



GRETA

Group of Experts on Action
against Trafficking in Human Beings

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

Third evaluation round

Thematic focus: Access to justice and effective remedies for victims of trafficking in human beings

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Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

Provision of information to victims at the Centre for the Protection of Victims of Human Trafficking is part of a professional procedure that runs continuously from the moment the first contact with a presumed victim has been established till the moment provision of support ends. Provision of information may start during the initial telephone contact, so that further actions may be agreed upon, or during the first meeting, so that needs may be assessed and/or for the purpose of identification. When providing information to a victim, his / her current condition is taken into account, including his/her current capacity to receive and process information, and urgency to share certain information to enable the beneficiary to make at that moment an informed decision(s) regarding priority needs. Information is provided in a language that the beneficiary understands, with the help of interpreters when necessary, or using modern means of communication (Google Translator and others). The professional associate who provides information to the beneficiary is required to check whether he/she has understood the information provided.

Bearing in mind the importance of adequate provision of information to victims during the first contact, unique information brochures on the rights of victims have been developed for adults and for children, in Serbian and English, with the support of the Project "From Danger to Security - Improving the Protection of Victims of THB in Serbia", implemented by the International Rescue Committee (IRC) and the Atina Citizens' Association, with the financial support of the US State Department.

The translation of the information brochure for people with THB experience into Romani, Albanian, Hungarian, Romanian, Bulgarian, Macedonian, Farsi, French and Urdu was made possible with the support of the regional project for preventing and combating trafficking in human beings in the Western Balkans implemented by the German Corporation for International Cooperation (GIZ), funded by the German Federal Ministry for Economic Cooperation and Development.

With a view of ensuring continuity and uniformity of provision of information during the first contact, related information brochures are used by all the actors involved in the preliminary identification - police, centres for social work, civil society organizations, prosecutors, Centre for the Protection of Victims of Human Trafficking, Commissariat for Refugees and Migration, and others.

The Centre for the Protection of Victims of Human Trafficking, in cooperation with the International Organization for Migration (IOM), has developed two information brochures for migrants, in Arabic, Farsi, English and Serbian: "Trafficking does not only happen to others" and "In migrations as well, human trafficking is not the same as human smuggling", as well as an information poster about the Centre for the Protection of Victims of Human Trafficking. Related materials will be delivered to GRETA.

The Center for the Protection of Victims of Human Trafficking and the IDEAS Center for Research and Development have jointly developed an informational flyer on human trafficking for migrant children, especially targeted at unaccompanied children, "Protect yourself against human trafficking", in Arabic, Farsi and Serbian. Related materials will be delivered to GRETA.

During migrants' and asylum seekers' reception and stay in reception and asylum centres, staff of the Commissariat for Refugees and Migration continuously provide information on the support system, protection and rights of presumed victims and victims of THB, in accordance with the Standard Operating Procedures for the Treatment of Victims of Human Trafficking.

There are, also, regular meetings and sessions targeted at raising awareness among migrant population about the issue of trafficking in human beings, conducted by the Commissariat for Refugees and Migration in cooperation with international and non-governmental organizations.

In the period from 2018 to end-June 2021, in 3 asylum and 3 reception centres, CSO Atina in cooperation with the Commissariat for Refugees and Migration, delivered 338 thematic educational workshops aimed at informing migrant population on how to recognize and protect themselves against human trafficking and other risks. These workshops were attended by a total of 2,223 women and children from among the migrant population accommodated in these centres.

Trainings are continuously delivered to Commissariat's staff in the centres, in cooperation with relevant international organizations and civil society organizations. Related trainings in the field of work with, and protection and treatment of vulnerable categories of migrants, identification of potential victims of human trafficking, gender-based violence and the like, are targeted at ensuring provision of adequate support to migrants and prevention of various forms of violence. All suspected THB cases are immediately referred to the competent services in accordance with the standard operating procedures.

Attached is a link to the material "Overview of measures taken to preserve the welfare of beneficiaries with a focus on preventing exploitation and abuse", primarily intended for the staff of the Commissariat for Refugees and Migration, and their enabling to recognize and respond to observed abuses, but also for other stakeholders, which was developed with the support of the UNICEF office in Serbia. (<https://kirs.gov.rs/media/uploads/Pregled-mera-za-ocuvanje-dobrobiti-korisnika-web.pdf>). This overview of measures contains information on the policies, mechanisms and procedures of the Commissariat for Refugees and Migration applied to ensure prevention of abuses or, if they have already occurred, adequate and timely response to them.

The Law on Asylum and Temporary Protection ("Official Gazette of RS", no. 24/2018), in Article 17, prescribes special procedural or reception guarantees, for categories of persons such as: minors, persons with disabilities, elderly persons, pregnant women, single parents with minor children, persons with mental disorders, as well as victims of trafficking. Special procedural and reception guarantees serve to provide the appropriate assistance to the Applicant who, due to his/her personal circumstances, is not able to exercise his/her rights and obligations. As regards potential victims of human trafficking, the procedure of identifying these categories of persons is carried out by the Ministry of the Interior (MoI) Police Directorate, Border Police Directorate - Asylum Office as an ongoing activity, starting at the earliest reasonable time after the expression of the intention to apply for asylum in the Republic of Serbia at the border or transit zone. During the procedure, the police officers of the Asylum Office provide all the necessary information to potential victims of human trafficking.

Also, cooperation has been established with all competent authorities, especially with the Centre for the Protection of Victims of Human Trafficking, to which the Asylum Office promptly conveys information on its findings made during the submission of asylum applications or interrogations, related to obvious victims of human trafficking.

Rights of the injured party / victim are also prescribed by the Criminal Procedure Code (Article 50 of the CPC). These rights, enjoyed throughout the procedure, include the right to realize a restitution claim, the right to file an appeal against the decision on the adjudicated restitution claim, the right to submit objections to the public prosecutor's decision to dismiss the criminal complaint, suspend investigation or abandon criminal prosecution. Also, the injured party / victim has the right to file an appeal against the decision on the costs of the criminal proceedings and the adjudicated restitution claim, as well as to be notified about the outcome of the proceedings and to be served the final judgment.

Referred article of the Law prescribes, *inter alia*, that the public prosecutor and the court are obliged to advise the injured party / victim of the rights defined in this article.

The authority conducting proceedings (police, public prosecutor's office or court, depending on the stage of the procedure) is required to advise the defendant or another participant in the proceedings (victim), in accordance with the provisions of this Code, about the rights to which they are entitled, and to caution them of the consequences of the omission (Article 8 of the CPC).

The injured parties / victims are entitled to use their own languages and scripts in the criminal proceedings in which they participate. If the proceedings are not being conducted in their language and unless, after being advised on their right to interpretation/translation, they declare that they know the language in which the proceedings are being conducted and that they waive their right to interpretation/translation, the interpretation of what they or others are saying, as well as translation of instruments and other written evidence, shall be provided and paid from the budget funds (Article 11 of the CPC).

In December 2016, the Republic Public Prosecutor issued General Mandatory Instruction on the manner of acting of the Services for Information and Support to Injured Parties and Witnesses with Public Prosecutor's Offices, which were established with the aim of enabling injured parties / victims and witnesses of crimes to exercise their right to receive information and their right of access to support services during the proceedings at the public prosecutor's office, in order to facilitate their participation in the proceedings and increase the efficiency thereof.

The main tasks of the Service for Information and Support are to provide the necessary information to the injured parties and witnesses regarding their participation in the proceedings, primarily in the investigation stage, to assess their needs, and provide them with information on how to realise them. Along with the summons, the injured parties / victims and witnesses are delivered a brochure with basic information about their rights and information about the Service for Information and Support.

The National Strategy for the Exercise of the Rights of Victims and Witnesses of Crimes in the Republic of Serbia for the period 2020-2025, adopted on 30 July 2020, defined as its Special objective 1: the Establishment of the National Network of Support Services to Victims and Witnesses of Crimes in the Republic of Serbia, along with the preservation and continuous improvement of the achieved standards of quality and availability of support services.

The right of a child to be informed about his / her rights and obligations in a manner appropriate to his / her age and in a language he / she understands during contacts with the police in the Republic of Serbia is regulated by the Rulebook on the manner and conditions of exercising police powers against minors ("Official Gazette of RS", no. 83/2019).

Pursuant to Article 3 of referred Rulebook, all police officers who exercise police powers against a minor (a person under the age of 18) are obliged to take into account the legal status, best interests, health and dignity of the minor, his/her mental, emotional and other personal properties and protection of his/her privacy, and to prevent producing any adverse effects on a minor.

It is further stated that the procedure of applying police powers against a minor is an urgent procedure, which shall be conducted respecting the principles of legality, professionalism, equality and humanity, in a language that the minor understands, upon a prior notice on the legal reasons for exercising those powers and on his/her rights, respecting international norms and standards of the United Nations and the Council of Europe.

About the undertaken police actions, as well as the reasons for their undertaking, police officers shall first inform verbally, in a language that the minor against whom actions have been undertaken understands, his/her parents or other legal representative (guardian, representative of the guardianship authority or residential institution for minors in which the minor is placed)¹, as well as the defence counsel when the minor is questioned as a suspect in the police, and thereafter they shall serve the minor a written note on the rights of minors in the pre-investigation proceedings or on the rights of minors in the misdemeanour procedure, and check in direct conversation² whether the minor and his/her parents or other legal representative, have understood the rights and obligations about which the minor was advised.

Also, during the exercise of police powers, police officers shall enable minors and their parents or other legal representative to actively participate in the proceedings, by presenting objections and their opinions and, at their request, shall issue them a copy of the official note or minutes of the collected information, with their objections and opinions stated therein.

Notices on the rights of minors in pre-investigation and misdemeanour proceedings are available on the website of the Ministry of the Interior (<http://www.mup.gov.rs>) in Serbian (Cyrillic and Latin), languages of national minorities, and in English.

Particularly important is the improvement of the capacity of the Labour Inspectorate to identify victims of human trafficking for the purpose of labour exploitation, which has been supported since 2016 through the Council of Europe project "Prevention and Combating Trafficking in Human Beings in Serbia" under the Horizontal Facility for the Western Balkans and Turkey. A labour inspector who during the inspection encounters a person for whom he/she suspects that is a victim of trafficking shall advise such person of his/her rights and the manner in which he/she may exercise them - if possible, in a language that the victim can understand.

The labour inspector shall immediately contact the Centre for the Protection of Victims of Human Trafficking, the police and specialized civil society organizations, as well as the Center for Social Work, if he/she detects a person presumably being under 18 who performs work that is not permitted for that age. The Labour Inspectorate shall take actions in accordance with the Guide for Labour Inspectors on the Detection and Preliminary Identification of Victims of Trafficking in Human Beings.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

The Centre for the Protection of Victims of Human Trafficking provides translation/interpretation from and into English directly. Interpreters/translators from international and domestic organizations, which have interpretation/translation services in their programs, are engaged to provide information to migrant population and asylum seekers in mixed migrations.

In all asylum and reception centres, the Commissariat for Refugees and Migration engages interpreters/translators for the most frequently spoken languages (Arabic, Farsi and Pashto), to provide

¹ If the parent or other legal representative is not present, because their presence could not be ensured for objective reasons, they will be substituted, subject to meeting appropriate legal conditions, by a representative of the guardianship authority (competent center for social work), who in agreement with the minor may enable him/her to inform about his/her status, if his/her freedom of movement was temporarily restricted by the police, the so-called "person of confidence - a person of his/her choice", who can attend further questioning.

² The police officer shall ask a minor if he/she understood the information stated in the note, and if he/she did not, police officer shall give him/her additional oral explanations in a way and language that is understandable to a minor, having in mind his/her age and maturity. A minor has the right to refuse to read or sign the note, which shall be recorded in that note by the police officer.

beneficiaries interpretation/translation into a language they can understand. Interpreters/translators are also engaged in cooperation with international and non-governmental organizations, as needed.

The Law on Asylum and Temporary Protection prescribes, in Article 13, the Principle of Free Interpretation, which implies that an asylum seeker who does not understand the official language of the procedure shall be provided free interpretation services into his/her native language, or a language that he/she can understand. The free interpretation services include the use of sign language, as well as the availability of Braille materials. This provision covers all categories of asylum seekers without exception, including victims of trafficking.

In practice, police officers from the Border Police Directorate - Asylum Office engage individual interpreters, correspondingly to the country of origin of asylum seekers, from the UNHCR List of interpreters, which covers a wide range of different languages. Police officers of the Border Police Directorate - Asylum Office pay special attention to sensitivity, therefore in practice, if it is suspected that an asylum seeker is a potential victim of human trafficking or has suffered various forms of physical and especially sexual violence, he/she shall be provided with interpretation services by a person of the same sex.

Injured parties / victims participating in criminal proceedings shall be entitled to use their own languages and scripts during proceeding, and, where proceedings are not being conducted in their language and if, after being advised on the right to translation, they declare that they know the language in which the proceedings are being conducted and that they waive their right to translation, the interpretation of what they or others are saying, as well as translation of instruments and other written evidence, shall be secured and paid from budget funds (Article 11 of the CPC).

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Legal assistance to presumed victims and victims of THB in most cases is provided by the Centre for the Protection of Victims of Human Trafficking and civil society organizations. All forms of legal assistance to beneficiaries (presumed victims and victims of THB) are free of charge. The Centre for the Protection of Victims of Human Trafficking provides proxies to beneficiaries on its own (pays proxy services from budget funds), or in cooperation with civil society organizations, when its own funds are insufficient.

Legal assistance may be provided in the form of provision of legal information, protection of the rights of victims during their participation in court proceedings, or in performing other necessary legal actions. When legal assistance is provided within the framework of coordinated beneficiary protection, it constitutes an integral part of the Individual Beneficiary Protection Plan.

Legal assistance to children is provided in the same way as to adult victims, except for parent's or guardian's consent which is required in case of children. The Centre for the Protection of Victims of Human Trafficking and specialized civil society organizations ensure that children are provided child-sensitive legal assistance by lawyers licensed for work with children.

On the territory of the Republic of Serbia, there are numerous civil society organizations that provide free legal assistance to all categories of asylum seekers, including victims of THB. Free legal assistance comprises representation of individual applicants before the competent authorities of the Republic of Serbia (Border Police Directorate - Asylum Office), taking all actions in the proceedings in the interest of asylum seekers, filing appeals and other legal remedies, representation in administrative court proceedings. Civil society organizations also provide free legal assistance in the asylum procedure to unaccompanied minors, whose interests in the procedure are also represented by temporary guardians appointed by a decision of the competent Center for Social Work.

In accordance with the Law on Free Legal Assistance, victims of THB, also on such grounds, are entitled to free legal assistance *ex lege* regardless of the fulfilment of other legally prescribed conditions. Seekers of free legal assistance only need to mark in the application submitted to local self-government bodies that they belong to a vulnerable group, in this case victims of THB, upon which the application shall be referred to the provider who shall provide free legal assistance related to the relevant legal problem. The providers can be: legal assistance services with local self-government units, lawyers or, as is most often the case, citizens' associations specialized in providing assistance to vulnerable groups.

Free legal assistance is being provided from the moment the application is approved by the local self-government body, while forms of free legal assistance comprise provision of legal advice, drafting of statements of cases, representation and defence.

As regards children, children are also recognized as an *ex lege* category, and all children are entitled to free legal assistance in accordance with the Law on Free Legal Assistance.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

As replied under 2.1, legal assistance to presumed victims and victims of THB is in most cases provided by the Centre for the Protection of Victims of Human Trafficking and civil society organizations, irrespective of immigration status or type of exploitation.

Under the Law on Asylum and Temporary Protection, as well as under the Law on Free Legal Assistance, in all asylum and reception centres where migrants are received and taken care of, irrespective of their legal status, free legal assistance is available and provided to all migrants by registered providers of free legal assistance (most often civil society organizations). All centres have made special office space available to civil society organizations that provide free legal assistance or psychosocial support. Every person accommodated in the centre has the right to contact authorized UNHCR staff.

Seekers of free legal assistance, in accordance with the Law on Free Legal Assistance, only need to mark in their application that they belong to a vulnerable group, in this case victims of THB, upon which their application shall be referred to the provider, irrespective of immigration status or type of exploitation.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions?

As replied under 2.1, legal aid to presumed victims and victims of THB is in most cases provided by the Centre for the Protection of Victims of Human Trafficking and civil society organizations. All forms of legal aid, in all proceedings, are provided free of charge to beneficiaries (presumed victims and victims of THB). A requirement for presumed victims' and THB victims' access to free legal aid provided by the Centre for the Protection of Victims of Human Trafficking, according to the Standard Operating Procedures for the Protection of Victims of Human Trafficking is his/her voluntary informed consent to support provided by the Centre for the Protection of Victims of Human Trafficking.

In accordance with the Standard Operating Procedures for the Protection of Victims of Human Trafficking, in the case of a child victim, in addition to the guardianship authority, also child's immediate guardian is engaged in the planning and provision of support to a child, while consent to participate in aid provision programs, proceedings before the court, etc., is required to be obtained from both the person who takes care of the best interests of the child, and the related child, if possible. Throughout the procedure, the best interests of the child, taking into account child's age, maturity, attitudes, needs and concerns, are assessed on an individual basis and must be treated as most important (Article 6, paragraph 1 of the Family Law).

Under the Law on Free Legal Assistance, there are no additional conditions set for trafficking victims' access to free legal aid. Free legal aid is granted for administrative proceedings, civil proceedings, criminal proceedings and for misdemeanour proceedings when a prison sentence may be imposed. Free legal aid to help victims claim compensation is available, bearing in mind that this is a matter of restitution claim in criminal proceedings, or a matter of damages in civil proceedings.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

There are lawyers who have undergone appropriate trainings related to the provision of legal assistance to victims of THB delivered by civil society organizations. Lawyers engaged by the Centre for the Protection of Victims of Human Trafficking and by civil society organizations have the necessary knowledge and experience in this area.

In accordance with the Law on Free Legal Assistance, all lawyers who provide free legal assistance are listed in a single register published on the website of the Ministry of Justice.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

As replied under 2.1, legal assistance to presumed victims and victims of THB is in most cases provided by the Centre for the Protection of Victims of Human Trafficking and civil society organizations. All forms of legal assistance provided to beneficiaries (presumed victims and victims of THB) are free of charge. The Centre for the Protection of Victims of Human Trafficking provides proxies to beneficiaries on its own (pays proxy services from budget funds), or in cooperation with civil society organizations, when its own funds are insufficient.

In accordance with the Law on Free Legal Assistance, legal assistance provided by the legal assistance services with the local self-government units is financed from the budget of the local self-government units. In cases of free legal assistance provided by lawyers, drawing up of notarial instrument, and mediation in dispute resolution, 50% of the fee for providing free legal assistance or drawing up of notarial instrument or mediation in dispute resolution, is covered by the local self-government, and 50% is covered by the Republic of Serbia, through the Ministry of Justice.

Victims of THB do not pay a fee to obtain legal assistance or start a procedure.

Free legal assistance and free legal aid may be funded from donations and through project funding.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

In the national legal system, the right to compensation can be realised in two ways: in criminal proceedings or in civil litigation.

Victims of criminal offences are entitled to realize a restitution claim within a criminal procedure. This right is clearly defined in Article 50, paragraph 1, item 1 of the Criminal Procedure Code.

The existing solutions of the Criminal Procedure Code, under the provisions of Art. 252 - 260, with the application of international conventions and standards, enable adjudicating on restitution claims, i.e.

compensation, within a criminal procedure, with increased vigilance and responsibility of the authority conducting proceedings. Prosecutors and judges have the option to decide on certain types of damages without delay, after ensuring that the victims have been properly advised of their rights and the evidentiary actions taken. Regarding this approach, it is necessary to get better acquainted with the types of damages and the manner of determining compensation for the amount of damages, which is regulated primarily by the Law of Contracts and Torts.

All victims of human trafficking, including children, have the right to submit a claim for restitution in criminal proceedings. The Criminal Procedure Code (Article 252 of the CPC) stipulates that a claim for restitution shall be considered on a motion by authorized persons (injured party / victim) in criminal proceedings, if those proceedings would not be substantially prolonged thereby.

