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VDS

VICTIMOLOGY SOCIETY OF SERBIA
ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

osce

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Victimology Society in Serbia (VDS)
Organisation for Security and Co-operation in Europe (OSCE)
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I Introduction

Presented in this study are the results of the research of trafficking in people as the first research aimed at gaining a more detailed and more comprehensive knowledge about the extent and characteristics of this phenomenon in Serbia. Although the social visibility and social response to the problem of trafficking in people in Serbia has improved in recent years, this problem was addressed solely on the basis of a deficient and sporadic knowledge about trafficking in women for the purpose of sexual exploitation, without a clear systemic approach to both disclosure and prosecution of perpetrators and prevention, protection, and reintegration of victims.

It was impossible from previously conducted research (in the country and abroad) and other available information to get a complete picture of the extent, structure and characteristics of trafficking in people in Serbia, on one hand, or of the effectiveness of the available mechanisms for its suppression and prevention, on the other. Also, although trafficking in women for purposes of sexual exploitation, according to all available information, is the most common form of trafficking in people, it would be unreasonable to overlook its other, equally harmful forms, such as trafficking in children and various forms of trafficking for the purpose of exploitation of labour. Also, the problem of internal trafficking in women and its connection with trans-national trafficking has been completely neglected, as well as the fact that the issue of trafficking in people is intertwined with other social issues such as prostitution, illegal labour, begging, vagrancy, and illegal migration in general.

Research of trafficking in people in Serbia, conducted for OSCE by the female research team of the Victimology Society of Serbia, is the kind of research experiment which required background knowledge, creativity, inventiveness, patience, and persistence from all its participants, as well as a specific kind of courage. Without enthusiasm, competence, skills, and courage of the researchers, as well as the willingness of the surveyed people to talk with them, it would be difficult to gather so substantial research material as was obtained by this research. The research material was far beyond most optimistic expectations we harboured in the beginning of the research. Even though it is the first research in this field and therefore was only explorative, not aspiring to be

representative, as well as featured by clear limitations, this study contains a lot of information about manifestations of trafficking in people in Serbia and constitutes a treasury of ideas that might be valuable for devising the strategies for its suppression and prevention. To this effect, the obtained results are a good starting point, both for further investigation of trafficking in people in Serbia, and for creating “evidence-based” public policy.¹ We hope that the recommendations in the conclusion of this study will serve as a valuable roadmap for viable changes, particularly towards the development of a proactive and human rights based systemic approach to the suppression of trafficking in people in Serbia.

Moreover, it should be noted that the experience acquired in the course of this research may be valuable, in terms of methodology, to the researchers who may undertake similar research in future, in this region or anywhere else in the world. As Prof. Liz Kelly remarked, “trafficking — like other sensitive issues — demands creativity by researchers and a preparedness to acknowledge the limits of the data it has been possible to collect. Future developments in methodology will depend in part on researchers thinking seriously about these issues, experimenting with methods and approaches explicitly designed to counteract barriers to disclosure and discovery.”²

This study on trafficking in people in Serbia is divided under eleven chapters. In addition to the immediate results of the research and for the purpose of providing better understanding of the overall situation of trafficking in people in Serbia, the overview of the relevant legislature is also included, as well as the overview of the results of previous research, the available official data, and the data of international and local NGOs.

The study is the outcome of the teamwork and contribution of individual authors is as follows:

Ms. Vesna Nikolic-Ristanovic, PhD, coordinated the research, arranged the study and was responsible for the part addressing the research subject, goal and methods, the mechanisms in which governmental and non-governmental organizations operate, awareness of the trafficking in people issue, as well as for the conclusions and recommendations.

Ms. Sanja Copic, M.A., coordinated the data collecting and dealt with the parts relating to the Serbian legislature, the characteristics of trafficking in women, and its perpetrators.

¹ Davis et al., 2000, cited according to Kelly, L. (2002) *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*. Child and Women Abuse Studies Unit, University of North London, U.K.: p. 7.

² Kelly, L, p. 13.

Ms. Biljana Simeunovic-Patic, M.A., dealt with the parts of the study that concern trafficking in men and consideration of the measures to be undertaken.

Ms. Sanja Milivojevic, M.A., was in charge of the part pertaining to the direct and indirect indicators of the extent and prevalence of trafficking in women.

Ms. Biljana Mihić dealt with the part of the study addressing trafficking in children.

Ms. Jasmina Nikolic and Ms. Natasa Veselinovic assisted in data processing.

Thirteen researches were involved in the data collection. They have interviewed 123 experts in various fields of expertise and five victims; they also had a number of informal conversations. We would like to thank the researchers for working so hard and making excellent interviews, and respondents for devoting their time and their willingness to talk with the researchers, as well as for the material they made accessible to us. We are particularly grateful to the Ministry of Internal Affairs of the Republic of Serbia, particularly to Messrs. Dusan Zlokas and Mitar Djuraskovic from the Border Police Administration, for Foreigners and Administrative Affairs, who helped us obtain valuable information and allowed interviews with members of the police. Also, we would like to express our special gratitude to Mr. Dragan Zivkovic from the Shelter for Foreigners who made it possible for our researchers to conduct interviews with the persons accommodated in the Shelter. And last but not least, we would like to thank the member of the OSCE Mission in Serbia and Montenegro, the Belgrade Office, who are in charge of the trafficking in people issue; without their understanding, assistance and support, it would have been impossible to conduct this research. We owe special appreciation to Ms. Mona Dii who at the time this research was conducted was the advisor for the trafficking in people issue with the OSCE Mission.

II Trafficking in People and the Legislation in Serbia³

On the international scene, the problem of trafficking in people was especially drawing attention in the 1990s. This intensified the efforts of the international community on devising suitable mechanisms to combat this socially dangerous occurrence, as proven by numerous activities of international bodies and other organizations⁴ and by passing a number of documents pertaining to this subject (recommendations, resolutions, conventions, protocols, declarations).⁵ All this was meant to encourage further action on the part of the states, their authorities and institutions, NGOs, groups, movements, private sector, and the international community itself, in the area of prevention, prosecution of the perpetrators, and providing suitable assistance and support for the victims of trafficking. However, one of the key requirements and prerequisites for developing suitable policy and plan for combating trafficking in people is ensuring that the legislation complies with international standards.

The Decree of the President of FR Yugoslavia in 2001 promulgated the Law on Ratification of the UN Convention Against the Trans-national Organized Crime and Supplementary Protocols,⁶ by which FRY committed to implement appropriate legal changes so as to ensure compliance of national legislation with the international standards envisaged by this Convention, and the supplementary Protocol on Prevention, Suppression and Punishing People Trafficking, particularly in Women and Children.

Due to the fact that Serbia has no separate law for combating trafficking in people, the relevant provisions for the suppression of this socially dangerous phenomenon are contained in other laws, such as Criminal Code of the Republic of Serbia, Criminal Procedure Code, Law

³ This part is actually an amended version of the paper: Copic, S. (2003) "People Trafficking in the Light of International Documents, Contemporary National Solutions and Current Legislation", in: Nikolic-Ristanovic, V., Copic, S. and Mihic, B. *People Trafficking: Term, Characteristics, and Regulatory Framework*, Institute of Criminological and Sociological Research, unpublished.

⁴ United Nations, European Union, Council of Europe, Organization for European Security and Cooperation, Stability Pact for South Eastern Europe, etc.

⁵ See more in: Nikolic-Ristanovic, V., Mrvic-Petrovic, N. Skaldic, M., Copic, S. (2002) *New Model of Legislation on Trafficking in People*, Belgrade: Victimology Society of Serbia (unpublished).

⁶ Published in the Official Gazette of the FRY, International Agreements, No. 6/2001.

on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Law on Movement and Residence of Foreigners, Law on Misdemeanour. With this in mind, further in the text follows an overview of the provisions for criminal prosecution of the perpetrators and protection of the victims of trafficking.

II 1. Criminal Code of the Republic of Serbia and Basic Criminal Code

The Criminal Code of the Republic of Serbia⁷ and Basic Criminal Code⁸ contain provisions of relevance for the criminal prosecution and punishment of the perpetrators of trafficking in people. Thus, the Criminal Code of the Republic of Serbia contains incrimination of trafficking in people (Article 111b), which defines the essence of this criminal offence and the penalties, and the Basic Criminal Code contains the provisions concerning the option to order the confiscation of property as a secondary punishment under stipulated conditions.

Before the middle of April 2003, in the territory of Serbia it was possible to prosecute the perpetrators of trafficking in people only on the grounds of offences that contained elements of trafficking in people: conception of establishing of slavery and transport people in slavery,⁹ illicit crossing of state borders,¹⁰ intermediation in the exercise of

⁷ Official Bulletin of SRS, Nos. 26/77; 28/77; 43/77; 20/79; 24/84; 39/86; 51/87; 6/89; 42/89; 21/90, Official Bulletin of RS, Nos. 16/90; 26/91; 75/91; 9/92; 49/92; 51/92; 23/93; 67/93; 47/94; 17/95; 44/98; 10/02; 11/02 and 80/02, 39/03.

⁸ Official Gazette of SFRY, Nos. 44/76, 36/77, 34/84, 74/87, 57/89, 3/90, 38/90, 45/90, 54/90 Official Gazette of FRY, Nos. 35/92, 16/93, 31/93, 37/93, 24/94, 61/01, Official Bulletin of RS, No. 39/03.

⁹ Article 155 of the Criminal Code of FRY, or the Basic Criminal Code (according to the amendments from April 2003 based on which, *inter alia*, the penalty for this criminal offence is made more severe) — Conception of Enslavement and Transport of People in Slavery

(1) A person contravening the international law by enslaving another person or keeping a person enslaved, buying, selling, handing over to the other person or acting as intermediary in purchase, selling, or handing over of such person or instigating another person to sell his liberty or liberty of the other person who is his dependant or protégé, shall be sentenced to imprisonment of minimum three years (formerly: from one to ten years).

(2) A person transporting persons who are enslaved or placed in a similar status from one country to other country, shall be sentenced to imprisonment of one to ten years (formerly: six months to five years).

(3) A person committing the offence referred to in paragraphs 1 and 2 of this Article towards minors, shall be sentenced by imprisonment of minimum five years.

¹⁰ Article 249 of the Criminal Code of FRY, now Basic Criminal Code — Illicit Crossing of the State Border

(1) Any person crossing or attempting to cross the FRY border in an organized group, carrying weapons or employing violence, without a stipulated permit, shall be sentenced by imprisonment of maximum one year.

(2) A person involved in prohibited transfer of other persons across the FRY border or a person who facilitates other person's prohibited border crossing, in return for a material gain, shall be sentenced by imprisonment of six months to five years.

prostitution.¹¹ In addition to these criminal offences, the implication of a number of other incriminations was possible, such as abduction, unlawful deprivation of liberty, homicide, grievous bodily injuries, rape, impairment of security, threatening, coercion, etc., but they all proved to be insufficient since all those offences are only fragmentary incriminations, the applying of which is not an adequate measure for the prosecution of trafficking in people which in itself is a type of crime comprising of several criminal offences. However, even those provisions which could be used in cases of trafficking as mentioned above were hardly ever implemented in practice and, therefore, the dark figure of crime was quite significant in this field.

