What is especially important is the early warning system for different manifestations and modes of forged documents, which was established to detect forged documents and identify potential and actual victims of THB.

The detection of THB cases is made possible also by the establishment and operation of Joint Border Patrols with the neighbouring countries along the shared borders, Joint Contact Services, and other forms of cooperation. Considering the large number of such agreements, we will mention just a few as an example of good practice and the joint activities implemented by the Republic of Serbia in cooperation with the neighbouring countries to suppress transborder crime, including transborder THB.

The above and similar agreements were closed with all the neighbouring countries, the republic of Croatia, Bosnia and Herzegovina, Macedonia, Montenegro, Bulgaria, Romania and Hungary. In accordance with Article 34, Paragraph 1, in reference to Article 28 of the Police Cooperation Convention for Southeast Europe (Vienna Conference, signed on 05 May 2006) inter alia numerous Protocols to Combat THB were concluded:

Protocol on Establishment of Joint Patrols, signed on 06 March 2009 between the Ministry of the Interior of the Republic of Serbia, Ministry of the Interior of Montenegro and the Border Police of Bosnia and Herzegovina and in force. The training was provided for police officers for joint patrol work. The Protocol stipulates all issues relating to performance of joint patrols along shared borders.

Agreement between the Government of the Republic of Serbia and the Government of the Republic of Bulgaria on Crossborder Police Cooperation (signed on 12 November 2007). The Agreement stipulates issues relevant for the suppression of crossborder crime, and especially combating THB, illegal migrations and all forms of goods smuggling.

Protocol between the Ministry of the Interior of the Republic of Serbia and the Ministry of the Interior of the Republic of Croatia on Establishment of Joint Contact Service, signed on 29 December 2010. The Protocol stipulates the operating and information exchange procedures for the joint contact service at the border crossing Bajakovo (the Republic of Croatia).

On 17 February 2009, the Ministry of the Interior and FRONTEX signed the Working Arrangement on Establishment of Operative Cooperation. In accordance with this Arrangement, the Border Police Directorate participates in the operative actions along the external EU borders organized by Frontex. At the meeting in Dubrovnik in May 2009, Frontex proposed to establish the Frontex and Western Balkans Risk Analysis Network. The proposal was accepted by all the Memorandum signatories, the information exchange system was put in place, and the output of this Network is the risk analysis at the regional level.

To ensure active participation in the implementation of international actions to suppress Transborder organised crime, the Ministry of the Interior and the Customs Administration appointed their representatives in SELEC Centre, located in Bucharest. The Ministry of the Interior of the Republic of Serbia carried out the reconstruction and modernization of border crossings, new equipment was provided, the border crossings were connected to the IT system, and further efforts on equipment and IT upgrade are ongoing. The control of persons crossing the state border state border uses a centralised programme system that includes equipment for automated verification of travel documents, in all border crossings that have the technical capacities to host such equipment. The system uses intranet resources for communication between border crossings, police stations, and the central location of the Ministry of the Interior.

Special attention is given to education of border police officers to ensure timely identification of potential THB cases and victims. Regarding the project proposal that was implemented in cooperation with the OSCE Mission to Serbia (as explained in the reply to Question No. 8), in 2012, education courses in "Combating THB" were delivered by the trainers employed in Regional Border Police Centres for 574 border police officers in total (as of 16 May 2012).

### **Question 27**

**27. Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.**

Indirect information sharing through consular missions and embassies, regarding lawful entries and stay in the territory of the Republic of Serbia, is carried out through instructions, guidelines and byway of general information in that area available on the portals and web sites of our diplomatic and consular missions, as well as in direct contact with the authorities of the receiving country.

### **Question 28**

**28.a. Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB.**

To avoid issuing visas (tourist, business, transit, etc.) where there is justified grounds to believe that the person may become a victim of THB or is involved in THB, it is necessary to hold an interview with the visa applicant, as well as with the inviter, and in case of minors, it is necessary to have consent of both parents. Clearance by the Ministry of the Interior of the Republic of Serbia is required for issuing visas for all nationals of the countries of high migration risk (China, India, Pakistan, Bangladesh, etc.), and especially in cases involving suspected THB for sexual, labour and other types of exploitation.

The clearance is performed by the local police, specialized units for aliens, suppression of illegal migrations and THB, by contacting the inviter directly and performing other field controls. In case a suspected THB case is detected in the course of the check-up, the visa request is denied and further police investigation initiated by our side and all interesting security-related information are shared with the stakeholders through the international police cooperation. Requests for clearance check-ups are submitted by the Ministry of Foreign Affairs and Serbian diplomatic and consular missions. To ensure fast and efficient check ups for visa applications, Serbia has started developing an integrated Visa Information System with open access for all diplomatic and consular missions, the Ministry of Foreign Affairs and the Ministry of the Interior.

In accordance with the provisions of the Law on Foreigners ("Official Gazette of RS", No. 98/08), a foreign national with the intension to stay in the country for more than 90 days, i.e. for a period that exceeds the validity of his/her visa, may submit a request for temporary residence for one of the purposes specified by law. Temporary residence may be granted to foreign nationals on account of:

- work, employment, performance of economic or professional activity, schooling,
- university studies or specialization, scientific research work, practical training, participating in international student exchange programmes, i.e. other scientific educational activities,
- family reunion,
- or other justified reasons in accordance with law or international agreement.

A foreign national was granted temporary residence on one of the above specified grounds must spend his/her stay in the Republic of Serbia in accordance with the purpose for which the residence was granted. Requests for temporary residence are submitted to the relevant authority of the Interior in the place of residence of the foreign national, and the foreign national is obligated to provide, in addition to a valid travel document, other proof of the validity of the grounds on which he/she is requesting residence. In addition, the foreign national is obligated to prove that the/she has the necessary means of subsistence and medical insurance. All the information relating to this are available to foreign nationals on the information boards in all territorial police departments in the territory of the country, where they can submit applications for temporary residence, as well as on the web site of the Ministry of the Interior of the Republic of Serbia. In the course of granting temporary residence, all general and specific requirements, as well as the evidence submitted with the application are taken into account, field and security check-ups of the person who submitted application for temporary residence, as well as the person (Serbian or foreign national) with whom the foreign national is staying in a private or a business visit are conducted (by the police officers from the specialized units for

foreigners, suppression of illegal migrations and THB), and all in accordance with the statutory powers. The check-ups that are conducted on that occasion serve as a very good mechanism for detection and prevention of potential THB cases, where the potential victims of THB are foreign nationals residing in the territory of the Republic of Serbia.

**28.b. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.**

The clearance is performed by the local police, specialized units for foreigners, suppression of illegal migrations and THB, by contacting the inviter directly and performing other field controls. In case a suspected THB case is detected in the course of the check-up, the visa request is denied and further police investigation initiated by our side and all interesting security-related information are shared with the stakeholders through the international police cooperation.

In the course of granting temporary residence, all general and specific requirements, as well as the evidence submitted with the application are taken into account, field and security check-ups of the person who submitted application for temporary residence, as well as the person (Serbian or foreign national) with whom the foreign national is staying in a private or a business visit are conducted (by the police officers from the specialized units for foreigners, suppression of illegal migrations and THB), and all in accordance with the statutory powers.

### Question 29

**29.a. Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)?**

Yes  No

**29.b. If so, please specify.**

The Republic of Serbia has a “relaxed regime” for crossing of the state border with ID cards with Bosnia and Herzegovina, Montenegro and Macedonia.

With these neighbouring countries Serbia has established intensive police cooperation and signed many agreements (see detailed explanation in the reply to Question No. 13) based on which regular exchange of the information relevant for the suppression of crossborder crime, including THB, is ensured, and inter alia the risk and the threats of any abuse of such relaxed system for crossing of the state border are analysed.

In addition, the THB Coordinators of the above countries meet on a regular basis.

**29.c. If not, please comment.**

(Not answered)

### Question 30

**30. What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? (Please specify amounts in euros.)**

We do not have the exact amount in euros allocated to the above measures in the state budget, since the Ministry of Finance, Budget Department, is not able to answer that question. Namely, the budget of the Republic of Serbia is presented, to the greatest extent, by economic and functional classification and by sources of financing specified in the Law on the Budget System (“Official Gazette of RS“, No. 54/09, 73/2010, 101/2010, 101/2010), and it is not possible to identify the allocations for specific purposes, such as THB. The Law on the Budget System stipulates that a special part of the budget may be presented by programme classification, which indicates objectives, outputs, activities, and the budgets necessary for the implementation of the specified objectives, and which will be fully implemented after the adoption of the Budget Law of the Republic of Serbia for 2015 (Article 112).

