



CP(2019)12

**Report submitted by the Serbian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation  
CP(2018)6 on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

**Second evaluation round**

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## Issues for immediate action

### 1)

Referring to Article 5, paragraph 5, of the Convention, according to which Parties to the Convention shall take specific measures to reduce children's vulnerability to trafficking, as well as the Council of Europe's Action Plan on protecting refugee and migrant children (2017-2019),<sup>53</sup> GRETA urges the Serbian authorities to strengthen their efforts in the area of prevention of child trafficking, in particular by: - ensuring that unaccompanied and separated children benefit from effective care arrangements, including safe and appropriate accommodation, and that reception centres for migrants, centres for social work and facilities for children have adequate human and financial resources to fulfil their tasks efficiently; - ensuring timely appointment of guardians and effective guardianship to unaccompanied foreign children (paragraph 73);

All unaccompanied children have the right to be represented by a temporary guardian. A temporary guardian is a person appointed to protect the interests and rights and represent an unaccompanied minor. The Commissariat for Refugees and Migration staff that is often in first contact with an unaccompanied minor inform the local Centre for social work for appointing a temporary guardian. The center for social work is obliged to bring the decision on the temporary guardianship in written form immediately. The decision on temporary guardianship is made by the Center for social work that has territorial jurisdiction. The general duty of the temporary guardian is to represent interest and right of the child establishing relations of trust with the child and support the child in the participation of all procedures concerning him/her.

Guardianship body, designate a temporary guardian to the unaccompanied minor immediately after it has been established that he/she is an unaccompanied minor and, in any case, before the submission of his/her asylum application. The unaccompanied minor is informed without delay about the appointment of the temporary guardian. The temporary guardian is obliged to inform the minor without delay about the asylum procedure and his rights and obligations. Exceptionally, temporary guardian is not appointed to the unaccompanied minor over 16 years of age who is married.

The processings relating to asylum applications by unaccompanied minors, as well as other proceedings relating to the rights of unaccompanied minors, have priority over other procedures.

An unaccompanied minor who has been granted the right to asylum have a guardian, or a legal representative, appointed by the guardianship authority at the earliest possible time. The unaccompanied minor who has been granted the right to asylum is accommodated primarily together with his/her adult relatives or with persons with whom he/she has particularly close bonds. An unaccompanied minor who has been granted the right to asylum may be placed in a foster family or a social welfare institution under special conditions and in the procedure according to the Law. In deciding on the accommodation for an unaccompanied minor, whenever it is possible, brothers and sisters will be accommodated together, in accordance with their best interest, taking into account their age and maturity.

The twinning project "Support to the National Asylum System in the Republic of Serbia" is funded by the European Union and implemented by the Commissariat for Refugees and Migration and Ministry of Interior of the Republic of Serbia in partnership with the Swedish Migration Agency, Immigration and Naturalization Service of the Netherlands and Ministry of Interior of the Republic of Slovenia. The Project was implemented during the end of 2015 up to January 2018. One of result of this project is adoption of "Manual for service providers dealing whit unaccompanied minor asylum seekers in the Republic of Serbia".

The right to education of migrant children is based on the fundamental rights guaranteed above all the UN Convention on the Rights of the Child, the Constitution of the Republic of Serbia, the Law on Foundations of Educational System, the Law on Asylum and Temporary Protection and the Law on Prohibition of Discrimination. This implies a legal obligation to include migrant children into the

educational system of the Republic of Serbia, respecting the right to education, the right to leisure, to engage in recreational activities appropriate to the age of the child and to participate freely in cultural life. In school year 2018/2019 all migrant children, regardless of their status, 7-14 years old, (currently 348) are included in the program of compulsory primary education. Currently, 40 preschool children are included in compulsory pre-school education, while 71 children are included in the secondary education.

Inclusion of migrant children in the educational system ensures their re-socialization and integration into a new environment, interculturality and suppression of discrimination are being developed, conditions for achieving many significant results that directly contribute to the achievement of the goals of education, both of migrant and local children are being created.