This is exactly why great effort was made in recent years in advocating for appropriate changes of criminal laws, in the sense, *inter alia*, of introducing a separate incrimination.¹² These efforts bore fruit when on 11 April 2003 the amendment to the Proposal of the Law on Amendments of the Criminal Code of RS was adopted and thus the criminal offence of trafficking in people was included in the Criminal Code of the Republic of Serbia (Article 111b)¹³ reading as follows:

(1) Whoever by use of force or threat, bringing and keeping in error, abusing of power, confidence, dependence or difficult conditions:

¹¹ Article 251 of the Criminal Code of RS — Intermediation in the exercise of Prostitution

(1) A person inducing, enticing, soliciting, recruiting, or luring women or girls to prostitution, or in any way whatsoever involved in handing over a woman or a girl to other person for the purpose of prostitution perpetration, shall be sentenced to imprisonment of three months to five years.

(2) If the offence referred to in paragraph 1 of this Article is committed against a minor or by the use of violence, threat or deception, the perpetrator shall be sentenced by imprisonment of one to ten years.

¹² With regard to this, we should mention the activities of the Victimology Society of Serbia which has prepared, within the framework of the New Model On Legal Solutions for Trafficking in People, a proposal of amendments to the relevant federal and republic regulations with the aim to secure punishment of perpetrators of trafficking in people and protection of the victims (Criminal Code of RS, Law on Criminal Procedure, Law on Offences, Law on Movement and Residence of Foreigners), whose part is the proposal of a new criminal act in the form similar to that adopted as the part of the Law on Amendments to the Criminal Code of RS. See more about this in: Nikolic-Ristanovic, V., Mrvic-Petrovic, N., Skulic, M., Copic, S. (2002) *New Model of Legislation on Trafficking in People*, Belgrade: Victimology Society of Serbia (unpublished).

¹³ It should be pointed out that the criminal act of trafficking in people was first introduced into the Montenegrin Criminal Code (Article 201a), with the Law on Amendments and Additions to the Montenegrin Criminal Code in June 2002. According to this provision, trafficking in people is the collecting, transportation, transfer and acceptance of persons, with the use of force, threat, deceit or other means for the purpose of labour and sex exploitation of the victim. Also, transportation of the victims of trafficking from one country to other, organizing perpetration of this criminal offence, as well as using and providing sex services of the victims of trafficking is liable to sentencing. Aggravating circumstances are as follows: if the victim is a minor (a person between 14 and 18 years of age) or a child (below 14), perpetration of serious bodily harm, or death. An interesting provision in this Law, aimed at breaking the chain of trafficking, in people is punishment for every illegal act pertaining to the personal documents of a trafficking victim, e.g. sentencing for destruction and withholding of an ID, passport or other identification document of a victim.

recruits, transports, transfers, delivers, buys, mediates in delivery or selling, harbours or holds another person for the purpose of obtaining any benefit, exploitation of his/her labour, committing crimes, prostitution or beggary, using for pornography, for taking organs or parts of his/her body for transplantation and for the forceful use in armed conflicts, shall be punished by imprisonment from 1 to 10 years.

(2) If the offence defined in paragraph 1 of this article has been committed towards more victims, by abduction, while carrying out official duties, within the criminal organisation, in the particular cruel and humiliating way, or it resulted in grievous bodily injury, the perpetrator shall be punished by imprisonment for not less than 3 years.

(3) If the offence defined in paragraph 1 of this article has been committed towards a juvenile, or the death of an injured party has been caused, the perpetrator shall be punished by imprisonment for not less than 5 years.

(4) For the offence defined in paragraph 1 of this Article that has been committed towards the person under 14, the perpetrator shall be punished by the imprisonment that is foreseen for such a crime, even if no force, threat or any other method of enforcement has been used.

The prescribed incrimination contains all elements of the criminal offence of trafficking in people as envisaged by international standards, whereas application of general provisions of the Basic Criminal Code provides punishment for the attempt and complicity in crime.

In addition to defining a separate criminal offence of trafficking in people, of relevance are amendments to the Criminal Code of FRY (the name of this law was changed into the Basic Criminal Code) related to the reintroduction of property confiscation as a specific form of punishment. Confiscation of property may be pronounced solely as a secondary punishment, and it involves seizure of property from the convicted person without compensation, within the law prescribe limits. This punishment may be pronounced when the perpetrator of a criminal offence with the element of organized crime (including trafficking in people) has been punished by imprisonment of at least four years.

II 2. The Criminal Procedure Code

The Criminal Procedure Code (hereinafter: the Code)¹⁴ contains a number of provisions that may be of relevance for the discovery and substantiation of the criminal offence of trafficking in people, on one hand, and protection of the injured, or witnesses, on the other.

¹⁴ Official Gazette of FRY 70/2001, 68/2002.

In the presence of reasonable doubt that persons have committed, alone or with others, criminal offences with the element of organized crime,¹⁵ among which trafficking in people is explicitly indicated, the investigative judge may, upon written and elaborated proposal of the state prosecutor, order surveillance or recording of telephone and other conversations or communications via other technical devices, and optical recording of such persons (Article 232 of the Code). These measures may be imposed by the investigative judge by way of an elaborated order, and may last maximum three months, with a possibility to be extended for further three months in the presence of essential reasons. The Police are responsible for enforcement of these measures.

Among the provisions of relevance for the discovery and substantiation may be included also the provisions contained in the section named *Specific Provisions on the Procedure for Criminal Offences of Organized Crime*, entered in amendments to the Code in December 2002. This chapter contains specific rules for criminal prosecution of perpetrators of the criminal offence of organized crime, for the procedure of seizing the articles and material gain, and procedure of international cooperation in the discovery and criminal prosecution of the perpetrators of the criminal offence of organized crime.¹⁶

First of all, it is foreseen that the institution of protected witness be established. Upon proposal by the state prosecutor, a member of the criminal organisation, against whom criminal charges were filed or criminal procedure is conducted for an offence of organized crime, may be heard as a witness, provided there are mitigating circumstances based on which he may be acquitted from punishment or the punishment may be mitigated in accordance with the Criminal Code, or if the significance of his testimony for discovery, substantiation, or prevention of other criminal offences of criminal organisation prevails over injurious

¹⁵ Application of this provision is also possible in presence of reasonable doubt that some other criminal offence has been committed, against constitutional arrangement or safety of the FRY or against humanity or international law.

¹⁶ Provisions under this heading of the Law are applied in the presence of reasonable doubt that the committed criminal act is a result of criminal action of more than two persons with the aim of committing serious criminal offences for the purpose of gaining benefit or power. In addition, for implementation of these provisions it is necessary to simultaneously meet at least three of the following requirements: that each member of the criminal organization had previously determined task or a role; that activity of criminal organization was planned for a long or an indefinite term; that activity of organization is based on application of the rules on internal control and discipline of its members; that activity of the organized group is planned and performed in international proportions; that in performance of the activity, violence or intimidation are employed or that there is willingness to employ them; that in performance of the activity, economic or business structures are employed; that money laundering or illegally obtained profit are employed; that the organization or its part can influence political authorities, media, executive or judiciary authorities or other social or economic factors. Bearing all this in mind, our opinion is that trafficking in people is a form of organized crime and that provisions under this heading of the Law should apply in case of trafficking in people.

consequences of the criminal offence he has committed (Article 504d of the Code). The State prosecutor may file this proposal before the end of main hearing. A person cannot be a protected witness if there is reasonable suspicion that he/she is the organizer of criminal group. Protected witness testifying before court in accordance with the obligations envisaged by this Code, cannot be prosecuted for the criminal offence of organized crime for which the proceedings are being conducted. In this case the prosecutor shall withdraw criminal prosecution of protected witness at the latest before main hearing conducted against other members of the criminal organisation, and the court shall pronounce the conviction upon which charge against the protected witness will be rejected (Article 504z of the Code). In the course of hearing the protected witness, public shall be excluded, unless the court council, upon proposal of the state prosecutor and with agreement of the protected witness, decides otherwise.

The existence of the institution of protected witness may be of great significance for the substantiation of the criminal offence of trafficking in people in view of the fact that the persons involved in the trafficking chain are often able to supply much more information about other participants and about the criminal organisation itself, than it is the case with the victims who sometimes know hardly anything about the persons who are buying, transporting, selling and exploiting them. Additionally, victims are usually scared when giving testimony and it is questionable to what degree, without other forms of security, they can give a truthful testimony. Implementation of this institution would at the same time lead to reducing secondary victimisation of victims of trafficking, and criminal procedure could be conducted also in cases when victims are not accessible to judiciary authorities.

Trafficking in people, as a form of organized crime, is a criminal offence with a clearly manifested lucrative character (although gaining of benefit is not mandatory requirement for existence of this criminal offence), and consequently cash flows monitoring or other benefits gained through its commitment may serve for discovery and substantiation of this criminal offence. In connection with this, of interest is also a provision which envisages that state prosecutor may demand that competent state authority, a banking or other financial organisation, carry out inspection of certain persons' business activities and deliver documentation and data that may serve as evidence for the criminal offence or property obtained through criminal offence, and notifications concerning suspicious financial transactions in the sense of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

In addition, separate provisions foresee a possibility to apply some other measures with the aim of discovering, substantiating, or prevent-

ing the criminal offence of organized crime (if that could not be done in some other manner or would involve great difficulties), specifically: providing simulated business services, conclusion of simulated legal transactions and hiring undercover investigators. These measures shall be implemented by the internal affairs authorities which shall deliver reports to the investigative judge or state prosecutor, enclosing all other documentation of photographic, video, audio, or electronic recordings and other evidence that are collected. An undercover investigator may be heard as a witness in the course of the process, but his identity must be protected.

The next provision under this chapter could be of relevance for using the statements and notifications gathered by the state prosecutor in the pre-trial proceedings as evidence in criminal procedure, although the sentence cannot be based exclusively on them. This provision may also be of relevance in cases of trafficking in people since it could prevent secondary victimisation of victims caused by their appearance at the main hearing, if in that particular case there exist other evidences in addition to their testimonies in capacity of witnesses. And now we come to another group of provisions which are of relevance for protection of victims, namely the witnesses in criminal procedure.

With regard to protection of the injured, or a witness in criminal procedure, several provisions of the Criminal Procedure Code are of relevance.¹⁷ First of all, this includes Article 102 paragraph 4 which foresees that, when hearing a minor, one should act with precaution so that hearing would not have adverse effects to the psychological condition of the minor. If appropriate, hearing of the minor may be facilitated by a pedagogue or other professional. The goal of such provision is to prevent secondary victimisation, but its application should be extended to other vulnerable witness categories, which should also include victims of trafficking in people.

And after that, Article 292 stipulates that, from the opening of the court session until end of the main hearing, the council may at any time, *ex officio* or upon proposal of the parties, but always after they were heard, exclude the public, for the whole duration of the main hearing or during any of its parts, if that is necessary to protect personal or family life of the indicted or the injured. Moreover, Article 261 stipulates that, because of the same reason (among other reasons provided by the Code), an official person undertaking investigations may order a person he is hearing or a person attending the investigation or a person reviewing investigation documents, to keep secret certain facts or data

¹⁷ See more about this in: Nikolic-Ristanovic, V., Mrvic-Petrovic, N., Skulic, M., Copic, S. (2002) op. cit. p. 19—20.

they obtained on such occasions, pointing out to them that disclosure of a secret is a criminal offence.

A significant novelty in the Code is a provision on the protection of witnesses and the injured, which stipulates that the court is under obligation to protect witnesses or the injured from insults, threats, and any other kind of the assault (Article 109 paragraph 1), and the court shall warn or fine any participant in the procedure or other person who, in front of court, insults a witness or the injured, threatens them or impairs their safety. In case of violence or serious threat, the court is under obligation to notify about it the state prosecutor so as to enable him to undertake criminal prosecution (Article 109 paragraph 2). Moreover, foreseen is a possibility of police protection of witness or the injured. Namely, upon the proposal of the investigative judge or the president of the council, the president of the court or the state prosecutor may request that internal affairs authorities undertake special measures of physical protection of witnesses or the injured persons. These measures are not specified in the Code and their concretisation is possible in a much more efficient manner, through introduction of concrete forms of protection in the rules of the internal affairs service, namely other internal acts of this kind, whereas the practice shall point out possible forms of real protection.¹⁸

Specific provision on the procedure in case of criminal offences of organized crime stipulates that state prosecutor may order that a specific witness, protected witness and members of his family are ensured special protection, whereas these protective measures are not specified in the Criminal Procedure Code.