In 2011, at the proposal by the Chairman of the THB Council and the Minister of the Interior, Mr. Ivica Dačić, the Government of the Republic of Serbia allocated the total of EUR 300,000 for co-financing the film “Sisters” depicting THB, as the campaign for the promotion of the film across Serbia and in the region. Apart from the Government of the Republic of Serbia, the film was financed by the European Commission with the total of EUR 100,000 and IOM with EUR 78,700 (USD 100,000). The reason why this film is important is that it, among other things, raises the awareness of the clients about the ordeal of victims of THB, discouraging them from participating in the exploitation of the victims.

The Conclusion of the Government of the Republic of Serbia from 24 November 2011 obligated the Directorate for Seized and Confiscated Assets under the Ministry of Justice, to allocate the total of EUR 5,000 for co-financing of the Regional Conference for Street Involved Children and the meeting of the THB Coordinator, Belgrade, held on 07-08 June 2011 in Belgrade. This Regional Conference were organised jointly by the Government of the Republic of Serbia (lead by the Ministry of the Interior and the Ministry of Justice), NGO „Save the Children“, and the OSCE Mission to Serbia.

For the overall scientific research activities under the Joint Programme, in the area of the prevention, protection, and criminal prosecution, EUR 23,670 (USD 30,000) was provided. The Fund for Prevention with the total value of EUR 80,500 (USD 102,000) was established under the Joint Programme for the targeted information campaigns, while EUR 30,760 (USD 39,000) was provided for counselling for asylum seekers), and EUR 4,330 (USD 5,500) for trainings for the media. The funds were administered through the JP, and were provided by the Belgian and Swiss Governments and UN.GIFT. The trainings for the media were implemented in cooperation and with technical and financial support of the OSCE Mission to Serbia, Media Department.

### **Question 31**

**31.a. Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out?**

Yes                      ~~No~~

**31.b. If so, please specify the results of the assessment.**

As a part of the implementation of the Joint Programme, in the course of the preparation of the “Study of Criminal Law System and Case Law for THB in Serbia” (the Study), an analytical and comprehensive assessment of the preventive measures undertaken by Serbia by the end of 2010, particularly in the criminal law area. In that respect, the assessment covered the regulatory and institutional framework impacts and the existing case law, which served as a basis for the formulation of the recommendations for the improvement of the future response of the Serbian criminal law system in the area of combating THB. Based on the preventive measures assessment and the Study recommendations, further measures were preventive undertaken including the preparation of the special curriculum for the Judicial Academy in the area of THB, after which a series of trainings was implemented in the offices of the Appeals Courts in Serbia. It has to be underlined that the Judicial Academy will officially integrate this curriculum in their regular training programme, which would ensure the sustainability and the systemic approach to this problem in Serbia with respect to criminal liability, and, consequently, easier monitoring of the effects of the implementation of the above measures. It has to be emphasized that as a result of the assessment of the implemented measures the need was identified for the adoption of the “Special Protocol for Judicial Authorities on the Protection of THB Victims“, which is a result of the cooperation between the Ministry of Justice and JP, and whose implementation and implementation impact assessment are expected to begin in the foreseeing period. The implementation of the measures set forth in the Special Protocol should simplify the monitoring of the desired effects of the envisaged measures, which first of all includes a more efficiency performance of the judicial authorities in this area. The second Study that was prepared as a part of the JP, the Study on Protection of THB victims and Prevention, is provided in Attachment to the reply to Question No. 22.

More information about this and the evaluation of the implementation of the activities from specific NAPs are available on the web site of the Joint Programme in the part “Studies and Research” which includes also the overview of the contents in English language. Available at [http://www.ungiftserbia.org/?page\\_id=563](http://www.ungiftserbia.org/?page_id=563).

As a part of the programme of the NGO “Youth Integration Centre“ (CIM), the assessment of the efficiency of the available activities in relation to each individual beneficiary is conducted on the regular basis. The plans are revised if needed and new programme objectives are identified in relation to [those originally specified]. Some of the results that reflect reduced risk for the CIM beneficiaries are listed below:

-As many as 80% of the beneficiaries of the Shelter and the Day Care Centre were enrolled in elementary school and regularly attend classes;

-10 beneficiaries of the Shelter are involved in the sale of the magazine “The Street Face”, and is legally earning for living. The experience with this employment helped them to improve their communication skills, and marked a significant step ahead in terms of their integration into society;

-the relevant authorities – Centre for Social Work, Service for Coordination of the Protection of THB Victims and, if needed, the Ministry of the Interior (THB Coordinator) were informed about the circumstances of the

CIM beneficiaries were identified as victims or potential victims of THB. Regular contact was maintained with the beneficiaries;

-more than 85 CIM beneficiaries participated in the educational and creative workshops for the prevention of THB, and they all heard the information about the risks and the available assistance, and were empowered, to different extent, to recognise risks and react timely.

**31.c. If not, please comment.**

(Not answered)

**Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings**

**Question 32**

**32. At what moment and by whom is the process to identify a potential victim of THB initiated? (For example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)**

In Serbia, initiatives for the identification of victims of THB are initiated mostly by the police, NGO representatives, Centres for Social Work, international organisations, shelters from victims of domestic violence and victims of THB, and shelters for children without parental care.

Practically, all these organizations and services forward the initial information about a potential victim of THB to the Service, which then contacts the victim and the relevant authorities that assist with the identification (police, NGO, Centre for Social Work – in case of minors victims) and adopts a decision indicating whether someone is a victim of THB or not. This decision by the Service influences whether someone would be granted victim status or not (this decision does not depend on the victim's readiness to testify). In addition, in the social protection system, assistance and support is provided also to persons for whom it is determined they are not victims, but who are in need of social services.

In the last 3 years, in Serbia, the Service for Coordination of the Protection of THB Victims (the institution responsible for formal and official identification of victims) identified 304 victims, of which 60 potential victims, and 244 actual victims. 265 victims were reported by the police, 10 by the Shelter for Children without Parental Care within the Children and Youth Education Institute, 8 by the NGO ASTRA, 7 by the NGO ATINA, 5 by the International Organisation for Migrations - IOM, 3 were identified by the Service themselves, 2 by Centres for Social Work, 2 by the Shelter for THB Victims from Bosnia and Herzegovina, and 1 by UNHCR.

**Question 33**

**33.a. Have any common criteria been defined in your internal law for granting the legal status of victim of THB?**

Yes

~~No~~

**33.b. If so, please specify.**

Victims of THB are not a legally recognised category. The law recognizes these persons as the wronged parties in THB criminal cases. The identification of victims of THB in Serbia is performed by the Service for Coordination of the Protection of THB Victims, which is recognised in the Strategy to Combat THB (2006) and its NAP, as well as in the Agreement of Cooperation of State Authorities in Combating THB from 2009 (more information about the Agreement is provided in the reply to Question No. 10).

The parties to Agreement committed to establish special and direct cooperation for the development of the National Mechanism for Identification, Assistance and Protection of THB Victims, in accordance with the Strategy to Combat THB in Serbia, and the Annex to Agreement includes the Guidelines, i.e. the standard operative procedures stipulated therein for efficient and safe referral of THB victims to a range of necessary services, in both cases, transborder human trafficking and trafficking within the national borders of the Republic of Serbia, and the protection of victims. These Guidelines have been developed under a regional project with the international organisation ICMPD – International Centre for Migration Policy Development, with the support of the American agency USAID.

These Guidelines comprise five Chapters stipulating standard operative procedures for: 1. Identification; 2. Care in the Course of Emergency Interventions; 3. Assistance for Rehabilitation and (Re)integration; 4. Return; 5. Criminal Proceedings and Requests for Compensation of Damages. Each Chapter of the Guidelines includes answers to the following questions: WHAT measures need to be implemented? WHEN to implement measures? And WHO is responsible for specific measures that are envisaged? HOW the envisaged measures are to be implemented, as well as, how the cooperation between different sectors would be established? The international resources and contact points in Section 3 of the Guidelines are a key element of this network in cases of transnational/transborder THB cases in Southeast Europe.

The identification and referral stage is the first stage in the National and Transborder Mechanism for Referral of Victims. The general objective of this stage is to ensure access for potential victims to relevant support services in the safest possible manner. This first part includes also “Early Risk Assessment and Identification Indicators”, and “Identification Interview”.

With the establishment of the Centre for the Protection of THB Victims (under the Decree of the Government of Serbia from 13 April 2012) as a social protection institution, the Service for Coordination of the Protection of THB Victims became an organisational unit of the Centre. The preparation of the Rulebook on Minimum Standards for the Protection of THB Victims is ongoing. In accordance with the Rulebook Draft Paper, the coordination of the protection of adult fully capacitated victims is ensured by the Centre, while the coordination of the protection of children and incapacitated adults is ensured by the relevant Centre for Social Work, with the necessary involvement of the Service. While the Rulebook Draft Paper stipulates the cooperation between the Service and Centres for Social Work in the protection of victims of THB, the identification of victims is done exclusively by the Service. After the professional consultation process is finalized, the Rulebook Draft Paper will be forwarded to the Minister competent for social protection for its adoption. As a part of the preparation of the above bylaws, the standards, i.e. joint criteria for granting legal status of a victim of THB are included.