## 2)

GRETA once again urges the Serbian authorities to take steps to improve assistance to victims of trafficking, in particular by: - ensuring that specialised support and services are provided to victims of trafficking; - guaranteeing the availability of appropriate and safe accommodation with a sufficient number of places for victims of trafficking, including men; - providing adequate financing for services delivered by specialised NGOs; - facilitating the reintegration of victims of trafficking into society, including by providing them with vocational training, and ensuring adequate resources the services assisting them in their integration. (paragraph 128) ;

On 28th June 2018, with the aim of improving cooperation, better combating trafficking in human beings and protecting the rights of victims of trafficking in human beings, the Ministry of Interior, the Ministry of Labor, Employment, Veteran and Social Affairs and the Public Prosecution Office concluded the Memorandum on Cooperation in the field of suppression of human trafficking and the rights protection of human trafficking victims, as a result of activities of the project IPA 2013 "Combating organized crime".

The Memorandum represents a step towards improving the cooperation of the signatories in order to better combat the squares not to people and protecting the rights of trafficked persons. The Memorandum defines the mutual rights and obligations of the signatories in the areas of identification of victims of trafficking in human beings, assistance and protection of victims' safety, prevention of trafficking in human beings and statistical reporting in order to investigate the phenomenon of trafficking in human beings.

On February 3, 2019, the (state) Shelter for emergency accommodation of victims of trafficking in human beings, as part of Centre for the Protection of Victims of Trafficking in Human Beings was opened, which is available 24 hours, with a capacity of up to 6 beneficiaries (from age 16).

By the decision of the Deputy Prime Minister, the Chairman of the Council for Combating Human Trafficking and the Minister of the Interior Nebojša Stefanović PhD on 29th May 2018, a Special Work Group was formed to draft an Action Plan 2019-2020 for the implementation of the Strategy to Prevent and Suppress Trafficking in Human Beings, especially Women and Children, and Protect the Victims 2017-2022.

The Work Group's task is to draft an Action Plan for the implementation of the strategy. In the reporting period the working group held 6 workshops and drafted an Action Plan for the period 2019-2020, which will include the GRETA Recommendations for the implementation of the Council of Europe Convention on the fight against human trafficking (especially related to specialised support and services for VoT, facilitating the reintegration of victims of trafficking into society and etc) .

Support to the drafting of the strategic document is provided by the project "From danger to safety - Improving the protection of victims of trafficking in human beings in Serbia", conducted by the International Rescue Committee Serbia (IRC) with the support of the US State Department's Office for Trafficking and Fighting Human Trafficking.

New Action plan now in procedure for adoption by Government.

On 5th February 2018 through the Ministry of State Administration and Local Self-Government the Conclusions of the first meeting of Council were forwarded to all the mayors of the cities where Local anti-trafficking teams were formed, in order to undertake activities in the communication of the Strategy and realization of adopted conclusions and improvement of the work of local teams. In this regard, the work of the Local anti-trafficking teams is currently being formalized and organized in 17 cities throughout the territory of the Republic of Serbia by the local self-government bodies, in line with the multidisciplinary approach.

Support to the work of local teams for combating trafficking in human beings is carried out within the project "From danger to safety - Improving the protection of victims of human trafficking in Serbia", implemented by the International Rescue Committee (IRC) and the Association for Combating Trafficking in Human Beings and all forms of gender-based violence (NGO Atina) with the support of the US Department of State's Office for Monitoring and Combating Trafficking in Human Beings. In the period January - December with the decision of the Mayor in Novi Sad, Pančevo and Subotica, teams for the fight against human trafficking were formed, while the local team in Vranje was educated in the previous period. Activities of individual local anti-trafficking teams were presented in the next report.

### 3)

GRETA urges the Serbian authorities to take further steps to improve the identification and assistance of child victims of trafficking, and in particular to: - intensify their efforts to identify victims of trafficking among unaccompanied and separated foreign children in reception centres for migrants and asylum seekers, other facilities and outside any formal facilities; - provide adequate assistance and services adapted to the needs and the rights of child victims of trafficking; - provide further training to all stakeholders (police, migration and asylum authorities, centres for social work, NGOs, health care and education professionals) as well as guidance for the identification of child victims of THB (paragraph 138);

With the support of the International Organization for Migration (IOM) and the Council of Europe in May 2018 began the drafting of the Standard operative procedures (SOP) for the treatment of victims of trafficking in human beings at the national and transnational level. One of the task of Special work group for implementation and monitoring of the Strategy to Prevent and Suppress Human Trafficking, especially women and children, and to Protect the Victims Thereof 2017-2022, was is discussion and adoption of draft of new SOP.

The Special work group consists of representatives from a total of 17 ministries and state bodies with expertise in the area of importance for the implementation of the Strategy, the Red Cross of Serbia and two specialized civil society organizations Atina and Astra. Four special meetings of the Special working group were organized so far, one meeting just for discussion relating to new SOP.

