



**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP(2014)6
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Serbia**

*adopted at the 13th meeting of the Committee of the Parties
on 7 February 2014*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Serbia on 14 April 2009;

Having examined the Report concerning the implementation of the Convention by Serbia, adopted by GRETA at its 18th meeting (4-8 November 2013) in the framework of the first evaluation round;

Having examined the comments of the Serbian Government on GRETA’s report, submitted on 6 January 2014;

Welcoming the measures to combat trafficking in human beings taken by the Serbian authorities, and in particular:

- the appointment of National Co-ordinator for Combating Human Trafficking and the setting up of the Council for Combating Human Beings, the Republican Team for Combating Trafficking in Human Beings and the Centre for the Protection of Victims of Trafficking;
- the adoption of legislation criminalising trafficking in human beings and providing for the rights of victims of trafficking;
- the steps taken in collaboration with non-governmental and intergovernmental organisations to raise general awareness of human trafficking through information campaigns, school education and training of relevant professionals;
- the efforts made to adopt a multidisciplinary approach to the identification of victims of trafficking through the setting up of the Centre for the Protection of Victims of Trafficking;

- the progress made in investigating and prosecuting cases of trafficking in human beings, and securing convictions;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Serbia, in particular:

- continuing to develop the aspect of prevention through targeted social and economic empowerment measures for groups vulnerable to human trafficking;
- taking further steps to ensure that victims of trafficking are properly identified, in particular by formalising the role and input of specialised NGOs, involving other relevant actors, pursuing a proactive approach to identification, and paying more attention to the identification of victims among asylum seekers and unaccompanied foreign minors;
- ensuring that all assistance measures provided for in law are guaranteed in practice, in particular by securing adequate financing, setting up a sufficient number of shelters and facilitating the reintegration of victims into society;
- reviewing the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law;
- ensuring that victims of trafficking have an effective possibility to obtain compensation from the perpetrators and setting up a state compensation scheme which is accessible to victims of trafficking;
- making full use of the measures available to protect victims and witnesses of trafficking THB and taking additional measures to ensure that they are adequately protected from potential retaliation or intimidation.

1. Recommends that the Government of Serbia implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Serbia (see addendum);
2. Requests the Government of Serbia to inform the Committee of the Parties of the measures taken to comply with this recommendation by 7 February 2016;
3. Invites the Government of Serbia to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Serbia

National Strategies and Action Plans

1. GRETA invites the Serbian authorities to mainstream anti-trafficking action in the next national youth strategy

Definition of "trafficking in human beings"

2. GRETA considers that the Serbian authorities should expand the scope of Article 389 of the CC to include persons up to the age of 18, in line with the Convention which considers any person under 18 a child.

Comprehensive approach and co-ordination

3. GRETA invites the Serbian authorities to continue developing co-ordination between public bodies and civil society actors engaged in anti-trafficking action and to ensure that NGOs are involved in the planning and implementation of national policy. The further conclusion of formal Memoranda of Understanding between public bodies and competent NGOs should be encouraged.

4. GRETA considers that the Serbian authorities should establish a fully-fledged post of National Co-ordinator supported by a dedicated office which is commensurate with the tasks at hand, to enable this body to effectively carry out its mandate.

5. GRETA also considers that the Serbian authorities should take further steps to ensure that national action to combat THB is comprehensive, and in particular:

- strengthen action to combat THB for the purpose of labour exploitation by involving civil society, the Labour Inspectorate, businesses, trade unions and employment agencies in a joint platform and improving the identification of and assistance to victims of THB for the purpose of labour exploitation;
- pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking, in particular children from socially vulnerable groups, displaced children and unaccompanied foreign minors, and ensure that the best interest of the child are fully taken into account.

6. Further, GRETA invites the Serbian authorities to consider the establishment of an independent National Rapporteur or other mechanism for monitoring the anti-trafficking activities of State institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).

Training of relevant professionals

7. GRETA invites the Serbian authorities to continue improving the knowledge and sensitivity of relevant professionals (including police officers, social workers, professionals working with children, labour inspectors, medical staff, public prosecutors, judges, the media and other groups concerned) about THB and the rights of victims. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.

Data collection and research

8. GRETA considers that the Serbian authorities should enhance exchanges of statistical information among the agencies responsible for collecting different types of information relating to THB. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection. When examining trends of THB in Serbia, the authorities should co-operate with NGOs providing assistance to victims with the view to taking into account the statistical information collected by such NGOs.

9. GRETA invites the Serbian authorities to continue conducting and supporting research on THB-related issues as an important source of information for the evaluation of current programmes and for planning future policy measures. Areas where more research is needed in order to shed light on the extent and trends of human trafficking in Serbia and inform policy makers include trafficking for the purpose of labour exploitation, trafficking in children and trafficking within Serbia.

International co-operation

10. GRETA invites the Serbian authorities to continue developing international co-operation with a view to combating THB and providing assistance to victims.

Measures to raise awareness and discourage demand

11. GRETA considers that future awareness-raising measures should be designed in the light of the assessment of previous measures and be focused on the needs identified. Awareness raising should continue targeting vulnerable groups and inform the general public of forms of THB which are on the rise, such as labour exploitation, forced begging, forced commission of criminal offences and trafficking within Serbia.