**33.c. If not, please comment.**

(Not answered)

**Question 34**

**34.a. Which national authority(ies) grant(s) the legal status of victim of THB? (For example, police forces, public prosecutor, judge, etc.)**

The Service for Coordination of the Protection of THB Victims, in a form of a certificate, which cannot be appealed (not an administrative act). The legal status of victim of THB is not recognised by law, as already stated, and the law specified the status of wronged party – witness instead. In that respect, the wronged party – witness can appeal against the judgement, but not against his/her status. The legal status of victim of THB is granted by the Service, but such status pertains primarily to the organisation of and procedures for the provision of psycho-social, medical, legal, and reintegration assistance.

Victims of THB - foreign nationals can be granted the legal status by way of a temporary residence in the Republic of Serbia granted on “humanitarian” grounds by the relevant organisational unit of the Ministry of the Interior of the Republic of Serbia (in accordance with the effective Law on Foreigners and the Rulebook on Humanitarian Stay), which is explained in greater detail in the replies to Questions No, 40 and 41.

**34.b. Can such a decision be appealed?**~~Yes~~

No

**Possible comments concerning your reply**

The Service for Coordination of the Protection of THB Victims, in a form of a certificate, which cannot be appealed (not an administrative act).

**Question 35****35. Can a person be removed from your country during the process of identification as a victim of THB? (For example, if he/she is present illegally)**~~Yes~~

No

**Possible comments concerning your reply**

A person identified as a potential victim of THB by the Service for Coordination of the Protection of THB Victims will not be returned to the country of origin, even if he/she does not have his/her stay in the Republic of Serbia regulated.

In accordance with the Law on Foreigners, these persons have a right to be granted humanitarian stay of maximum three months, until it is determined if they are victims or not. As a rule, this is proposed to them by the Service, which files an application on their behalf with and relevant organizational unit of the police, responsible for aliens. These persons can to leave the country even before that date, if they wish to do so.

**Question 36****36. Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?**

Yes

~~No~~**Possible comments concerning your reply**

Serbia recognizes the status of victim of THB and, if needed, instigated court proceedings against the offenders who are not covered by the court proceedings in the country in which the victim was identified, and are located in the territory of our country or are our nationals.

These victims also receive psycho-social, medical and legal assistance and the assistance in regulating their civil and legal status, if they wish so.

**Question 37****37. Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.**

In the Republic of Serbia, victims of THB receive, in various forms, by the Service for Coordination of the Protection of THB Victims (the Service) and through the cooperation with NGOs, other relevant organisations or other civil society entities involved in providing assistance to victims the following types of assistance: adequate and safe accommodation, psychological and financial assistance (safety net and assistance for victims); counselling and information, especially regarding their rights and services that are available to them in a language they can understand; access to education for children; the necessary medical and other assistance for victims who are legally residing in the country, and who do not have sufficient means and are in need of such assistance; the right to access labour market, professional development and education;

a) Until recently, the Republic of Serbia had various shelters for victims of THB available, which were run mostly by NGOs. Underage victims were accommodated in various institutions for accommodation of children and young persons and in foster families. With the establishment of the Centre for the Protection of THB Victims, which will have a Shelter for THB Victims, the capacities for safe accommodation of victims will be increased. This Shelter is intended to be used for emergency and short-term reception of adult victims of THB, and it has capacity to house 6 persons. On number of occasions, the Service and other organisations (NGOs and international) financed alternative accommodation for women, when the accommodation in the existing shelters or institutions was not an adequate solution. In the previous period, psychological assistance was provided by the state institutions (Health Care Centres, Centres for Social Work) and NGOs (psychologists and psychotherapists). Financial assistance – victims were given food, hygiene products, clothes, shoes, medicines, paid school tuition, courses, transfer to the country of origin, transfer to court

trials, necessary documentation, travel lists, alternative accommodation, legal counselling and representation, etc. This was financed by the Service for Coordination and by the NGO sector.

b) Access to emergency medical care - the Republic of Serbia adopted the Law on Health Care, which stipulates that victims of THB have a right to receive emergency medical care, if needed, irrespective of their nationality and whether they have medical insurance.

c) Translation and interpretation services, the assistance of an interpreter is provided for all foreign nationals victims, if needed. Interpretation services in the police and in the course of court proceedings are financed by those services from their own funds.

d) Counselling and information, from the establishment of the Service, all victims, including potential victims, have received information (in a language they can understand) about their rights and have been referred to those service providers who could help them to exercise those rights and satisfy their needs. Legal counselling is provided by the associates from NGOs, and for legal representation, the Service and NGOs hire lawyers who and pay them from their funds. The price of lawyer services for the representation of the wronged parties in the proceedings is 50% of the price for representation of the accused. Psychological counselling and psychotherapy are also paid from the funds of the Service and the NGO sector.

e) Legal counselling on criminal proceedings is provided by the staff in the Service (preliminary information about the steps in the pretrial and trial procedures, and the possibilities to hire a lawyer in the trial). For legal representation, the Service often hires lawyers directly or involves NGOs who pay for the layer services from their own funds.

f) Access to Education for Children – in case the victim of THB is a child, it is necessary to involve the relevant Centre for Social Work, which coordinates, within their competences, the process of protection and support that is provided to the child. The Centre assesses the needs and strength of the child and potential risks threatening the child, plans his/her protection and implements a part of the activity. An integral part of the plan is integration or reintegration of the child into the education system, The right to education is further specified in Article 6 of the Law on the Foundations of Education System – which specifies also the position of persons with developmental challenges and disability, gifted persons, and foreign nationals in education, as well as in Article 9, which stipulates the right to use of ethnic minority languages, i.e. the right of persons with developmental challenges and disability to use sign language or a special alphabet, and other technical aids that can be used in the course of teaching in sign language or using sign language aids. To ensure equal treatment of the student from the vulnerable groups, the legal provision stipulates the universal coverage, irrespective of children's competencies (Article 77). For all children and students who due to their social vulnerability, developmental challenges, disability and other reasons need special assistance in education, the institutions are obligated to eliminate all physical and communication obstacles and adopt Individual Education Plans (IEP). The objective of the IEP is to achieve the optimum level of the child's, i.e. student's participation in regular education activities and his/her independence in the peer group. Schools are obligated to enrol all children for the school area. Schools may enrol children from other school area, at the request by the parent, and in accordance with the school's capacities. The Education Reform implemented by the Ministry of Education and Sport implies, inter alia, improvement of the education for the most vulnerable populations, ethnic minorities, and especially Roma, as one of the most vulnerable ethnic communities in the Republic of Serbia in risk of THB.

In accordance with the requirement regarding security and protection of victims, the police conducts security assessment for victims of THB, but it is the Service that proposes, in accordance with each victim's assessed security risk, his/her accommodation in the Safe House, as well as police escorts during the trial or other measures. Both the new and the previous Laws on Health Care stipulate that all victims of THB have a right to access the necessary medical and other assistance, irrespective of their country of origin. They are ensured also the accommodation, as well as basic means for living. Recently the number of foreign nationals victims is in decline and there is an increasing number of Serbian nationals who are victims of THB. Most of them wish to return to the country of origin, but those who stay in out territory have a right to register with the labour market, to be educated and to attend various courses. In the activities with victims of THB, the Service involves also other service providers, including NGOs involved in the protection of human rights and direct provision of assistance to victims. Assistance for victims and potential victims of THB is not conditioned on their testifying in court. The Service and the other organisations provide assistance to victims, irrespective of their participation in the court trial. Each victim of THB receives the necessary assistance in accordance with the information provided by the victim or by other organization that is in direct contact with the victim. All these victims have a right to accommodation, education, and adequate health care.



The obligations to provide the above types of assistance to victims of THB, in case of foreign nationals, are stipulated under the effective Law on Foreigners, in Article 28, which states that “victim of THB during his/her stay in the Republic of Serbia, if he/she does not have sufficient means for living, shall be provided adequate accommodation, food and the basic living conditions“.