In the second meeting of Council for Combating Human Trafficking on 25. January 2019. Council adopted new SOP for protection victims of trafficking and recommended for using.

This recommendations and SOP will be made publicly available on the website of the Ministry of Internal Affairs, very soon.

In order to improve the proactive system of detecting cases of trafficking in human beings and more efficiently prosecuting the perpetrators of criminal offense of trafficking in human beings, the Chairman of the Council for Combating Human Trafficking formed on 22nd December 2017 an inter-ministerial work group to adjust existing mechanisms for cooperation between competent authorities and establish new ones in accordance with a proactive approach. The inter-ministerial work group consists of representatives of the Ministry of Interior, Ministry of Justice, Ministry of Labor, Employment, Veteran and Social Affairs, Labor Inspections, The Public Prosecutor's Office, the Prosecutor's Office for Organized Crime and the Criminal Police Academy.

In accordance with the conclusions of the first meeting of Council for Combating Human Trafficking and the recommendations of the Interdepartmental Work Group for adapting the existing mechanisms for cooperation of the competent authorities and establishing new ones in accordance with a proactive approach, on 15th March 2018 on behalf of the Police Director police teams for the suppression of human trafficking were formed within the Police Directorate, at the level of regional police administrations, Police Directorate for the City of Belgrade and within the Criminal Police Directorate - SBPOK.

On 11th April, 2018 in Belgrade, the first coordination meeting of all members of police teams for the fight against trafficking in human beings (a total of 100 police officers) was held, on which occasion they received instructions regarding their further work and proactive action in this area.

In this regard, from January to December 2018 police officers of the Ministry of the Interior filed 27 criminal charges on grounds of reasonable suspicion that the criminal offense of Trafficking in Human Beings was committed. The applications included 50 perpetrators of the criminal offense and identified 32 victims - victims of the crime, which is a double increase compared to the comparative period of 2017, when 11 criminal charges were filed against 16 perpetrators, on which occasion 13 victims were registered.

During 2018 the Center for the Protection of Trafficking Victims formally identified 76 Victims of Trafficking in Human Beings, 57 female victims and 19 male. From this number minors victims is 32 and adults 44.

When a detailed statistical report is translated, it will be sent to CoE.

With the reform of the organizational units of the Ministry of Internal Affairs dealing with the suppression of human trafficking and the change in job classification, the jurisdiction to act in cases of trafficking in human beings has been transferred from the Border Police Directorate to the Criminal Police Directorate, i.e. the organizational capacities of the Criminal Police Directorate in the fight against human trafficking have been improved.

Support for the reform of anti-trafficking units is being provided by the European Union – by training of police officers of the criminal police through IPA 2013, which was completed in July this year.

The new two years Twinning Project "Strengthening Capacities for Combating Trafficking in Human Beings" from the IPA 2014 program, worth € 1,000,000, led by the Police Directorate, Criminal Police Directorate, was launched on 28th September 2018. with a grand opening at a conference in Belgrade.

Twinning partners are the countries of the European Union, Austria and Slovenia. The overall objective of the project is to contribute to the fulfillment of EU accession criteria and the implementation of Chapters 23 and 24 of the Action Plan through strengthening the capacity of relevant institutions to combat all forms of trafficking in human beings in line with EU best practices. The objective of the project is to improve the detection of cases of trafficking in human beings as well as the prevention and protection of victims of trafficking through the strengthening of the capacity of the Criminal Police Directorate for efficient co-ordination with other relevant institutions (the Center for the Protection of Human Trafficking Victims - Ministry of Labor, Employment, Veterans and Social Affairs and Public Prosecutor's Office).

Also, with the contract "Procurement of equipment necessary for combating trafficking in human beings" within the EU IPA 2014 program is being planned the procurement of equipment for the suppression of human trafficking in the amount of EUR 840,000.

One of the tasks of the Interdepartmental Work Group is to draw up an analysis of the current situation in the field investigation of trafficking in human beings in order to conduct proactive investigations. This working group finished functional analysis of the existing mechanisms of cooperation in a proactive

detection of human trafficking cases with recommendations for improvement is under way, which was developed with the support of prosecutors and police - the anti-trafficking experts from the Netherlands.

In the second meeting of Council for Combating Human Trafficking on 25. January 2019. Council adopted recommendation relating to proactive investigation. This recommendations will be made publicly available on the website of the Ministry of Internal Affairs, very soon.