Provisions of Article 256 of the Criminal Procedure Code stipulate that the authority conducting proceedings (court or public prosecutor, depending on the stage of the procedure) is required to collect evidence for adjudicating a restitution claim even before it is submitted. In keeping with this, for the realisation of victim's right to compensation, it is especially important that in the pre-investigation procedure and during the investigation, public prosecutor shall question defendant about facts relevant for the restitution claim and takes a statement on his/her financial standing, pursuant to Article 256 of the Criminal Procedure Code, and question the victim on the circumstances in connection with the restitution claim and invite him/her to submit evidence or submit a motion for the collection of certain evidence relevant for adjudicating on the claim, question witnesses on the circumstances in connection with the restitution claim, order an expert examination on the circumstances on the type, manner of origin and seriousness of physical injuries and level of reduction of life activity due to injury, i.e. the circumstances on psychosocial changes in the victim's personality caused by the crime, as well as the circumstances of the intensity of physical and mental pain and fear, and reduction of life activity, order an economic expert examination on the circumstances of material damage suffered, conduct a financial investigation in accordance with the Law on Seizure and Confiscation of Proceeds of Crime, when legal conditions for such investigation are met, in order to exclude the amount awarded against restitution claim from the seized assets and take other actions relevant to adjudicating on a restitution claim.

The Guidelines for improving court practice in handling compensation claims made by victims of serious crimes during criminal proceedings³ have especially underlined the role of public prosecutors in gathering evidence for adjudicating on a restitution claim. The first cycle of trainings for public prosecutors and judges at which the Guidelines were presented, organized by the Judicial Academy, with the support of the OSCE Mission to Serbia, was carried out in 2019 and 2020, and the continuation of these trainings is scheduled to start in September 2021.

This approach is mentioned under 5.3 as an example of good practice.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

Damage caused to a victim by commission of a criminal offence can be material or non-material.

- Material damage is a diminution of someone's property (simple loss) and preventing its increase (profit lost), as stipulated in Article 155 of the Law of Contract and Torts. In criminal proceedings it can quite often be obvious and the court can decide on it in whole or in part.
- Non-material, moral damage refers to every other non-financial loss and has several forms due to the following (Article 200, paragraph 1 of the Law of Contract and Torts):

³ The guidelines were developed in 2018 by the Working Group of the Supreme Court of Cassation of the Republic of Serbia, which comprised judges of the Criminal and Civil Departments of the Supreme Court of Cassation, judges of higher and basic courts, as well as Deputy Republic Public Prosecutor and Senior Public Prosecutor.

- ✓ Physical pains,
- ✓ fear,
- ✓ mental anguish suffered due to:
 - becoming disfigured,
 - reduction of life activity,
 - offended reputation or honour,
 - violation of freedom,
 - violation of rights of personality,
 - death of a close person,
 - particularly severe disability of a close person (Article 201, paragraphs 2 and 4 of the Law of Contract and Torts), as well as
 - mental anguish caused by the commission of a crime against sexual integrity.

According to the stands taken in civil proceedings case law, compensation for mental anguish suffered due to offended reputation or honour and violation of freedom or rights of personality, and for mental anguish suffered due to the death of a close relative, as a rule, is not determined by expert examination, but the court determines the fact whether a damage-causing event has occurred and assesses the circumstances thereof.

This means that there is no mandatory forensic psychiatric expert examination on these circumstances and this type of damage can be most easily realized in criminal proceedings on a restitution claim, since it can be determined by direct questioning of the victim.

As the object of protection in the criminal offence of trafficking in human beings involves freedom, dignity, honour and reputation, and all other rights related to violation of the norms of humanity, it follows that in respect of this criminal offence a non-material damage can always be determined in criminal proceedings, in the amount corresponding to each individual case.

There are many examples in the civil departments' case law from where the amount of compensation for such damage and violation of personal dignity and morale can be determined (Article 202 of the Law of Contract and Torts), and judges have been instructed to use this case law.

Aiming to facilitate decision-making on damages in criminal proceedings, the Guidelines for the improvement of judicial practice in proceedings for compensation to victims of serious crimes, within the chapter "Admeasuring monetary compensation for non-material damage", cite standards and criteria used as a guidance by civil department judges when deciding on the amount of compensation, and give examples from the case law.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

Judgments are enforced within the procedure itself, upon the finality of the judgment within the time limit set to the convicted person. In case of non-fulfilment of obligations, the victim can realise this right in the enforcement procedure.

Within the criminal procedure, particularly effective are the provisions that enable compensation of damages to the victim from the seized material gain, i.e. the proceeds derived from the commission of a criminal offence.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

Presumed and identified victims of THB, who are reported to the Centre for the Protection of Victims of Human Trafficking, are not being expelled.

As replied under 2.1, legal assistance provided by the Centre for the Protection of Victims of Human Trafficking is part of a coordinated and continuous protection provided to beneficiaries. If, in accordance with the individual protection plan, a victim of THV decides to leave the territory of the Republic of Serbia, his/her legal representatives will continue to pursue, in his/her name and on his/her behalf, compensation proceedings and resort to other necessary legal remedies.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Victims can, within a civil procedure, exercise their rights to compensation in case of labour exploitation by filing a claim for compensation, or a claim for recovery of unpaid wages and social contributions on the basis of laws regulating tort, labour and employment (Labour Law and Law of Contract and Torts).

Article 164 of the Labour Law (" Official Gazette of RS ", nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017- CC decision, 113/2017 and 95 / 2018-authentic interpretation) prescribes as follows: "Should an employee sustain an injury or damage at work or in relation to work, the employer shall compensate for the damage, pursuant to the law (Labour Law and Law of Contract and Torts) and general document."

Compensation can be realized in a court procedure before the territorially competent basic court, initiated by employee's claim.

Pursuant to the Labour Law, an employee is a natural person in labour relation with the employer.

An employer, pursuant to the Labour Law, is a domestic or foreign legal or natural person who employs or hires for work one or more persons. Article 2 of the Labour Law stipulates that the provisions of this Law shall apply to employees working in the territory of the Republic of Serbia, with a domestic or foreign legal or natural person, as well as to employees assigned to work abroad by the employer, unless otherwise provided by law.

All pecuniary claims resulting from the labour relationship become statute-barred three years after they have been created, in terms of Article 196 of the Labour Law.

Irrespective of the criminal responsibility of the person responsible for trafficking in human beings for the purpose of labour exploitation, a person who has suffered labour exploitation may bring civil claim for compensation, both material and non-material. The amount of compensation is decided by the court in each individual case.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

As stated above, in August 2019, the Supreme Court of Cassation published "Guidelines for improving court practice in handling compensation claims made by victims of serious crimes during criminal proceedings", which were developed in cooperation with the OSCE mission to Serbia. Judges of the Supreme Court of Cassation and prosecutors from the Republic Public Prosecutor's Office participated in the drafting of this publication.

Published Guidelines were followed by seminars held in several courts in Serbia, in which both judges and prosecutors participated. Numerical data on the participation of judges and prosecutors in these seminars will be subsequently delivered to GRETA.

In consideration of the COVID-19 epidemic and prevention of the spread of the virus, a video presentation was produced and used for online seminars. Continuation of trainings is planned to start at the beginning of this autumn, in accordance with the epidemiological situation.

The main goal of the Guidelines and trainings is to establish new court practice and more efficient action of prosecutors to ensure award of damages in criminal proceedings.

Within the first phase of the Council of Europe project "Prevention and Combating Trafficking in Human Beings in Serbia" under the Horizontal Facility for the Western Balkans and Turkey, on 4 April 2019, a workshop under the title "Improving access to compensation for victims of THB" was delivered to 23 lawyers, legal associates and representatives of victims of THB, who cooperate with the specialized civil society organization ASTRA and the Center for the Protection of Victims of Human Trafficking, where they were acquainted with examples of good practice, trends and challenges in the field of compensation.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

Presently there are no State compensation schemes for victims of crimes, including victims of THB, in the Republic of Serbia.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim a?

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

As replied under 2.1, legal assistance to presumed victims and victims of THB is in most cases provided by the Center for the Protection of Victims of Human Trafficking and civil society organizations. All forms of legal assistance, including State compensation, provided to beneficiaries (presumed victims and victims of THB) are free of charge.

Provisions of Article 9, paragraph 1, item 8 of the Law on Personal Income Tax stipulates, inter alia, that personal income tax shall not be payable on the receipts based on compensation for material and non-material damage.

Article 41 of the Law on Social Welfare explicitly stipulates that beneficiaries of social welfare rights and services may also be victims of THB - children and youth, adults and the elderly. Article 206, paragraph 9 of the referred Law stipulates that accommodation services for victims of THB are financed from the budget of the Republic of Serbia.

Regulation on the Network of Social Welfare Institutions ("Official Gazette of the RS", nos. 16/12 and 12/13), which entered into force on 15 March 2012, stipulates within the Review of Spatial Distribution,

Activities, Capacities and Groups of Beneficiaries of the Social Welfare Institutions which provide residential care services and of the Centres for foster care and adoption, founded by the Republic of Serbia or the Autonomous Province, under point 60 in Section II (Institutions for Adults and the Elderly), that the Center for the Protection of Victims of Human Trafficking in Belgrade, with 6-person accommodation capacity, shall perform the activity of providing accommodation services (emergency accommodation), assessment services, and counselling-therapeutic and social-educational services to beneficiary group: children, youth and adults victims of human trafficking.

Pursuant to the Law on Social Welfare, victims of THB may be beneficiaries of social welfare rights and services under the conditions prescribed by the referred law and by-laws adopted based on that law.

The Regulation on Receipts and Income Affecting the Realisation of the Right to Financial Social Assistance ("Official Gazette of the RS", no. 36/11), in Article 11, paragraph 1, item (10) stipulates that in the realization of the right to financial social assistance, receipts resulting from compensation, except for annuities as a form of compensation, shall not be taken into account.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

The applicable normative framework in the Republic of Serbia allows to identify, trace, freeze and seize property into which the proceeds of illicit activities have been converted.

Seizure of proceeds of criminal offenses is realized in criminal proceedings under the provisions that regulate mandatory confiscation of material gain, stipulated in Art. 91 - 93 of the Criminal Code. Pursuant to these provisions, it is also possible to confiscate other property given in exchange, i.e. property of an equivalent value to the property obtained by criminal offense. Pursuant to these provisions, compensation to the victim is paid from the confiscated property.

Also, the Criminal Code (Article 91) stipulates that no person may retain material gain obtained by criminal offence, and that such gain shall be seized under the conditions provided in this Code and by decision of the court determining commission of a criminal offense.

The measure of seizure of material gain in relation to the claim of the injured party is of a subsidiary character, and in keeping with this if a restitution claim of the injured party is accepted in the criminal proceedings, the court will order seizure of material gain only if it exceeds the awarded amount of restitution claim (Article 93, paragraph 1 of the Criminal Code), which means that the claim always takes precedence.

The Criminal Procedure Code (Art. 537 - 543) prescribes in detail the procedure for the seizure of material gain obtained by criminal offense.

The Law on Seizure and Confiscation of the Proceeds of crime govern the requirements, the procedure and the authorities responsible for tracing, seizing/confiscating and managing natural or legal person's proceeds of crime. Provisions of this Law also apply to the criminal offense of Human Trafficking defined in Article 388 of the Criminal Code.

In terms of the Law on Seizure and Confiscation of the Proceeds of crime, assets denote assets of any kind in the Republic of Serbia or abroad, tangible or intangible, movable or immovable, estimable or of inestimably great value, stakes in legal entities and instruments in any form evidencing rights to or interest

in such property. Assets also denote revenue or other gain generated, directly or indirectly, from a criminal offence as well as any property into which it is converted or which it is mingled with. Furthermore, the law provides for the conduct of a financial investigation and temporary or permanent seizure of the proceeds of crime.

Pursuant to the Law on Seizure and Confiscation of the Proceeds of crime, victim's restitution claim can be settled from seized assets.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

Pursuant to the Law on Seizure and Confiscation of the Proceeds of crime (Article 45), if a decision on restitution claim of an injured party has been made under a final judgment, under the ruling on the permanent seizure of property the court will set aside the awarded amount from the seized property, while in absence of such decision, by a ruling, the court may set aside part of the property for the settlement of the restitution claim. Under the ruling on the permanent seizure of property, the court may decide on the restitution claim of the injured party, regarding damage the existence of which has been determined by a final judgment.

After deducting the costs of seized property management and settling the restitution claim of the injured party, the remaining funds obtained from the sale of the permanently seized property shall be paid into the budget of the Republic of Serbia. 30% of such funds are used to finance social and health needs, in accordance with the Government's decision. Matters related to permanently seized immovable property are regulated by the provisions of the law governing public property. The Government may determine the purpose of the permanently seized property with the aim of performing socially useful activities.

As an example of good practice concerning use of seized property for the performance of socially useful activities, on 21 November 2019, the Commission for Housing Affairs and Distribution of Official Buildings and Business Premises of the Government passed a Conclusion under which business premises (139 m²) in Belgrade were allocated to the Centre for the Protection of Victims of Human Trafficking for its work. Referred business premises were permanently seized from the property of two legal entities upon concluded criminal proceedings, related to offences against economic interests. In this way, the purpose of the provisions of the Law on Seizure and Confiscation of the Proceeds of crime was achieved, notably - to use seized property for achieving socially important goals, because by providing employees of the Centre for the Protection of Victims of Human Trafficking with a space for quality and smooth work, through their resulting better services, assistance and support was directly provided to victims of THB.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

A plea agreement may be concluded by the public prosecutor and the defendant at any moment from the issuance of investigation order until the finalization of the main hearing (Article 313, paragraph 1 of the Criminal Procedure Code). The plea agreement also applies to the crime of human trafficking.

Article 314 of the Criminal Procedure Code specifies what elements this agreement must contain in order to be accepted by the court. Agreement on restitution claim is envisaged as an obligatory element of the plea agreement (Article 314, paragraph 4 of the Criminal Procedure Code), and in keeping with this, before concluding a plea agreement the public prosecutor is obliged to invite the injured party / victim to file a claim, thus if such claim has been filed, the plea agreement must also contain the agreement on restitution claim as otherwise it would be rejected by the court (Article 317 of the Criminal Procedure Code).

In this way, THB victims` right to access to justice is being ensured.

The public prosecutor may defer criminal prosecution for criminal offences punishable by a fine or a term of imprisonment of up to five years if the suspect accepts one or more obligations, including to rectify the detrimental consequence caused by the commission of the criminal offence or indemnify the damage caused (Art. 283, paragraph 1, point 1 of the CPC)

As the criminal offense referred to in Article 388 of the Criminal Code is defined as a serious criminal offense against humanity and other values protected by international law, punishable by a term of imprisonment of more than five years, application of the above referred institute to human trafficking suspects is not allowed, except for suspects of commissioning criminal offense of human trafficking under Article 388, paragraph 8 of the Criminal Code, which refers to "users" of THB victims` services, provided that the victims are not minors, for whom the perpetrator knew or should have known that they were minors.

We note as an example of good practice criminal proceedings against H.V., for criminal offense of human trafficking under Article 388, paragraph 6 in conjunction with paragraph 1 of the Criminal Code (CC), conducted by the Higher Court in Novi Sad, which rendered judgment K.no. 152/18 of 28 April 2020, by which it accepted plea agreement number SK 17/20 of 28 April 2020, concluded between the Deputy Higher Public Prosecutor in Novi Sad and the defendant, pronounced defendant guilty of the criminal offense of human trafficking under Article 388, paragraph 6 in conjunction with paragraph 1 of the CC, and of two criminal offences of domestic violence under Article 194, paragraph 2 in conjunction with paragraph 1 of the Criminal Code, and sentenced him to a single term of imprisonment of 6 (six) years and 3 (three) months. The aforementioned judgment awarded restitution to injured party O.K. (victim of human trafficking), and the defendant was ordered to pay to the injured party O.K. a compensation for material and non-material damage of RSD 1,117,000.00 (EUR 10,000), within 8 days from the day the judgment becomes final.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

Precise data on the average duration of court proceedings are not available. There is no special system in place to fast-track THB-related proceedings, however it is emphasized in the trainings for judges and prosecutors that it is necessary to ensure that proceedings last as short as possible and to respect the principle of prohibiting multiple victimization of victims, while there are special provisions that apply to child victims to protect their rights and position in criminal proceedings, as stated in preceding replies (1.1).

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

With regard to the proportionality of the penalty for Trafficking in Human Beings, the Criminal Code provides for a number of qualifying circumstances that affect the proportionality of the penalty. The basic offense is punishable by a term of imprisonment of three to twelve years. When the offence is committed against a minor, the offender shall be punished by a term of imprisonment of not less than five years. If the offence resulted in grave bodily injury, the offender shall be punished by a term of imprisonment from five to fifteen years, and in case of grave bodily injury of a minor, the offender shall be punished by a term of imprisonment of not less than five years. If the offence resulted in death of one or more persons, the offender shall be punished by a term of imprisonment of not less than ten years. Whoever habitually engages in the offence of trafficking in human beings or if the offence is committed by a group, shall be punished by imprisonment for a term of not less than five years. If trafficking in human beings is committed

by an organized criminal group, the offender shall be punished by imprisonment for a term of not less than ten years.

The public prosecutor is a key corrective element of the court's penal policy insofar as he is authorized by law to appeal against first-instance judgments on all grounds for appeal, including decision on the criminal sanction, as to achieve the effect of general and special prevention.

Also, we note that the provisions of Article 57, paragraph 2 of the Criminal Code, prescribe prohibition of pronouncing mitigated penalty for the criminal offence of trafficking in human beings referred to in Article 388 of the Criminal Code.

1. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

A victim of THB has the legal status of an injured party and a witness in criminal proceedings with all the rights and obligations arising from that status. The Code of Criminal Procedure stipulates that the injured party is entitled to submit a motion and evidence for realizing a restitution claim and a motion for interim measures for securing it, present facts and propose evidence of importance for proving the claim, retain a proxy from amongst attorneys, examine the files and objects serving as evidence, be notified about the dismissal of a criminal complaint or abandonment of criminal prosecution by the public prosecutor, submit objections to the public prosecutor's decision not to conduct criminal prosecution or to abandon criminal prosecution, be advised about the possibility of assuming criminal prosecution and representing the prosecution, attend the preparatory hearing, attend the trial and participate in examining evidence, file an appeal against the decision on the costs of the criminal proceedings and the adjudicated restitution claim, be notified about the outcome of the proceedings and be served the final judgment and perform other actions where provided for by this Code.

When the defendant concludes presentation of his defence, he may be asked questions first by his defence counsel, followed by the prosecutor, followed by the president of the panel and panel members, and then the injured party or his legal representative and proxy, co-defendant and his defence counsel, and expert witness and professional consultant. The injured party, legal representative and proxy of the injured party, expert witness and professional consultant may pose questions directly to the defendant, with the approval of the president of the panel.

In order to enable victims to have their rights and interests protected during the proceedings, and their views considered, the Centre for the Protection of Victims of Human Trafficking provides each victim who participates in court proceedings with a proxy and a person of confidence who shall provide him/her empowering support to participate in court proceedings, during the making of declarations and throughout court proceedings.

Also, in all cases, staff of the Centre for the Protection of Victims of Human Trafficking maintains contact with the competent prosecutor, and initiates provision of additional forms of protection, including granting victims the status of particularly vulnerable witnesses, allowing presence of a person of confidence in the courtroom, if necessary by appointing a guardian for a particular situation in case of children victims (to ensure that the child always has a person of confidence, that parents do not attend making of the declaration, especially in case of child's sexual exploitation, as this involves a high secondary victimization of the child and a trauma for parents).

The protection of victims is ensured through a coordinated referral procedure and an individual protection plan that the Centre for the Protection of Victims of Human Trafficking develops for each individual victim.

In the framework of this plan, civil society organizations can undertake to engage proxies to provide legal aid. In such case, they have the obligation to notify the Centre for the Protection of Victims of Human Trafficking about the attendance at hearings, trial, undertaken activities and measures to protect victims' rights, and threatening actions against victim if they occurred during his/her participation in the proceedings.

Civil society organizations that represent victims of THB can, through a lawyer, act as victim's proxy and provide other services in criminal proceedings.

With a view of strengthening the position and rights of victims in court proceedings, the National Strategy for the Exercise of the Rights of Victims and Witnesses of Crimes in the Republic of Serbia envisages, inter alia, the drafting of the Law on Amendments to the Criminal Procedure Code under which relevant provisions of this Law would be aligned with the definition of victim under Directive 2012/29/EU. Amendments to the Law shall regulate victim's right to be accompanied by a person of confidence during the examination of evidence, introduce a ban on cross-examination and posing leading questions in the examination of particularly vulnerable victims and witnesses, strengthen victims' right to be served relevant acts in criminal proceedings, strengthen victims' right to legal remedies in criminal proceedings, regulate the scope, availability and procedure of using data from the questionnaire on the assessment of individual needs of the victim during criminal proceedings, introduce the obligation to always grant a minor witness the status of a particularly vulnerable witness, regulate the use of video links, regulate conditions for excluding the public from the trial, regulate data protection concerning particularly vulnerable witnesses and additionally regulate questions related to the use of language in criminal proceedings, as well as the competencies and the procedure of notifying the victim about the release of the defendant from detention.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Regarding state authorities' obligation to investigate human trafficking, the below presented decision of the Constitutional Court of the Republic of Serbia is particularly important.