Save the Children provided support to their partner organisation ASTRA in the provision of assistance to children potential victims of THB through SOS telephone and counsellors for children who call the SOS number. The also supported Astra's Victim Support Programme (psychological and financial assistance; access to emergency medical care; translation and interpretation services; counselling and information, especially about their statutory rights and services available to them, in a language they can understand; assistance to help them that their rights and interests are raised and considered in the relevant stages of the criminal trail against the offenders; access to education and professional development). The activities under the project Programme to Combat THB included capacity building for the staff in the organizations, but also in the institutions, to enable them to provide adequate assistance to children (e.g. training for work with suicidal beneficiaries for consultants working in the SOS telephone service, training for social workers and teachers in schools), and financial resources for direct assistance to victims, namely: through ASTRA – funds for consultants working in the SOS telephone service, and emergency funds for victims (financial assistance, medical and psychological assistance, assistance during trials, etc.) In addition, outreach activities for street involved children were also supported through the assistance to the NGO CIM, and financial support for the outreach staff (2 outreach staff in 2010 and 4 in 2011) who conducted two outreach visits a week throughout the year. The budget for these activities is indicated in the reply to Question No. 39.

### Question 38

**38. Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.**

All victims receive equal treatment and rights irrespective of their origins and weather they are victims of national or transnational THB. The assistance is the same, and the difference is in their needs. More specifically, victims of transnational THB who are foreign nationals need to be granted humanitarian stay, obtain travel documents, if they do not have them, accommodation and, finally, organization and fare for the transfer to the country of origin. On most occasions, they need interpretation. Those are special services which are different not due to any differences in the victims' rights, but due to differences in their needs.

### Question 39

**39.a. Does your state budget allocate specific funding for these assistance and protection measures?**

Yes                      ~~No~~

**39.b. Please indicate the amount (in euros), the criteria for receiving such funding and who receives it.**

**Amount (in euros)**

392,549.00

**Criteria for receiving such funding and who receives it**

The exact amount is not available, as the Ministry of Finance, Budget Department, cannot answer that question (see the reply to Question No. 30).

The budget of the Republic of Serbia finances the accommodation of children in foster families, social protection institutions, and financial empowerment of victims, under the terms and conditions stipulated by law. For the current year, from the budget of the Republic of Serbia, budget line for the Ministry of Labour and Social Policy, RSD 4,670,000 or EUR 41,482 (in accordance with the mean exchange rate of the Central Bank of Serbia as of 15 May 2012 at 1 EUR = 112.5775 RSD) was allocated for financing of the newly established Centre for the Protection of THB Victims, which comprises the Service for Coordination for the Protection of THB Victims and the Reception Centre for Victims.

From 2008-2011, this type of assistance was financed from the account of the Service for Coordination of the Protection of THB Victims, generated in 2008 from the sale of Special Postage Stamps (in accordance with the Decision of the Government of Serbia) with the winning drawing from children's art competition “Modern Slavery” (“Moderno ropsto”), with the total proceeds of EUR 50,000 generated. These funds were directed to

the account of the Service for Coordination of the Protection of THB Victims for financing of assistance and protection for victims.

From 2011, the measures for assistance and protection to victims of THB have been financed mostly from the Fund of the Service provided by the City of Belgrade in the total of approximately EUR 40,000 (RSD 4,000,000). These services are financed from time to time also by NGOs and international organisations, depending on the availability of their funds for these services. It has to be noted that regardless of the existing problem that have been identified in terms of financing, to date, not a single victim was deprived of the assistance for their needs.

In 2011, the budget of the Republic of Serbia, budget line for the Ministry of Labour and Social Policy, EUR 19,000 (RSD 1,900,000) was allocated for financing of the Half Way House for the Protection of THB Victims run by the NGO "Atina" from Belgrade.

Under the Fund for Direct Protection of THB Victims that is a part of the Joint Programme to Combat THB, assistance is provided to victims for obtaining additional qualifications, re-qualification and employment, in addition to the basic reception. These projects are implemented by: NGOs "Atina" and "CIM" in Belgrade, NGO NSHC and the Centre for Social Work in Novi Sad and NGO "Dawn" ("Osvit") and Children's Home "Duško Radović" in Niš. The total value of the Fund that is currently administered as a part of the Joint Programme is approximately EUR 150,000 (USD 190,000), and the funds were provided by the Belgian and Swiss Governments and UN.GIFT. On their side, the Centre for Social Work in Novi Sad and the Children's Home "Duško Radović" ensure basic reception (shelter accommodation and subsistence, and staff salaries) from the budget of the Republic of Serbia. In that way, in order to provide assistance and protection to victims of THB, partner relations were established between the state authorities, specialized NGOs and international organisations.

In the Attachment we submit the Public Invitation (the version in English language, 5 pages) for implementation of this Fund that was sent to the institutions in the social protection system and a number of NGOs, and on that occasion, it was stated, inter alia, that "The funds may be used for the introduction of new services or the improvement of accessibility and quality of the existing services. Special attention will be given to minors victims of THB who are nationals of the Republic of Serbia, as well as minors without parental care. In that respect, all the relevant state institutions and child care institutions are encouraged to apply. To ensure decentralisation, and improve targeting and coverage of services, institutions and organisations outside Belgrade are encouraged to apply for financing from the Fund. Advantage will be given to programmes developed in partnership between NGOs, state institutions and/or local governments".

A Japanese Grant, implemented through the Embassy in Belgrade, in the total value of EUR 25,000 will be used to refurbish the newly established Centre for the Protection of THB Victims with furniture and bathroom fixtures, kitchen, living space and bedrooms, and the Joint Programme grant in the total of EUR 41.755 (USD 53,000) will be used to procure IT equipment and the equipment for the Reception Centre (house appliances, technical appliances, kitchenware, etc.). In addition, training will be provided for the staff in the Centre, a database developed and the initial fund for assistance to victims established.

For direct assistance to victims of THB in the Republic of Serbia, through the Programme to Combat THB, Save the Children allocated through the NGO "ASTRA" the total of EUR 8,200 in 2010, and EUR 6,320 in 2011. As a part of the same programme, through the NGO "Youth Integration Centre", EUR 4,200 was allocated in 2010, and EUR 6.592 in 2011.

**39.c. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?**

Government of Serbia, Ministry of labour and social policy, Joint Programme for combating THB in Serbia (IOM/UNHCR/UNODC), Japanese Grant, Save the children and others.

**Question 40**

**40.a. Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law.**

In case of justified reasons to believe that a person applying for temporary residence may become a victim of THB or is involved in THB the following procedure is implemented:

In accordance with Article 28, Paragraph 4, of the Law on Foreigners ("Official Gazette of RS", No. 97/08) and the assumed obligations ensuing from the UN Convention against Transnational Organised Crime and the Protocol for Prevention, Suppression, and Punishment of THB, Especially Women and Children ("Official

Gazette of FRY – International Instruments”, No. 6 from 27 June 2001), the “Statement of Obligations” signed at the Third Regional Ministerial Forum of the Pact for Stability in Tirana on 11 December 2002, the “Statement on the Protection of Victims - Witnesses” signed at the Fourth Regional Ministerial Forum of the Pact for Stability in Sofia on 10 December 2003, and the Recommendations of the UN High Commissioner for Human Rights “Principles on Human Rights and Trafficking”, foreign nationals for whom the relevant Service for Coordination of the Protection of THB Victims determines that they need protection and treatment as victims of THB will be granted temporary residence by the relevant authority for the interior in the place of their residence for on humanitarian grounds.

Within 7 days from the date of accommodation of a foreign national in the shelter for victims of THB, the authorised staff from the Service for Coordination of the Protection of THB Victims file the application for temporary residence to the relevant Police Directorate of the Ministry of the Interior of the Republic of Serbia in the victim’s place of residence.

The application for temporary residence for foreign nationals must be signed by the victim of THB himself/herself. The procedure for issuance of temporary residence permits for victims of THB takes three days from the date of the application, in which period the trained officers of the Ministry of the Interior of the Republic of Serbia for action against THB will conduct and interview with the victim, trying to avoid secondary victimisation of the victim. In case the victim of THB at the time of filing the application does not possess a travel document, temporary residence will be granted under a decision of the relevant authority of the Ministry of the Interior of the Republic of Serbia. After the procedure is finalised, the travel document, i.e. decision, shall be collected from the relevant authority of the Ministry of the Interior of the Republic of Serbia by the authorised staff of the Service.

**40.b. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.**

**Minimum and maximum duration of the recovery and reflection period**

3 months

**How does your internal law foresee it being adapted to the particular circumstances of victims?**

Victims of THB may be granted temporary residence on humanitarian grounds for maximum 3 months to provide protection and assistance with the recuperation and the return to the country of origin or previous residence.

A victim of THB may be granted temporary residence for a period of 6 months if he/she cooperates with the authorities in disclosing criminal offences and offenders.

A victim of THB may be granted residence for a period of one year if he/she actively participates in the court trial as a witness or a wronged party, as well as if that is necessary for the reasons of his/her personal security.