With all this in mind, we take notice of the intention of the lawmakers to keep pace with modern trends, which is, to some extent, expressed in the new Law, particularly in view of a possibility to implement new actions and techniques for discovery and substantiation of the criminal offence of organized crime. On the other hand, evident is also the attempt to provide better protection to the injured and witnesses, although it is still unknown to what extent are the corresponding provisions implemented in practice. However, even if this is true, it can be said that a clear conception of victims and witnesses protection is still not in place, and this is an obstacle for having efficient and successful criminal procedure, particularly when especially vulnerable categories of victims are concerned, such as children, victims of trafficking in people, sexual and domestic violence.

¹⁸ Nikolic-Ristanovic, V., Mrvic-Petrovic, N., Skulic, M., Copic, S. (2002) op. cit. p. 19.

II 3. The Law on Organisation and Jurisdiction of the Government Authorities in the Suppression of Organised Crime

The Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime¹⁹ governs establishment, jurisdiction, and competences of special government units for efficient detecting and prosecuting of the perpetrators of criminal offences stipulated in this Law.

For the procedure in specific cases, competences are envisaged of a special unit for suppression of organized crime, namely the Special Prosecutor's Office within the District Public Prosecutor's Office in Belgrade. Special Prosecutor's Office is managed by a Public Prosecutor who is, under his written consent, appointed by the Republic Public Prosecutor to a term of office of two years. This Law foresees formation of a Special Service for suppression of organized crime as part of the Ministry of Internal Affairs, which shall act upon requests of the Special Prosecutor, in accordance with law. Upon the request of the Special Prosecutor or this Special Service as part of the Ministry of Interior of the Republic of Serbia, all government bodies and services shall without delay enable use of any technical device at their disposal. Likewise, they shall ensure timely response of each of their members or employees, including superiors of the bodies or agencies, to give information or for questioning as suspect or witness. Furthermore, they shall without delay hand over to the Service every document or other evidence in their possession, or otherwise deliver information that may assist in uncovering criminal offences envisaged in this Law (Article 11).

In view of the real jurisdiction of the court, it is envisaged that in criminal cases specified in this Law, the first-instance jurisdiction will be with the District Court in Belgrade, within which a Special Department has been established, while the Appellate Court in Belgrade shall have second instance jurisdiction. The President of the District Court shall appoint the President and Judges of this Special Department from among the judges of that court or judges of other courts, with their written consent, for a term of two years. Situation is the same with regard to the Appellate Court, within which a Special Department for processing such criminal cases shall be formed.

This Law also foresees formation of a Special Detention Unit in the Belgrade District Prison, organisation and work of which, and treatment of detainees shall be specified by the Minister of Justice in accordance with the Criminal Procedure Code and Law on Execution of Criminal Sanctions.

¹⁹ Official Bulletin of RS No. 42/02, 27/03, 39/03, 67/03.

Organized crime, for the purposes of this Law, shall be considered to be criminal offences committed by an organized criminal group, or other organized group or its members for which a sentence of imprisonment of four years or a more severe sentence is envisaged. Organized criminal group shall be considered to be a group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more criminal offences for which a sentence of imprisonment of four years or more severe sentence has been envisaged, in order to obtain, directly or indirectly, a financial or other material benefit. Other organized group shall be considered to be a group which was not formed with the aim to directly commit criminal offences, nor having such developed organizational structure, defined roles and long-term commitment of its members, but which is in function of the organized crime.

If compared to the definition contained within the framework of specific provisions of the Law, of the procedure for criminal offences of organized crime, it is evident that the definition of organized crime, namely criminal offences with the element of organized crime, is more detailed in the Law, since, in addition to the requirements that are also contained in the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime and which relate to organized committal of criminal offences (in consideration of the envisaged sentence) for the purpose of gaining a benefit, cumulative fulfilment of at least three out of several requirements envisaged by Law is also envisaged. However, these requirements are rather widely defined and, essentially, both definitions are wide enough to encompass all forms of organized crime, trafficking in people *inter alia*. This is of special significance having in mind that in such case provisions of these laws, of relevance for disclosure and substantiation of criminal offence, protection of the injured and witnesses, and international judicial assistance, may be applied in cases of trafficking in people as well.

When trafficking in people is concerned, from the perspective of the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, provisions pertaining to protection of witnesses and international judicial assistance are of particular relevance.

This Law foresees a possibility of custody or preventive detention of a person capable of giving information or supplying evidence of organized crime, duration of which may not exceed 24 hours.

Further in the text follow provisions on evidence proposing, right on documents reviewing, and keeping records, in writing, but also as audio recording a transcript of which should be made within 72 hours and constitute integral part of written records. There has also been en-

visaged a term within which expert witnesses are to give an expert opinion disrespect of which triggers a certain sentence, and this, together with provisions on duration of detention and related obligation of the court to pronounce first-instance, or second-instance, verdict was envisaged with the aim of ensuring prompt finalization of the procedure.

One of most important provisions relates to the witness or the injured and provides that, if such persons are not able to attend the main hearing, they can testify by way of videoconference line. In the same way a hearing may be held of a witness or injured person by way of International Judicial Assistance. This provision is of great significance also when it comes to cases of trafficking in people, since in this way further traumatising of the injured or witness, as caused by appearing at the court examination or being in the same room with the accused, is avoided. At the same time, secondary victimisation is reduced and conditions are created for giving a truthful testimony.

Finally, upon the elaborated proposal of interested person, the court may pass a decision on protection of personal data of the witness or injured, which is also in line with the standards envisaged by the international community.

II 4. The Law on Misdemeanour and the Law on Movement and Residence of Foreigners

Provisions of the Law on Offences which contravene federal regulations²⁰ and the Law on Misdemeanour of Serbia,²¹ namely of Montenegro²² govern, *inter alia*, the system of sanctions for minor offences, and procedure, status, and competences of the authorities which produce decisions regarding minor offences. Other laws contain the norms which define what concrete actions constitute an offence (for example, Laws on offences against public peace and order as enacted both in Serbia and Montenegro).

In the system of sentences for minor offences of particular significance is deportation from the territory of Serbia and Montenegro. Mandatory pronouncement of the protective measure of deportation of foreigners from the territory of our country is provided only for the offence from the Article 106 paragraph 1 item 1 of the Law on Movement and

²⁰ Official Gazette of SFRY Nos. 4/77, 36/77, 20/82, 14/85, 10/86, 74/87, 57/89, 3/90, 35/91, Official Gazette of FRY Nos. 27/92, 50/93, 24/94, 28/96, 64/01.

²¹ Official Bulletin of SRS No. 44/89, Official Bulletin of RS Nos. 21/90, 11/92, 6/93, 20/93, 53/93, 67/93, 28/94, 16/97, 37/97, 36/98, 44/98, Official Gazette of FRY No. 62/02, Official Bulletin of RS No. 65/01.

²² Official Bulletin of RM Nos. 25/94, 29/94, 38/94, 48/99.

Residence of Foreigners²³ (if a foreigner enters Serbia and Montenegro and is forbidden to do that according to provisions of Article 25 of this Law — in presence of reasons for non-issuance of visa or tourist permit). In all other cases in which sentencing of foreigners is envisaged, it is a matter of a fine along which the optional measure of deportation (the magistrate judge or competent internal affairs authority are authorised to estimate if legal requirements for considering a foreigner to be undesirable are met).

Federal offence legislation and the Law on Movement and Residence of Foreigners should be changed, namely amended, so as to facilitate protection of victims of trafficking in humans. Namely, according to present regulations, regardless whether a foreigner is a victim of trafficking or intends to, at a later date, request political asylum, he cannot evade his liability for offence if having violated provisions of the Law on Movement and Residence of Foreigners in view of his illegal entry of the country.

II 5. Assessment of Legal Provisions of Relevance for Criminal Prosecution and Protection of Victims of Trafficking in People in Serbia

Foreseeing criminal liability for trafficking in people is a main prerequisite of criminal prosecution of the perpetrators of this form of organized crime. Having this in mind, by introducing a separate criminal offence in the Criminal Code of the Republic of Serbia, a significant step was made towards harmonization of national legislation with international legal standards, primarily those set forth by the Protocol on Prevention, Suppression, and Sentencing of People Trafficking, Particularly in Women and Children, from 2000.

Moreover, the alterations and amendments to the Criminal Procedure Code reveal the intention of the lawmakers to keep pace with modern solutions for combating organized crime. This was particularly brought to light by envisaging a number of new institutions (protected witness, for example), and the measures (recording a person, providing simulated business services, conclusion of simulated legal transactions, hiring undercover investigators, tracking of money flows, etc) aimed at disclosure, substantiation or prevention of criminal offences of organized crime.

A good solution is also the one that foresees the formation of special units within the state authorities in charge of proceedings in cases

²³ Official Gazette of SFRY Nos. 56/80, 53/85, 30/89, 26/90, 53/91, Official Gazette of FRY Nos. 24/94, 28/96, 68/02.

of organized crime, since will result with persons working in these units having greater expertise which may contribute to a more efficient and successful procedure, but also to greater sensitivity regarding the treatment of the victim and witnesses, which is of particular significance when victims of trafficking are concerned.

However, it is of utmost importance to note that all these provisions may be applied in cases of trafficking in people only provided that trafficking in people is, by competent authorities, really considered to be a form of organized crime.

To effectively combat trafficking in people, namely to implement criminal prosecution of perpetrators of criminal offences, it is necessary to foresee suitable protection of the victim and witnesses before, during and after the criminal proceedings. As it is apparent from what was said above, some possibilities to protect the injured or a witness are in place; however, what is still missing is a clear concept of protection of these persons, particularly with regard to specially sensitive categories considering the age, psycho-physical characteristics, and type and seriousness of the criminal offence. With regard to this, we should insist on further changes and amendments of relevant laws in the sense of protecting the victims of secondary victimisation during criminal procedure (suitable rules connected with hearing, use of technical devices for transmission of image and sound, etc.), but also independently from it, through delaying the deportation, issuance of temporary residence permits for victims of trafficking in people, and providing suitable assistance and support to such persons.

III An Overview of Previous Research and Other Available Data on Trafficking in People for the Purpose of Sexual Exploitation and Exploitation of Labour in Serbia

Regardless whether considered and/or analysed from the criminal, victimological, legal, psychological, moral, migrational, or some other aspect, trafficking in people is a serious and complex social issue.

It is difficult to determine the extent and characteristics of trafficking in humans for several reasons. First, only a very small number of victims turn to the police or some organisation assisting the victims. Besides, most of the governmental and non-governmental organizations give different figures about this phenomenon, which is a product of the absence of a combined system for monitoring and analysing. For example, according to the United Nations Report, it is estimated that every year 700,000 women and children from all over the world become victims of trafficking in people, whereas according to the results of a Swedish non-governmental agency called Kvinna till Kvinna, it is estimated that every year about 500,000 women from all over the world are trafficked into Western Europe. The International Organization for Migrations (IOM) recorded in its survey for 1997 that in that year 175,000 women were trafficked from Central and Eastern Europe and the countries of former Soviet Union. More recent IOM reports reveal that every year 120,000 women are trafficked into the EU countries, mostly through the Balkans.²⁴ Latest reports for South-eastern Europe (UNICEF — 2002) point out that as much as 90 percent of women — foreign citizens involved in sex industry in the Balkans are victims of trafficking for the purpose of sexual exploitation.²⁵

This section shall include a review of the data on trafficking in people in Serbia as available to the government authorities, NGOs and international organizations, as well as a review of the results of previous research. This data, collected in the course of research, might be considered to be level of the available information about trafficking in people in Serbia which we took as a starting point in analysis of the collected data.