At the 3rd session of the II Grand Chamber of the Constitutional Court, held on 4 March 2021, in the proceedings on the constitutional complaint by a victim of THB from the Republic of Serbia, filed through a lawyer in February 2017, the Court rendered the following decision:

- Constitutional complaint filed by the victim of human trafficking is granted and the Court finds that the ruling of the Higher Court in Belgrade K. 4219/10 of 15 September 2016 violates constitutional complainant's right to prohibition of human trafficking, guaranteed under Article 26, paragraph 2 of the Constitution of the Republic of Serbia.
- The Court determines constitutional complainant's right to compensation for non-material damage in the amount of EUR 5,000, in dinar equivalent at the middle exchange rate of the National Bank of Serbia on the day of payment, on the grounds of established violation of Article 26 para. 2 of the Constitution. The compensation shall be paid from the budget funds – section: Ministry of Justice, within four months from the day of delivery of this decision to the Ministry of Justice.
- Constitutional complaint filed by the victim of human trafficking is granted and the Court finds that in the proceedings before the Higher Court in Belgrade, case K. 4219/10, constitutional complainant's right to a trial within a reasonable time, guaranteed under Article 32 of the Constitution of the Republic of Serbia, was violated.
- The Court determines constitutional complainant's right to compensation for non-material damage in the amount of EUR 800, in dinar equivalent at the middle exchange rate of the National Bank of Serbia on the

day of payment, on the grounds of established violation of the right to trial within a reasonable time. The compensation shall be paid from the budget funds – section: Ministry of Justice, within four months from the day of delivery of this decision to the Ministry of Justice.

In consideration on the merits of the allegations of a violation of the prohibition of all forms of human trafficking, the Constitutional Court, *inter alia*, proceeded from the acknowledgement that human trafficking is a modern form of slavery and as such contrary to the principle of humanity, and offends human dignity and the fundamental values on which a civilized democratic society rests.

This position of the Constitutional Court is based on the fact that the prohibition of all forms of human trafficking is expressly prescribed by the Constitution of the Republic of Serbia under the provisions of Article 26, paragraph 2.

The Constitutional Court holds that the above stated position, based on the same value judgment, was upheld by the European Court of Human Rights in several of its judgments (*Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010, §. 282; *Chowdury and others v. Greece*, application no. 21884/2015, judgment of 30 March 2017, § 93; *SM v. Croatia*, application no. 60561/14, Grand Chamber judgment of 25 June 2020, § 289).

Considering the substance of the constitutional prohibition of any form of human trafficking, the Constitutional Court establishes that it includes three groups of positive obligations of the State: 1) the obligation to establish a legislative and administrative framework for the prevention and punishment of human trafficking; 2) the obligation to protect victims of human trafficking by ensuring measures of prevention, registration and assistance to such persons; 3) the obligation to conduct investigation and court proceedings when there is a grounded suspicion that the criminal offense of human trafficking has been committed.

The Constitutional Court holds that in the specific case the competent authorities - the Higher Public Prosecutor's Office in Belgrade and the Higher Court in Belgrade have not fulfilled their positive obligations in procedural terms regarding the prohibition of all forms of human trafficking guaranteed under Article 26 para. 2 of the Constitution, i.e. to carry out an effective and fair procedure, which would result in rendering a relevant court judgment.

Taking into consideration significance of this decision rendered by the Constitutional Court, it shall be fully translated, and then delivered to GRETA.

When the court renders a judgment acquitting the defendant, or rejecting the claim, or issues a ruling to discontinue criminal proceeding related to human trafficking, it shall advise the authorized person that the restitution claim may be realized in civil proceedings.

In proceedings before state authorities, institutions and organizations, victims of THB have the right to file a complaint against the work of professionals if they are dissatisfied with their work, including a complaint to the Protector of Citizens. Also, they have the right to appeal against the decisions of state authorities in accordance with the instruction on legal remedy provided in the decision.

A victim of THB who considers that his/her privacy has been violated has the right to: take his/her case to the data controller (police, prosecutor's office, court, etc.); file a complaint with the Commissioner for Information of Public Importance and Personal Data Protection; or to take his/her case for the protection of rights to the Court of Appeal in Belgrade.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

Human trafficking (Article 388 of the Criminal Code) is a criminal offense prosecuted *ex officio*, therefore the public prosecutor is obliged to undertake criminal prosecution when there are grounds for suspicion

that a criminal offense has been committed or that a certain person has committed a criminal offense prosecutable ex officio. In addition, state and other authorities, legal or natural persons, report criminal offenses that are prosecuted ex officio, about which they have been informed or gained knowledge in another way.

As replied under 6.2, in proceedings before state authorities, institutions and organizations, victims of THB have the right to file a complaint against the work of professionals if they are dissatisfied with their work, irrespective of their immigration status or whether they are in detention.

In all asylum and reception centres for migrants, staff of the Commissariat for Refugees and Migration apply the Standard Operating Procedures for the Treatment of Victims of Human Trafficking, the Standard Operating Procedures for the Protection of Refugee / Migrant Children, and the Standard Operating Procedures for the Prevention and Protection of Refugees and Migrants against gender-based violence. These procedures include defined indicators arising suspicion that a person, including refugee / migrant children, is a possible victim of THB or a victim of gender-based violence, as well as the reporting procedure for identification and further referral after identification.

Also, all beneficiaries of asylum and reception centres who have a problem or want to report something or seek protection, have the opportunity to report it directly to asylum / reception centres' staff, or anonymously using complaint boxes that are provided in each centre, or via e-mail to complaints@kirs.gov.rs, the address which is available on the website of the Commissariat and on bulletin boards in all centres.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Human trafficking (Article 388 of the Criminal Code) is a criminal offense prosecuted ex officio, irrespective of which person is responsible for the offense, i.e. whether he is a civil servant or a member of diplomatic and consular staff.

Victims of THB may, on their own or through a proxy provided by the Centre for the Protection of Victims of Human Trafficking or a civil society organization, bring claims against the State for failure to provide protection from human trafficking.

In this context, the decision of the Constitutional Court presented in the reply under 6.2 is particularly important.

In 2018, further to a grounded suspicion that the criminal offense of human trafficking under Art. 388 of the Criminal Code has been committed, members of the Ministry of the Interior of the Republic of Serbia - Internal Control Department, filed with the competent prosecutor's office criminal claim against a police officer of the Police Administration in Jagodina because of the grounded suspicion that he had committed a criminal offence of human trafficking, in the period January - 17 July 2018, when by abusing the difficult material circumstances of a minor and the fact that she had placed on the *Facebook* social networking site an advertisement offering her sexual services, in order to earn money for her living and education, he recruited her for prostitution and obtaining material gain for himself. Namely, at the beginning of January 2018, the suspect police officer learnt about the advertisement placed by the said minor, contacted her and, dressed in a police uniform, went to her apartment and advised her that he would provide her with clients and physical protection, and then threatened to report on her to the police and the Center for Social Work, if she would not be giving him money, in the amount of RSD 2,000 a week, and providing him free sexual services. On 25 November 2019 Higher Public Prosecutor's Office in Jagodina filed an indictment against the police officer charged with the criminal offense of human trafficking under Article 388,

paragraph 3 in conjunction with paragraph 1 of the Criminal Code. The said indictment has been confirmed and the trial is progress.

We have no knowledge of any criminal proceedings initiated against diplomatic and consular staff for alleged involvement in THB.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

In order to ensure compliance, efficiency and uniformity in the actions of all public prosecutors, in June 2021, the Republic Public Prosecutor issued a General Mandatory Instruction on designating a public prosecutor or deputy public prosecutor (contact point), in all appellate and higher public prosecutor's offices, who will be in charge of acting in criminal cases involving criminal offences of human trafficking under Article 388 of the Criminal Code, and trafficking in minors for adoption under Article 389 of the Criminal Code.

In addition to acting in the related criminal cases, the (deputy) public prosecutor who is a contact person is also tasked with consultations with the (deputy) public prosecutor who performs on-call duty, consultations with the (deputy) public prosecutor tasked with a case during the temporary impediment of the contact person, monitoring actions by other appellate and higher public prosecutor's offices with the aim of ensuring their uniform practice, monitoring the actions of immediately lower public prosecutor's offices in criminal cases related to the so-called kindred criminal offenses (mediation in prostitution under Article 184 of the Criminal Code, etc.), contacts with the injured party / victim, in accordance with the Standard Operating Procedures for the Treatment of Victims of Human Trafficking, contacts with police officers in criminal police organizational units responsible for combating trafficking in human beings, contacts with the Centre for the Protection of Victims of Human Trafficking, contacts with specialized civil society organizations that provide support to victims of THB, participation in local anti-trafficking teams, attending specialist trainings and attending professional gatherings dealing with the fight against THB.

2. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Within the continuous training program at the Judicial Academy, a training program on the application of the principle of impunity to victims of THB is being implemented. The program is based on the publication "Legal Framework and Recommendations for the Application of the Principle of Impunity to Victims of Trafficking in Human Beings in the Republic of Serbia" authored by a judge of the Supreme Court of Cassation, Deputy Republic Public Prosecutor and professor at the Criminal Police Academy, which was developed with the support of the OSCE Mission to Serbia in 2015. The English translation of this publication is now delivered to GRETA.

Also statistics on the participation of judges and prosecutors in the related trainings will be subsequently delivered to GRETA.

The principle of impunity (Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings) can be applied through the direct application of the said provision of the Council of Europe Convention, as well as through a series of provisions of national substantive or procedural legislation, as well as by using existing legal institutes (offence of minor significance, extreme necessity, force and threat, etc.), as also pointed out in the publication "Legal Framework and Recommendations for the Application of the Principle of Impunity to Victims of Trafficking in Human Beings in the Republic of Serbia", which was presented at a series of seminars to criminal judges, misdemeanour judges and public prosecutors. For the application of the related principle, particularly important is the provision of Article 388 of the

Criminal Code, which as one of the forms of exploitation envisages exploitation through the commission of offences, which directly excludes the possibility that the victim may be responsible for a criminal activity by the commission of which he/she was exploited.

Bearing in mind that the timely identification of victims is crucial for the application of the principle of impunity, we point out the importance of Standard Operating Procedures for the Treatment of Victims of Human Trafficking, which aim to strengthen partnerships among all relevant actors at local, national, regional and international levels, in the protection of human rights of victims of THB, and in particular to improve the identification of victims of THB and to improve assistance and protection provided to victims of THB. Also, the Protocol on Cooperation in the area of trafficking victims' identification, assistance and protection, and prevention of THB concluded between the Ministry of the Interior, the Ministry of Labour, Employment, Veterans and Social Affairs and the Republic Public Prosecutor's Office in June 2018, as well as Memoranda of Cooperation concluded by the Republic Public Prosecutor's Office with civil society organizations ASTRA and ATINA, are important for the application of this principle.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Access to remedies, including State compensation, is provided to all identified victims of THB, as elaborated in the replies above.

3. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

In accordance with the Code of Criminal Procedure, the authority conducting proceedings is required to protect the injured party or witness from an insult, threat and any other assault.

Accordingly, victims of THB are protected against potential retaliation or intimidation by procedural protection measures during legal proceedings, while by non-procedural protection measures they may be protected before, during and after legal proceedings.

The choice of measure is conditioned by the circumstances of the specific case, individual properties of the victim, as well as an objective assessment of the danger to which the victim is exposed.

The assessment of the need for protection is made accordingly to the factors of the individual case. In the case of a qualified threat (threat to inflict a specific harm upon the victim), or if other circumstances indicate that the safety of the injured party could be endangered, the police may apply measures of non-procedural protection.

Non-procedural protection measures, in a narrower sense, are implemented by the police of general competence, while the Protection Unit of the Ministry of the Interior is responsible for the implementation of the Protection Program.

The application of protection measures is recommended by the competent public prosecutor or court.

Measures of procedural protection of witnesses, within which basic protection, protection of particularly vulnerable witnesses, and measures related to protected witnesses can be distinguished, are defined in Articles 102 - 112 of the Criminal Procedure Code.

In reference to victims of THB, the provisions of the law relating to a particularly vulnerable witness are of special importance. Namely, to a witness who is considered to be a particularly vulnerable due to the existence of certain circumstances of subjective and / or objective nature, the authority conducting proceedings (public prosecutor or court, depending on the stage of the procedure), may *ex officio*, at the request of parties or witness himself /herself, assign the status of particularly vulnerable witnesses, in order to prevent secondary victimization. The ruling determining a status of a particularly vulnerable witness may be the basis for appointing a proxy for such a witness, as an additional form of protection, and the Criminal Procedure Code (Article 104) prescribes special rules on examining a particularly vulnerable witness (such witness may be examined only through the authority conducting the proceedings; examination may be conducted with the assistance of a psychologist, social worker or other professional; witness may be examined using technical devices for transmitting images and sound, in a separate room where the witness is located, without the presence of the parties and other participants in the proceedings; witness may not be confronted with the defendant, unless the defendant himself requests this and the authority conducting proceedings has granted such request, taking into account the level of the witness's vulnerability and rights of defence...).

Non-procedural protection also includes special protection programs for the participants in criminal proceedings and persons close to them, in accordance with the Law on the Protection Program for Participants in Criminal Proceedings.

Non-procedural protection measures, in a narrower sense, are implemented by applying appropriate measures that the police, when there are justified reasons, take to protect the victim and another person who provided or may provide information relevant to criminal proceedings, or a person who is related with them, if they are in danger from the perpetrator or other persons.

Non-procedural protection also includes the Program for the Protection of Participants in Criminal Proceedings and Persons Close to Them. This matter is regulated by the Law on the Program for the Protection of Participants in Criminal Proceedings ("Official Gazette of the RS", no. 85/2005), which governs conditions and procedures for providing protection and assistance to participants in criminal proceedings and their close persons who are facing a danger to life, health, physical integrity, freedom or property due to testifying or providing information significant for the purpose of proving a criminal offence.

In addition to victim protection in the framework of judiciary and police, protection of victims against intimidation, objective threats to life and the risk of the perpetrator establishing contact with the victim is also provided in the framework of the social protection system. In the first initial contact related to identification, the Centre for the Protection of Victims of Human Trafficking assesses victim's psychological sense of security and collects information on objective risks to his/her safety and security (from the victim and the police, as well as from other actors in the preliminary identification). Based on these assessments, the need for safe accommodation is determined (placement in the Shelter of the Centre for the Protection of Victims of Human Trafficking, placement in an institution, family or foster care), and steps are taken to create a safe and secure environment. These steps imply agreement with all support providers on the manner in which security may be best ensured and the psychological experience of security improved.

The Centre for the Protection of Victims of Human Trafficking, with a view of ensuring safety of victims of THB, also establishes contacts with prosecutors and the police and insists on granting victims the status of a particularly vulnerable witness, as stated above under 6.1.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

The Code of Criminal Procedure also prescribes, in the framework of the rights of victims, that the injured party is entitled to be notified about the outcome of the proceedings.

In accordance with the Rules of Administration of Public Prosecutor's Offices, public prosecutor's offices are required to organize their work so as to enable citizens to effectively exercise their rights and legally

protected interests within the competence of the public prosecutor's office. In accordance with the referred Rules, Deputy Public Prosecutor who is responsible for a specific case shall receive and provide the necessary information to citizens, and along these lines the injured party / victim shall be provided all relevant information regarding a specific criminal case.

The injured party / victim may be provided relevant information through the Information and Support Service of the Public Prosecutor's Office, in accordance with the General Mandatory Instruction issued by the Republic Public Prosecutor. Namely, in accordance with Article 13 of the Instruction, the Service provides injured parties and witnesses, in simple and easy-to-understand language, inter alia, information on the status of the case, the stage of the proceedings, the next stage of the proceedings and the like.

To a victim of THB included in the Protection Program, such information can also be provided by the Protection Unit of the Ministry of the Interior.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

Respect for the right to safety is ensured as replied under 8.1.

Provisions of Article 363 of the Criminal Procedure Code, related to the exclusion of the public, stipulates that the panel may, if it necessary for the purpose of protecting, inter alia, the interests of minors (appearing as a witness or injured party) or private lives of the participants in the proceedings, exclude the public from the entire trial or a part thereof.

Also, provisions of Article 304 of the Criminal Procedure Code stipulate that, if it is necessary in order to protect the interests of national security, public order and morality, interests of minors, privacy of participants in proceedings, or for other justified interests in a democratic society, the authority conducting proceedings which undertakes an evidentiary action shall order persons it is questioning or examining or who are attending evidentiary actions or are examining the case-file to maintain confidentiality of certain facts or data learnt on the occasion, and warn them that disclosure of a secret represents a criminal offence under the law.

The right to privacy and confidentiality is ensured by the application of the Law on Personal Data Protection (Official Gazette of RS, no. 87/2018), the Code of Criminal Procedure (measures and actions in the procedure of determining the status of a protected witness), as well as the Law on Data Secrecy.

In order to ensure the protection of victims of human trafficking, the Centre for the Protection of Victims of Human Trafficking:

- Provides accommodation with a high level of security in the organizational unit Shelter for Victims of THB
- Applies Shelter specific Actions and Procedures for protection against self-harm and injury, and development of psychological security
- Insists on the application of protective measures for victims, most often on assigning them the status of a particularly vulnerable witness
- Provides for proxies who protect victim's interests and rights during the proceedings
- Provides for a person of confidence to attend testifying
- Applies special protection measures against traumatization and secondary traumatization of a child through the appointment of a temporary guardian of a child to provide him/her support during testifying
- Ensures that the victim be advised about confidentiality and give informed consent for exchange of information, in writing
- Shares information about a victim upon his / her consent with the relevant support providers, only to the extent necessary for the specific provider to provide support from his / her domain.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

According to the available data, under the decision of the public prosecutor the status of a particularly vulnerable witness was granted to 19 victims of THB during 2019 and 2020.

Criminal offense of human trafficking falls into the group of criminal offenses against humanity and other values protected by international law and is encompassed by the Law on the Protection Program for Participants in Criminal Proceedings.

Inclusion of a victim / witness of this criminal offence in the Protection Program is determined based on: the existence of danger to life, health, physical integrity, freedom or property, and the significance of his/her testimony (without which it would be significantly more difficult or impossible to prove the offence in criminal proceedings). Inclusion in this form of protection is possible if these conditions are cumulatively met.

So far, protection measures pursuant to the Law on the Protection Program for Participants in Criminal Proceedings have been applied to one witness / victim of the criminal offense of human trafficking.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

In accordance with the competence of the Centre for the Protection of Victims of Human Trafficking and the applicable Standard Operating Procedures for the Treatment of Victims of Human Trafficking, the participation of civil society organizations in the protection of victims constitutes part of the coordinated referral mechanism for victims of THB and coordinated provision of support based on victim protection plan. Civil society organizations provide support in the framework of their resources, that is, they join the efforts to meet victims` needs, depending on whether they are able to provide the appropriate support required by a victim. Under the provision of support, the effects of protection are examined, joint decisions related to the effects achieved are made, and further support is planned. Related victim always participates in this process, either through joint meetings or by using modern means of communication. In practice, there are many challenges in the implementation of the coordinated referral mechanism for victims of THB.

On 6 January 2020, the Ministry of the Interior and civil society organization ATINA and ASTRA signed a Memorandum of Cooperation in the field of combating human trafficking. Signatories of the Memorandum agreed to ensure preconditions for successful cooperation in the implementation and improvement of the national mechanism for identification, assistance and protection of victims of THB, and in continuous work in the areas of identification, protection, assistance and reintegration of victims of human trafficking and of all forms of exploitation, prosecution of perpetrators, as well as in the field of prevention and education aimed at combating human trafficking.

Along these lines, representatives of the Ministry of the Interior of the Republic of Serbia participated in the implementation of activities under the following projects in the field of fight against THB and protection of victims, implemented by civil society organizations Atina and Astra:

-Project "BAN III – The Balkans ACT (Against Crime of Trafficking) Now!" implemented by the Astra civil society organisation

-Project "From Danger to Security - Improving the Protection of Victims of THB in Serbia", implemented by the International Rescue Committee Serbia (IRC) and the Atina civil society organization.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

The Law on Juvenile Criminal Offenders and Criminal Protection of Juveniles (Art. 150-157) prescribes special provisions on the protection of minors as injured parties in criminal proceedings (questioning of minors shall be conducted with the assistance of psychologist, pedagogue or other qualified person; questioning may be conducted at most twice, and exceptionally more than twice if necessary to achieve the purpose of criminal proceeding; questioning of minors may be conducted with the aid of technical devices for picture and sound transmission; questioning shall be conducted without the parties or other participants in the proceeding being present in the room where the witness is located, and parties and other persons entitled to ask questions may do so through the judge, psychologist, pedagogue, social worker or other qualified person; if a minor, whose mental state is particularly fragile due to the nature of the criminal offence, consequences or other circumstances, is questioned as a witness, confrontation between him/her and the defendant is prohibited; a minor shall have legal representative from the first questioning of the defendant, etc.).