In case the victims of THB who entered or reside in the country illegally, before initiating the procedure, the relevant authority is obligated to establish all facts and circumstances that eliminate or mitigate the criminal or misdemeanour liability of the victims of THB (establishing of the elements of force, threat and coercion, i.e. emergency or necessity defence).

## **Question 41**

**41.a. What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention?**

Victims of THB may be granted temporary residence on humanitarian grounds for maximum 3 months to provide protection and assistance with the recuperation and the return to the country of origin or previous residence. A victim of THB may be granted temporary residence for a period of 6 months if he/she cooperates with the authorities in disclosing criminal offences and offenders. A victim of THB may be granted residence for a period of one year if he/she actively participates in the court trial as a witness or a wronged party, as well as if that is necessary for the reasons of his/her personal security.

**41.b. Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.**

Victims of THB may be granted temporary residence on humanitarian grounds for a period of 3 months to provide protection and assistance with the recuperation and the return to the country of origin or previous residence. The documentation that needs to be submitted with the application includes:

1. a photograph
2. a letter from the Service for Coordination of the Protection of THB Victims (the foreign nationals' temporary residence is registered at the address of the Service, i.e. 219 Bulevar oslobodjenja)
3. a letter from the organisation providing accommodation and subsistence to the victim of THB indicating that the victim is participating in the reintegration programme
4. a travel document or other proof of identity

A victim of THB may be granted temporary residence for a period of 6 months if he/she cooperates with the authorities in disclosing criminal offences and offenders. The documentation that needs to be submitted with the application includes:

1. a photograph
2. a letter from the Service for Coordination of the Protection of THB Victims (the foreign nationals' temporary residence is registered at the address of the Service, i.e. 219 Bulevar oslobodjenja)
3. a letter from the organisation providing accommodation and subsistence to the victim of THB indicating that the victim is participating in the reintegration programme
4. a letter from the authority certifying that the victim is cooperating in the disclosure of criminal offences (the organisational unit of the Ministry of the Interior of the Republic of Serbia, prosecutor's office and the court) or the letter from the Service for Coordination of the Protection of THB Victims must indicate explicitly the state authority with which the victim is cooperating in the disclosure of criminal offences (the organisational unit of the Ministry of the Interior of the Republic of Serbia, prosecutor's office and the court)
5. a travel document or other proof of identity

A victim of THB may be granted may be granted temporary residence for a period of one year if he/she actively participates in the court trial as a witness or a wronged party, as well as if that is necessary for the reasons of his/her personal security. The documentation that needs to be submitted with the application includes:

1. a photograph
2. a letter from the Service for Coordination of the Protection of THB Victims (the foreign nationals' temporary residence is registered at the address of the Service, i.e. 219 Bulevar oslobodjenja)
3. a letter from the organisation providing accommodation and subsistence to the victim of THB indicating that the victim is participating in the reintegration programme
4. a letter from the relevant court or the prosecutor's office before which the criminal trial is held certifying that the victim actively participates in the court trial as a witness or a wronged party, i.e. a letter from the organisational unit of the Ministry of the Interior of the Republic of Serbia certifying that the victim's personal safety is threatened
5. a travel document or other proof of identity

Temporary residence granted to foreign nationals victims of THB may be extended in case the reasons for which it was granted originally still exist.

In accordance with the Law on Republic Administrative Fees, foreign nationals who are deemed victims of THB are exempt from the payment of the specified fees for temporary residence.

## Question 42

**42. Please describe how your internal law provides for the right of victims of THB to compensation. (Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.)**

In accordance with the provisions of the Criminal Procedure Code ("Official Gazette of FRY" 70/01, 68/02, and „Official Gazette of RS" 58/04, 85/05, 115/05, 49/07, 20/09, 72/09) the wronged party, the victim, their inheritors and powers of attorney may file a so-called "property-legal request for compensation of damages" resulting from the criminal offence. That proposal may be submitted by the end of the main inquiry to the court before which the trial is held, which will decide upon that matter in the course of the criminal trial, provided that would not unreasonably prolong the proceedings. In case the consideration and deliberation of the request would unreasonably prolong the proceedings, the court will refer the person to the civil procedure for exercising his/her right to receive compensation of damages. The person who filed the request may waive it by the end of the main inquiry. After the waiver, the request may be exercised only in the civil procedure.

After the property-legal request has been submitted, the court is obligated to hear the defendant regarding the request and establish the circumstances relevant for decision on the request. Moreover, the obligation of the court is to collect the evidence and establish all that is necessary for deciding on the request even before the proposal is submitted. However, if this establishment would unreasonably prolong the proceedings, the court will collect only such information which would be difficult or impossible to collect afterwards. If the court adopts a judgement pronouncing defendant guilty, the court may approve the property-legal request in full, and if it approves it only partially, it will refer the person to the civil procedure to exercise the right to the remaining portion of the request. On the other hand, if the information collected during the criminal procedure is insufficient for both full and partial approval of the request or if the court frees the defendant or denies the imputation or suspends the proceedings, in that case, the court will refer the person to the civil procedure to exercise this right.

A special advantage of the criminal proceedings from the aspect of the possibility to receive compensation for damages is stipulated in a provision of Article 210 of the Criminal Procedure Code. This provision regulates that the court may, at the proposal of the authorized persons, in accordance with the provision that apply to criminal proceedings, impose temporary measure of the securitization of the property-legal request caused as a result of a criminal offence. Recently, and particularly in the cases involving organized crime, this provision has been applied. For the application of this provision, it is important that there is property of financial assets that can be used as a security for the property-legal request caused as a result of a criminal offence. The effective Law on Enforcement and Security ("Official Gazette of RS", No. 31/11) stipulates a wide range of options for securitization of financial and non-financial claims, and those options can be used. That practically means that in the course of the criminal proceedings, the victim, the wronged part or his/her power of attorney must compile a request for securitization of the property-legal request, which the court decides upon, and may prohibit the disposal of assets or seize the assets from the defendant.

The new Criminal Procedure Code ("Official Gazette of RS", No. 72/11 and 101/2011), which is effective with deferred application (except in proceedings for criminal offences of organised crime or war crime lead before the special department of the relevant court, in which case it is effective from 15 January 2012) has the identical provisions on the right to file a property-legal request and on the procedure for deciding upon such request.

The OSCE Mission to Serbia initiated the activity for the preparation of a new, more efficient and more equitable mechanism for compensation of damages to victims of THB. The subject of the recent meeting of the Republic THB Team on 26 April 2012 was "THB Victims' Right to Compensation of Damages". On that occasion, the publication "Victim's Right to Compensation", a collection of the papers prepared for the conference under the same title, held on 13 October 2011 in Belgrade, was presented. The OSCE Mission to Serbia, through the activities they support in the area of action against THB and improvement of the victims' position, decided to focus in 2011 on the right to compensation. The conclusions from various professional gatherings of international and local character, as well as legal assessment of the relevant regulations and the case law of the Serbian courts show that the existing solutions regarding the compensation of damages are not adequate. For that reason, the OSCE Mission to Serbia has supported, in cooperation with the Association of Public Prosecutors and Deputy Public Prosecutors of Serbia and the Judges' Association of Serbia, the experts' work on the analysis of the existing mechanisms for exercising the right to compensation and the formulation of the recommendations for their improvement.

### Question 43

**43. Please describe the procedure established under your internal law for the repatriation and return of victims of THB.**

In November 2009, the Agreement on Cooperation was signed between the six key ministries of the Republic of Serbia in the area of action against THB (Ministry of the Interior, Ministry of Justice, Ministry of Health, Ministry of Finance, Ministry of Labour and Social Policy, Ministry of Education – more information about this Agreement is provided in the reply to Question No. 7). The Annex to the Agreement specifies the Standard Operative Procedures, which are an integral part of the Agreement. The Service for Coordination of the Protection of THB Victims establishes and maintains communication with the institutions from the foreign country that is referring the victim. They request the necessary assessments (from the police - the safe return assessment, from the CSW - the assessment whether the victim can return to his/her family of origin, and, if not, adequate accommodation for the victim is found and other types of assistance that the victim may need are prepared, depending on his/her psychological and physical health condition, etc.). After the victim is received and informed about his/her rights, he/she is referred to other service providers (state institutions and organisations, as well as NGOs).

When it comes to cooperation with other countries, in respect to the preparation for the repatriation of foreign nationals victims who are identified in the territory of Serbia and returned to the country of origin, the procedure is similar. The victim is granted “humanitarian stay”, contact with the consular mission of the country of origin, a representative of the organisation that provides assistance in the country of origin is contacted and it is ensured that there is someone waiting for the victim at the airport or at the border crossing, and that the accommodation is ensured, if needed. During the preparation stage for the return of victims of THB includes, all the necessary check-ups are conducted in cooperation with the police and the services for the protection of victims in the country of origin.