12. GRETA also invites the Serbian authorities to pursue their efforts to discourage demand for the services of trafficked persons, for all forms in exploitation, in partnership with the private sector and civil society.

Social, economic and other initiatives for groups vulnerable to THB

13. GRETA considers that the authorities should continue to develop the aspect of prevention through targeted social and economic empowerment measures.

14. GRETA urges the Serbian authorities to include in the Strategy for the Improvement of the Status of Roma in Serbia measures to prevent the trafficking of Roma and to provide victims with assistance and protection.

15. Further, GRETA invites the Serbian authorities to continue taking steps to secure the registration of all persons, both as a prevention measure and in order to avoid re-trafficking.

Border measures to prevent THB and measures to enable legal migration

16. GRETA considers that the Serbian authorities should make further efforts to:

- detect cases of THB in the context of border control;
- introduce a checklist to identify potential THB-related risks during the visa application system.

Identification of victims of trafficking in human beings

17. GRETA considers that the Serbian authorities should increase their efforts to detect possible victims of trafficking among asylum seekers and ensure their referral to the Centre for the Protection of Victims of Trafficking for formal identification and support.

18. GRETA considers that the Serbian authorities should take further steps to ensure that victims of trafficking are properly identified and can benefit from all the assistance and protection measures provided for under the Convention. To this end, the Serbian authorities should:

- promote multi-agency involvement in victim identification by formalising the role and input of specialised NGOs and involving other relevant actors, such as labour inspectors, social workers and medical staff;
- provide frontline staff with operational indicators, guidance and toolkits to be used in the identification process; these indicators should be regularly updated in order to reflect the changing nature of human trafficking;
- pursue a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation by encouraging labour inspections in sectors most at risk (e.g. agriculture, entertainment, service sector, construction, domestic work);
- pay more attention to the identification of victims of trafficking among asylum seekers and unaccompanied foreign minors and provide additional training to staff who come in contact with such persons as well as information on the risks of human trafficking to unaccompanied minors.

Assistance to victims

19. GRETA urges the Serbian authorities to step up their efforts to provide assistance to victims of trafficking, and in particular to:

- ensure that all assistance measures provided for in law are guaranteed in practice; when assistance is delegated to NGOs as service providers, the State has an obligation to provide adequate financing and ensure the quality of the services delivered by the NGOs;
- provide appropriate and safe accommodation with a sufficient number of places for victims of trafficking, including for men and children, in the light of the assessment of trafficking trends in Serbia;
- ensure that the services available are adapted to the specific needs of trafficking victims, including children, and that minimum standards are guaranteed when victims of trafficking are accommodated in structures not specifically designed for such victims;
- guarantee access to public health care for victims of trafficking;
- facilitate the reintegration of victims of trafficking into society and avoid re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market.

20. GRETA also invites the authorities to continue providing regular training to all professionals responsible for implementing assistance measures for victims of trafficking.

Recovery and reflection period

21. GRETA urges the Serbian authorities to review the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law and that all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention are made available during this period. It should be made clear that the recovery and reflection period is not conditional on the victim's co-operation with the law enforcement authorities.

Residence permits

22. GRETA urges the Serbian authorities to ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, particularly when they are unable to co-operate with the authorities.

Compensation and legal redress

23. GRETA urges the Serbian authorities to adopt measures to facilitate access to compensation for victims of trafficking, and in particular:

- ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;
- enable victims of trafficking to exercise their right to compensation by ensuring their effective access to legal aid, by building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary;
- enable victims of trafficking who have left Serbia to benefit from the possibilities to claim compensation.

24. Further, bearing in mind that no victims of trafficking have received compensation from the perpetrators, GRETA urges the Serbian authorities to set up a State compensation scheme accessible to victims of THB regardless of their nationality and residence status.

Repatriation and return of victims

25. GRETA considers that the Serbian authorities should take further steps to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings; this implies protection from retaliation and re-trafficking.

Non-punishment of victims of trafficking in human beings

26. GRETA considers that in order to strengthen the implementation of the non-punishment provision of the Convention, the Serbian authorities should take legislative measures allowing 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 well as issue guidance to public prosecutors advising them on the steps to be taken when prosecuting suspects who might be victims of trafficking.

Investigation, prosecution and procedural law

27. GRETA considers that the Serbian authorities should take steps to guarantee the effective application of the legal provisions concerning the confiscation of traffickers' assets.

28. GRETA invites the Serbian authorities to develop further the training and specialisation of investigators, prosecutors and judges with a view to ensuring that human trafficking offences are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions.

Protection of victims and witnesses

29. GRETA urges the Serbian authorities to make full use of the measures available to protect victims and witnesses of THB and to take additional measures to ensure that they are adequately protected from potential retaliation or intimidation in the course of judicial proceedings, including by reviewing the practice of direct confrontation of victims with suspected traffickers in court.

30. GRETA also considers that the Serbian authorities should ensure that child victims of trafficking are afforded special protection measures taking into account the best interests of the child.