Also, a witness/victim under 18 years of age may be assigned the status of a particularly vulnerable witness, when the legal requirements are met (Article 103, paragraph 1 of the Criminal Procedure Code), which constitutes grounds for the appointment of a proxy and questioning under special rules.

The Centre for the Protection of Victims of Human Trafficking employs licensed professionals specially trained to work with children and conduct interviews with children. Internal procedures for conducting interviews with children that are in compliance with all international standards for working with children have also been defined. The Center cooperates with the competent prosecutors in determining the best way to approach a particular child, including how to establish a cooperative relationship with the child, what questions to ask and in what way, and how to recognize child's reactions.

In cooperation with the OSCE Mission to Serbia, within the EU project entitled "Support for Victims and Witnesses of Crimes in Serbia", the Higher Courts in Belgrade, Novi Sad, Kragujevac, Nis and Novi Pazar were provided specially equipped premises where testifying via audio-video link will be possible.

So far in the Protection Program implementation practice there were no cases of inclusion of a child victim of human trafficking in this form of non-procedural protection. Nevertheless, the Protection Unit of the Ministry of the Interior has the human and spatial capacity to act in accordance with the basic principles set out in the Council of Europe Guidelines on Child-Friendly Justice.

Police officers of the Border Police Directorate - Asylum Office are specially trained to interview victims of human trafficking, as well as unaccompanied minors. Also, staff of the Asylum Office completed numerous trainings related to interviewing vulnerable categories of asylum seekers, organized by the European Asylum Support Office - EASO.

The National Strategy for the Exercise of the Rights of Victims and Witnesses of Crime in the Republic of Serbia envisages, inter alia, the drafting of the Law on Amendments to the Criminal Procedure Code, which would, inter alia, prohibit cross-examination of particularly vulnerable victims and witnesses and leading questions to them, introduce mandatory assignment of the status of particularly vulnerable witness to a minor witnesses, and regulate matters concerning use of the video link.

When a labour inspector suspects human trafficking, he/she shall take steps to prevent further contact between the trafficker and the victim, by providing information on support, or assistance that can be provided to victims. He/she shall contact the Centre for the Protection of Victims of Human Trafficking, the police and specialized civil society organizations immediately after suspecting human trafficking, i.e. immediately after identifying indicators of human trafficking.

4. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

In September 2017, within the MoI Police Directorate, the Office for the Coordination of Anti-Trafficking Activities was established, which is in the subject area tasked to: monitor, coordinate, oversee and direct the implementation of measures and actions; participate in, implement and monitor activities planned by strategic documents; perform activities for the needs of the Council for Combating Trafficking in Human Beings; initiate amendments and participate in the drafting of international agreements, laws and other regulations; coordinate work and data exchange between organizational units of the Police Directorate and other partners. The Office for the Coordination of Anti-Trafficking Activities is staffed with five police officers.

At the operational level, on 1 January 2019 the new Rulebook on Internal Organization and Systematization of Job Positions in the Ministry of the Interior entered into force, under which competence for human trafficking cases was transferred from the Border Police Directorate to the Criminal Police Directorate, i.e. anti-trafficking organizational capacities of the Criminal Police Directorate were strengthened. In the framework of the Criminal Police Directorate's Service for Combating Organized Crime, Division for Combating Human Trafficking and Smuggling was formed, which has three sections: Section for Coordination, Analysis and Prevention of Human Trafficking, Section for Combating Human Trafficking, and Section for Combating Human Smuggling. Also, Sections for the suppression of human trafficking and human smuggling have been established in the Police Administration for the City of Belgrade, within the Criminal Police Directorate's Division for the Suppression of Violent, Sexual, Traffic Crimes and Human Trafficking, and in the Police Administrations of Novi Sad and Nis. In other regional police administrations, depending on their categorization, groups for the suppression of human trafficking have been formed, or individual criminal inspectors charged with anti-trafficking tasks. Altogether, about 120 criminal police officers are assigned on anti-trafficking tasks.

In 2019, with a view of strengthening capacity of MoI specialized anti-trafficking units, Project "Supply of equipment required for combating trafficking in human beings" (*IPA 2014*) was implemented, including 4 lots (LOT 1 - vehicles, LOT 2 - procurement of office furniture, LOT 3 - procurement of IT equipment, LOT 5 - procurement of surveillance equipment). The Ministry of the Interior was provided 15 vehicles, office furniture, IT equipment and three servers, and surveillance equipment. The said equipment was distributed to anti-trafficking police units with the Criminal Police Directorate's Service for Combating Organized Crime, the Police Administration for the City of Belgrade, the Police Administration of Nis, the Police Administration of Novi Sad, and regional police units. Under the same Project, in addition to these police units, one vehicle was allocated to the Centre for the Protection of Victims of Human Trafficking. The Project was successfully completed in September 2019. Supplied equipment contributed to improving criminal police work in the fight against human trafficking, and achieving more efficient protection of victims of human trafficking.

Also, the MoI Criminal Police Directorate, in cooperation with twinning partners from Austria and Slovenia, successfully implemented activities under the twinning project "Support to capacity building in the fight against human trafficking" within the National IPA 2014 program, worth EUR 1,000,000, which lasted from September 2018 to January 2021.

The overall objective of the Project was to contribute to meeting EU accession criteria and the implementation of the Action Plan for Chapters 23 and 24, by strengthening capacity of relevant institutions for combating all forms of trafficking in human beings in compliance with EU best practice.

Through the analysis of the current situation and delivery of workshops aimed at strengthening capacity for investigating trafficking and protecting victims of professionals, not only those working with the police but also those working with other state authorities (Center for the Protection of Victims of Human Trafficking, Ministry of Labour, Employment, Veterans and Social Affairs, and Republic Public Prosecutor's

Office), the Project contributed to ensuring better detection of human trafficking cases, coordination and cooperation between relevant state institutions and all partners in this field, in accordance with the national and transnational referral mechanism and examples of good practice of EU countries.

Under this project, 67 activities were implemented, in which a total of 733 representatives of state authorities, institutions and civil society organizations participated.

Out of the total number of realized activities, 47 comprised trainings / workshops, which were attended by a total of 681 participants, as follows: 509 representatives of the Ministry of the Interior, 34 representatives of the Centre for the Protection of Victims of Human Trafficking, 52 representatives of civil society organizations, 42 representatives of the Prosecutor's Office (8 of Republic Public Prosecutor's Office, 28 of Higher Public Prosecutor's Office, and six of Prosecutor's Offices for Organized Crime), 19 representatives of the Labour Inspectorate, 3 representatives of the Market Inspection Division, 8 representatives of the Belgrade Shelter for Children, 5 representatives of the City Center for Social Work in Belgrade, 1 representative of the Ministry of Justice, 1 representative of the Criminal Police University, 2 representatives of the Commissariat for Refugees and Migration, 3 representatives of the Serbian Red Cross, and 1 representative of the Institute for the Education of Children and Youth in Belgrade.

After the outbreak of the COVID-19 pandemic, 4 trainings were delivered online, including an important two-day Training of Trainers with 24 participants, of whom 18 were members of the Ministry of the Interior. The aim of this workshop was to train representatives of the police, other state authorities and the NGO sector to independently deliver anti-trafficking courses and trainings, to understand the importance of victims' protection, and to develop their own way of organizing and conducting trainings.

Also, 4 trainings related to different forms of human trafficking were carried out through the making of video materials that will be used on distance learning platforms (police, social workers and health workers), whereby the sustainability of the twinning project goals will be achieved.

Under the same IPA 2014 twinning project, a manual entitled "Support to capacity building in the fight against human trafficking in the Republic of Serbia" was developed.

During the implementation of the project in 2019-2020, and in result of received trainings and acquired knowledge, police officers of the Ministry of the Interior of the Republic of Serbia submitted a total of 44 crime reports against 92 persons based on grounded suspicion that the criminal offense of human trafficking under Article 388 of the Criminal Code was committed against 71 victims of THB. Of the total number of crime reports submitted, 17 crime reports were the result of proactive investigations of regional police administrations and the Criminal Police Directorate's Service for Combating Organized Crime, which has contributed to a more thorough gathering of evidence, prosecution of a larger number of offenders and, most importantly, identification and provision of help to a larger number of victims of THB.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

In the Republic of Serbia, the Law on Seizure and Confiscation of Proceeds of crime entered into force in 2009. The Law on Seizure and Confiscation of Proceeds of crime defines the role of law enforcement authorities (MoI Police Directorate, Criminal Police Directorate - Financial Intelligence Unit, Public Prosecutor, Court and Directorate for the Management of Seized and Confiscated Assets with the Ministry of Justice), the procedure of conducting financial investigations, temporary and permanent seizure, as well as international cooperation in this area.

The financial intelligence unit is an organizational unit of the Criminal Police Directorate, more precisely of the Service for Combating Organized Crime. This unit is responsible for detecting the proceeds from

criminal offences and performing other tasks, in accordance with the Law on Seizure and Confiscation of Proceeds of crime (Article 6).

The law also defines the catalogue of criminal offenses to which it applies, which includes the criminal offense of human trafficking. The Financial Intelligence Unit (FIU) cooperates intensively with the organizational units of the Ministry of the Interior responsible for criminal investigations concerning human trafficking.

The focus is on the proactive approach and use of databases to which the Financial Intelligence Unit has access. The initiation of the financial investigation is in the competence of the prosecutor's office, and the next phases are the procedure of temporary seizure and then permanent confiscation of proceeds of crime. In the financial investigation procedure, the Financial Intelligence Unit cooperates with numerous institutions: state authorities (cadastre, National Bank of the Republic of Serbia, Tax Administration, etc.), commercial banks and financial institutions, public enterprises and other entities, in order to identify proceeds of crime.

With the aim of implementing GRETA recommendations and strengthening prosecutors', judges' and FIU members' capacity for conducting efficient financial investigations, within the first phase of the project "Prevention and Combating Trafficking in Human Beings in Serbia" under the Horizontal Facility for the Western Balkans and Turkey, on 22–23 November 2018 in Belgrade, a workshop was held under the title "Improving access to compensation for victims of human trafficking and effective financial investigations and prosecution of human trafficking cases", which was attended by representatives of the Public Prosecutor's Office, public prosecutors designated as contact points for human trafficking cases. The workshop brought together a total of 32 participants: prosecutors, judges and financial inspectors, who play a strategic role in ensuring an effective investigation concerning human trafficking cases. The Deputy Republic Public Prosecutor, judge of the Supreme Court of Cassation and representative of the Financial Intelligence Unit of the Ministry of the Interior spoke at the workshop, and the experience of the Netherlands in monitoring financial flows and managing the process of confiscation of assets in human trafficking cases was presented.

5. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

We have no knowledge of cooperation established with other countries to enable victims of THB to realise their right to redress and compensation.

As replied under 3.4 and 3.5.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

International cooperation and legal assistance in criminal matters is one of the priorities of the Public Prosecutor's Office of the Republic of Serbia.

The Republic Public Prosecutor's Office, Department for International Cooperation and Legal Assistance is particularly committed to participating in the work of international judicial networks and bodies, with the aim of improving the efficiency of international legal assistance, where we particularly emphasize cooperation with the Eurojust, based on the Agreement on Cooperation between the Republic of Serbia and Eurojust, signed on 12 December 2019.

The Republic of Serbia has so far participated in 11 Joint Investigation Teams with Eurojust Member States, of which only one related to the criminal offence of illegal crossing of state border and human smuggling under Article 350 of the Criminal Code, noting that in the related investigation, (preliminary) identification process was applied to all injured parties - migrants, and that among smuggled migrants no victim of trafficking was detected.

So far, there have been no Joint Investigation Teams related to trafficking in human beings.

Based on the practice so far, it can be concluded that the establishment of Joint Investigation Teams is a form of the most direct international cooperation that meets the needs of ensuring rapid and efficient legal assistance in complex and time-sensitive cross-border investigations.

The Directorate for International Operational Police Cooperation (hereinafter: DIOPC) is the focal point at the Ministry of the Interior for the operational international cooperation and for the daily exchange of information and data via INTERPOL, EUROPOL and SELEK protected channels. Within DIOPC, there is a 24/7 service (front desk) for the exchange of information.

2017

In 2017, in the framework of THB related cooperation with the Interpol, 33 new cases were formed and 161 information exchanged. This number includes trafficking in human beings for the purpose of sexual or labour exploitation.

Statistics on messages exchanged via EUROPOL's Secure Information Exchange Network Application - SIENA in 2017:

Criminal offence	Sent	Received	TOTAL
Trafficking in human organs and tissues	0	4	4
Human trafficking	86	156	242

In 2017, in the framework of THB related cooperation with the Europol, under the Joint Action Day international operation called Operation Dragon 2017 was carried out in the period 11- 13 October 2017, targeted at combating smuggling of illegal migrants and human trafficking. The participants were: EU member states, operational partner countries, INTERPOL, DEA, EUROJUST, and FRONTEX as a strategic partner. Within this operation, police officers of the Ministry of the Interior of the Republic of Serbia checked 758 persons and 372 vehicles, and on this occasion no victims of human trafficking were detected.

In the framework of cooperation with the Southeast European Law Enforcement Center (SELEC), one of the activities implemented by SELEC includes work through working groups set up to cover specific forms of crime. Within certain working groups, subgroups have been formed to address individual areas within specific subject matter, and one such subgroup was formed for human trafficking and illegal migration. In order to assess the situation in certain areas of crime in the region, as well as to enable national services to better plan and organize their activities, SELEC's analytical unit, in cooperation with all member states, prepares annual reports on current situation and trends in the area of:

- illicit drug trafficking;
- illicit trade in tobacco products;
- illegal migration;
- human trafficking (Report on Trafficking in Human Beings in Southeast Europe).

These reports are prepared by organizational units in the Ministry of the Interior responsible for the line of work in the areas for which analytical materials are prepared.

2018

In 2018, in the framework of THB related cooperation with the Interpol, 26 new cases were formed, with 148 information exchanged. This number includes trafficking in human beings for the purpose of sexual or labour exploitation. THB for the purpose of sexual exploitation was also detected between Macedonia, Bosnia & Herzegovina, Croatia and Serbia.

Statistics on messages exchanged via EUROPOL's Secure Information Exchange Network Application - SIENA in 2018:

Criminal offence	Sent	Received	TOTAL
Trafficking in human organs and tissues	2	3	5
Human trafficking	69	187	256

In 2018, in the framework of THB related cooperation with the Europol, cooperation was established with the Europol National Unit of Switzerland related to human trafficking where the victims were citizens of the Republic of Serbia, and cooperation with the German police was continued on a THB investigation conducted against citizens of Bosnia & Herzegovina, Croatia and the Republic of Serbia.

2019

In 2019, in the framework of THB related cooperation with the Interpol, 26 new cases were formed and 141 information exchanged. This number includes trafficking in human beings for the purpose of sexual or labour exploitation.

At the beginning of 2019, organized by the General Secretariat of the Interpol, and under the auspices of the Government of the Federal Republic of Germany, an Anti-Trafficking Project was launched. This Project was previously announced at the "G7" meeting, in April 2018 in Toronto (Canada), by the Secretary General of Interpol. This project, funded by the German Federal Ministry of Foreign Affairs, was aimed at strengthening Balkans law enforcement services' capacity for investigating and prosecuting trafficking cases, through further development of global law enforcement multidisciplinary expert group, delivery of trainings focused on victims, operational work and assistance in investigations. At the working meetings in the framework of INTERPOL's anti-trafficking expert group, held in 2019, MoI Police Directorate was represented by members of the Criminal Police Directorate – Service for Combating Organized Crime.

In result of the activities under the above Project, Regional Operational Action called Theseus was carried out, in the period 9 – 17 December 2019. The operational action included formation of working groups by each participating country in this Project. Each country designated its representative to act as a contact point in Lyon, at the General Secretariat of the Interpol. This operation was aimed at implementing an action by the participating countries, preparing reports and delivering them to the Interpol headquarters in Lyon through the contact points at the Interpol National Central Bureau. Reports were sent daily, and at the end of the action final report was sent. The action in the Republic of Serbia started on 9 October 2019 at 00:00. Police officers from the Directorate for International Operational Police Cooperation, as well as members of the Criminal Police Directorate's Service for Combating Organized Crime - Division for Combating Human Trafficking and Illegal Migration, Border Police Directorate, Police Directorate and Traffic Police Directorate took part in the action.

During the implementation of the action on the territory of the Republic of Serbia, 230 migrants were detected, of whom 33 were illegally crossing state border, as well as 4 forged documents, one person in possession of illegal drugs, and seven persons implicated in human smuggling. Within this action, a total of 3550 passenger vehicles, 284 trucks, 39 buses and 72 trains were checked. Among the migrants no victims of THB were detected.

Statistics on messages exchanged via EUROPOL's Secure Information Exchange Network Application - SIENA in 2019:

Criminal offence	Sent	Received	TOTAL
Trafficking in human organs and tissues	3	14	17
Human trafficking	85	176	261

In 2019, in the framework of THB related cooperation with the Europol, important cooperation was realized with the Slovenian police.

One of the cases related to a minor from the Republic of Serbia, victim of the criminal offense of human trafficking and criminal offense of domestic violence, in reference to which there was an ongoing investigation in Slovenia, where the police of the Republic of Serbia conveyed minor victim's statement.

Also, valuable cooperation was realized in reference to Slovenian police investigation concerning a person from the Republic of Serbia who, according to investigation findings, had published an advertisement on the Internet offering girls erotic-massage jobs in Slovenia. In this way, girls from Serbia were actually recruited to come to Slovenia, where they would be forced to engage in prostitution in unbearable conditions in apartments in Ljubljana, rented by a person from the Republic of Serbia, to whom they had to give 50 percent of their earnings.

In this year, the Police of the Republic of Serbia had a higher number of contributions (number of exchanged quality messages within Europol) compared to the previous year, which were supplied by the Belgrade police, and related to several citizens of the Republic of Serbia residing in Italy and Germany, where they commit criminal offences and exploit minors.

2020

In 2020, in the framework of THB related cooperation with the Interpol, 36 new cases were formed and 143 information exchanged. This number includes trafficking in human beings for the purpose of sexual or labour exploitation.

In the framework of Interpol counter trafficking and counter smuggling activities, in accordance with the Interpol Rulebook on Data Processing, the Analysis File for the ODYSSEY PROJECT was established.

Below is a summary of some illustrative cases in 2020:

1. One of the Police Administrations informed the Directorate for International Operational Police Cooperation that a mother had reported to the local criminal police that her underage daughter is in Tirana and wants to get married to a person from Albania against the will of her parents. This was communicated to Interpol Tirana, which reported back that the minor from Serbia was found together with an Albanian citizen, that they were in Tirana, from where the minor would be returned to her parents. The Centre for the Protection of Victims of Human Trafficking maintained continuous communication with the Embassy of the Republic of Serbia in Tirana and the territorially competent Center for Social Work in the Republic of Serbia, initiated procedures for child protection, and requested, together with the competent Center for Social Work from Serbia, that the child be kept in temporary accommodation until being taken over by the competent authorities of the Republic of Serbia.

2. One of the Police Administrations informed the Directorate for International Operational Police Cooperation that the local criminal police had received an anonymous report on a family which received two minors, who were not related to that family. An employee of the local Center for Social Work in the Republic of Serbia checked this up and found two minors, citizens of the Republic of Croatia, born in Italy, who had Croatian travel documents. According to the information received, children's father was from the

Republic of Croatia, and mother from Bosnia and Herzegovina, and this couple had 13 children. It was established that the children were entrusted to a member of the related family, with which they were found in the Republic of Serbia, based on a previous agreement with the children's parents, who signed an authorization to this effect with a notary public in Croatia. Parents agreed to pay EUR 500 per month to this family to look after the children, and in the first three months, they were regularly settling this obligation, after which they stopped making payments. The children were placed under temporary guardianship in a foster family, and underwent necessary medical examinations, by which it was assessed that the children were healthy and that there were no indications suggesting presence of any psycho-physical trauma. From the first suspicion that children were possible victims of human trafficking, the Center for the Protection of Victims of Human Trafficking and the competent Center for Social Work have been continuously taking measures and activities for children protection and identification. Communication was established with social services in Croatia and the National service for combating human trafficking in the Republic of Croatia, and the return of children to their home country was agreed and organized. The Deputy Prosecutor of the Higher Public Prosecutor's Office in the Republic of Serbia issued a conclusion that there were no elements of the criminal offense of human trafficking for the purpose of labour exploitation. Interpol Zagreb was requested to establish contact with the National service for combating human trafficking in the Republic of Croatia as to provide safety assessment for children's return to their home country and examine the possibility of parents' involvement in child exploitation. The opinion of the local Center for Social Work and the Centre for the Protection of Victims of Human Trafficking was that the best interests of children would be adequately protected by the return of children to the Republic of Croatia, as soon as the relevant conditions are met. Through the anti-trafficking national coordinators in the Republic of Serbia and the Republic of Croatia, cooperation and coordination of the competent services was ensured and the children were safely returned to the Republic of Croatia.