After the new Centre for the Protection of THB Victims, which comprises the Service for Coordination of the Protection of THB Victims, becomes fully operational, they will be fully responsible for the repatriation and return of victims of THB – in accordance with the Draft Rulebook on Minimum Standards for the Protection of THB Victims in Social Protection, which is expected to be adopted in the coming period, considering that the “first round” of consultations with all the relevant stakeholders in Serbia regarding the preparation of this paper was finalized in April 2012 (all the major state authorities, specialized NGOs, relevant international organisations, including the Joint Programme were included).

Article 7 of the Draft Rulebook “Repatriation of THB Victims”, which governs this area, stipulates that the Service for Coordination of the Protection of THB Victims “coordinates the activities on the repatriation of all victims”, and “the Centre for Social Work, when they coordinate the protection of children and incapacitated adults who are victims, in accordance with this Rulebook, in the individual services plans, defines repatriation as the activity of the service“. This Rulebook needs to be signed by the Minister of Labour and Social Policy, and will come to effect on the eighth day after the publication in the “Official Gazette of the Republic of Serbia”.

### Question 44

**44.a. Does a person, repatriated to your country as a victim of THB, continue having victim status?**

Yes                      ~~No~~

**44.b. If so, please specify on which grounds such recognition is made (for example, declaration of the victim).**

A victim identified in a foreign country and returned to Serbia keeps the victim status in Serbia.

The recognition of the victim status is based on the reassessment by the Service, which verifies the status and provides the same assistance that is available to all identified victims of THB.

**44.c. What assistance measures are envisaged for such persons after repatriation?**

Answers on questions No 36, 37 and 38.

All victims receive equal treatment and rights irrespective of their origins and whether they are victims of national or transnational THB. The assistance is the same, and the difference is in their needs.

**44.d. If not, please comment.**

(Not answered)

## Question 45

### 45. What are the grounds for the victim status to come to an end:

- victim status claimed improperly
- victim's refusal to co-operate with the authorities
- return to the country of origin
- request of the victim
- other (please specify below).

#### **Other, please specify.**

A change in a foreign national's temporary residence status in the Republic of Serbia

#### **Possible comments concerning your reply**

A change in a foreign national's temporary residence status in the Republic of Serbia, in accordance the effective Law on Foreigners, may cause the termination of the status and new grounds for granting temporary residence, e.g. from "humanitarian" to residence "on grounds of marriage" or on some other grounds.

For now, there are no specified grounds for termination of the status of victim of THB, especially in respect of Serbian nationals, but this issues was discussed at several "focus groups" that were organised to develop the operative standards for the Service for Coordination of the Protection of THB Victims that will operate in the future within the new Centre for the Protection of THB Victims.

The standards would normalise all areas of work with victims of THB, and most importantly the identification of victims. These „focus groups“, i.e. workshops for the preparation of the above standards were organised in the offices of the Republic Institute for Social Protection in Belgrade, and was attended by the representatives of the Ministry of Labour and Social Policy, Service for Coordination of the Protection of THB Victims, Centres for Social Works, Ministry of the Interior, specialised NGOs (Atina, ASTRA), Joint Programme, and others.

## **Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law**

### Question 46

#### 46.a. Is THB subject to a single criminal offence in your internal law?

Yes                      ~~No~~

#### 46.b. If so, please provide (a translation of) the legal text(s) in English or French.

The provisions of Article 388 of the Criminal Code of the Republic of Serbia ("Official Gazette of RS", No. 72/09) specify THB as a separate criminal offence. The translation of Article 388 stipulating this criminal offence in English language is provided below.

Human Trafficking

Article 388

(1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution or other forms of sexual exploitation, begging, pornography, establishment of slavery or similar relationship, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of from three to twelve years.

(2) When the offence referred to in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.

(3) If the offence referred to in paragraph 1 of this Article is committed against a minor, the offender shall be punished by imprisonment of a minimum of five years.

(4) If the offence referred to in paragraphs 1 and 2 of this Article resulted in severe bodily harm, the offender shall be punished by imprisonment of from five to fifteen years.

(5) If the offence referred to in paragraphs 1 and 3 of this Article resulted in the death of one or more persons, the offender shall be punished by imprisonment of a minimum of ten years.

(6) Whoever habitually engages in offences referred to in paragraphs 1 to 3 of this Article or if the offence is committed by a group shall be punished by imprisonment of a minimum of five years.

(7) If the offence referred to in paragraphs 1 to 3 of this Article is committed by an organised crime group, the offender shall be punished by imprisonment of a minimum of ten years.

(8) Whoever knows or should have known that a person is a victim of trafficking, and abuses his/her position or allow to another to abuse his/her position for the exploitation referred to in paragraph 1 this Article, shall be punished by imprisonment from six months to five years.

(9) If the offence referred to in paragraph 8 of this Article is committed against a person whom the offender knows or should have known is a minor, the offender shall be punished by imprisonment of one to eight years.

(10) Person`s consent to be exploited or held in slavery or servitude referred to in paragraph 1 hereof shall not prejudice the existence of the criminal offence stipulated under paragraphs 1, 2, and 6 hereof.

**46.c. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.**

(Not answered)

#### **Question 47**

**47. Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention? (Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client - see paragraphs 229 to 236 of the Explanatory Report of the Convention.)**

Yes                      ~~No~~

#### **Possible comments concerning your reply**

The use of services of a victim of THB in incriminated in the provisions Article 388, Paragraph 8, of the Criminal Code, which stipulate that an imprisonment sentence from six months to five years will be imposed on "whoever knows or should know that a person is a victim of trafficking, and abuses his/her position or allow to another to abuse his/her position for the exploitation referred to in Paragraph 1 this Article".

Paragraph 9 gives even stronger protection to minors (persons under 18 years of age), stipulating that "if the offence referred to in paragraph 8 of this Article is committed against a person for whom the offender knew or should have known that he/she is underage, the offender shall be punished by imprisonment from one to eight years". The above provisions stipulate the criminal liability of "users of services" and all those who "abuse the victim's position" or "allow to another to abuse the victim's position".

This second category persons who could be held criminally liable for THB on these grounds could include also taxi drivers, the staff in the catering and hotel facilities in which the exploitation of victims (e.g. barmen, waiters, receptionists, cleaning staff), health workers, and all those who "knew or should have known that a person is a victim of trafficking, and abused his/her position or allowed to another to abuse his/her position for the exploitation referred to in Paragraph 1 this Article".

#### **Question 48**

**48. Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB? (As provided for in Article 20c of the Convention.)**

Yes                      ~~No~~



**Possible comments concerning your reply**

Retaining personal documents for the purpose of enabling THB is stipulated as one of the actions in the course of the criminal offence THB from Article 388, Paragraph 1 of the Criminal Code of the Republic of Serbia

(“whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person’s labour, forced labour, commission of offences, prostitution or other type of sexual exploitation, beggary, pornography”).

**Question 49**

**49.a. Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22?**

Yes ~~No~~

**Possible comments concerning your reply**

The Law on Corporate Liability for Criminal Offences (“Official Gazette of RS”, No. 97/08), stipulates and terms for corporate liability for criminal offences and the rules of procedure for deciding on corporate liability, imposing criminal sanctions, adopting decisions on rehabilitation, termination of security measures or removal of legal consequences of conviction, and enforcement of court judgements.

**49.b. What types of legal persons are subject to corporate liability for such offences?**

The Law on Corporate Liability for Criminal Offences (“Official Gazette of RS”, No. 97/08), applies to Serbian and foreign corporate entities held liable for a criminal offence committed in the territory of the Republic of Serbia, to foreign corporate entities held liable for a criminal committed offence in the territory of a foreign country and damaging the Republic of Serbia and any Serbian citizen or corporate entity, and to Serbian corporate entities held liable for a criminal offence committed in the territory of a foreign country.

**Question 50**

**50. Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.**

The provisions Article 388 of the Criminal Code stipulates for the basic form of this criminal offence the imprisonment sentence from three to twelve years, while for qualified forms of this criminal offence (criminal offence committed against a minor, criminal offence causing great bodily injury or death of a person, criminal offence committed by an organized crime group), it stipulates imprisonment sentences of minimum five years, five to fifteen years or minimum ten years. In addition, the provisions of Article 5, Paragraph 2, of the Criminal Code stipulates that the sanction for this criminal offence cannot be reduced lower than the minimum statutory sanction.

Within the general purpose of the criminal sanctions, an offender of the criminal offence may be imposed by the court one or more security measures, with the main objective to remove the condition or circumstances and influence the offender to refrain from committing criminal offences in the future, when there are conditions for such measures to be imposed as specified by law.

