

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Recommendation CP/Rec(2023)06
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Serbia**

*adopted at the 32nd meeting of the Committee of the Parties
on 16 June 2023*

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;

Recalling Committee of the Parties' Recommendation CP(2018)6 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia and the report of the Serbian authorities on measures taken to comply with this recommendation, submitted on 8 February 2019;

Having examined the third report concerning the implementation of the Convention by Serbia, adopted by GRETA at its 47th meeting (27-31 March 2023), as well as the comments of the Serbian Government received on 5 May 2023;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Serbia;

Welcoming the measures taken and progress achieved by the Serbian authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to action against human trafficking, including amendments to the Law on Foreigners providing for a 90-day recovery and reflection period for presumed victims of trafficking and a residence permit regardless of whether victims of trafficking co-operate in the investigation;
- the adoption of the Law on Free Legal Aid, which recognises victims of human trafficking as a vulnerable category entitled to free legal aid and legal assistance;
- the designation of the Office of the Ombudsman as National Rapporteur on Human Trafficking;
- the existence of specialised anti-trafficking units and trained officials within the police and the Prosecutors' Office;
- the adoption of revised Standard Operating Procedures for the Treatment of Victims of Human Trafficking and the provision of training to professionals involved in the identification of victims;
- the steps taken to train labour inspectors and raise awareness about labour exploitation;
- the dissemination of guidelines on the application of the non-punishment principle.

A. Recommends that the Government of Serbia take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. Take further steps to guarantee trafficking victims' access to legal assistance and free legal aid, in particular by ensuring that:
 - trafficking victims who are provided free legal aid through the municipal free legal aid services are appointed a lawyer with knowledge of human trafficking;
 - training and specialisation of lawyers to provide legal aid to trafficking victims is encouraged by the authorities and the Bar Association;
 - the costs of free legal aid and legal assistance provided to victims of trafficking by NGOs and lawyers hired by them are reimbursed from the State budget (paragraph 58);
2. Set up without further delay a state compensation scheme for victims of human trafficking, regardless of their nationality and residence status (paragraph 88);
3. Take measures to strengthen the criminal justice response to human trafficking, including by:
 - ensuring that human trafficking offences are investigated proactively and promptly, regardless of whether a complaint about the reported crime has been submitted or not, making use of all possible evidence, including evidence gathered through special investigative measures, financial evidence, documents and digital evidence, so that there is less reliance on testimony by victims or witnesses;
 - ensuring that human trafficking offences are prosecuted as such, rather than as lesser offences, every time the circumstances of the case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

- ensuring that the plea-bargaining procedure is used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and that the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;
- intensifying their efforts to identify, seize and confiscate criminal assets generated by trafficking offences (paragraph 112);

4. Ensure the protection of the private life and identity of victims of trafficking, in line with Article 11 of the Convention, through the issuance of appropriate instructions to all relevant professionals (paragraph 130);

5. Intensify their efforts to prevent and combat human trafficking for the purpose of labour exploitation, taking into account GRETA's Guidance Note on combating trafficking for labour exploitation and the CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation. This should include steps to:

- strengthen the capacity of labour inspectors so that they can be actively engaged in the prevention of human trafficking and ensure that their mandate includes a concrete focus on detecting potential victims of human trafficking for labour exploitation;
- address the risks of human trafficking in the construction and agriculture sector and ensure that sufficient resources are made available to labour inspectors to fulfil their mandate and carry out proactive and systematic inspections;
- with a view to preventing trafficking of migrant workers, ensure that the living and working conditions of migrant workers meet all the requirements laid down in legislation and relevant international instruments, and provide adequate information on rights and social insurance coverage to migrant workers;
- proactively and thoroughly investigate allegations of human trafficking for labour exploitation involving foreign workers, ensuring that any possible victims of trafficking among them are identified in a timely manner and are offered appropriate assistance;
- provide further training to labour inspectors, law enforcement officers, prosecutors and judges, on combating human trafficking for the purpose of labour exploitation and the rights of victims;
- raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
- work closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 191);

6. Take steps to improve assistance to victims of trafficking, in particular by:

- guaranteeing the availability of appropriate and safe accommodation for all victims of trafficking, including men and children;
- ensuring that victims of trafficking are provided with adequate long-term support and assistance, according to their individual needs;
- allocating adequate funding for services delivered by specialised NGOs providing accommodation and support to victims of human trafficking (paragraph 224).

B. Recommends that the Serbian authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Serbia to report to the Committee of the Parties on the measures taken to comply with this recommendation by **16 June 2025**.

D. Invites the Government of Serbia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.