Statistics on messages exchanged via EUROPOL's Secure Information Exchange Network Application - SIENA in 2020:

Criminal offence	Sent	Received	TOTAL
Trafficking in human organs and tissues	1	5	6
Human trafficking	69	137	206

In 2020, in the framework of THB related cooperation with the Europol, under the Phoenix Analytical Project several requests for check-ups by the police of the Republic of Serbia were made, in reference to which cooperation was established with the competent authorities in Italy, Germany, France and Belgium. Most of the requests concerned persons who were exploited for prostitution, commitment of property crimes and begging, among whom there were minors and persons of Roma ethnicity. In one of these cases, the competent authorities of the Republic of Serbia found that minors were taken to Italy, that the perpetrators were receiving the amount of about EUR 5,000 per minor, depending on whether the arrangement involved marriage (in most cases minor females were taken to Italy where they would be forced to enter into marriage with disabled persons), forced begging or prostitution.

Also, further to strong engagement of the police liaison officer of the Ministry of the Interior of the Republic of Serbia in Belgium and the Criminal Police Directorate' Service for Combating Organized Crime, valuable cooperation was realized related to two investigations by the Belgian police concerning the exploitation of Serbian citizens in Belgium. In result of this cooperation between the police of the Republic of Serbia and Belgium criminal charges were filed against two criminal groups.

In one case, where three female nationals of the Republic of Serbia were exploited for prostitution and begging in Belgium, criminal charges were filed against four persons, and in another case in the Republic of Serbia, criminal charges were filed against four persons for crime exploitation of three male citizens of the Republic of Serbia, while in Belgium, a separate procedure was initiated related to another female national of the Republic of Serbia who was identified by the Belgian investigative authorities as a victim of human trafficking.

Under the Joint Action Day, international operation Danube V, with the participation of European Agency for Border and Coastal Protection (Frontex) was carried out in the period 11 - 21 September 2020, targeted at combating smuggling of illegal migrants and human trafficking, in which the police of the Republic of Serbia took part. During this operation, 1,188 irregular migrants were detected or their illegal crossing was prevented, 3 persons who were smuggling migrants were identified, undeclared and hidden money in the amount of EUR 139,220 was found, and EUR 99,400 and 2,420 litres of oil derivatives were confiscated, as well 7 vehicles pursuant to stolen vehicle search activity, 62 specimens of rare birds (*Uraeginthus bengalus*), small quantities of illegal drugs, weapons and ammunition and other items. Among the migrants no victims of THB were detected.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

The Republic Public Prosecutor's Office is committed to continuous enhancement of international cooperation and coordination with competent foreign authorities and agencies that can contribute to improving the efficiency of criminal prosecution and mutual legal assistance in criminal matters. In this context, whenever needed in a specific case to seek information from foreign authorities, letters rogatory are sent through all channels provided by ratified international treaties and national legislation. When a letter rogatory is received from a foreign investigative authority, efforts are made to respond as soon as possible.

According to the records of the Ministry of Justice, in the period since 1 January 2017, the competent judicial authorities of the Republic of Serbia (courts and public prosecutor's offices) have sent 42 requests for mutual legal assistance in criminal matters and responded to a total of 58 incoming requests for mutual legal assistance related to criminal proceedings concerning trafficking in human beings.

Within the MoI Police Directorate - Directorate for International Operational Police Cooperation, the front desk (24/7 service) acts in cases of urgency by transmitting International Letters of Request (ILOR) through the INTERPOL channel, for the needs of the Ministry of Justice, thus it acts as a channel of communication in case of urgency when it is estimated that delivery through diplomatic channels is not fast enough.

The Republic of Serbia is not a member of the European Union and does not act on the European investigation order. Exceptionally, action may be taken under the European arrest warrant, provided that the related person is already entered in the INTERPOL database of persons wanted at the international level, i.e. that a wanted circular has been issued in the INTERPOL ASF database. In order for the Republic of Serbia to act on a European arrest warrant, such warrant must include, in addition to the basic data on the related person: court name, order number, criminal offense, brief description of the offense and a clause stating that in case of deprivation of liberty extradition of the related person will be officially requested.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

Cooperation with the countries of the region in the field of combating trafficking in human beings, is continuously realized through the Network of Anti-Trafficking Coordinators of Southeast Europe - "Brdo Process", which comprises national anti-trafficking coordinators from Bulgaria, Serbia, Bosnia and Herzegovina, Montenegro, Croatia, Albania, Macedonia, Moldova, Romania and Slovenia, where the International Center for Migration Policy Development (ICMPD) has the role of Network Secretariat.

Also, cooperation in the region is realized through the MARRI (Migration, Asylum, Refugees Regional Initiative) Network for cooperation of Coordinators for fight against Trafficking in Human Beings (Serbia,

Bosnia and Herzegovina, Montenegro, North Macedonia and Albania). Representatives from the Autonomous Province of Kosovo and Metohija also participate in the work of the Network.

Through the cooperation of the anti-trafficking coordinators in the region, information and examples of good practice in the prevention and fight against human trafficking, as well as the protection of victims are exchanged.

Most valuable contribution of the network of anti-trafficking coordinators is in the protection of victims of trafficking during their voluntary return to the country of origin (security assessment, provision of travel documents for return, reception).

As regards prosecution competences, particularly helpful forms of international cooperation are the following: direct cooperation, exchange of spontaneous information, carrying out evidentiary and special evidentiary actions, joint investigation teams, use of video conferencing, financial investigations and confiscation of proceeds of crime.

As regards competences of the Centre for the Protection of Victims of Human Trafficking, particularly helpful forms of international cooperation are: cooperation through the Ministry of Foreign Affairs, i.e. embassies and consular offices, cooperation with relevant social services, and cooperation with civil society organizations which provide support to victims of THB.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

As replied under 10.4.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

As replied under 10.4.

Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

As replied under 2.1 and 2.2, legal assistance to presumed victims and victims of THB is in most cases provided by the Centre for the Protection of Victims of Human Trafficking and civil society organizations, irrespective of immigration status or type of exploitation.

Victims of THB are entitled to free legal assistance under the law, without further restrictions.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

The Law on Asylum and Temporary Protection prescribes the Principle of Gender Equality and Gender Sensitization which implies that the provisions of this law are interpreted in a gender-sensitive manner. The application of this law ensures that all applicants, including potential victims of THB, are enabled, on their request, to submit asylum applications and be interviewed by a person of the same sex, unless that is not possible, or is associated with disproportionate difficulties for the authority conducting the asylum procedure. This principle is always applied, without a special request, when conducting searches, body checks, and other actions in the course of the procedure that presuppose physical contact with the

Applicant. Female asylum seekers accompanied by men submit their asylum applications and are interviewed separately from their male companions.

In the practice of the MoI Police Directorate's Border Police Directorate - Asylum Office, there were cases where male asylum seekers, identified by the Centre for the Protection of Victims of Human Trafficking as victims of THB in the country of origin or transit, who were exploited by persons of the same sex, requested to be interviewed by a female official of the Asylum Office, and their request was met. Also, as regards gender equality and gender sensitization, the same "rule" applies to translators or interpreters participating in the procedure (see also reply under 1.2).

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

As replied under 2.1, 6.1 and 8.6.

Also, within the UNICEF project "Advancing child rights through strengthening the justice and social welfare systems in Serbia", guidelines were developed for interviewing children in a manner that prevents secondary victimization and traumatization of children in criminal proceedings.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

The Law on Public Procurement ("Official Gazette of RS", no. 91/19), in Article 111, stipulates that the contracting authority is obliged to exclude from the public procurement procedure an economic operator which fails to prove that it and its legal representative have not been legally convicted within the period of five years before the day of expiration of the deadline for the submission of bids / applications, unless the final judgment does not determine another period of prohibition of participation in the public procurement procedure. This article establishes a list of individual criminal offenses that constitute grounds for the exclusion of an economic operator and its legal representative, if convicted of them, which includes, inter alia, criminal offense of human trafficking and criminal offense of holding in slavery and transportation of enslaved persons.

Also, the Law on Public Procurement ("Official Gazette of RS", no. 91/19) in Article 37, paragraph 1, item 2) stipulates that a contracting authority may conduct reserved public procurement procedure in which only economic operators whose main goal is the social and professional integration of disadvantaged persons, organized in accordance with the law governing social entrepreneurship, may participate.

Paragraph 2 of the same article specifies that disadvantaged persons are hard-to-employ persons, able-bodied persons who are granted rights or services in accordance with regulations on social protection, and other hard-to-employ persons from particularly vulnerable categories, while in accordance with Article 41 of the Law on Social Protection ("Official Gazette of RS", no. 24/11), beneficiaries of social protection rights or services include, among others, victims of THB.

Reserved public procurements are procurements in which only economic operators whose main goal is professional rehabilitation and employment of persons with disabilities or social and professional integration of disadvantaged persons may participate.

Question regarding the access of victims of THB to effective remedies from businesses implicated in human trafficking, may be replied the same as under 3.5.

Since 2019, the Chamber of Commerce of Serbia has been actively promoting the topic of non-financial

reporting, organizing related trainings for its members, because it is a new obligation prescribed by the Law on Accounting for large legal entities with over 500 employees and companies of public interest. Specifically, pursuant to the Law on Accounting, once a year, along with the financial report, large legal entities are required to prepare non-financial reports as well, which cover implemented activities in the field of environmental protection, social and personnel issues, respect for human rights, and anti-corruption activities.

Although there is a long-standing practice of a number of large companies to report on sustainable business operation, the first official reports, which will be verified, are expected in 2022 for 2021 reporting year. Namely, development of a database of non-financial reports will enable analysis, as well as more detailed definition of reporting methodology, which may include issues related to preventing and eradicating human trafficking from their business or supply chains, as part of reporting pursuant to GRI (Global Reporting Initiative) methodology.

Attached, as an example of good practice, is the report of the global tobacco company *Philip Morris International*, which has a branch and operates in the Republic of Serbia.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

As replied under 6.4, related to the abuse of position of a police officer.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

Internal trafficking in human beings is still dominant in Serbia, and the victims are mostly domestic citizens who are subjected to various types of exploitation, among which sexual exploitation prevails. In addition to sexual, also labour exploitation, forced begging and criminal exploitation are present. Multiple exploitation (with the prevailing sexual exploitation) and forced marriage - as an introduction to other forms of exploitation, are predominant in cases where the victims of THB are minors. In the total number of victims, females prevail, which indicates that trafficking in human beings is still strongly featured by the gender aspect. Victims of human trafficking are mainly from urban areas, unemployed, in disadvantageous social and economic position, and have elementary or secondary school education. In a small number of cases, secondary victimization is also present. Multiply vulnerable members of the Roma population are exposed to risk of sexual exploitation, as well as criminal exploitation, forced begging and forced marriages. In 2017, a relatively new mode of commission of criminal offence of human trafficking was registered, exploitation of Roma children for pornographic purposes.

According to the records of the Centre for the Protection of Victims of Human Trafficking, an increase in the detection of cases of labour exploitation in agriculture could be observed in the last year, however, female persons are still predominantly exploited, and the representation of minors and adults varies at about 50%. There has been a larger number of detected cases of multiple exploitation, where most often exploitation begins with forced marriage, and is then followed by sexual exploitation, criminal exploitation and forced begging.

- **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

The National Assembly adopted the Law on Public Procurement in December 2019, and it was published in the Official Gazette of the Republic of Serbia no. 91/19 of 24 December 2019. The new law entered into force 8 days from the day of its publication, while the application began on 1 July 2020. Article 111 of the Law, in the section related to the criteria for qualitative selection of economic operators, stipulates that the contracting authority is obliged to exclude from the public procurement procedure an economic operator which fails to prove that it and its legal representative have not been legally convicted within the period of five years before the day of expiration of the deadline for the submission of bids / applications, unless the final judgment does not determine another period of prohibition of participation in the public procurement procedure. This article establishes a list of individual criminal offenses that constitute grounds for the exclusion of an economic operator and its legal representative, if convicted of them, which includes, inter alia, criminal offense of human trafficking and criminal offense of holding in slavery and transportation of enslaved persons.

Law on Foreigners (Official Gazette of RS, nos. 24 of 26 March 2018, and 31 of 29 April 2019), Article 61, stipulates that temporary residence for humanitarian reasons may be granted to a foreigner meeting general criteria referred to Article 43 of this Law, when other circumstances exist that require special consideration in relation to:

- A foreigner who is a victim of serious criminal offence, including persons who have been implicated in the action to enable irregular migration who cooperate with the police and the judiciary, whose presence is necessary in the criminal proceedings or who participates in an investigation as a witness or injured party;
- a minor foreigner who has been abandoned, who is a victim of organised crime, or who has been left without parental care or unaccompanied due to other reasons;
- serious and justified personal reasons of humanitarian nature, existing interests or international commitments of the Republic of Serbia.

Article 62 of the Law on Foreigners provides for the temporary residence of a foreigner who is a presumed victim of THB. In this context, the following is prescribed:

If during a procedure of establishing a foreigner's identity it is presumed that the foreigner is a victim of trafficking in human beings, the state authority responsible for identification and coordination of human trafficking victims' protection shall be notified, and it shall assess the situation and needs of the victim and perform identification.

The competent state authority for identification and coordination of human trafficking victims' protection shall inform the Ministry of the Interior on the initiation of this procedure and shall inform the foreigner about the criteria for approving temporary residence and other rights and, if needed, provide him/her translation and interpretation services and assistance in the realization of his/her rights and interests, in case of criminal proceedings.

During temporary residence, a period for recovery and elimination of any further influence from the perpetrator of the criminal offence on the victim shall be enabled, as well as the possibility for the victim to, based on timely and complete information on his/her status, make an independent decision, without conditioning him/her to testify, to further cooperate with the competent state authority for identification and coordination of human trafficking victims' protection, the court, prosecutor's office or the police.

During the period of validity of temporary residence on these grounds, competent government authority for identification and coordination of human trafficking victims' protection shall coordinate the protection of victims of trafficking in human beings, and cooperate with other institutions and organisations to provide them safety and protection, appropriate and safe accommodation, psychological and material assistance,

access to emergency medical services, access to education for minors, counselling and information-sharing about legal rights and rights available to him/her, in a language he/she understands.

When it is determined that a minor foreigner, who is a presumed victim of trafficking in human beings, is not accompanied by parent, guardian or legal representative, the competent authority, guardianship authority and the police, in cooperation with the competent state authority for identification and coordination of human trafficking victims' protection, shall determine whether his family is on the territory of the Republic of Serbia, with the aim of family reunification.

If it is assessed that the reunification of the minor with the family is not in his / her best interest, the victim shall not be reunited with his/her family, and reuniting a minor with his/her family shall be done only in situations when the competent guardianship authority, in cooperation with the competent state authority for identification and coordination of human trafficking victims' protection, determines that family reunification is in the best interest of the child.

If the family of the victim is not, or cannot be found on the territory of the Republic of Serbia, a guardian shall be appointed to the minor, in accordance with the law.

Temporary residence shall be granted to a foreigner presumed to be a victim of trafficking in human beings without his meeting the general criteria referred to in Article 43 of the Law on Foreigners (not having a valid personal or service passport, evidence of means for subsistence during the planned stay, registered address of residence in the Republic Serbia, evidence of health insurance during the planned stay, evidence that the application for temporary residence permit is justified) for the period of 90 days.

Article 63 stipulates that victims of trafficking in human beings, including minor victims, shall be granted temporary residence if the competent state authority for identification and coordination of human trafficking victims' protection deems their stay necessary for their own protection, recovery and safety, or if the court, prosecutor's office or the police deem their presence necessary for cooperation in the criminal proceedings. When granting temporary residence to a minor foreigner, the competent authority shall consider the best interest of the minor, his/her age and maturity.

Temporary residence shall be approved to a foreigner who is a victim of trafficking in human beings for a period of one year, with the possibility for extension under same circumstances.

The victim of trafficking in human beings may be granted temporary residence without meeting the criteria referred to in Article 41, Paragraph (2) or Article 43 of the Law on Foreigners.

A foreigner that has been granted temporary residence as victim of trafficking in human beings, in addition to the rights referred to Article 62 of this Law (presumed victim of human trafficking), without being conditioned to testify, shall have the right to access the labour market, professional training and education.

A foreigner with temporary residence permit for victims of trafficking in human beings, who does not have enough material resources for necessary treatment, shall be provided access to medical and other necessary assistance by the competent state authority for identification and coordination of human trafficking victims' protection, relevant centre for social work and other service providers and organisations.

On 29 September 2020, Minister of the Interior issued the Instruction on standard operating procedures for the treatment of irregular migrants and foreigners who express intention to apply for asylum. Item 5 thereof stipulates treatment of vulnerable categories of foreigners, which includes minors, persons partially deprived of legal capacity, children separated from parents or guardians, persons with disabilities, the elderly, pregnant women, single parents with minor children and persons who have suffered torture, rape or other forms of psychological, physical or sexual violence. When such person expresses intention to apply for asylum he/she shall be referred to the competent services (Center for Social Work, Health Care

Centres, Center for the Protection of Victims of Human Trafficking, etc.) to ensure protection of their rights.

Laws passed or amended in the period 2018-2020, relevant for the field of human trafficking, include the following:

-The Law on Transplantation of Human Organs ("Official Gazette of RS", no. 57/2018) stipulates, in Article 51, that whoever supplies, for any compensation, his/her or another person's human organ for transplantation, or offers, for a fee, his/her or another person's human organ for transplantation, or recruits, transports, transfers, delivers, sells, buys, mediates in the sale or mediates in any other way in the procedure of transplantation of human organs, or participates in the procedure of transplantation of human organs which are the object of commercial trade, shall be punished by imprisonment of two up to ten years.

- Law on Free Legal Assistance ("Official Gazette of RS", no. 87/2018). Pursuant to the provisions of Article 4 of the Law on Free Legal Assistance, free legal assistance may be provided to a person who is exercising legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking who is a national of the Republic of Serbia, a stateless person, or a foreign national with permanent residence in the Republic of Serbia. In this regard, a victim of THB is entitled to free legal assistance, which comprises right to provision of legal advice, drafting of statements of cases, representation before courts and prosecutors' offices, as well as exemption from payment of legal costs.

-Law on Foreigners ("Official Gazette of RS", nos. 24/2018 and 31/2019). The newly adopted Law on Foreigners regulates, inter alia, temporary residence for presumed victims of human trafficking (period of reflection), under Article 62, and temporary residence for victims of human trafficking, under Article 63. Also, provisions of Article 3, which define the meaning of specific terms, specify victims of THB as particularly vulnerable persons, who are granted special treatment in the return procedure in accordance with the provisions of Article 75.

-Law on Asylum and Temporary Protection ("Official Gazette of RS", no. 24/2018). The newly adopted Law on Asylum and Temporary Protection stipulates, in Article 10, that in assessing the best interest of the minor, due attention shall be given to minor's protection and security, especially if it is suspected that the minor might be a victim of trafficking. Also, provisions of Article 17 recognise victims of human trafficking as a particularly vulnerable group who are granted special procedural and reception guarantees, and who are provided with appropriate assistance.

- Law on Employment of Foreign Citizens ("Official Gazette of RS", nos. 128/2014, 113/2017, 50/2018 and 31/2019). The Law on Employment of Foreign Citizens, in Article 2, recognizes victims of THB as Persons belonging to a Special Category of Foreign Citizens, while Article 13 stipulates that a victim of trafficking in human beings shall be issued a personal work permit with the same period of validity as his/her residence permit.

- Law on Health Care ("Official Gazette of RS", no. 25/2019). Provisions of Article 11 of the Law on Health Care stipulates that social care for health shall be exercised also by providing health care to victims of trafficking, while Article 239 envisages that compensation for health services provided to foreigners who are victims of human trafficking shall be paid from the budget of the Republic of Serbia.

- Law on Health Insurance ("Official Gazette of RS", no. 25/2019). Provisions of Article 16 of the Law on Health Insurance stipulate, inter alia, that victims of THB shall be considered the insured, irrespective of whether they meet conditions for acquiring the status of the insured.