²⁴ Limanowska, B. (2002) *Trafficking in People in Southeastern Europe*, UNICEF, UNOHCHR, OSCE-ODIHR, p. 4.

²⁵ Kelly, L. (2002) *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*, Child and Woman Abuse Studies Unit, University of North London, U.K., p. 19.

III 1. Trafficking in Women

Most of the data available in the world and in our country relate to trafficking in women for the purpose of sexual exploitation. This is natural since this form of trafficking is most common and most obvious.

As regards Serbia (without Kosovo), it was first a country of destination but, due to a prolonged period of adverse economic situation, it became a country of transit through which the channels from Moldova, the Ukraine, Russia, Romania and Bulgaria head towards Kosovo and Bosnia and Herzegovina, and further towards the countries of Western Europe. Belgrade became one of the most important transit centres for this area. Trafficked women and girls from Eastern Europe are being held in private houses where, while waiting for departure to the countries of destination, mostly Italy and other Western countries, they are often forced to work as prostitutes.

III 1.1. *Official data*

Direct indicators about trafficking in women are very scarce.

According to the report of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, 1260 women from Eastern Europe (Romania, Bulgaria, Moldova, the Ukraine) were discovered in Serbia either crossing or attempting to cross the state border illicitly; and about 2000 legal actions were taken and residence permits refused to the women — citizens of these countries who were caught working in different catering facilities.

During the year 2001, 1018 sanctions were pronounced and residence permits were refused to the female citizens of Eastern Europe countries, mostly from Romania, Moldova, the Ukraine, Byelorussia and Russia. During the year 2002, while checking the catering facilities that employed citizens of Eastern Europe countries, 423 women of foreign nationality were found. From the mentioned total number of women of foreign nationality, after completion of detailed interviews and checks, it was established for 60 of them that they were the victims of trafficking in people for the purpose of sexual exploitation; 32 of them were from Romania, 13 were citizens of Moldova, 10 from the Ukraine, 4 citizens of Russia and one from Bulgaria.²⁶

When it comes to criminal reports filed against the perpetrators, during 2000, 41 criminal reports were filed against the persons who to-

²⁶ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry for Internal Affairs of the Republic of Serbia, of 1 April 2003.

ok part in illegal transfer of women, and also against the owners of the catering facilities. The number of actions taken against the subjects that take part in illegal transferring, bringing, engaging or reselling of women of foreign nationality, has increased during the year 2001 and as a result 72 legal charges have been filed against the owners of the catering facilities and the persons who took part in illegal transferring (in most cases they were the citizens of Serbia and Montenegro). During 2002, 31 criminal reports were filed against 47 persons (owners of catering facilities and other persons) for perpetration of 62 criminal offences associated with trafficking in women, the most frequent being for intermediation in the exercise prostitution (24), for unlawful deprivation of liberty (11), forgery of documents (5) and also for the perpetration of the criminal offence of kidnapping. For the criminal offence of establishing slavery and transport of people in slavery, as referred to in Article 155 of the FRY Criminal Code, three criminal charges were filed.

In the first three months of 2003, 81 women of foreign nationality were found during check-ups of catering facilities that employed women from Eastern European countries. It was established that, out of the total number of these women, there were 21 victims of trafficking for sexual exploitation, 8 of them being citizens of Moldova, 7 citizens of Romania and 6 citizens of the Ukraine. In that period, six criminal charges were filed against 18 persons for perpetration of 46 criminal offences, out of which most common were those due to intermediation in the exercise of prostitution (13), forgery of documents (10), and for unlawful deprivation of liberty. For establishing slavery and transport of people in slavery, 7 criminal charges were filed.²⁷ Also, during the "Sabre" campaign, 30 people were arrested for criminal offences connected with trafficking in people.²⁸

According to the report of the Ministry of Internal affairs, the Police of Belgrade, Border Police Administration, for Foreigners and Administrative Affairs, during 2003 in Belgrade area about 50 were identified as organizers of trafficking and their accomplices and accessories as well as 23 victims from which 15 were victims of trafficking for the purpose of sexual exploitation (12 from Moldova, one from Romania, and two from the Ukraine) and two women from China who were victims of trafficking for the purpose of exploitation of labour. Also, 15 women of foreign nationality suspected of being victims of trafficking in people and who were transferred over the territory of Serbia and Montenegro and sold to persons in Italy and Bosnia and Herzegovina. Criminal

²⁷ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry for Internal Affairs of the Republic of Serbia, of 1 April 2003?

²⁸ "Trade in Destitution is a Profitable Business", *Politika*, 15 October 2003.

charges have been filed against 17 persons for about 40 criminal offences associated with trafficking in people.²⁹

In addition to the direct indicators about this form of crime, when assessing its extent and prevalence it is necessary to take into account indirect indicators that suggest that trafficking in people (in this case trafficking in women) really takes place in Serbia although it is often very well hidden behind other criminal offences and social-pathological phenomena (prostitution, begging, illegal labour, illegal migrations etc.)

The following indirect indicators are also suggestive of the extent of trafficking in women. In the first five months of 2003 in the territory of Belgrade 89 prostitutes were brought in and registered. All of them were sentenced for the offences referred to in Article 14 of the Law on Public Peace and Order related to engagement in prostitution. Employees of the Belgrade Police discovered and closed down 14 agencies for business escort and against all the owners legal charges were filed for the criminal offence of intermediation in the exercise of prostitution as referred to in Article 251 of the FRY Criminal Code).³⁰

In the area of Novi Sad, 36 girls were caught in 2001 who worked as dancers and one criminal report was filed against three persons, because they were all involved in the same facility, and the procedure is still in process. 25 Ukrainian, 6 Moldovian, 4 Romanian and one Bulgarian girl were involved here. In the course of 2002, while inspecting the facilities that employed women of foreign nationality, 23 girls were found who were employed as dancers (10 Romanian, 5 Moldovian, 6 Ukrainian, and 2 Russian girls) in the same bar, and one of them managed to escape based on a notification. Criminal charges were filed against two persons for intermediation in the exercise of prostitution. In the first six months of 2003, four foreign girls were found working in the bars in which they worked out of their free will.³¹

III 1.2. *Data of the International Organizations*

The International Organization for Migrations (IOM) Report, based on interviews with 100 women victims of trafficking for the purpose of sexual exploitation who were provided assistance in the IOM office in Belgrade in the period between 1 January 2002 and 31 March 2003, contains extensive data about trafficking in women in Serbia.

²⁹ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry for Internal Affairs of the Republic of Serbia, of 18 June 2003.

³⁰ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry for Internal Affairs of the Republic of Serbia, of 18 June 2003.

³¹ Data of the Section for Border Affairs, Foreigners, and Travel Documents, SUP Novi Sad (unpublished).

According to the data from the mentioned Report, most of the victims are from Moldova (46%), Romania (27%), the Ukraine (14%), Serbia and Montenegro (8%), Russia (2%) and Byelorussia (2%). Most of the women said that they were first lured by false promises of jobs abroad (81%), tourist arrangements (2%), but as much as 10% of girls stated that they were kidnapped and forced into prostitution. Victims of trafficking come from all age groups; they are mostly between 18 and 24 years old (50%), which is followed by between 25 and 30 years olds (27%); however, they have among them a group of 14—17 years of age (15%), and some victims were more than 30 years of age (6%).

When it comes to educational background, the most numerous group of victims have finished primary education (45%), and secondary school (42%), but some victims with college degree were also registered (7%), as well as those with a university diploma (3%)

Out of 100 victims that were provided assistance by the International Organization for Migrations, 15% stated that they have suffered physical abuse and 7% that they have been sexually abused in the primary family. As for the marital status of the victims, 75% is unmarried, 11% divorced, the same percent is married while 3% lives separately from their partners. 33% of respondents women have children.

As regards the relationship between the victim and the perpetrator (recruiter), the greatest number of recruiters is acquaintances (64%), friends (17%), strangers (unknown persons) (5%), boyfriends (2%), cousins (1%), and parents (1%).³²

III 1.3. *Data of the NGOs*

According to the records of the NGO ASTRA, out of 200 received phone calls on their SOS info phone in the period between 1 July 2002 and 31 September 2002, the greatest number of calls are those to report disappearance or trafficking in women (58%), and these reports are mostly given by members of their families or their cousins. To the same group of calls belong those coming from women inquiring about the "Shelter" after having heard about it from the media. In 10.5% the calls were related to the agencies for business escort, where the victims have contacted these agencies at first and now came to the situation where they fear for their lives. A number of clients were interested in the work of different agencies acting as intermediaries for finding a job abroad, particularly those seated abroad (8%), and there were also some

³² Report of the International Organization for Migrations, Belgrade Office, dated 31 March 2003 (unpublished).

calls concerning possibilities of going abroad for other reasons, such as education, tourist visits, etc (1%). Also, there were calls by which the citizens reported localities or information with regard to the victims of trafficking (2.5%), and the calls made by other NGOs (0.5%). The SOS telephone info line is mostly used by mothers (28.5% of cases), who are followed by fathers (22%), women clients (14%), partners (12%), cousins (8.5%), citizens (4.5%), men clients (3.5%), NGOs (2.5%), friends (2%), institutions (1.5%), and pimps (0.5%). In the total number of the calls received in the mentioned three-month period (200), only one was related to a woman of foreign nationality (Moldova).³³

According to the records of the Shelter for Women — Victims of Trafficking for the Purpose of Sexual Exploitation, which was founded on 1 January 2002, from 14 February 2002, when they accommodated the first victim of trafficking, until 1 April 2003, they provided shelter for 79 victims from Moldova (32), Romania (21), the Ukraine (15), Serbia and Montenegro (8), and Russia (3).³⁴

III 1.4. *Results of the Previous Research*

So far, only few research programmes about trafficking in women have been conducted.

During 1999, Nikolic-Ristanovic³⁵ conducted a research on influence of changes in everyday life, connected with transition and war, violence against women (violence in the family and trafficking in women for the purpose of sexual exploitation) in Bulgaria, Macedonia, Hungary and Serbia. Gathering of the data was done by application of the ethnographic methods, where the data on trafficking in women were collected by interviewing women and men — members of the general population, experts and activities of different NGOs, from the printed articles or Internet, and from various reports and other, published and unpublished materials. Data connected with Serbia showed that in the 1990s Serbia was mostly a country of transit and temporary destination and in lesser part a country of origin of victims, and that the greatest impact on trafficking in women in Serbia was made by opening of the Eastern and Central European countries' borders, inter-ethnic conflicts and overall militarisation of the region, and also to a lesser degree by the (blocked) transition in Serbia itself. Three groups of factors were identified

³³ The Report of ASTRA NGO about the activities of the SOS telephone line in the period July—September 2002 (unpublished).

³⁴ Data from the records of the Shelter for Women — Victims of Trafficking.