#### **4)**

GRETA once again urges the Serbian authorities to ensure, in compliance with Article 13 of the Convention, that all presumed foreign victims of trafficking are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period (paragraph 147);

On 22 March 2018, National Assembly of the Republic of Serbia adopted the new Law on Foreigners which, inter alia, by the provisions of article 62 regulates temporary residence of the assumed victim of human trafficking (reflection period) and by the provisions of article 63, temporary residence for the victims of human trafficking.

Furthermore, by the provisions of article 3, which defines the meaning of terminology, the term particularly vulnerable person includes human trafficking victims, who receive special treatment when it comes to the returning procedure, in line with the provisions of article 75.

The aforementioned provisions are in line with the Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

On 22 March 2018, National Assembly of the Republic of Serbia adopted the new Law on Asylum and Temporary Protection, which by the provisions of article 10 envisages that in the course of the assessment of a minor person's best interest, the protection and safety of the minor needs to be taken into account, especially when it is suspected that the minor is a victim of human trafficking.

Furthermore, by the provisions of article 17, human trafficking victims are recognised as a particularly vulnerable group to receive special procedural and reception guarantees, i.e. to whom adequate assistance is provided, as due to their personal circumstances, they are unable to realise their rights and obligations.

The aforementioned provisions are in line with the Directive 2013/33/EU laying down standards for the reception of applicants for international protection.

#### **5)**

GRETA once again urges the Serbian authorities to adopt measures to facilitate and guarantee access to compensation for victims of trafficking, including by: - ensuring 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; - enabling victims of trafficking to exercise their right to compensation, 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; - encouraging prosecutors to request compensation orders to the largest possible extent and judges to consider compensation claims in criminal proceedings; - making full use of the legislation on the freezing and forfeiture of assets to secure compensation to victims of THB; - setting up a State compensation scheme for victims of THB, regardless of their nationality and residence status (paragraph 159).

The Ministry of the Interior in cooperation with the Council of Europe and other national anti-trafficking actors is implementing the project "Prevention and Combating Trafficking in Human Beings in Serbia" under the Horizontal Support Program for the countries of the Western Balkans and Turkey.

Within the project, the leaflet "Victim of human trafficking: understanding your rights and the support you can expect" was developed with the aim of informing victims of trafficking about their rights, such as the right to free legal aid and compensation, and assistance they can reach out to. The leaflet is developed in close co-operation with NGO Astra and published in 5 languages Serbian, English, Albanian, Romani and Hungarian. The leaflet is being distributed through national NGOs, social care centres and police.

In order to build the capacity of legal practitioners to support victims to claim compensation number of activities was implemented for different target groups of professionals:

Training for judges on access to compensation for victims of human trafficking in February 2018. Twenty judges from eight cities in Serbia were trained by on how to further access to compensation for victims of human trafficking in both civil and criminal proceedings. The training also included presentation on international and national legal framework that is relevant when tackling compensation for trafficking victims, human rights-based approach and presentation of case from Serbia where compensation was awarded to a victim of human trafficking.

The workshop on compensation for victims of human trafficking and effective financial investigation, held in Belgrade, November 2018 gathered prosecutors, judges and financial investigators in view of their strategic role in ensuring effective investigation in cases of human trafficking. During the workshop, the participants were informed about trends and challenges in Court proceedings and financial investigations in human trafficking cases. They had the opportunity to discuss possible ways forward to make full use of the existing legislation on the freezing and forfeiture of assets to secure compensation for victims of trafficking. Furthermore, the participants learned about the experience of the Dutch authorities on tracing financial flows in cases of human trafficking and managing the process that leads to the confiscation of assets.

In addition, a round-table meeting on good practices in establishing a State Compensation Scheme accessible to victims of trafficking in human beings was organized in Belgrade in November 2017. The objectives of the meeting were to present existing models of State compensation schemes accessible to victims of trafficking in human beings or specifically set up for such victims, to assess weaknesses and strengths of different models of State compensation schemes and to examine the modalities for setting up a State compensation scheme in Serbia. The meeting brought together public authorities and civil society actors, providing a platform for exchange of experiences from different professional perspectives. The First Vice President of GRETA described the obligation of the Parties to the CoE Convention against human trafficking as well as GRETA's recommendations on compensation. International experts presented the compensation scheme of Sweden, Austria and the Netherlands. The participants discussed the current situation in Serbia and possible measures for setting up a State compensation scheme.