- Law on Public Procurement ("Official Gazette of RS", nos. 124/2012, 14/2015, 68/2015 and 91/2019). Provisions of Article 111 of the Law on Public Procurement stipulate that the contracting authority is obliged to exclude from the public procurement procedure an economic operator which fails to prove that it and its legal representative have not been legally convicted within the period of five years before the day of expiration of the deadline for the submission of bids / applications, unless the final judgment does not determine another period of prohibition of participation in the public procurement procedure, inter alia, for the criminal offence of human trafficking and criminal offense of holding in slavery and transportation of enslaved persons, under Article 390 of the Criminal Code.

- Law on Accounting ("Official Gazette of RS", nos. 73/2019 and 44/2021 - other law) - Provisions of Articles 37 and 38 of the Law on Accounting stipulate that the annual business report of a legal entity shall include also non-financial and consolidated non-financial report containing information necessary to understand the development, business results and position of the legal entity, as well as the results of its activities related, inter alia, to respect for human rights. More details are given in the reply under 11.4.

- **the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

On 12 October 2017, with a view of improving institutional capacities for the systemic response of the society to the problem of human trafficking, the Government of the Republic of Serbia passed the Decision on the formation of the Council for Combating Trafficking in Human Beings and appointing its members.

After the parliamentary elections and the formation of the new Government, at the 40th session on 18 March 2021, the Decision on dismissal and appointment of the President and members of the Council for Combating Trafficking in Human Beings was passed.

Aleksandar Vulin, Minister of the Interior, was appointed President of the Council for Combating Trafficking in Human Beings, and Branko Ružić, First Deputy Prime Minister, and Minister of Education, Science and Technological Development, Siniša Mali, Minister of Finance, Prof. Dr. Darija Kisić Tepavčević, Minister of Labour, Employment, Veterans and Social Affairs, Dr. Zlatibor Lončar, Minister of Health, and Maja Popović, Minister of Justice were appointed as members of the Council.

In the period from 2017 to 2019, the Council for Combating Trafficking in Human Beings held two meetings, at which decisions were made aimed at:

- improving the system of identification, protection, assistance and support to victims of THB and improving the Centre's capacity for protecting victims of human trafficking;
- improving a proactive system for detecting cases of human trafficking and ensuring more efficient prosecution of perpetrators of the criminal offense of human trafficking;
- improving performance of Local Anti-Trafficking Teams in 17 cities throughout the Republic of Serbia (in Pancevo, Kikinda, Sombor, Novi Pazar, Sabac, Smederevo, Pozarevac, Leskovac, Pirot, Prokuplje, Nis, Novi Sad, Sremska Mitrovica, Kraljevo, Kragujevac, Vranje, and Subotica);
- Standard Operating Procedures for the Treatment of Victims of Human Trafficking were adopted, with the aim to improve the identification, assistance and protection of victims of THB, through partnerships of all relevant actors at local, national, regional and international levels.;
- Recommendations for the improvement of a proactive system for detecting cases of human trafficking, efficient prosecution of natural and legal persons and legal protection of victims of human trafficking were adopted, and
- Recommendations of the Council of Europe, the Group of Experts on Action against Trafficking in Human Beings (GRETA) for the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings were adopted.

With a view of improving the identification of victims of THB in the Republic of Serbia, conclusions of the Council for Combating Trafficking in Human Beings, Standard Operating Procedures for the Treatment of Victims of Human Trafficking with the indicators for the preliminary identification of victims of THB, as well as all other information on anti-trafficking activities were published on the official websites of the Ministry of the Interior and the Government of the Republic of Serbia.

On 6 October 2017, under Government's Decision, National Coordinator for Combating Trafficking in Human Beings was appointed, who is also the head of the Office for the Coordination of Anti-Trafficking Activities at the Police Directorate of the Ministry of the Interior.

To ensure operative implementation of action plans, monitoring and assessment of the fulfilment of the goals of the 2017-2022 Strategy for Prevention and Suppression of Trafficking in Human Beings, especially Women and Children, and Protection of Victims, in accordance with the preconditions for the implementation of the Strategy, the Minister of the Interior issued Decision 01 No. 7201 / 17- 40 of 17 October 2017, on the formation of Special Working Group for the Implementation and Monitoring of the Implementation of the 2017-2022 Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims.

The special working group comprises representatives of ministries and other state authorities, who have expertise in areas relevant to the implementation of the Strategy, specifically representatives of: Ministry of the Interior, Ministry of Justice, Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Labour, Employment, Veterans and Social Affairs, Ministry of Finance, Ministry of Trade, Tourism and Telecommunications, Ministry of Culture and Information, Ministry of Youth and Sports, Ministry of Foreign Affairs, Republic Public Prosecutor's Office, Office for Human and Minority Rights, Security Intelligence Agency, Commissariat for Refugees and Migration, Social Inclusion and Poverty Reduction Unit, the Centre for the Protection of Victims of Human Trafficking, as well as representatives of the Serbian Red Cross.

Under the decision of the Minister of the Interior 01 number 43 / 21-35 of 27 April 2021, a new Special Working Group was formed for the implementation and monitoring of the 2017-2022 Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims. The task of the working group is to monitor and evaluate the fulfilment of the Strategy goals through the operational implementation of action plans, and to prepare related reports.

Anti-trafficking civil society organizations, in accordance with the Strategy, equally participate in the process of monitoring, reporting and evaluating the implementation of the Strategy. On 29 September 2017, in cooperation with the Office for Cooperation with Civil Society, Public Call was published for the selection of five civil society organizations that will participate in the process of monitoring, reporting and evaluating the implementation of the Strategy. After an efficient and transparent procedure for selecting civil society organizations and the expiry of the deadline for complaints, on 29 November 2017, it was established that two of the four organizations that had applied meet the criteria specified in the Public Call, namely the Association of Citizens "ATINA" and the Association of Citizens "ASTRA". Having in mind the obligation to appoint 5 (five) representatives of anti-trafficking civil society organizations, who shall participate in the process of monitoring, reporting and evaluating the implementation of the Strategy, it was necessary to select three more civil society organizations.

In keeping with this, in the period 5-20 August 2021, the Ministry of Human and Minority Rights and Social Dialogue, in cooperation with the Ministry of the Interior of the Republic of Serbia, published Public call for the selection of three more anti-trafficking civil society organizations, whose representatives will take part in the process of monitoring, reporting on and evaluating the implementation of the 2017- 2022 Strategy for the Prevention and Suppression of Trafficking in Human Beings, especially Women and Children, and Protection of Victims.

In compliance with the recommendations of the Council for Combating Trafficking in Human Beings and with a view of improving the proactive system for detecting cases of human trafficking and ensuring more efficient prosecution of perpetrators of human trafficking, on 22 December 2012 the President of the Council for Combating Trafficking in Human Beings set up an Inter-Sectoral Working Group for the adjustment of the existing mechanism of cooperation among competent authorities and establishment of new ones in accordance with a proactive approach. The Inter-Sectoral Working Group comprises representatives of the Ministry of the Interior, the Ministry of Justice, the Ministry of Labour, Employment, Veterans and Social Affairs, the Labour Inspectorate, the Republic Public Prosecutor's Office, the Prosecutor's Office for Organized Crime and the Criminal Police Academy. Inter-Sectoral Working Group prepared a Functional analysis of the existing mechanisms of cooperation in proactive detection of human trafficking cases, with the recommendations for their improvement.

Under the Decision of the Minister of the Interior 01 no. 43 / 21-36 of 27 April 2021, a new Special Working Group was established tasked with the improvement of the proactive system for detecting human trafficking cases, efficient prosecution of natural and legal persons and legal protection of victims of THB (Inter-Sectoral Working Groups) with the aim of establishing a model for the monitoring of the implementation of recommendations given in the Functional Analysis and proposing a model for multisectoral statistical collection and analysis of data related to trafficking in human beings.

Within the MoI Police Directorate headquarters, the Office for the Coordination of Anti-Trafficking Activities was established, which in the subject area, inter alia: monitors, coordinates, supervises and guides the implementation of measures and actions; participates in, implements and monitors activities planned under the strategic documents; performs tasks for the needs of the Council for Combating Trafficking in Human Beings; initiates changes and participates in the drafting of international agreements, laws and other regulations; coordinates the work and exchange of data between Police Directorate organizational units and other partners.

On 28 June 2018, with a view of improving cooperation, ensuring more efficient suppression of human trafficking and protection of the rights of victims of THB, the Ministry of the Interior, the Ministry of Labour, Employment, Veterans and Social Affairs and the Republic Public Prosecutor's Office concluded a Protocol on Cooperation in Combating trafficking in human beings and the protection of the rights of victims of THB. The Protocol defines the mutual rights and obligations of the signatory parties in the areas of identification of victims of THB, provision of assistance and protection of victims' safety, prevention of human trafficking and statistical reporting to support researches on the THB phenomenon.

As regards operational level, on 1 January 2019, the new Rulebook on Internal Organization and Systematization of Job Positions in the Ministry of the Interior entered into force, under which the competence for dealing with cases concerning trafficking in human beings was transferred from the Border Police Directorate to the Criminal Police Directorate, i.e. anti-trafficking organizational capacities of the Criminal Police Directorate were strengthened.

On 3 February 2019, within the Centre for the Protection of Victims of Human Trafficking, the Shelter for Emergency Accommodation of Victims of THB was opened, which is available 24 hours a day, and can receive up to 6 beneficiaries (females above 16 years of age).

On 16 December 2019, the Agreement between the Government of the Republic of Serbia and the Government of the Republic of North Macedonia on cooperation in the field of combating human trafficking was signed, which is the first such agreement signed by the Republic of Serbia. Signed agreement was ratified by the National Assembly of the Republic of Serbia at its session held on 25 February 2021, through the adoption of the Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of North Macedonia on Cooperation in the Field of Combating Trafficking in Human Beings.

On 6 January 2020, a Memorandum of Cooperation was signed between the Ministry of the Interior, NGO ATINA and NGO ASTRA on cooperation in the field of combating trafficking in human beings. Under this Memorandum, the signatory parties agreed on cooperation in establishing an effective system in the fight against human trafficking, identification and protection of victims of THB and other forms of exploitation. The Memorandum provides the basis for creating a joint partnership and providing mutual support during the activities undertaken towards the related goal.

With a view of improving institutional capacity for combating trafficking in human beings in the Republic of Serbia, the Revised Action Plan for Chapter 24 - Justice, Freedom and Security has envisaged activity 6.2.8.13 "Appointment of a National Rapporteur on THB within the Institution of the Protector of Citizens". Along these lines, a report is now being drafted on the conducted public debate on the text of the Draft Law on the Protector of Citizens, which envisages the appointment of the National Rapporteur on Trafficking in Human Beings within the institution of the Protector of Citizens. It is expected that the report will be published soon, after which its proposer, the Ministry of Public Administration and Local Self-Government, will submit the Draft Law on the Protector of Citizens to the Government for consideration and approval of the text of the Draft Law on the Protector of Citizens. Upon the adoption of the law, the Protector of Citizens shall appoint one of his deputies as the National Rapporteur on Trafficking in Human Beings.

- **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

With a view of improving the systemic response of society to the problem of human trafficking in the Republic of Serbia, at its session on 4 August 2017, the Government adopted the 2017-2022 Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and Protection of Victims with the accompanying Action Plan for 2017-2018 ("Official Gazette of RS", no. 77/17).

The Strategy aims to ensure respect for and protection of human rights, a continuous comprehensive response of society through an improved system of prevention, assistance and protection of victims, timely identification of cases in practice, and efficient prosecution of perpetrators. It also aims to ensure suppression of trafficking in human beings through functional networking and institutional capacity building of all entities in the government and civil sector, in keeping with the dynamics of new challenges, risks and threats.

Accordingly, the Strategy envisages five specific objectives: strengthened partnership in response to human trafficking, enhanced prevention, enhanced proactive system of THB cases detection, enhanced identification and support to victims of THB, and protection of children against human trafficking and exploitation in pornography and prostitution.

A report on the implementation of the Action Plan for the period 2017 and 2018 has been prepared.

Pursuant to Article 38, paragraph 1 of the Law on the Planning System of the Republic of Serbia, at its session held on 11 July 2019, the Government adopted second Action Plan for the implementation of the Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and Protection of Victims for 2019 - 2020.

Funds for the implementation of the activities under the Action Plan for 2019-2020 were provided from the budget of the Republic of Serbia, in the total amount of RSD 7,881,680.00 dinars (about EUR 66,794). Support for the implementation of the activities under the Action Plan for 2019-2020, were also provided from donor and IPA funds granted to individual projects.

In accordance with the Law on Planning System, the MoI Police Directorate, in cooperation with the Department for International Cooperation, European Affairs and Planning prepared a Report on the results of the implementation of the 2019-2020 Action Plan for the implementation of the Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and Protection of Victims for the period 2017-2022 which, after receiving positive opinion of the Republic Secretariat for Public Policies, was published on the website of the Ministry of the Interior of the Republic of Serbia in February 2021.

The 2019-2020 Action plan contained one general objective, five specific objectives, 14 implementing measures and 42 activities, of which 15 activities were fully implemented, 23 partly and four were not implemented. The main conclusion regarding the fulfilment of all objectives is that the activities were being continuously implemented in all the planned areas. All Strategy actors and partners invested efforts to implement the activities, especially those targeted at strengthening partnership and protection of children against human trafficking.

Also, to ensure operative implementation of the activities and measures under the 2017-2020 Strategy for the Prevention and Suppression of Trafficking in Human Beings, especially Women and Children, and Protection of Victims and the accompanying Action Plan, on 27 April 2021, Minister of the Interior and President of the Council for Combating Trafficking in Human Beings issued a Decision on the formation of a Special Working Group tasked with the development of the Draft Action Plan for the implementation of the 2017-2022 Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and Protection of Victims, for the period 2021-2022.

The working group comprised representatives of various institutions: Ministry of the Interior, Ministry of Justice, Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Labour, Employment, Veterans and Social Affairs, Ministry of Finance, Republic Public Prosecutor's Office, Commissariat for Refugees and Migration, and Ministry of Labour, Employment, Veterans and Social Affairs - Centre for the Protection of Victims of Human Trafficking.

The working group developed Draft Action Plan for the period 2021-2022 after which, pursuant to the Law on the Planning System of the Republic of Serbia, public debate was carried out in the period from 24 June to 14 July 2021, participated by representatives of state authorities, institutions, international organizations, citizens' associations and other representatives of civil society, academic community, and other stakeholders.

After consideration of the comments submitted by the Special Working Group for the development of the Draft Action Plan for the implementation of the Strategy, the Report on the public debate on the 2021-2022 Action Plan for the implementation of the Strategy for the Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children, and the Protection of Victims for the period 2017-2022 was prepared and, as prescribed by the Law on the Planning System of the Republic of Serbia, it will be published on the website of the Ministry of the Interior and the e-Government portal, after which the procedure of 2021-2022 Draft Action Plan adoption by the Government will follow.

Also, at the session of the Government on 30 July 2020, the National Strategy for the Exercise of the Rights of Victims and Witnesses of Crimes in the Republic of Serbia for the period 2020-2025 was adopted, along with the accompanying Action Plan. The adoption of the Strategy is the result of a strategic commitment to provide all victims and witnesses of crimes with an adequate level of procedural rights, as well as systematic, professional and accessible assistance and support, and also a special level of protection for particularly vulnerable categories of victims, including victims of THB.

At its session on 21 May 2020, the Government adopted the Strategy for Prevention and Protection of Children from Violence for the Period 2020 - 2023, along with the accompanying Action Plan, which envisages, inter alia, activities in the field of prevention of child trafficking (October is the month of fight against trafficking in human beings, professionals' capacity building activities related to detection and identification of child victims of THB).

➤ **recent case law concerning THB for different forms of exploitation.**

The Annex attached to this Questionnaire provides Analysis of final judgments concerning criminal offence of human trafficking rendered in the period from 2017 to 2020, prepared by the Supreme Court of Cassation.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

➤ **reduce children's vulnerability to trafficking and improve the identification of, and assistance to, child victims, including by ensuring the timely appointment of guardians to unaccompanied children**

Regarding the recommendations made in GRETA's second evaluation report, it is emphasized that the identification of victims among asylum seekers is being conducted continuously. If a potential victim of THB is detected during the registration procedure, police officers in the field, who are the first line contact with asylum seekers notify the Asylum Office thereof without delay.

Asylum Office staff ensures continuous monitoring during the submission of asylum applications and interviewing of asylum seekers, until the first instance decision is made, and maintain related cooperation with other state authorities and civil society organizations that provide assistance and protection to these categories of persons, as well as with other organizations engaged in this area.

Bearing in mind that the treatment of potential victims of THB in the asylum procedure requires specialized knowledge and skills (both related to interviewing and researching the regulations and laws of the countries from which applicants have come, as well as to compiling reports on countries of origin aiming to make appropriated and law-based decisions), the asylum office staff successfully completed trainings on the identification of victims of THB, interviewing of victims, grounds for granting international protection to these categories of persons, etc., organized by the European Asylum Support Office - EASO.

With a view of improving the identification of child victims of human trafficking, the Center for the Protection of Victims of Human Trafficking has organized, on a priority basis, professionals' trainings on the detection of and support to child victims of human trafficking, primarily for sexual exploitation. Actions on reports of suspected child trafficking are treated as a priority, and the Centre for the Protection of Victims of Human Trafficking is currently completing an internal procedure for conducting interviews with child victims, with a list of questions for a semi-structured interview. Cooperation with the Institute for Mental Health has also been developed, and also preliminary identification of child victims of human trafficking has been developed in the framework of the consultative support to centres for social work and local civil society organizations.

For unaccompanied children in mixed migrations, the procedure of appointing a temporary guardian immediately upon detection of such children has been established. A mechanism for providing guardianship protection was developed in cooperation with the Ministry of Labour, Employment, Veterans and Social Affairs, the IDEAS Center for Research and Social Development, and UNHCR, within which the "professional guardian" approach was developed. Children in mixed migration who are in the process of identification had a temporary guardian appointed according to this model. Among the children in this group, three identified victims had a temporary guardian appointed according to this model. Also, almost all unaccompanied children who were in the process of identification, but have not been identified as victims of human trafficking had a temporary guardian, either a professional guardian engaged by the Ministry of Labour, Employment, Veterans and Social Affairs, IDEAS civil society organization, or the International Organization for Migration (Centre for the Protection of Victims of Human Trafficking does not have precise data for the entire related period on guardianship concerning children who have not been identified as victims of human trafficking).

With the support of UNHCR and in cooperation with the Centre for the Protection of Victims of Human Trafficking, UNHCR partner organization, the IDEAS civil society organization has developed an information leaflet for refugee and migrant children, especially unaccompanied minors. The leaflet "Protect yourself against human trafficking", in a child-friendly and visually interesting and associative way, provides basic information about human trafficking and contributes to their sensitivity to risk recognition. The leaflet is available in Serbian, Farsi and Arabic. <https://ideje.rs/zastiti-se-od-trgovine-ljudima-informacije-za-decu-bez-pratnje/>

With the support of UNHCR and in cooperation with the Centre for the Protection of Victims of Human Trafficking, UNHCR partner organization, the IDEAS Center for Research and Social Development has developed a List for Fast Screening of Trafficking Risks among Refugee and Migrant Children in Mixed Migration. The List is intended for professionals in the Centres for Social Work as well as for field service professionals in the municipalities where children from the refugee and migrant population reside or are most often identified.

The Labour Inspectorate actively participates in the implementation of activities under the International Labour Organization Project "The Measurement, awareness-raising and policy engagement project to accelerate action against child labour and forced labour (MAP16 Project)" in Serbia. Under this project, representatives of the Labour Inspectorate are participating in the drafting of amendments to the Special Protocol for Labour Inspection to protect children from child labour abuse, including the worst forms of child labour, and violations of child labour rights, as well as in drafting a regulation on hazardous child labour and amendments to the Instructions on the conduct of labour inspectors during inspections aimed at children protection against child labour abuse.

The Family Law, in Article 132, paragraph 1 and 2, item 4, prescribes that the Guardianship authority (Center for Social Work) may decide to appoint temporary guardian to a ward, as well as to a child under parental care, or a person having business capacity, if it deems it indispensable for temporary protection of person, rights or interests of such persons, and that it shall be under obligation to do so, inter alia, to a foreign national who is or has property on the territory of the Republic of Serbia.

Paragraph 3 of the same article stipulates that the decision on appointment of a temporary guardian shall also determine legal operations or type of legal operations the guardian may undertake, depending on circumstances of each specific case.

In cases of minor migrants unaccompanied by an adult responsible person, parent or guardian, the temporary guardian is obliged to take care of the basic needs of the ward in all respects, including safety, health, basic existential needs - food, clothing, footwear, accommodation, personal hygiene, etc. A special duty that is required to be stated in the decision on appointing a temporary guardian for an unaccompanied minor migrant is to represent him/her in all proceedings concerning rights to which he/she is entitled under the regulations of the Republic of Serbia, such as asylum, refuge procedure or procedures related to granting other forms of protection.