³⁵ Nikolic-Ristanovic, V. (2002) *Social Change, Gender, and Violence: Post-Communist and War Affected Societies*, Dordrecht/Boston/London: Kluwer Academic Publishers.

that influence victimisation of women on one hand, and perpetration of criminal offences by both men and women, on the other hand:

1. Macro-social factors (market and war economy, expansion of sex industry, economic changes in everyday life of people and the changes associated with the war, the enlarged difference between rich and poor countries, and increased presence of the military)

2. Psychological and psycho-social factors:

a) Increased exposure of women to victimisation due to psychological state caused by domestic and sexual violence, homelessness, family problems, migrations caused by war, economic and similar problems, low self-esteem, unemployment, social isolation and marginalization, drug addiction;

b) Unemployment and impoverishment as factors that influence men and women to get involved in the chain of trafficking in humans on the side of the perpetrators or their (legal) accomplices.

3. Cultural factors and gender socialisation:

Identified factors may be valuable as a starting point for explaining trafficking in women for the purpose of sexual exploitation in the post-communist countries that have suffered the war, including Serbia.

Beosupport, a Belgrade NGO for supporting the exploited children and young people, has conducted, within the framework of a project related to the struggle against sexual abuse of children and young people, a field research on sexual exploitation of women in Serbia, including the trafficking in women. The research included 58 women who practiced prostitution, 87% of whom indicated that they have consciously entered the profession as a reason for involvement in this “job” (to earn a living, or to get the anticipated pay and leave the country), while 13% of respondents women said that they were either forced or deceived into it. Most of the surveyed girls were between 18 and 26 years of age (89%), and only 11% of them said that they were over 26. As regards their educational background, 84% of the surveyed girls had finished secondary school, 11% had graduated university, and only 5% of them had finished primary school.³⁶

During 2002, the NGO ASTRA conducted a research called “Trafficking in Women — Our Reality or a Problem of Somebody Else” which investigated the views of the Belgrade schoolgirl and student population with regard to the issue of trafficking in women. The survey included 173 persons of both genders, 91 of them secondary school students

³⁶ Dimcevska A., Jankovic, I. (2003), *Close Look at Trafficking in Women*, Belgrade: Beosupport, p. 34—37.

and 82 university students. Almost all of them have heard of the existence of trafficking in women and 78% believe that trafficking in women is present in our country. Most of the surveyed (91.9%) have never met a woman who is the victim of trafficking in women. As regards their views on the guilt, that is on participation of the women in their own victimisation in trafficking, about half of them (48.6%) were not sure whether the women were guilty for their situation, while as much as 39.9% believed that women were not guilty for what had happened to them. Almost 60% of the surveyed population believed that the victims should not be held accountable before the law, while almost all of them believed that the organizers must face the law. With regard to the clients, namely users of the services provided by the women who are coerced or threatened into perpetration of prostitution, or to do housework, etc., 39.9% of the surveyed believed that they should be held accountable under the law, 34.1% were not sure whether these persons should be legally punished, and 24.9% of the surveyed believe that the clients should not be punished.³⁷

With the aim of devising an efficient strategy for prevention, suppression and restriction of trafficking in people, NGO "Catholic Relief Services (CRS)" conducted in 2003 a research named "Risk and Protection Factors — Trafficking in Roma Women and Roma Children" which implied an investigation of the living conditions of those social groups who are at special risk and in that sense the Roma were identified as the most vulnerable part of the population. In the survey of the public opinion, the targeted group was the overall population (households) in Serbia, over 18 years of age (644 of the surveyed), citizens of Roma nationality (610), and the Roma internally displaced persons (DPs) (100), and the surveys were conducted in the territory of Belgrade, Vojvodina and Central Serbia. The following results were obtained: most of the citizens of Serbia believe that the Roma are the most affected part of the population when it comes to trafficking in people. When people of Serbian citizenship are concerned, as much as 55% of the citizens of Serbia believe that the Roma are the most common victims of trafficking in people. The Roma themselves indicated, in 50% of cases, that their own population is under the greatest jeopardy, while the Roma IDPs from Kosovo believed that they were the most endangered in 71% of cases. Citizens of Serbia are aware of the problem of trafficking in people, 23% spontaneously listed trafficking in people as a criminal offence that first came to their mind, while only 4% of the surveyed population stated that this form of crime was unknown to them. However, it is im-

³⁷ ASTRA (2002) The Research "Trafficking in Women — Our Reality or Problem of Others, Attitudes of the Belgrade High-School Pupils and Students Related to the Problem of Trafficking in Women" (unpublished).

possible to compare that what the citizens of Serbia know about the mentioned phenomenon with the data about the phenomenon itself, since there are virtually no such data. No government authority, NGO, or international organisation, has available relevant data on trafficking of Roma women and Roma children.³⁸

In 2002, in the territory of the town of Nis, within the framework of the project called "Informative Anti-Sex Trafficking Campaign" a research was conducted with the main goal to examine general awareness of the population regarding the trafficking in people, how widespread it is, does it exist in Nis, what does it consists of, what steps to take to prevent it, and how to help the victims. The research was conducted on a sample of 1200 participants from the territory of Nis, which had two sub-samples. The first sample consisted of 1000 participants of both genders, work capable, age group 16—40, different nationalities; while the second sub-sample consisted of 200 female participants, younger than 30, members of the so-called group at risk, half of which were Roma women. Based on the results of the research, it was established that 87 of the surveyed from the first sub-sample (1000) personally knew at least one woman who was forced to steel, 78 have heard of a case where some woman was forced to work as a beggar, 38 knew of a woman who practiced prostitution against her will, 35 knew of a marriage concluded under duress, 34 knew that some woman was sold so that she would work, and 16 knew of women used for forced shooting of porno material. However, as many as 855 of the surveyed (out of 1000 of the surveyed in the first sub-sample) had no immediate experience of trafficking nor knew any victims of trafficking. More than half of the surveyed (581) had heard about different forms of trafficking from the media. One part of the research was devoted to investigation of the attitudes towards trafficking in women for the purpose of sexual exploitation, where as much as 39.2% blamed the victims on one hand, and defended the persons who took part in sexual exploitation either as organizers or as clients on the other hand. The second part of the research, interviewing the women, members of the so-called group at risk, have yielded the following results: only 7.4% of the girls answered that they would not think twice if offered a chance to easily earn money, and more than two thirds of them would decline such offer without thinking twice about it.³⁹

³⁸ Catholic Relief Services (CRS) "Factors of Risk and Protection — Trafficking in the Roma Women and Roma Children" (unpublished).

³⁹ Konstantinovic — Vilic, S. Petrusic, N. Zunic, N. (2002) *Sex trafficking — Routes of Sexual Exploitation of Women*, Nis: Women Publishing Centre for Education and Communication.

III 2. Trafficking in Children

The international organizations' estimates of the prevalence of forced labour and trafficking in children are frightening. International Labour Organization (ILO) estimates that:

- 246 million of the employed children are between 5 and 17 years of age
- 179 million of children are doing the hardest jobs
- 111 million of children younger than 15 are working in dangerous jobs
- 8.4 million of children are involved in trafficking in children and therefore are forced to perform different forms of labour, to take part in war conflicts, or are forced into prostitution, pornography and other illegal activities
- about 30,000 children soldiers are involved in over 30 conflict areas around the world. Some are even younger than 10 years. Boys are mostly directly engaged in armed conflicts, and the girls are forced into prostitution or become "soldiers' wives".⁴⁰

According to the estimates of the International Organization for Migrations, approximately 12% of the total number of the victims of trafficking are children.⁴¹

Trafficking in children for the purpose of sexual exploitation was for a long number of years "reserved" for the area of Southeast Asia: Thailand, Singapore, and Indonesia, where girls were sold as babies, and then used for sexual exploitation. It is estimated that about 30% of the total number of "sex-workers" in Indonesia are children under 18 years old and they may be seen in public parks, streets, beaches, disco clubs, but also in the brothels, hotels, and similar.⁴² In the last few years, however, the same as in case of other forms of trafficking in people, the focus of trafficking in children has been shifting towards the Eastern European countries, namely the Eastern European countries have become main "exporters" of children to the countries of Western Europe, particularly to Italy, Greece, Cyprus, etc. In the last few years, the biggest "exporter" of children who are victims of trafficking appears to be Albania.⁴³ When it comes to trafficking in children, the area of the

⁴⁰ http://www.antislavery.org/homepage/antislavery/child_labour.htm*how.

⁴¹ IOM Kosovo (2002) Return and Reintegration Project, Situation Report — February 2000—December 2002.

⁴² <http://www.treda.org/research/r00010101.html>.

⁴³ Lesko, V., Avdulaj, E. (2002) "The girls and the Trafficking" — Research on the trafficking in people for the year 2002, p. 7.

Balkans often appears as a transit area, although, due to the mentioned changes that in the recent period took place in this area (war and militarisation of the region), some of the countries also appear as countries of destination (Kosovo, Bosnia & Herzegovina)

The special form of trafficking in children is trafficking of babies. Every year dozens of Bulgarian (mostly Roma) and Albanian women give birth to children in order to sell them. Namely, women in high stages of pregnancy, with the help of a “mediator”, give birth in Greece and there a new born baby is given to the future parents from Western Europe, mostly from Germany and the mother gets money that was agreed in advance. What is especially cynical when it comes to this way of trafficking in children is that it is mostly being done with the help of a physician and a lawyer. In June 2002, the Greek police discovered a criminal group involved in trafficking of Bulgarian children. It was discovered during the investigation that children are sold at the black market for a price of 1,500—15,000 Euros.⁴⁴

III 2.1. *Data on Trafficking in Children*

When it comes to trafficking in children, the official data is even more scarce than on trafficking in women, so that a “cloak” covering this area is far bigger than that in case of other forms of trafficking in humans.

According to the Report of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, in the year 2002 there were three underage girls in the total number of identified women victims of trafficking, and in the first three months of 2003, there were two minors in the total of 23 women victims of trafficking.⁴⁵

Employees of the Belgrade Police discovered at the Surcin—Belgrade airport the attempt of trafficking in children when the underage M.A. from Opovo was prevented to leave the territory of Serbia and Montenegro with the forged travel documents from Bulgaria. Criminal charges were filed against her mother to the competent prosecutor’s office due to the criminal offence referred to in Article 155, paragraph 3, of the FRY Criminal Code. The underage M.A. was placed in the Shelter for Children and Young People in Belgrade, after which she was

⁴⁴ See: “Children of the Balkans”, Periodical Edition “Search for Common Ground”, p. 8—10. This edition is a part of the regional project “Bridges to a New Balkan”. The edition for Serbia is prepared and will be distributed in conjunction with the daily newspapers “Danas”, March 2003.

⁴⁵ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry of Internal Affairs, the Secretariat in Belgrade, on the day of 18 June 2003.

handed over to a social worker from the Centre for Social Work Kovaci-ca — Department in Opovo.⁴⁶

With regard to trafficking in children, it is necessary, in addition to the direct indicators, to take into account the official data on indirect indicators which may be used as a cover-up for this serious form of organized crime (data on sexual exploitation, underage marriages, forced labour and illegal labour).

In 1999 in Serbia and Montenegro, 34 persons were charged and 31 persons were sentenced for the criminal offence of coercion to sexual intercourse of a person under 14 years of age. The situation was similar in 2000 when 28 persons were indicted and 26 were sentenced for the same criminal offence, and also in 2001 when 34 persons were charged and 29 sentenced. In 2001, 1.7% of the boys between 15 and 19 years of age concluded the underage marriage, and in case of girls, this percent is higher and amounts to 3.6%⁴⁷ (these are legally concluded marriages).⁴⁸

During 2002, in the area of Novi Pazar 38 children were registered as being forced to work.⁴⁹

When it comes to the data of the international and local NGOs, it is recorded in the report of International Organization for Migrations in Belgrade (IOM), for the period from 1 January 2002 to 31 March 2003, that their office in Belgrade has included into the IOM Reintegration Program 15 underage girls — victims of trafficking (mostly victims of trafficking in children for the purpose of sexual exploitation).