The provisions Article 91 of the Criminal Code stipulate that no one is allowed to retain the proceeds gained as a result of a criminal offence. The provisions of Article 92 of the Criminal Code stipulate the terms and conditions for seizure and confiscation of criminal proceeds, while the provisions of Article 93 of the Criminal Code stipulate the protection of the wronged party, stating that if a property-legal request of the wronged party was approved in the course of the criminal proceedings, the court imposes the seizure of criminal proceeds only if it exceeds the approved property-legal request of the wronged party in that amount.

The Law on Seizure and Confiscation of the Proceeds of Crime stipulates the terms, procedure and authorities responsible for detection, seizure and confiscation, and management of the proceeds resulting from a criminal offence. The provisions of this Law apply also to the THB criminal offence set forth in Article 388 of the Criminal Code.

In accordance with the provisions of Article 13 of the Law on Corporate Liability for Criminal Offences, a corporate entity may be imposed a fine and a termination of legal activities, as well as a conditional conviction or a conviction with protective supervisory conditions. For criminal offences with corporate liability,

the following security measures may also be imposed: ban of specific registered activities or deals, seizure of items, public announcement of the judgement.

In the convicting judgement against an offender, the court may approve to the authorised person the property-legal request in full or only partially and refer him/her to civil proceedings to claim the remaining portion. If the information in the criminal proceedings is not deemed as sufficient grounds for either full or partial approval, the court will refer the authorised person to claim the full amount of the property-legal request in the civil proceedings.

### **Question 51**

**51. Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?**

Yes                      ~~No~~

#### **Possible comments concerning your reply**

In accordance with the general rules for apportionment of sanctions, the court determines the penalty for a criminal offender within the statutory limits specified for such criminal offence, taking into consideration the purpose of the sanction and all the alleviating and aggravating circumstances in the case. In that respect, a previous conviction in a foreign country would be relevant for determining the penalty for the criminal offence established in accordance with the Convention, and would be considered, as a rule, as aggravating circumstances.

The Criminal Code of the Republic of Serbia (Article 54), in the part relating to determination of penalty, stipulates that court determines the penalty for a criminal offender within the statutory limits specified for such criminal offence, taking into consideration the purpose of the sanction and all the circumstances in the case that could influence a more lenient or a more stringent penalty (alleviating and aggravating circumstances), and particularly: levels of guilt, motives for committing the crime, severity of the threat and injuries to the protected goods, circumstances in the case, previous conduct of the offender, his/her personal circumstances, his/her conduct after the crime was committed, and particularly his/her relation with the victim of the criminal offence, as well as other circumstances relating to the offender's personality.

In any case, in accordance with our internal legislation, a previous conviction for any criminal offence is considered in determining the penalty for a new criminal offence and, in that respect, in accordance with the Law on International Legal Assistance in Criminal Matters, as well as the international instruments entered into, there is a possibility to provide and request information from the criminal records.

### **Question 52**

**52. Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. (As provided for in Article 26 of the Convention.)**

The provisions of Article 14, Paragraph 2, of the Criminal Code stipulate that there is no criminal offence without an unlawful act or culpability, notwithstanding the existence of all essential elements of a criminal offence stipulated by law. The provisions of Article 21 of the Criminal Code stipulate that an act committed under force which is irresistible is not a criminal offence, and that for an act that is committed under force which is not irresistible or under threat, the offender may be punished more leniently.

In accordance with the provisions of Article 236 of the Criminal Procedure Code "Official Gazette of FRY" 70/01, 68/02, and "Official Gazette of RS" 58/04, 85/05, 115/05, 49/07, 20/09, 72/09), the public prosecutor may defer criminal prosecution for criminal act sanctioned by fines or maximum three years of imprisonment and, subject to the approval by the court chamber, for criminal offences sanctioned by three to five years of imprisonment, if the suspect accepts one or more measures specified in the provisions of the above Article.

The new Criminal Procedure Code ("Official Gazette of RS", No. 72/11 and 101/11), in Article 284, also stipulates that the public prosecutor adopts a decision rejecting criminal report if it is evident from the criminal report itself that the statute of limitations expired or that the act is amnestied or pardoned or that there are other circumstances which permanently preclude prosecution, may terminate the investigation (Article 308) or terminate the proceedings (Article 338).

The provisions Article 15 of the Law on Misdemeanours stipulates that there is no misdemeanour if the act specified as misdemeanour is committed under force or under threat.

In addition, as stated in the reply to Question No. 5, in this respect, one has to take into account the fact that the ratified international instruments and generally accepted rules of international law legally prevail over the legislation of the Republic of Serbia, which means that in case an issue is not regulated in detail and explicitly under the national legislation, we may refer in the proceedings and judgments, which has recently become an increasing practice of the judges and prosecutors.

### **Question 53**

**53. Does your internal law provide for the initiation of legal proceedings by the victim and/or ex officio (for example, by the public prosecutor)?**

Yes                      ~~No~~

#### **Possible comments concerning your reply**

The criminal offence THB specified in Article 388 of the Criminal Code is one of the criminal offences which imply legal proceedings ex officio. In accordance with Article 20 of the Criminal Procedure Code, if that Code does not specify otherwise, the public prosecutor is obligated to initiate prosecution if there is a justified doubt that a person has committed a criminal offence that requires prosecution ex officio.

The provisions Article 61 of the Criminal Procedure Code stipulate that if the public prosecutor establishes that there are no grounds for prosecution for the criminal offence that is prosecuted ex officio, he/she is obligated to notify the defendant within eight days and instruct him/her that he/she may take over the prosecution. The court is obligated to act in the same manner if it has issued a decision on the termination of the proceedings on the grounds of prosecution waived by the public prosecutor.

The wronged party in the capacity of a plaintiff has equal rights as the public prosecutor, with the exception of the rights that the public prosecutor has as a state authority.

### **Question 54**

**54. Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? (Please specify the conditions for this participation as well as their legal status during these proceedings.)**

The representatives of NGOs and associations assisting or supporting victims of THB may participate in criminal proceedings in the capacity of powers of attorney of the wronged party, in accordance with the provisions Article 66 of the Criminal Procedure Code.

The representatives of NGOs and associations assisting or supporting victims of THB may participate in the proceedings that are not closed for public.

In the proceedings that are closed for public, the representatives of NGOs and associations dealing with this issue may participate in the capacity of professional community.

### **Question 55**

**55. Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.**

The Law on the Protection Programme for Participants in Criminal Proceedings ("Official Gazette of RS", No. 85/05) stipulates the terms and procedure for the provision of protection and assistance to participants in criminal proceedings (suspects, defendants, protected witnesses, witnesses, wronged parties, court experts and professional persons) and persons close to them whose lives, health, physical integrity, freedom or property is threatened because they have given evidence or information that is relevant for the establishment of proof in the criminal proceedings.

The provisions Article 109 of the Criminal Procedure Code stipulate the obligation of the court to protect witnesses or the wronged parties from verbal abuse, threats and any other form of assault. At the proposal of the court chamber president, the investigative judge or the public prosecutor may request that the authorities of the interior take specific measure for the protection of witnesses and the wrong party. In addition, the provisions Article 109 stipulates that if there are circumstances indicating that a witness or persons close to him/her would have their lives, bodily integrity, health, freedoms or large value assets threatened as a result of giving public testimony, and particularly when it comes to criminal offences involving organised crime, corruption and other especially great criminal offences, including THB, the court may issue a decision approving special protection measures to a witness (protected witness). The special witness protection measures include interrogation of witnesses under the conditions and in a manner not revealing their identity and physical security measures for witnesses in the course of the trial.

The protection of wronged parties is possible also through the application of the provisions of Article 337, Paragraph 1, Item 1 of the Criminal Procedure Code, which stipulate that witness testimony records may be read in accordance with the decision of the court chamber in case the appearance of the persons who gave the testimony before the court is made considerably difficult or impossible due to old age, illness or other relevant reasons.

Special provision on the protection of minors in the capacity of the wronged parties in the criminal procedure are stipulated in the Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles ("Official Gazette of RS", No. 85/05). In accordance with the above provisions, inter alia, a minor who is wronged as a result of a criminal offence may be interrogated more than two times only in exceptionally, his/her interrogation may be conducted without the presence of the parties and other participants in the proceedings, in a room in which the witness is located, to ensure that the parties and persons who have a right to pose questions for the witness can direct their questions through the judge, psychologist, pedagogists or other professional person; if the witness interrogated is a minor in an especially difficult emotional state due to the nature of the criminal offence, it is prohibited to make him/her to face the defendant; a minor in a capacity of the wronged party must have a power of attorney from the first hearing, and other provisions protecting the interests of minors in the capacity of the wronged parties in the criminal procedure.