In all these procedures for the realization of the temporary guardianship protection, in accordance with Article 65 of the Family Law, an unaccompanied minor migrant has the right to freely express his/her own opinion, which implies that the child has the right to duly receive all information necessary for forming own opinion, that child's opinion must be given due attention in all issues concerning the child and in all proceedings where his/his rights are decided on, in accordance with age and maturity of the child, and that the child shall have the right to freely and directly express his/her opinion in every court and administrative proceedings where his/her rights are decided upon. The deadline for making a decision on guardianship is 30 days from the day of identification of the minor and after the preliminary assessment of the needs of the minor.

Back in 2015, the Ministry of Labour, Employment, Veterans' Affairs and Social Affairs issued an Instruction to Centres for Social Work - Guardianship Authority on the provision of protection and accommodation for unaccompanied minor migrants, which defined special procedures for the treatment of minors, including in the context of treatment of victims of THB.

Thereafter, in 2016, in partnership with UNHCR, UNICEF and the IDEAS civil society organization, Standard Operative Procedures for the Protection of Unaccompanied Minors were published. They have been recognized by the Council of Europe as a good example of European practice in providing protection to children in a migratory context.⁴

With a view of strengthening family-legal, and especially guardianship protection of unaccompanied minor foreigners, the Ministry of Labour, Employment, Veterans and Social Affairs, in cooperation with UNHCR partners and the IDEAS civil society organization, developed a model of professional guardianship, which raises the quality and standard of service provided through the engagement of special guardians trained to work with this specific population. This model of providing guardianship protection has been applied since 2018 and there are currently 9 professional guardians who cover needs of the migrant population. Along with the centres for social work - the guardianship authority, they are actively involved also in providing protection and care in cases when there is a suspicion that a child is a victim of human trafficking or when he/she has already been identified as a victim. This model has been recognized by the Council of Europe as a good example of European practice in providing guardianship protection to children in a migratory context.⁵ From 2017 to the end of 2020, there were 5,319 unaccompanied minor foreigners who were provided guardianship protection by the centres for social work.

Number of decisions on guardianship for unaccompanied minor foreigners, by year

Year	Number of Decisions on Guardianship
2017	1081
2018	1274
2019	1370
2020	1594
TOTAL	5319

The Republic of Serbia has developed an excellent and efficient model of cooperation between state institutions and civil society organizations that are very important partners in providing adequate care and protection to vulnerable categories of migrants and significantly raise the quantity and quality of services provided, as well as the state's capacity to respond effectively to beneficiaries' needs.

The Ministry of Labour, Employment, Veterans' Affairs and Social Affairs coordinated or participated in a dozen major projects aimed at strengthening capacity of the social protection system for working with migrants, with special emphasis on the most vulnerable categories such as children, unaccompanied minors, women and girls, people with disabilities and victims of all forms of violence and human trafficking. The largest donors in this context were the European Union, Switzerland, the United States, the Republic of Korea, the Council of Europe Development Bank, and others.

⁴ Promoting child-friendly approaches in the area of migration - Standards, guidance and current practices (coe.int)

⁵ Ibid.

Special mention should be made of projects supported by the European Union, including two projects financed by the MADAD Fund, as well as the EU Support in Migration Management in the Republic of Serbia, which is implemented with the support of the International Organization for Migration. The Centre for the Protection of Victims of Human Trafficking has been involved in these projects since 2019 and currently Center is supported in its work through the engagement of an expert for the identification of victims of THB. In addition, support has been provided to 20 social welfare institutions, primarily centres for social work and residential welfare institutions.

The Ministry of Labour, Employment, Veterans and Social Affairs, with the support of the Centre for the Protection of Victims of Human Trafficking and other partners, regularly organizes trainings for workers in the social protection system related to work with migrant population, with a special emphasis on the identification and provision of support to victims of THB.

- **prevent trafficking for the purpose of labour exploitation, including by expanding the mandate of labour inspectors, strengthening the monitoring of recruitment and temporary work agencies, and working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation;**

In the period from 2016 to 2019, based on GRETA recommendations, the Ministry of the Interior, in cooperation with the Council of Europe, implemented the first phase of the project "Prevention and Combating Trafficking in Human Beings in Serbia" under the Horizontal Facility for the Western Balkans and Turkey. Under this Project, a Report on Trafficking in Human Beings for the Purpose of Labour Exploitation was produced, along with the recommendations addressed to trade unions, employment agencies and companies, as well as a Pocket guide for labour inspectors on the detection and preliminary identification of victims of THB for the purpose of labour exploitation, and information material (a flyer) on compensation to victims of THB, which contains practical information for victims of THB regarding their right to seek redress. Multidisciplinary workshops were held, attended by representatives from various institutions and regions of the Republic of Serbia: labour inspectors, market inspectors, prosecutors, police officers, representatives of the Centre for the Protection of Victims of Human Trafficking, trade unions and civil society organizations. It is particularly significant that about 60% of labour inspectors have received training on human trafficking for the purpose of labour exploitation, and that all 240 labour inspectors and 20 market inspectors have received pocket guides on detection and preliminary identification of the victims of THB for the purpose of labour exploitation, which is publicly available on the website of the Ministry of Labour, Employment, Veterans and Social Affairs.

Within the second phase of the project "Prevention and Combating Trafficking in Human Beings in Serbia", which is implemented under the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey", capacity building of the Labour Inspectorate was continued related to detection and preliminary identification of the victims of THB for the purpose of labour exploitation. Almost 100% of labour inspectors (220 inspectors) participated in multi-disciplinary trainings where they acquired the necessary knowledge to recognize signs of trafficking for the purpose of labour exploitation and to refer potential victims to help and support (within the national referral mechanism, and in accordance with the Standard Operating Procedures for the Treatment of Victims of Human Trafficking). Official statistics from the Centre for the Protection of Victims of Human Trafficking provide evidence of improved skills and cooperation of key actors in the fight against human trafficking for the purpose of labour exploitation: in 2020, compared to the previous year, there was an increase in detected and formally identified victims of THB for the purpose of labour exploitation who were provided assistance. Namely, while in 2019 the total number of formally identified victims was 39 (only 3 victims of THB for the purpose of labour exploitation), in 2020 there were 57 formally identified victims, of whom 12 victims of THB for the purpose of labour exploitation.

The Labour Inspectorate supervises the implementation of the Law on Agency Employment, and so far during the control of the implementation of this law, it has not encountered cases of human trafficking, i.e. cases of suspicion of human trafficking.

The cooperation of the Labour Inspectorate with local multidisciplinary anti-trafficking teams established in 17 cities (police, municipalities, centres for social work, etc.) was particularly important related to the awareness raising campaign organized by the ATINA civil society organization in 2019 and 2020, which was carried out in 5 cities in the Republic of Serbia, as well as related to cooperation with the trade union of construction workers, which was realized through an awareness raising campaign conducted in 2019 and 2020 by the ASTRA civil society organization.

In 2019 and 2020, the Construction and Building Materials Workers' Union of Serbia, in cooperation with the Labour Inspectorate, detected and filed reports on construction sites at which, contrary to legal regulations, migrant workers were working, who were mostly nationals of Albania, Turkey and India. With the aim to exchange information and plan activities, three seminars were held on the topic of labour migration, which were attended by representatives of the Trade Union, the Labour Inspectorate of the Republic of Serbia for the Pomoravlje and Zlatibor administrative districts.

Also, cooperation with trade unions was particularly strengthened in 2021 by connecting representatives of state authorities with trade union members at the hybrid conference "Towards fair labour mobility, social and labour issues of migrant construction workers in the Western Balkans and the European Union" organized by Construction and Building Materials Workers' Union of Serbia in partnership with the European Center for Workers' Questions, the Construction and Energy Workers Union of Belgium and the Construction Union of the Netherlands, held on 25 - 26 May 2021. Representatives of the Ministry of Labour, Employment, Veterans and Social Affairs, the Labour Inspectorate and the MoI Police Directorate's Office for the Coordination of Anti-Trafficking Activities also participated.

The general public, high school students from 26 vocational schools, local institutions and civil society organizations were informed about the fight against human trafficking, the rights of (potential) victims and available assistance. Through video materials, leaflets, social and media campaigns, meetings and recommendations for the improvement of labour legislation in the Republic of Serbia, these activities have reached the end beneficiaries.

During 2021, two new campaigns to raise children's awareness of the problem of human trafficking were launched, supported by the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey", and implemented by civil society organizations "World of Words" in partnership with the ATINA Citizens' Association and the Child Rights Center.

In addition, during 2021, with the support of the joint program of the European Union and the Council of Europe "Horizontal Facility for the Western Balkans and Turkey", GRETA guidance to help states meet their obligations under the Council of Europe Convention on Action against Trafficking in Human Beings: the Guidance Note on the Entitlement of Victims of Trafficking and Persons at Risk of Being Trafficked, to International Protection, and the Guidance Note on Preventing and Combating Trafficking in Human Beings for the Purpose of Labour Exploitation were translated into Serbian and distributed to interested entities.

- **strengthen the prevention of trafficking through social, economic and other measures for vulnerable groups, including the Roma community, migrants and asylum seekers;**

The Commissariat for Refugees and Migration, in cooperation with civil society organizations, conducts various activities related to migrants and asylum seekers. In the period from 2018 to end-June 2021, in 3 asylum and 3 reception centres, the Atina Association of Citizens, in cooperation with the Commissariat for Refugees and Migration, delivered 338 thematic educational workshops aimed at providing information to migrant population on how to recognize and protect themselves against human trafficking and other risks. The workshops were attended by 2,223 women and children from the migrant population accommodated in the mentioned centres. The Commissariat for Refugees and Migration maintains cooperation with all partners / organizations that provide support through educational workshops aimed

at providing information to the migrant population regarding the recognition and protection against the risk of human trafficking.

The Commissariat for Refugees and Migration implements integration programs for asylum seekers in Serbia through various programs and activities, to enable their easier and faster integration into the new environment. The Integration Advisor acquaints asylum seekers with the set of rights exercisable in the integration process and provides support in exercising them (the right to personal documents, temporary accommodation, social and health care, access to education, and unhampered access to the labour market, etc.). Such programs significantly enhance the prevention of human trafficking in the asylum-seekers population because they provide them with systematic support in exercising their rights thus not leaving room for potential abuses.

In addition, the Commissariat for Refugees and Migration continuously works on the social and economic empowerment of vulnerable groups, including internally displaced Roma and Roma returnees under readmission agreements, through various programs for improving living conditions and reintegration, which strengthen them and thus make them more resilient to risks of human trafficking. Within the planning and execution of its budget and donor funds, the Commissariat for Refugees and Migration takes care to cover by these programs local self-government units on whose territory a large number of internally displaced persons and returnees under the readmission agreement reside. Roma, who fall under the above categories, can apply in all programs for the improvement of living conditions. Local action planning processes identify the best ways for engaging capacities of all social actors in the community to resolve challenges. Local action plans are strategic and action documents of local self-governments which determine the needs of all categories of migrants and envisage measures and activities and financial allocations targeted at improving their position.

Since 2019, the UNHCR, through its partner organizations, the Danish Refugee Council, the Crisis Response and Policy Center, and the IDEAS Center for Research and Development, has been implementing a Peer Educators project for unaccompanied minors and young adults under 24 from the refugee and migrant populations. Through workshop and interactive work based on experiential learning and personal engagement of participants, various topics of importance for children and youth are treated, and special attention is paid to the phenomenon of human trafficking in the context of migration.

UNHCR, in cooperation with the partner civil society organisation Praxis, has been implementing for already fifteen years a project aimed at reducing and preventing statelessness, involving over 70,000 people, refugees from the former Yugoslavia, internally displaced persons and members of the Roma national minority at risk of statelessness. The project includes the provision of free legal aid in various procedures aimed at regulating personal documents, as well as public advocacy for systemic solutions that will provide access to personal documents, and thereby to a large number of rights for all citizens, especially members of the Roma national minority who are the most vulnerable in this regard. A significant part of these efforts relates to the registration of children and adults in birth registries, which, among other things, affects the prevention of human trafficking. In addition, part of the project is focused on preventive work with children of primary school age, their teachers and pedagogical-psychological services in primary schools aimed at preventing the occurrence of child marriages.

Since 2018, together with the partner civil society organization "A11 Initiative for Economic and Social Rights", UNHCR has been providing legal assistance in accessing social and economic rights to internally displaced persons, primarily displaced Roma as the most vulnerable in this category. Each year about 600 IDPs receive legal support, counselling, information and advocacy. From January 2018 to the end of July 2021, 2414 counselling services were provided (of which 730 in 2018, 633 in 2019, 542 in 2020 and 509 in 2021). In the same period, 167 administrative or court proceedings were initiated (42 in 2018, 41 in 2019, 46 in 2020, and 38 in 2021.) Certain persons were provided several counselling services or were represented in several proceedings.

- **improve the identification of victims of trafficking, including by paying increased attention to detecting victims of trafficking among migrants and asylum seekers, and providing sufficient staff and resources to the Centre for the Protection of Victims of Human Trafficking;**

Although in the previous period capacity of the Center for the Protection of Victims of Human Trafficking was significantly strengthened (opening of the Shelter for Emergency Accommodation of Victims of Trafficking, provision of premises and vehicles for work, training of employees, etc.), it still needs to be further strengthened, especially in terms of human resources and ensuring sufficient staff in the Centre for the Protection of Victims of Human Trafficking, especially in the Service for the Coordination of the Protection of Victims of Trafficking. Regarding the improvement of detection of victims of trafficking among migrants and asylum seekers, trainings were organized for the staff of the Commissariat for Refugees and Migration and outreach social workers, joint visits of the police and the Center for the Protection of Victims of Human Trafficking to reception centres and asylum centres were organized aimed at detecting victims, and cooperation with centres for social work was enhanced.

The Law on Asylum and Temporary Protection provides for special procedural and reception guarantees for victims of human trafficking. Accordingly, in cooperation with relevant international and civil society organizations, employees of asylum centres and reception centres are continuously receiving trainings on the identification and protection of victims of human trafficking. All cases of suspicion are immediately referred to the competent services in accordance with the Standard Operating Procedures for the Treatment of Victims of Human Trafficking.

Staff of asylum and reception centres, as well as other employees of the Commissariat for Refugees and Migration, are covered by continuous specialized trainings. In the reporting period, 170 persons engaged in reception activities underwent various trainings related to the detection of possible victims of human trafficking among migrants, prevention of human trafficking and smuggling, as well as protection against gender-based violence. Also, it is planned to update all local action plans for improving the position of migrants and supplement them with measures for the prevention of human trafficking. Local action plans are strategic and action documents of local self-governments which identify the needs of migrants and envisage measures and activities and financial allocations aimed at improving their position. The local action planning process is based on identifying the best way of engaging the capacities of all social actors in the community to resolve challenges.

In March 2020, through the project "EU Support to Migration Management in the Republic of Serbia - Improving Reception Capacity, Protection Services and Access to Education" implemented with the International Organization for Migration, the Ministry of Labour, Employment, Veterans and Social Affairs engaged an expert for the identification of victims of THB, with a view of strengthening the capacity of the Centre for the Protection of Victims of Human Trafficking. In addition to the above, over 50 professionals have been engaged in the social protection system with a view of strengthening system's capacity for working with vulnerable categories in the migrant population.

- **take steps to improve assistance to victims of trafficking, ensuring that specialised support and accommodation are provided to victims of trafficking, including men, and facilitating their reintegration into society. What has been the impact of the licensing procedure for service providers on the quality and range of the services provided?**

Taking into account all the challenges in the previous period, coordination in providing support to victims has been improved, and the Centre for the Protection of Victims of Human Trafficking has concluded a series of cooperation protocols in this period to provide adequate support to victims. A list of cooperation protocols is attached in the Annex. Also, significant efforts have been made to improve cooperation related to individual victim support planning and delivery.

The adoption of amendments to the Law on Social Protection should enable a clearer defining of roles and responsibilities, as well as competencies of the Centre for the Protection of Victims of Human Trafficking, which will contribute to enhancing the quality of provision of the existing services.

The licensing system for service providers has been applied in the Republic of Serbia since 2011, and it is defined by the Rulebook on detailed conditions and standards for the provision of social protection services and other rulebooks concerning the required professional qualifications of employees. The existing licensing procedure for services (especially accommodation and day care services in the community) defines the minimum professional requirements set to ensure quality services to social protection beneficiaries, including support to victims of THB. The quality of services provided by the public sector and the quality of services provided by the civil society organizations must be the same.

For now, there are two licensed services for victims of THB - "Supported Housing", provided by the citizens' association Atina, and "SOS telephone" provided by the citizens' association Astra. The licensing process for the Shelter for Victims of THB with the Centre for the Protection of Victims of Human Trafficking is underway, which will ensure a high level of security and is intended for emergency accommodation of girls over 16 and women victims of human trafficking during the identification and in the recovery phase.

There is still no adequate accommodation for men, thus for male victims of trafficking, if needed, alternative accommodation services are used in cooperation with the Serbian Red Cross and civil society organizations, as well as the existing services of social protection institutions - shelters with the elderly care homes.

The Republic of Serbia has 5 shelters for unaccompanied minors who are in a particularly vulnerable position (including victims of human trafficking), of which three are state social welfare institutions, while 2 shelters are run by civil society organizations. All of them together can provide accommodation to 70 beneficiaries, and the existing capacities are planned to be expanded. Professional and trained staff provide protection and support also to these children, in accordance with the Law on Social Protection and standards of providing services to children in vulnerable position, and they underwent specialised training for work with children in a migratory context. From 2017 until today, about 1,000 unaccompanied minors have been accommodated in these shelters.

- **ensure that all presumed foreign victims of trafficking are offered a recovery and reflection period and all forms of assistance and protection that go with it.**

As mentioned above, provisions of Articles 62 and 63 of the Law on Foreigners, presumed foreign victims and victims of THB are offered temporary accommodation within the recovery and reflection period, during which the Center for the Protection of Victims of Human Trafficking coordinates all forms of available assistance and protection.

Part III - Statistics on THB

14. Please provide the following statistics, per year starting with 2017, where available disaggregated as indicated below:

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

In the period from 2017 to the end of June 2021, the Centre for the Protection of Victims of Human Trafficking formally identified 24 victims of THB.

Number of **formally** identified victims of THB, disaggregated by age, sex and form of exploitation

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Sexual exploitation	52	1	60	1	114
Multiple exploitation	14	4	17	5	40
Forced begging	5	4	3	2	14
Labour exploitation	3	4	5	28	40
Forced marriage	17		6		23
Criminal exploitation		2	2	4	8
Illegal adoption	1				1
Economic exploitation				1	1
Subtotal	92	15	93	41	
TOTAL	107		134		241

Number of **formally** identified victims of internal human trafficking, disaggregated by age, sex and form of exploitation

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Sexual exploitation	50	1	50	1	102
Multiple exploitation	11	4	6	5	26
Forced begging	5	4	2	2	12
Labour exploitation	1	3	3	5	13
Forced marriage	11		4		15
Criminal exploitation		1	1		2
Illegal adoption	1				1
Economic exploitation				1	1
Subtotal	79	13	66	14	
TOTAL	92		80		172

Number of **formally** identified victims of transnational human trafficking, disaggregated by age, sex and form of exploitation

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Sexual exploitation	2		10		12
Multiple exploitation	3		11		14
Forced begging			1		1
Labour exploitation	2	1	2	23	28
Forced marriage	6		2		8
Criminal exploitation		1	1	4	6
Subtotal	13	2	27	27	69
TOTAL	15		54		

Number of **formally** identified victims of THB, by nationality

Country of origin	Number of victims
Serbia	223
Afghanistan	2
Macedonia	2
Montenegro	1
Pakistan	3
Nigeria	1
Cameroon	1
Albania	1
Denmark	1
Mali	1
Croatia	2
Germany	1
Congo	1
Bosnia & Herzegovina	1
TOTAL	241

Number of **presumed** victims of THB, disaggregated by age, sex and possible form of exploitation

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Sexual exploitation	34	5	46	1	86
Multiple exploitation	3		4		7
Forced begging	6	4	2	1	13
Labour exploitation	2	5	7	26	40
Forced marriage	34		9		43
Criminal exploitation	1			1	2
Illegal adoption	3	1			4
Economic exploitation			1		1
Not known ⁶	11	22	18	2	53
Subtotal	94	37	87	31	
TOTAL	131		118		249

Number of **presumed** victims of THB, disaggregated by country of origin, age, and sex

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Serbia	89	10	63	8	170
Tajikistan				6	6
Austria	1				1
Ghana				1	1
Eritrea			2		2
Afghanistan	1	11			12
Iran	1	13	1	16	31
Croatia	1	1			2
Sierra Leone			2		2

⁶ Form of exploitation was not indicated in the related reports.