According to the data of the Shelter for Women Victims of Trafficking, in period from 14 February 2002 to 24 March 2003, the Shelter accommodated three minor girls — victims of trafficking in women for the purpose of sexual exploitation, out of which one girl (17) was from Serbia and was trafficked within the country, and two girls (age 16) were from Romania and were sexually exploited in the territory of our country.⁵⁰

Besides the very scarce data on trafficking in children, we should point out that until now no research was conducted in the territory of

⁴⁶ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry of Internal Affairs, the Secretariat in Belgrade, on the day of 18 June 2003.

⁴⁷ Information on the Implementation of Resolutions 2001/14 and 2002/27 of the Sub-Commission on the Promotion and Protection of Human Rights (Contemporary Forms of Slavery, Traffic in Persons and Prostitution), p. 4–5.

⁴⁸ Underage marriages may be indirect indicators that point out the possible trafficking in children for the purpose of conclusion of marriage that is typical for the Roma population.

⁴⁹ Data of the Section for Foreigners, Police Novi Pazar (unpublished).

⁵⁰ According to Ms. Vesna Stanojevic, coordinator of the Shelter for Women — Victims of Trafficking, these three girls were minors at the time of their stay in the Shelter, and other three victims also stated that they were underage at the time of sexual exploitation but have come of age in the meantime.

Serbia with regard to trafficking in children as a specific phenomenon different from trafficking of adults. However, the mentioned research of the Catholic Relief Services (CRS), within their investigation called “Risk and Protection Factors — Trafficking in Roma Women and Roma Children”, made an effort to draw attention to this issue characteristic for the Roma population, as one of the most vulnerable populations, especially when children are concerned.⁵¹

III 3. Trafficking in Men

Until recently, trafficking in men was a problem that failed to take much attention both from the general public and from the experts in the field:⁵² it was little spoken about, receptivity of the public at large and the professionals to recognize it was rather low, and estimates of the size and forms of this phenomenon were very rare and unreliable. However, first among the academics and now increasingly among the experts, it is believed that trafficking in men is a phenomenon characterized by a high dark figure: knowledge of the key determining factors of migrations in the modern world, smuggling and trafficking in men, inevitably led to the assumption that the problem of trafficking in men, primarily for the purpose of exploitation of labour, is of the dimensions which definitely exceed its current awareness both at the local and global level.⁵³

Developed countries of Western Europe — the traditional countries of destination for emigrational waves from Eastern Europe, Balkans, Middle East, Saudi Arabia, and Far East, treated the economic migrations in 1990s primarily as a safety issue. This resulted in a more severe migrational policy in most of them. However, approaching the issue of trafficking in people in the social context and from the perspective of

⁵¹ The mentioned research of the Catholic Relief Services (CRS), p. 6.

⁵² The attention of both the general public and the experts were until recently focused almost exclusively on trafficking in people for the purpose of sexual exploitation, where the victims are usually women and children. It is only recently that the problem of trafficking in people for the purpose of exploitation of labour (as a typical form of the victimisation of adult men) began to stir up the attention of investigators and to move the political will in Europe and USA towards the more complete protection of migrant workers and potential victims.

⁵³ Previous assessments of the structure of victims of trafficking in people at a global level suggest that there is a predominant, almost absolute, representation of women who were the usual items of trade for the purpose of sexual exploitation. Also, the latest assessments of the United Nations Centre for International Crime Prevention (UNCICP) that the number of 700,000 to a million of people that are every year victimized by trafficking in people all over the world, includes the victims of sexual exploitation in 80—90 percent, while as much as 96 percent of the victims are women. Some studies, however, showed that men are primary victims of trafficking in some regions. See in regards to this in: IOM (2000) *Migrant Trafficking and Smuggling of People in Europe*. IOM: Geneva.

the offer and demand in the labour markets, together with what is known about the factors of formation and spreading of the organized criminal networks as predominant actors of smuggling and trafficking in people, is what enables getting the picture of complex interrelation between the overall trend of economic liberalization, offer and demand in legal and illegal labour markets, and the organized crime, as the powerful, internal forces of modern migrational movements which do not give way when faced with restrictive migrational policy.⁵⁴

Global social changes which manifested themselves in the end of the 20th centuries as a transition into post-industrial era, and afterwards, in the major part of the remaining world, as a debt and economic crisis, political instability, crisis of both internal and external safety, or transition into capitalism that is followed by deep and adverse structural turmoil, are considered today to be the general social context outside which it is impossible to investigate, explain, or resolve the problem of trafficking in people as a specific form of the organized crime. Ascent of the economic liberalization which enfolds practically on the entire planet, with simultaneous strengthening of globalisation, has dramatized the social position of a huge number of people, generating at the same time numerous “pull” and “push” factors towards definition of the alternatives in local, regional, or global context.⁵⁵ While, on one hand, a battle for the position at the local and global market in the competition that is stronger than ever before “pushes” entrepreneurs into hiring the alternative (cheap) workforce,⁵⁶ on the other hand, the wars, economic crisis, and political instability in the developing countries and transition countries are ever more strongly pushing towards undertaking the risk at the alternative (legal or illegal) labour market and life prospects. High migration pressure from the poor towards the wealthier countries⁵⁷ with the growingly restrictive migrational policy has preconditio-

⁵⁴ Schloenhardt, just like many others, maintains that restrictive migrational policy does not decrease total migration inflow, but only “redirects” it towards the countries with a more liberal migrational policy ... Schloenhardt, A. (2001) “Migrant Trafficking and Regional Security”, Forum for Applied Research and Public Policy, Summer: 86.

⁵⁵ See about this in: Taylor, I. (1999) *Crime in Context: A Critical Criminology of Market Societies*. Cambridge: Polity Press; Nikolic-Ristanovic, V. “Illegal Markets, Human Trade and Transnational Organized Crime”, in: *Proceedings of 4th Colloquium on Cross-Border Crime*, Ljubljana, (forthcoming); Aronowitz, A. A. (2001) “Smuggling and Trafficking in People: The Phenomenon, the Markets that Drive It and the Organizations that Promote It”, *European Journal on Criminal Policy and Research* 9(2), Summer: 163—195.

⁵⁶ Not only do the “entrepreneurs” who directly employ them or force them to work under inhuman conditions have a financial gain from the exploitation of the cheap workforce of illegal migrants, the legal economy has it too. Aronowitz highlights that there is a kind of “symbiotic interrelation” between legal and illegal economy in this domain. Aronowitz, A. A. (2001) op. cit. p. 173.

⁵⁷ According to the neoclassic theory of migrations, the extent of migrational movements is primarily determined by the difference in the level of pay and situation in the labour markets between the country of origin and the country of destination. Many research have documented that

ned the development of illegal market of labour, workforce, and different “accompanying” services for which the demand has naturally increased (offers of the jobs and accommodation in the countries of destination, transfer, counterfeiting of documents, etc). Even though trafficking in people for the purpose of exploitation of labour develops under different circumstances, prevailing among which are the demand for the workers who would perform illegal tasks or work under illegal conditions in the countries of destination, and the high demand with the workers from underdeveloped countries for departure to the countries with usually restrictive migrational policy, it is also present thanks to the fact that illegal migration channels ensure very good income to everybody who any way whatsoever participate in their organisation.⁵⁸

III 3.1. *Data on Trafficking in Men*

Official data on trafficking in men are very scarce.

In the Report of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, it is said that, after coming to force of the Law on the Amendments to the Criminal Code of the Republic of Serbia, the employees of the Belgrade Police have, by the middle of May, cut a chain of trafficking in people and filed criminal charges based on Article 111b for the criminal offence of trafficking in people, against two Chinese citizens who, on the account of exploitation of labour in the countries of Western Europe, have lured 8 Chinese citizens, out of whom six men and two women, and with the help of several citizens of Serbia and Montenegro, intending to transfer them, through illegal channels, to Italy and surrounding countries, for the purpose of exploitation of their labour.⁵⁹

When studying extent and prevalence of this phenomenon, it is necessary to take into account indirect indicators which may point at some of their latent forms. To this effect, particular attention is being paid to the data on illegal migrations and smuggling of people.

there is a negative interrelation between income per capita and employment rate in the country of origin, and the extent of emigration (See more about this in: Bauer, T. K., and Zimmermann, K. F. (1999) *Assessment of Possible Migration Pressure and its Labour Market Impact Following EU Enlargement to Central and Eastern Europe*. Bonn: IZA). In the theoretical models which explain migration by the outcome of the factors of “pulling” and “pushing”, the major significance is usually placed on the difference between the county of origin and the country of destination, in the terms of living standard, employment opportunities, social security, and political stability.

⁵⁸ ILO (2002) “Forced Labour, Child Labour and Human Trafficking in Europe: An ILO Perspective”, Technical paper for the EU/IOM STOP “European Conference on Prevention and Combating Trafficking in Human Beings”, 18—20 September 2002, Brussels, Belgium, p. 4.

⁵⁹ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry of Internal Affairs, the Secretariat in Belgrade, on the day of 18 June 2003.

Geographic position of Serbia, and its liberal visa regime towards some of the countries, preconditioned the situation where citizens of so-called Afro-Asian complex, and the citizens of Eastern European countries, use the territory of Serbia as a transit stop on their way for illegal transfer into the countries of Western Europe. Therefore, when trafficking of male migrants is concerned, Serbia commonly appears as a country of transit through which the organized groups of smuggled people from the East towards the West pass.⁶⁰

In the course of 2000, 3,788 foreign citizens were caught at illicit crossing of the State borders, out of whom 1528 were men. In the course of 2001, the total number of foreign citizens caught at illicit crossing of the State borders was reduced to 1278. The greatest number of the foreigners caught in this way were Romanians, and the motives for illicit crossing were of economic nature. At the same time, in the year 2001 as compared to the year 2000, the number of Chinese citizens who had entered our country in an illegal manner was significantly lower, and this was a direct consequence of making the procedure of visa issuing stricter as well as cancelling the direct airline between Belgrade and Beijing.

During 2002, 823 foreign citizens were caught at illicit crossing of the State borders. This indicates the continued trend of falling numbers of illicit crossings of the State border. Most often involved were citizens of Turkey (216), Afghanistan (136), Romania (123), Iraq (104), Macedonia (55), Iran (36), Tunisia (26), Moldova (24), and China (18). Increase in the number of illicit crossings of Afghan citizens was the obvious consequence of the war in Afghanistan, but it was also noted that there was an increase in the number of Turkish citizens (of Kurdish nationality) who, over the territory of Serbia and Montenegro, cross illicitly towards the West.

In the first three months of 2003, 128 foreign citizens were caught at illicit crossing of the State border of Serbia and Montenegro, the greatest number of whom were from Romania (28), Macedonia (23), Afghanistan (15), Turkey (12), Iraq (12), and Bulgaria (8). It should be noted here that great number of illicit crossing was perpetrated by the persons who have entered the territory of Serbia and Montenegro illegally and were caught attempting to continue further towards the countries of Western Europe (those were usually citizens of Romania, Moldova, and China).