On 01 May 2012, the Ministry of Justice adopted the Special Protocol on Acting of the Judicial Bodies in Protection of Victims of THB. This Protocol would contribute to better understanding of the procedures for the protection of victims of THB through specific guidelines and instructions harmonised with the most important international instruments in this area.

In November 2011, the Ministry of Justice, through the Directorate for Management of Seized and Confiscated Assets, assigned a 400 m<sup>2</sup> property in Belgrade to the Ministry of Labour and Social Policy for the new Centre for the Protection of THB Victims, as well as for the central office of the newly established Centre for the Protection of THB Victims, which comprises also a Reception Centre for THB Victims. This specialised Reception Centre for THB Victims is the first shelter to be run by a state authority.

## **Comments concerning your Reply to this Questionnaire**

*Please use this area to add any comments concerning your Reply to this Questionnaire*

## Statistics on THB

Question	Table 1: Victims of THB <sup>1</sup>	2009				2010				2011			
		women	men	children <sup>2</sup>	total	women	men	Children <sup>2</sup>	total	women	men	Children <sup>2</sup>	total
	<b>Article 10 – Identification of the victims</b>												
T1	Number of victims identified <sup>3</sup> during the year	47	12	48	107	27	1	33	61	32	23	21	76
T2	Types of exploitation identified victims of THB were subject to:												
	- sexual exploitation	36		30	66	19		15	34	28		8	36
	- forced labour or services	4	12	2	18	4			4		22		22
	- slavery or practices similar to slavery												
	- servitude												
	- removal of organs												
	- other, please specify <i>begging</i>	2		9	11	1	1	7	9	1		6	7
	- other, please specify <i>forced marriage</i>	3		3	6	2		6	8	1		3	4
	- other, please specify <i>criminal coercion</i>	2			2	1			1	1	1		2
	- other, please specify <i>trafficking for adoption purposes</i>			1	1			1	1			3	3
	- other, please specify <i>labour exploitation and criminal coercion</i>			3	3			2	2			1	1
	- other, please specify <i>sexual exploitation and forced marriage</i>							2	2	1			1
T3	Number of persons whom the competent authorities had reasonable grounds to believe were victims of:												
	- national trafficking	5		8	13	16	9		25	2		5	7
	- transnational trafficking	3		4	7	3			3	2		3	5
	<b>Article 12 – Assistance to victims</b>												
T4	Number of victims of THB who received assistance of any type	45	12	48	105	25	1	33	59	26	22	19	67
T5	Number of victims of THB who refused assistance which was offered to them	2			2	2			2	6	2	1	9
T6	Number of shelters for victims of THB in your country	2		3	5	2		3	5	3		3	6
T7	Total number of places in shelters for victims of THB	20			20	20			20	20			20
T8	Number of victims of THB accommodated in shelters	17		8	25	8		9	17	10		14	24

<sup>1</sup> Note: The information regarding the victims of THB provided by the Service for Coordination of the Protection of THB Victims

<sup>2</sup> "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

<sup>3</sup> "Identified" within the meaning of the Convention.

Question	Table 1: Victims of THB (continued) <sup>4</sup>	2009				2010				2011			
		women	men	children <sup>5</sup>	total	women	men	Children <sup>5</sup>	total	women	men	Children <sup>5</sup>	total
	<b>Article 13 – Recovery and reflection period</b>												
T9	Number of victims of THB (including persons whom the competent authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period	4	3		7	1		1	2	5		6	11
	<b>Article 14 – Residence permit</b>												
T10	Number of victims of THB who were issued a residence permit												
	- owing to their personal situation	3	3		6	1			1	1	1		2
	- for the purpose of their co-operation with the competent authorities												
	<b>Article 15 – Compensation and legal redress</b>												
T11	Number of victims of THB who obtained compensation												
T12	Compensation awarded to victims of THB:												
	- minimum amount awarded to a victim (in euros)												
	- maximum amount awarded to a victim (in euros)												
	<b>Article 16 – Repatriation and return of victims</b>												
T13	Number victims of THB who were repatriated to your country	6	6		12	8		1	9	1			1
T14	Number of victims of THB who were repatriated from your country to another country	3	1	3	7	3			3		1		1

<sup>4</sup> Note: The information regarding the victims of THB provided by the Service for Coordination of the Protection of THB Victims. The information regarding "issued residence permit" provided by the Ministry of the Interior of the Republic of Serbia, Border Police Directorate (temporary residence permits granted on "humanitarian" grounds)

<sup>5</sup> "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

Question	<b>Table 2: Criminal Proceedings and Sanctions<sup>6</sup></b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b><u>Article 18 – Criminalisation of trafficking in human beings</u></b>				
T15	Number of criminal proceedings initiated on grounds of THB	56	68	48
	Number of convictions for THB (number of convicted persons)	31	26	64
<b><u>Article 19 – Criminalisation of the use of services of a victim</u></b>				
T17	Number of convictions for the use of services of a victim of THB			
<b><u>Article 23 – Sanctions and measures</u></b>				
T18	Number of convictions for THB resulting in penalties involving deprivation of liberty	n/a	26	63
T19	Duration of penalties on grounds of THB involving deprivation of liberty			
	- minimum duration – in accordance to CC, minimum stipulated sanction is 6 months <sup>7</sup>	n/a	From 6 months to 1 year	From 6 months to 1 year
	- maximum duration - in accordance to CC, maximum stipulated sanction is 20 years	n/a	From 5 to 10 years	From 5 to 10 years
T20	Number of judgements resulting in the confiscation of assets	n/a	1	0
T21	Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB			
<b><u>Article 26 – Non-punishment provision</u></b>				
T22	Number of victims of THB who benefitted from the non-punishment provision			

<sup>6</sup> Note: The information regarding the criminal proceedings and sanctions provided by the Ministry of Justice

<sup>7</sup> In accordance with the Criminal Code of the Republic of Serbia, the minimum statutory penalty for “traffickers” is three years of imprisonment, and for “users of services and other persons” the minimum statutory penalty is 6 month imprisonment

Question	Table 3: Country of origin of victims of THB <sup>8</sup>		2009	2010	2011
T23	<b>Number of victims of THB originating from:</b>				
	<b>-Council of Europe Member States:</b>	Albania	1		1
		Andorra			
		Armenia			
		Austria			1
		Azerbaijan			
		Belgium			
		Bosnia and Herzegovina	2	1	5
		Bulgaria			
		Croatia		1	
		Cyprus			
		Czech Republic	1		
		Denmark			
		Estonia			
		Finland			
		France			
		Georgia			
		Germany			
		Greece			
		Hungary			
		Iceland			
		Ireland			
		Italy			
		Latvia			
		Liechtenstein			
		Lithuania			
		Luxembourg			
		Malta			
		Republic of Moldova	1		1
		Monaco			
		Montenegro	1	1	2
		Netherlands			
		Norway			
		Poland			
	Portugal				
	Romania	3	1		
	Russian Federation				
	San Marino				
	Serbia	114	85	73	
	Slovak Republic				
	Slovenia	1		1	
	Spain				
	Sweden				
	Switzerland				
	"the former Yugoslav Republic of Macedonia"	1			
	Turkey			1	
	Ukraine			1	
	United Kingdom				
	<b>-other, please specify</b>	Afghanistan			2
		Dominican Republic	2		

<sup>8</sup> Note: The information regarding the nationality of victims of THB provided by the Service for Coordination of the Protection of THB Victims. The Table includes information regarding "potential victims of THB".



## **Appendix: Documents attached to the Reply to the Questionnaire from Serbia**

(available on GRETA's restricted website)

### ***Attached to the response to question 12b:***

- General Information regarding the Joint Programme of UNHCR, UNODC and IOM to Combat THB in Serbia

### ***Attached to the response to question 13:***

- List of bilateral agreements on various types of international legal assistance in criminal matters with a large number of countries
- Agreements closed by the Ministry of the Interior of the Republic of Serbia Promoting International Cooperation and Information Exchange

### ***Attached to the response to question 22b:***

- Information on the Blue Heart Campaign implemented in Serbia in 2011
- Continuous implementation of the Red Cross of Serbia anti trafficking Programme
- Serbia Protection of THB victims and Prevention Study prepared under the Join Programme in 2010 (extract)

### ***Attached to the response to question 23:***

- Description of the measures for social and economical empowerment implemented by the NGO "ATINA"

### ***Attached to the response to question 24:***

- Study of Criminal Law System and Case Law for THB in Serbia

### ***Attached to the response to question 39b:***

- Terms of reference: Fund for comprehensive direct assistance and social inclusion activities for victims of trafficking