Syria		1	1		2
Albania			1		1
Bulgaria	1		2		3
Guinea			3		3
Somalia			10		10
Pakistan		1			1
Stateless			2		2
Subtotal	94	37	87	31	249
TOTAL	131		118		

➤ **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

In the period from 2017 to end-July 2021, within the asylum procedure, police officers of the Border Police Directorate - Asylum Office preliminarily identified four victims of THB, of whom one female and three male (Syria, Nigeria, Pakistan, Mali). In three procedures, the identified victims of THB were unaccompanied minors at the moment of applying for asylum in the Republic of Serbia.

As regards form of exploitation, one person was identified as a victim of sexual exploitation, one as a victim of criminal exploitation, and two as victims of multiple exploitation. Countries of origin of asylum seekers victims of THB were: Nigeria, Afghanistan, Pakistan and Mali. It is noted that the identified victims of THB were exploited in their countries of origin, but also in the transit countries where they were staying before their arrival on the territory of the Republic of Serbia. All identified victims were granted a positive decision by the first instance authority in the asylum procedure, specifically: one person was granted the right to refuge, while the others were granted subsidiary protection.

Also, in 2021, first-instance decisions are expected for two more persons (citizens of Iraq and Pakistan) who are presumed victims of THB. It is noted that in one case (citizen of the Republic of Mali) appeal against the decision of the Asylum Office (subsidiary protection granted) was filed with the Asylum Commission, which confirmed the first instance decision, after which an administrative dispute was initiated.

Country of origin	under 18		over 18		Form of exploitation
	F	M	F	M	
Nigeria	1				Sexual
Syria				1	criminal exploitation
Pakistan				1	multiple
Mali				1	multiple

Also, in the reporting period, within the asylum procedure, police officers of the Border Police Directorate - Asylum Office, preliminary identified three more victims of THB (Afghanistan, Cameroon and Congo), but the related procedures were not concluded as one procedure was suspended, one asylum application was rejected, and one asylum application was withdrawn.

In the period from 2017 to end-June 2021, the Centre for the Protection of Victims of Human Trafficking identified 9 victims of THB who were/are in the asylum procedure, and three victims from mixed migration for whom the asylum procedure has not been initiated. Four victims were granted certain form of international protection.

Number of victims of THB identified as part of the asylum procedure, disaggregated by form of exploitation, age and sex

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Sexual exploitation	2	2			4
Criminal exploitation				1	1
Multiple	1			2	3
Forced marriage	1				1
TOTAL	6		3		9

Number of victims of THB identified as part of the asylum procedure, disaggregated by nationality, age and sex

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Afghanistan	1	1			2
Pakistan		1		1	2
Syria				1	1
Nigeria	1				1
Cameroon	1				1
Mali				1	1
Congo	1				1
Subtotal	4	2		3	9
TOTAL	6		3		

Number of victims of THB identified as part of the asylum procedure, disaggregated by form of granted international protection, age and sex

Form of international protection	under 18		over 18		TOTAL
	F	M	F	M	
Refugee	1				1
Subsidiary protection				3	3
TOTAL	1		3		4

Number of victims of THB identified as part of the asylum procedure, disaggregated by the status of asylum procedure, age and sex

Status of asylum procedure	under 18		over 18		TOTAL
	F	M	F	M	
First instance procedure in progress	1	1			2
International protection granted	1			3	4
Procedure suspended		1			1
Application rejected	1				1
Asylum application withdrawn	1				1
Subtotal	4	2		3	9
TOTAL	6		3		

➤ **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

In the reporting period, according to the records of the Centre for the Protection of Victims of Human Trafficking, 490 presumed and identified victims of THB received certain form of assistance and support. Currently, data from the records of the Centre for the Protection of Victims of Human Trafficking cannot be disaggregation by nationality and form of support and assistance provided.

Number of presumed and formally identified victims, beneficiaries of the Centre for the Protection of Victims of Human Trafficking, who received different forms of assistance and support, disaggregated by form of exploitation, age and sex

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Sexual exploitation	86	6	106	2	200
Multiple exploitation	17	4	21	5	47
Forced begging	11	8	5	3	27
Labour exploitation	5	9	12	54	80
Forced marriage	51		15		66
Criminal exploitation	1	2	2	5	10
Illegal adoption	4	1			5
Economic exploitation			1	1	2
Not known	11	22	18	2	53
Subtotal	186	52	180	72	
TOTAL	238		252		490

➤ **Number of child victims of THB who were appointed legal guardians.**

In the reporting period, according to the records of the Centre for the Protection of Victims of Human Trafficking, total number of children who were appointed temporary guardians or guardians was 172, of whom 153 are children placed in certain form of accommodation and 19 are children who live with their families.

➤ **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

In practice, the recovery and reflection period is determined for each victim individually, irrespective of whether the presumed victim is a citizen of the Republic of Serbia or a foreigner. The decision is also influenced by the condition of the victim at a given moment and his / her ability to make an informed decision about the need to use the recovery and reflection period. In most cases, this period was not longer than a couple of weeks.

Currently, precise data on the number of presumed and formally identified victims who have been granted a recovery and reflection period are not available, except for foreign nationals who have been granted temporary residence permit to presumed victims of THB under the Law on Foreigners. Related 6-month temporary residence granted to 3 presumed victims of THB, foreign nationals, covered 2020 and 2021.

2020: residence permits granted to 3 presumed victims of THB

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Bosnia & Herzegovina			1		1
Italy	1	1			2
TOTAL					3

2021 (till 20 August 2021): residence permits granted to 3 presumed victims of THB

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Bosnia & Herzegovina			1		1
Italy	1	1			2
TOTAL					3

- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

Number of residence permits to victims of THB foreign nationals granted on the grounds of a THB victim status, disaggregated by age and nationality:

2017 – residence permits granted to 3 victims of THB

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Albania			1		1
Montenegro			1		1
North Macedonia			1		1
TOTAL					3

2018 - residence permits granted to 4 victims of THB

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Albania			1		1
Bulgaria	1				1
Montenegro			1		1
North Macedonia			1		1
TOTAL					4

2019 - residence permits granted to 2 victims of THB

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Albania			1		1
Bulgaria	1				1
TOTAL					2

2020 - residence permits granted to 2 victims of THB

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Albania			1		1
Germany				1	1
TOTAL					2

2021 (till 20 August) - residence permits granted to 3 victims of THB granted

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Croatia				1	1
Germany				1	1
TOTAL					2

The above tables refer to the number of procedures for granting temporary residence permits on the grounds of a THB victim status, and not to the number of persons (one person may be granted residence permit several times).

According to the data of the Centre for the Protection of Victims of Human Trafficking, in the period from 2017 to 2021, 8 identified victims of THB (foreign nationals) were granted temporary residence permits in accordance with the provisions of the Law on Foreigners (on the grounds of a THB victim status, family reunification or marriage).

Number of formally identified victims of THB who were granted temporary residence permits, aggregated by the country of origin, age and sex

Country of origin	under 18		over 18		TOTAL
	F	M	F	M	
Albania			1		1
Montenegro			1		1
North Macedonia			1		1
Russian Federation			1		1
Bosnia & Herzegovina			1		1
Croatia				1	1
Germany				1	1
Bulgaria	1				1
Subtotal	1		5	2	8
TOTAL	1		7		

Number of formally identified victims of THB who were granted temporary residence permits, aggregated by the form of exploitation, age and sex

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Sexual exploitation	1		4		5
Labour exploitation				2	2
Forced marriage			1		1
Subtotal	1		5	2	8
TOTAL	1		7		

Number of formally identified victims of THB who were granted temporary residence permits, aggregated by the grounds for granting residence, age and sex

Grounds for granting residence	under 18		over 18		TOTAL
	F	M	F	M	
Status of a victim of THB	1		3	2	6
Family reunification			1		1
Marriage			1		1
Subtotal	1		5	2	8
TOTAL	1		7		

Number of formally identified victims of THB who were granted temporary residence permits, aggregated by the duration of granted residence

Duration of granted residence ⁷	under 18		over 18		TOTAL
	F	M	F	M	
One year	1		4	2	7
9 months ⁸			1		1
Subtotal	1		5	2	8
TOTAL	1		7		

- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

Within the asylum procedure, four formally identified victims of THB were granted international protection, of whom one was granted refugee and three subsidiary protection.

Country of origin	under 18		over 18		Form of exploitation	Form of international protection
	F	M	F	M		
Nigeria	1				Sexual	Refugee
Syria				1	Criminal exploitation	Subsidiary protection
Pakistan				1	Multiple	Subsidiary protection
Mali				1	Multiple	Subsidiary protection

⁷ Duration of granted residence is given based on the last issued decision granting residence permits to victims to whom residence permit was extended

⁸ Under the old Law on Foreigners

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

Currently, precise data on the number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation are not available.

In practice, a lawyer engaged by the Centre for the Protection of Victims of Human Trafficking files a restitution claim in each case of victim representation, unless an adult victim of THB refuses that this be done (there was one such case).

In 2020, restitution claims were filed for seven (adult workers - male) victims of trafficking for the purpose of labour exploitation. By nationality: Republic of Serbia - 4, Croatia -1; Germany - 1; North Macedonia - 1.

According to the records of the Centre for the Protection of Victims of Human Trafficking, 6 victims were granted compensation, and two of them received compensation:

In the first case, as replied under 6.2, compensation was paid by the State against the decision of the Constitutional Court of 4 March 2021 to - 1 victim, female, sexual exploitation, for violation of right guaranteed under Article 26, paragraph 2 of the Constitution of the Republic of Serbia: prohibition of THB, where compensation for non-material damage amounted EUR 5.000, payable in dinar equivalent at the middle exchange rate of the National Bank of Serbia on the day of payment, and for violation of right to trial within a reasonable time guaranteed under Article 32 of the Constitution of the Republic of Serbia, where compensation for non-material damage amounted EUR 800, payable in dinar equivalent at the middle exchange rate of the National Bank of Serbia on the day of payment.

In the second case, compensation was paid by the perpetrator based on a plea agreement during 2021 - 1 victim, female, sexual exploitation, as presented above as an example of good practice in the reply under 5.3.

According to the records of the Centre for the Protection of Victims of Human Trafficking, one victim, a woman, sexual exploitation, was granted compensation and payment is underway against enforceable judgment.

According to the records of the Centre for the Protection of Victims of Human Trafficking, three victims of THB, all three female, nationals of Republic of Serbia, sexual exploitation abroad, were granted compensation, which was not paid because the perpetrator did not have necessary funds, but there is a possibility for the settlement of compensation within a period of 10 years.

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

The Republic of Serbia provides various types of assistance in keeping with the available capacities and needs of victims of THB: social financial assistance; one-time financial assistance; assistance in kind; payment of medicines that are not on the list of reimbursable medicines, health care services (also provision of primary health care services to victims who are not citizens of the Republic of Serbia, and of secondary health care services against primary care physician's referral, in the same way as for domestic citizens), school education services, etc.

Given the manner in which the State provides funds to meet related needs, which come from a variety of sources, it is difficult to compile an overview of the assistance paid by the State. The Centre for the Protection of Victims of Human Trafficking still does not keep official records of various types of assistance paid and provided (cash, in kind, through other systems, through the Centre for the Protection of Victims of Human Trafficking; centres for social work, through health and education institutions, etc.). All victims received material assistance from the State, in accordance with their needs and possibilities of the State and local governments in the territory where the victims live.

Through the Centre for the Protection of Victims of Human Trafficking, the State has been financing the Shelter for Victims of THB since February 2019, which has the capacity to accommodate 6 beneficiaries. Also, the State has financed support to victims from the material costs of the Centre for the Protection of Victims of Human Trafficking (budget) and through the opportunity of prosecution funds.

The amount of funds that the State has allocated through the Centre for the Protection of Victims of Human Trafficking for the provision of direct support to victims and for financing the services of the Shelter for Victims of THB in the period from 2017 to 31 July 2021 amounts to RSD 5,159,448.16 (about EUR 43.000).

➤ **Number of victims of THB who received free legal aid.**

Legal aid to victims of THB is provided by the Republic of Serbia through earmarked funds placed through the Centre for the Protection of Victims of Human Trafficking. In certain cases, legal aid is provided by the prosecutor's office ex officio, or in cooperation with civil society organizations. This legal aid is provided free of charge to victims of THB.

In the period 2017-2020, 163 victims of THB received such assistance, namely all victims who participated in court proceedings as witnesses / injured parties.

➤ **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**

According to the data of the Centre for the Protection of Victims of Human Trafficking, in the period from 2017 to 2021, a total of 36 victims were returned through assisted voluntary return to their country of origin. During this period, a total of 30 citizens of Serbia, identified as victims of THB abroad, were returned to Serbia, of whom 10 were minors and 20 adults. Among underage victims, 9 were girls and one boy, and among adults, 7 were females and 13 males. Out of the total number of returned victims, 16 were females and 14 males.

Six victims were returned to their countries of origin from Serbia, including 3 minors and 3 adults. Among underage victims, 2 were girls and 1 boy, and among adults, 2 were female and 1 male. Returned victims were nationals of the following countries: Austria (1 girl), Croatia (1 girl and 1 boy), Albania (1 adult female), Macedonia (1 adult female and 1 adult male).

Number of repatriated underage female victims of THB, disaggregated by the form of exploitation and country of repatriation

Underage female persons		
Form of exploitation	Country of repatriation	Number of repatriated victims
Forced marriage	Republic of Serbia	6
	Austria	1
Multiple	Republic of Serbia	3
Illegal adoption ⁹	Croatia	1
TOTAL		11

⁹ A girl returned during the identification, as a presumed victim of THB

Number of repatriated adult female victims of THB, disaggregated by the form of exploitation and country of repatriation

Adult female persons		
Form of exploitation	Country of repatriation	Number of repatriated victims
Forced marriage	Albania	1
Sexual exploitation	Republic of Serbia	5
	Macedonia	1
Criminal exploitation	Republic of Serbia	1
Multiple	Republic of Serbia	1
TOTAL		9

Number of repatriated underage male victims of THB, disaggregated by the form of exploitation and country of repatriation

Underage males		
Form of exploitation	Country of repatriation	Number of repatriated victims
Multiple (criminal exploitation and forced begging)	Republic of Serbia	1
Illegal adoption ¹⁰	Croatia	1
TOTAL		2

Number of repatriated adult male victims of THB, disaggregated by the form of exploitation and country of repatriation

Adult males		
Form of exploitation	Country of repatriation	Number of repatriated victims
Labour exploitation	Republic of Serbia	13
	Macedonia	1
TOTAL		14

¹⁰ A boy returned during the identification, as a presumed victim of THB

Number of victims of THB, Serbian nationals, who were returned to the Republic of Serbia, disaggregated by the country from which they were repatriated, age and sex

Country from which they were repatriated	under 18		over 18		TOTAL
	F	M	F	M	
Belgium	1		1		2
France	2				2
Germany	1		2		3
Italy	1	1			2
Montenegro	2				2
Slovenia	2				2
Switzerland			2		2
Luxemburg			1		1
Denmark			1		1
Russia				13	13
TOTAL	9	1	7	13	30
	10		20		

Number of victims of THB, foreign nationals, who were exploited in the Republic of Serbia and who were returned to their country of origin (country of repatriation) from the Republic of Serbia

Country of repatriation	under 18		over 18		TOTAL
	F	M	F	M	
Austria	1				1
Croatia	1	1			2
Albania			1		1
Macedonia			1	1	2
TOTAL	2	1	2	1	6
	3		3		

Number of repatriated victims of THB, disaggregated by the form of exploitation, age and sex

Form of exploitation	under 18		over 18		TOTAL
	F	M	F	M	
Forced marriage	7		1		8
Sexual exploitation			6		6
Criminal exploitation			1		1
Multiple exploitation	3	1	1		5
Illegal adoption	1	1			2
Labour exploitation				14	14
TOTAL	11	2	9	14	36
	13		23		

In the reporting period, additional 26 victims of THB returned to the Republic of Serbia on their own, after which the identification and support process began. Currently, preparations for voluntary return are underway for 3 underage victims who are to return to the Republic of Serbia, and all three cases involve forced marriage as a form of exploitation.

➤ **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

Year	2017		2018		2019		2020		TOTAL	
Number of criminal complaints	10		27		21		23		81	
Number of perpetrators	24		50		42		50		166	
Number of victims	20		32		33		38		123	
Form of exploitation	Criminal complaints	Victims	Criminal complaints	Victims	Criminal complaints	Victims	Criminal complaints	Victims	Number of Criminal complaints	Number of Victims
Sexual	4	6	13	16	15	15	14	19	46	56
Labour			4	4	2	14	4	11	10	29
Multiple	1	1	4	4	2	2	2	3	9	10
Abuse for pornographic purposes	1	9							1	9
Forced marriage	3	3	2	2	2	2			7	7
Criminal exploitation							2	4	2	4
Forced begging			3	3			1	1	4	4
Exploitation not started			1	3					1	3
Slavery and practices similar to slavery	1	1							1	1
TOTAL	10	20	27	32	21	33	23	38	81	123

- **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

ACTIONS OF THE PUBLIC PROSECUTOR'S OFFICE IN CASES OF CRIMINAL OFFENSE OF HUMAN TRAFFICKING UNDER ART. 388 CC					
YEAR	Pending from the previous period	Total newly filed complaints for persons	REJECTED complaints for persons	INVESTIGATION ORDER for persons	ACCUSED PERSONS
2017	2	18	4	13	3
2018	22	33	10	22	20
2019	23	33	2	29	22
2020	20	57	15	44	24

- **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

In the period from 1 January 2017 until 31 July 2021, competent courts rendered 37 final judgments of conviction against 54 offenders for the exploitation of 83 persons (victims of THB). The most frequent forms of exploitation were sexual (80), forced labour (1), forced begging (3), and criminal exploitation for theft (1). One person was victim of multiple exploitation, thus the number of forms of exploitation is bigger than the number of victims.

Of the 54 convicted persons, 40 are male and 14 female, males are aged 20 to 69 and females 17 to 56. Out of the total number of convicted persons, 51 are citizens of the Republic of Serbia (39 male and 12 female), two are citizens of the Republic of Austria (one male and one female), and one female has dual citizenship (the Republic of Serbia and the Republic of Hungary).

- **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

In the period from 1 January 2017 until 31 July 2021, competent courts rendered 37 final judgments of conviction against 54 offenders for the exploitation of 83 persons (victims of THB). Out of the total number of victims, 77 are females (35 minors and 42 adults), and 6 are males (2 minors and 4 adults). The most frequent forms of exploitation were sexual (80), forced labour (1), forced begging (3), and criminal exploitation for theft (1). One person was victim of multiple exploitation, thus the number of forms of exploitation is bigger than the number of victims.

There were no suspended sentences in the related period.

In the period from 1 January 2017 until 31 July 2021, competent courts rendered 37 final judgments of conviction against 54 offenders, under which 49 persons were sentenced to a term of imprisonment in a custodial institution (37 males and 12 females), four persons to a term in house arrest (three males and one female), and one female to a term in correctional institution.

Type of penalty					
Custodial institution - PRISON		House arrest		Correctional institution	
M	F	M	F	M	F
37	12	3	1		1
49		4		1	
54					

Effective prison sentence in custodial institution – PRISON	
below 1 year	1
1 - 2 years	3
2 - 3 years	4
3 - 4 years	11
4 - 5 years	5
5 - 6 years	17
6 - 7 years	1
7 - 8 years	1
8 - 9 years	0
9 - 10 years	2
10 - 11 years	3
11 - 12 years	1
12 - 13 years	1
	50

Effective prison sentence at home	
below 1 year	1
1 - 2 years	3
	4

- **Number of judgments in THB cases resulting in the confiscation of assets.**

In the period from 1 January 2017 until 31 July 2021, component courts rendered 37 final judgments of conviction against 54 offenders, of which 2 ordered seizure of material gain. Total value of seized assets amounted to EUR 220 plus RSD 23.000 (about EUR 200).

➤ **Number of convictions of legal entities for THB.**

There were no convictions of legal entities for THB.

ANNEXES

1. Summaries of facts derived from significant criminal proceedings conducted in the period from 2015 to 2019 in the Republic of Serbia in which defendants were finally pronounced guilty of committing the criminal offense of Human Trafficking under Article 388 of the Criminal Code and the criminal offense of Trafficking in Minors for Adoption under Article 389 of the Criminal Code
2. List of Protocols on cooperation concluded by the Centre for the Protection of Victims of Human Trafficking
3. Information brochures
4. Annex: Philip Morris Operations a.d. Nis