In 2001, 14 channels for illegal transfer of the citizens of Romania, Moldova, Afghanistan, and China, were cut; and in 2002, 15 such channels were cut and 289 persons were discovered. In 2002, 30 criminal charges were filed against the persons participating in organizing the il-

⁶⁰ [www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256_c3200393d62/\\$FILE/izvestaj2002](http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256_c3200393d62/$FILE/izvestaj2002).

legal transfer of persons (24 criminal charges based on Article 249 of the FRY Criminal Code, and 6 charges based on Article 155 of the FRY Criminal Code).⁶¹

In 2003, in the territory of the Belgrade police, 41 illegal entries in Serbia and Montenegro were identified. Criminal charges were filed against all foreign citizens and they were surrendered to the city magistrate, and, after they were sentenced, they were usually placed in the Shelter for Foreigners until their documents were obtained, after which they were sent back to the countries of their origin.⁶²

III 4. Conclusion

Although they are not building a complete picture of trafficking in people in Serbia, herewith presented data and the results of previous research do point at the existence and gravity of this phenomenon.

These data mostly relates to trafficking in women for the purpose of sexual exploitation, and this is at the same time the only form of trafficking in people that was previously researched. However, a significant restrictive factor, when such researches are concerned, are the circumstances in which these researches were mainly limited to the factors that contribute to emergence of trafficking in women and examination of the views of the citizens about it, so that their outcome fails to build a relevant picture on the extent and characteristics of the trafficking in women in Serbia.

The data pertaining to the trafficking in children and men are sporadic and inadequate for making any serious conclusions. Also, so far we had no research which would focus on the mechanisms in which function government authorities, international organizations and NGOs, or the level of the awareness/education of the experts who in their everyday work encounter the cases of trafficking in people.

Partial and incomplete information about the extent, prevalence, and characteristics, of trafficking in people in Serbia, in particular complete absence of information about trafficking in children, men and women and men of our nationality, and absence of the evaluation of social response to this phenomenon, point at the need to have a comprehensive research of this phenomenon, since knowledge about this phenomenon is a main prerequisite for its suppression, prevention, and adequate protection of victims.

⁶¹ Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry of Internal Affairs of the Republic of Serbia, dated 1 April 2003.

⁶² Report of the Border Police Administration, for Foreigners and Administrative Affairs, the Ministry of Internal Affairs of the Republic of Serbia, dated 18 June 2003.

*IV Definition and Delineation of Main Terms*⁶³

Defining the main terms is an important prerequisite of any empirical research. However, this is extremely significant when we are faced with a type of crime such as trafficking in people since here we have few empirical research programmes and theoretical generalizations, as opposed to the extensive space devoted to them in media, by different governmental and non-governmental organizations and other forms of public (unscientific) activities. Absence of systematic knowledge, and the concealed nature, complexity and variability of the phenomenon (in time and space), produced a series of ambiguities and confusions as regards the terms used in media, official and informal reports, and even in academic papers, both in the country and abroad.

Often no difference is made between trafficking in people and prostitution or illegal migration; this may lead to faulty or inadequate perception of the phenomenon itself. Also, sometimes trafficking in people is not distinguished from smuggling of people; this may lead to inadequate legal framework and other forms of inadequate response by the state, but also to incorrect research approach. Finally, trafficking in people is often unjustifiably reduced to one form only — to trafficking in women, and the trafficking in women itself to trafficking for sexual exploitation purposes.

That is exactly why, for the requirements of this research, we had to clearly define the main terms. We defined and delineated the terms in a manner described here below, relying on studying the available literature and taking into account the definitions of such phenomenon as provided by the International Organization for Migrations, and the definitions contained in the international documents, particularly in the Protocol on trafficking in people from Palermo.

We considered **trafficking in people** to be *recruitment, transportation, or other kind of transfer, reception or holding in, of other persons, and to that by employment of threat with violence or other forms of enforcement, abduction, deception, fraud, abuse of power or adverse circumstance of that per-*

⁶³ This part was taken from: Nikolic-Ristanovic, V. (2003) "Trafficking in People and Organized Crime: definition of basic concept and methods of data collection" in Nikolic-Ristanovic, V., Copic, S. and Mihic, B. *People Trafficking: Term, Characteristic, and Legal Framework*, Institute of Criminological and Sociological Research, unpublished.

son, or by giving or taking money or other benefit to a person who has control over other person, with a goal of such persons sexual use, labour, or other kind of exploitation. **People smuggling** is understood to be mediation, or participation in facilitating illegal entry in other country to persons who have consented to it, with the aim to gain direct or indirect material benefit, but without any intention to exploit these persons.⁶⁴

The exploitation, or holding in slavery is the most important element of trafficking in people, and the element that makes it different from smuggling of people. Therefore, smuggling of people is not the same as trafficking in people. However, smuggling of people may develop into it, having in mind defencelessness of illegal migrants and the fact that they most often than not have to resort to illegal market of documents, labour, etc, and linkage of people smugglers with different agencies which are intermediaries in finding a job at the illegal labour market. Also, smuggling of people always implies crossing the state border, while trafficking in people may take place within the borders of a single state.

In order to better understand the trafficking in people problem, it is necessary to define what is understood under trans-national crime and what under organized crime.

Trans-national crime is the crime that takes place at the territory of several countries and with which laws are contravened in several countries.⁶⁵ Main characteristic of **organized crime**, however, is that it is a process or method of committing criminal offences, and not a special type of a criminal offence or a criminal. Another term used for this in the literature is "criminal enterprise"; it predominately addresses trade in prohibited goods or services, but also implies use of threats, violence, blackmailing (racketeering), intimidation or corruption.⁶⁶ This practically means that organized crime incorporates a large number of interconnected forms of conventional crime. Modern organized crime is characterized by professionalism, flexibility, and reliance on persons outside the organisation (businessmen, politicians, and bureaucrats).

Finally, it is important to mention yet another characteristic of organized crime which is of relevance for understanding of trafficking in people as a criminal offence which incorporates several people with different positions and tasks, and that the perpetrator, or **organized criminal** commits a criminal offence based on assuming certain place in the

⁶⁴ IOM Pristina, Status report — February 2000 to May 2001.

⁶⁵ Williams, P. (2001) "Organizing Transnational Crime: Networks, Markets and Hierarchies" in P. Williams and D. Vlassis Combating Transnational Crime: Concepts, Activities and Responses, London and Portland: Frank Cass, p. 61.

⁶⁶ Adamoli, S., Di Nikola, A., Savona, E., and Zoffi, p. (1998) *Organised Crime around the World*, Helsinki: HEUNI.

criminal organisation.⁶⁷ Connected with this is a term “criminal organisation”. In modern criminological literature, **criminal organizations** are considered to be an integral part of illegal market, but they are not the only participants in trafficking in people. They are at the head of the supply network, while the participants also include different legally registered companies and individuals (tourist agencies, employment agencies offering both legal and illegal jobs, friends engaged in recruitment process) as well as corrupted officers, police, and similar.⁶⁸

Trafficking in people is in itself a **form of illegal market**. From the perspective of criminal organizations, people are goods like any other.⁶⁹ The illegal market is understood to be places of exchange of goods and services, production, trade and use of which are forbidden or strictly regulated by international regulations and/or national legislation of majority of countries.⁷⁰ Although illegal markets can emerge regardless of the existence of grey economy, they thrive in social contexts in which illegal markets,⁷¹ i.e. grey economy, prevail. Namely, existence of informal markets, i.e. a social context without clear delineations between the legal and the illegal, is a context that encourages emergence of illegal (black) markets (e.g. in our country at the time of war and economic sanctions, the consequences of which are still noticeable).

Trafficking in people is usually linked with other illegal markets, such as black market of documents (passports, visas, work permits, residence permits), illegal labour markets, trade in drugs, armaments, smuggling cigarettes, etc. Some criminals only deal in trafficking of migrants, but some also provide addresses of employers. These traders in humans are at the same time intermediaries between migrants and employers, and could be therefore considered undercover employment agents. As it happens, often the legally registered employment agencies are involved offering both legal and illegal jobs. Different forms of illegal trade, i.e. different forms of action inside the illegal market are frequently undertaken in combination, or, more and more often, the actions implying a higher level of risk are replaced by trafficking in people as highly profitable and less risky activity.

⁶⁷ Cressay, D. (1997) “The Functions and Structure of Criminal Syndicates” u P. J. Ryan and G. E. Rush (ur) *Understanding Organized Crime in Global Perspective: A Reader*, Thousand Oaks, London, New Delhi: Sage, p. 14.

⁶⁸ Williams, P., op. cit. pp. 79—80.

⁶⁹ Williams, P. (1999) “Trafficking in Women and Children: A Market Perspective”, *Transnational Organized Crime*, Special Issue “Illegal Immigration and Commercial Sex — the New Slave Trade” (ed. P. Williams), Vol. 3—4. p. 145—170.

⁷⁰ Arlacchi, P. (1998) “The Dynamics of Illegal Markets” u P. Williams and D. Vlassis (ur) *Combating Transnational Crime: Concepts, Activities and Responses*, Milan: ISPAC, p. 203.

⁷¹ Informal market/grey economy may be defined as illegal trade in otherwise legal goods and services.

Most common victims of trafficking in people are women, children, and male migrants.

Even though **trafficking in women** for the purpose of sexual exploitation is a form of trafficking in women that is most widely renowned and most extensively discussed in public, trafficking in women is a broader problem and appears in three main forms:

- Trafficking in women for the purpose of sexual exploitation,
- Trafficking in women for the purpose of (local) labour exploitation,
- Trafficking in women for the marriage purposes (mail-order brides)

With regard to trafficking in women for the purposes of sexual exploitation, one should make a distinction between trafficking in women and prostitution. The main difference is that trafficking in women entails slavery status, or complete absence of freedom of decision-making and movement — a woman is the ownership of the person who bought her and cannot by her own will stop her involvement in prostitution, i.e. cannot leave her owner. On the other hand, regardless of the degree of involvement of force and exploitation, the prostitution implies that one may freely dispose of her own body and earnings, has freedom of movement, freedom to make decisions concerning whether to get involved in the activity of perpetration of prostitution or not, and similar.

A victim of trafficking in people may be a woman who was in a deceptive manner forced into prostitution, but also a woman who had willingly started prostitution but was later on drawn into a chain of trafficking in people and fell into slavery.

Trafficking in children,⁷² likewise, in addition to trafficking for the purpose of sexual exploitation and labour exploitation, encompasses trafficking in children with a purpose of exploiting the children to commit criminal acts and other asocial behaviour (e.g. begging, use for pornographic purposes, etc), for the purpose of trade in body organs, of adoption, use in armed conflicts, and similar.

Trafficking in (male) migrants is closely related to smuggling of migrants and is basically reduced to various forms of labour exploitation (forced labour).⁷³

⁷² In this research the children are, in accordance with the Convention on the Rights of the Child, persons of the both sexes younger than 18 years of age.

⁷³ Well known are the organized criminal groups that trade in Chinese and other migrants from Asian countries.

V Scope, Purpose, Method, and Sample of Research

V 1. Scope and Purpose of the Research

The scope of this research encompassed collection of the data on trafficking in people in Serbia, without Kosovo. The primary objective of the research was focused on trafficking in people for the purpose of sexual or labour exploitation. However, at the same time an attempt was made to acquire information about its other forms. In accordance with the terms defined above, the scope of this research included both trafficking in women, and the trafficking victims of which are (male and female) children and adult men, and regardless whether it has trans-national character or takes place within the borders of Serbia. This also means that this research encompassed trade in foreign as well as our citizens, namely the trade within Serbia, from Serbia to other countries, and trafficking in people where Serbia is only a country of transit.

Considering that this first empirical research of trafficking in people in Serbia was meant to build a better picture of this phenomenon, it was exploratory in character. With regard to this, its main objective was to take first steps towards empiric estimations of the extent and characteristics of this occurrence, and therefore serve as a basis for development of the mechanisms for the action towards suppression and prevention of trafficking in people, and for gaining insight into the needs and trends for its further and more thorough studying.

The goal of this research was to obtain information about:

- Extent, structure, and characteristics of trade in women, children and men in Serbia;
- Factors influencing occurrence of trafficking in people from, in, and through Serbia;
- Level of awareness with experts (judges, prosecutors, lawyers, police, social workers, physicians, psychologists in schools, teachers, youth counsellors in the homes for children without parental care, etc.) and representatives of non-governmental organizations dealing with the problem of trafficking in people;
- Different responses and treatment of trafficking in people by state authorities (above all by police, prosecutors' office, courts, and centres for social work) and local and international NGOs.

In addition to the main goal which related to obtaining as many data about the researched phenomenon as possible, this research had the action character — since the researchers, in addition to collecting data, in the course of their interviewing work, when required, explained to respondents the basic terms and therefore, in a way “in passing” contributed to raising their level of awareness concerning the trafficking in people phenomenon.

That is exactly why it was necessary to familiarize all participants of data collecting in this research with what is presently known about trafficking in people and to acquaint them with the scope, objectives, and methods used in data collecting. In this work, due to the dynamics and volatility of the very process of data collection, and due to the need to use semi-structured questionnaire, namely a questionnaire with open or semi open questions, data collecting for this research required that the interviewers have better than average knowledge about trafficking in people. Good background knowledge was supposed to enable them to adapt the predetermined interview scheme on site, if necessary — for example, to reformulate or customize some questions, ask new ones, or similar.

The researchers were expected to be patient and persistent and to obtain data even when they seemed beyond their reach, or inaccessible. In other words, they had to have a creative and proactive approach to data collecting since that was the only guarantee that quality information would be obtained. That is exactly why the researchers⁷⁴ who collected data for this study have previously attended a two-day intensive (theoretical and practical) training on collecting data on trafficking in people, which was organized for them by the Victimology Society of Serbia. Also, for the requirements of the training, a special manual on trafficking in people, adapted to the needs of this research, was prepared.

V 2. Method and Sample

Considering that there is hardly any reliable information about this phenomenon, and having in mind that we are dealing with a form of organized crime for which it is not possible to collect data using common methods or benefit from the experience of other researchers,⁷⁵ we

⁷⁴ Thirteen researchers participated in data collecting.

⁷⁵ See more about this in: Nikolic-Ristanovic, V. “Trafficking in People and Organized Crime: definition of basic concept and methods of data collection” in: Nikolic-Ristanovic, V., Copic, S. and Mihic, B. *Trafficking in Human Beings: Concept, Characteristics and Legislation*, an unpublished study within the project of the Institute of Criminological and Sociological Research in Belgrade *Serious Forms of Crime in the Circumstances of Transition*.

decided to apply the ethnographic multi-method, i.e. a combination of several different sources of data. This method made it possible for us to approach the phenomenon under research from several different angles, namely to use a great number of different information sources, but also to continuously learn about the phenomenon during data collecting itself which also enabled continuous changing, supplementing, and development of the research instruments. In this way we sought to accomplish comprehensiveness of potential data sources, having in mind the fact that, as excellently observed by Prof. Liz Kelly, when such a hidden phenomenon is concerned, finding accurate estimates of the true extent can be compared to looking for needles in haystacks.⁷⁶

The major part of the data was collected through interviewing the experts in different fields, namely with the representatives of state authorities, non-governmental and international organizations, and academics.⁷⁷ For the requirements of this research, we have selected the persons to interview considering the expectation of them coming across this problem in their everyday work, and therefore, taking into account their expected knowledge on trafficking in people in Serbia.

In addition to mentioned interviews, our sources included:

- Data provided by the state authorities;
- Results of previous research programmes;
- Data provided local NGO's;
- Data obtained from international organizations;
- Other written material.

The said materials were collected independently from the interviews or in combination with the interviews, namely the researchers always asked respondents whether they had some written material i.e. data source available.

Finally, as supplementary methods of data collection, we have used the observation and interviews with the persons (5) accommodated in the Shelter for Foreigners in Padinska Skela near Belgrade, as potential victims, as well as informal conversations with people who had direct knowledge about the phenomenon under research.

The respondents proved to be an excellent and very versatile as well as comprehensive source of data on the researched phenomenon. The sample constituted of 123 persons, employed in different institutions and organizations, of different professional background from 17

⁷⁶ Kelly, L., Regan, L. (2000) *Stopping Traffic: Exploring the Extent of, and Responses to, Trafficking in Women for Sexual Exploitation in the UK*, London: Home Office, Police Research Series, Paper 125, p. 6.

⁷⁷ Further in the text they shall be referred to as "the respondents".

places in Serbia. The research was not conducted on a representative sample, nor did it aspire to be representative, considering that, with the present level of awareness about trafficking in people in Serbia, we were not able to formulate such sample. Nevertheless, we tried to include in the sample all regions and, particularly, big cities and places close to the state borders, which we deemed to be more at risk for trafficking in people.

The greatest number of respondents came from Belgrade — 55 (44.7 percent), then from Novi Sad 13 (10.6 percent), and Nis 10 (8.8 percent). Other respondents came from the following cities: Zajecar 7 (5.7 percent), Pozarevac 6 (4.9 percent), Sabac, Velika Plana, and Novi Pazar 5 each (4.1 percent), Vrnjacka Banja 4 (3.2 percent), Apatin and Sombor 3 each (2.4 percent), Aleksinac 2 (1.6 percent), and Kraljevo, Milosevac, Subotica, Vlasotinci and Zrenjanin, one respondent each (0.8 percent).

The respondents of both sexes were represented in similar numbers, although there were slightly more female (56.1 percent) than male respondents (43.9 percent). In view of age of respondents, mostly represented were those of middle age (41—56 years of age), who constituted more than a half of the total number of respondents — 69 or 58.9 percent.

The greatest number of respondents were employed in police — 27 persons or 21.9 percent, followed by the employees in the homes and shelters for children and young people — 13 persons (10.6 percent), and in municipal magistrate courts and NGOs (12 each or 9.7 percent of respondents). The courts and schools, primary and secondary, employed 10 persons or 8.1 percent each, and centres for social work employed 9 of respondents (7.3 percent). State prosecutors' offices and media employed 8 (6.5 percent) each. Scientific institutions and universities, health institutions, ministries and international organizations were represented by 3 persons (2.4 percent) each, and one of respondents came from each of the following institutions: Shelter for Foreigners in Belgrade, and Penitentiary Institution for Women in Pozarevac.

According to their profession, majority of respondents were law graduates (42 or 34.1 percent), policemen, inspectors and commanding police officers (19), and psychologists (19) or 15.4 percent each. In addition to this, our respondents included journalists (7), those who declared themselves as NGO coordinators or activists (6), university professors and social workers (4 each), and pedagogues, sociologists, physicians, economists, youth counsellor, defectologists, philologists, and etc. Among the law graduates, judges, magistrate judges and public prosecutors prevail (24).

Having in mind that the phenomenon was poorly researched before, and that there was insufficient knowledge about the prevalence, forms, and characteristics of trafficking in people in Serbia, we have decided on phased data collecting and successive analysis of the collected material, together with continuous reconsideration and upgrading of instruments, based on exchange of experiences among the researchers.

In accordance with the scope and objective of the research, and using the experiences and questionnaires of some foreign research programmes,⁷⁸ we have composed a questionnaire of our own. Relying on the experience of others as well as our previous knowledge, and taking into account specificities of the local context, we made concept of the basic questionnaire (for the experts and NGO representatives), a questionnaire for potential victims and the survey protocol, as herewith enclosed.

The questionnaire for the experts and NGO representatives included following groups of questions:

1. General information about respondents
2. Familiarity with basic terms connected with trafficking in people
3. Knowledge about trafficking in people, based on experience of direct involvement in work on concrete cases
4. General (indirect and direct) knowledge about sex industry and prostitution, begging and vagrancy, illegal labour, forced work, forcing children to engage in criminal activity, abduction, disappearance and smuggling of children, and trafficking in people.

As can be seen from the mentioned groups of questions, in addition to data which directly pertain to trafficking in women, children and men, in order to gain a better picture of the risks of trafficking in people in Serbia, this research also collected data on the so-called mark-

⁷⁸ While preparing data collecting, we have contacted Prof. Liz Kelly from the Child & Woman Abuse Studies Unit, London Metropolitan University, UK; and Carron Somerset, who worked at the ECPAT research of trafficking in children in UK. Thanks to their kindness, we have obtained the questionnaires used in the research of trafficking in women (2000), and children (2002) in UK, and we are very grateful to them for that. The questionnaire that was used in the research of trafficking in women in UK proved to be particularly valuable. In addition to this, when formulating the questionnaires we have also used a questionnaire used in the research of trafficking in women and children for the purpose of sexual exploitation in Latin America conducted by the International Human Rights Institute with the De Paule University, Chicago, USA, during 2001 and 2002. See more about this in: *In Modern Bondage: Sex Trafficking in the Americas* — Central America and Caribbean (Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua & Panama). Chicago: International Human Rights Law Institute DePaul University College of Law, October 2002. Available at the web site: www.law.depaul.edu/institutes_centers/ihrli/pdf/full_document.pdf.

ers,⁷⁹ i.e. occurrences which are indirect indicators of the existence of trafficking in people (sex industry, prostitution, begging, etc).

Finally, respondents were asked to give example of good and bad practice of state authorities and/or NGOs with regard to trafficking in people in Serbia, and to present their view of measures that should be undertaken so that our society more efficiently fight trafficking in people and forced labour, specially spreading of forced labour of children. The interviewed were asked whether they would like to be cited with full name and surname, or wished to remain anonymous.⁸⁰

The questionnaire for interviewing of potential victims, also here-with enclosed, consisted of the following groups of questions:

1. General data
2. Questions concerning current issues
3. Life in the place/country of origin
4. Information about recruitment and transportation
5. Information about control and exploitation
6. Relationship between the state authorities (firstly, the police) and others
7. Future

Our original idea was to use this questionnaire to interview the victims accommodated in the Shelter for Women Victims of Trafficking and the victims/potential victims accommodated in the Shelter for Foreigners. However, since we failed to obtain the permit from the Shelter, it was impossible to conduct interviews with women accommodated there. In the Shelter, the interviews were conducted with 5 persons (1 woman and 4 men) who happened to be there on 22 August 2003, i.e. after we had obtained permit to have this communication, and we could talk with them either directly or through the available interpreter.

Questions in the questionnaire were composed so as to get from respondents as many information as possible from about the manifestations of trafficking in people in Serbia,⁸¹ about their sensitivity level and

⁷⁹ See more about this in: Nikolic-Ristanovic, V. "Trafficking in People and Organized Crime: definition of basic concept and methods of data collection", in Nikolic-Ristanovic, V., Copic, S., Mihic, B. (2003) *Trafficking in People: Concept, Characteristics and Legislation*, Institute of Criminological and Sociological Research, unpublished, p. 10.

⁸⁰ The majority of our respondents agreed to be cited under their full name and surname. However, in this study because of sensitivity of the obtained data, citing under full name and surname has been reduced to minimum.

⁸¹ It is important to note that majority of cases acknowledged by our respondents as people trafficking are the cases whose existence because of various reasons (they took place earlier, when no appropriate incrimination were in place, because of the difficulties in substantiation of the evidence, or the procedure is in progress, etc.) was not established by final and enforceable court decision. However, considering that an extremely low level of perpetrators detection and prosecution

familiarity with main terms, and about the mechanisms for action of the state authorities and NGOs. In this way we wanted to build as complete a picture of trafficking in people in Serbia as possible, as well as that of the situation concerning detection and prosecution of the perpetrators, protection, rehabilitation and reintegration of victims, and the efforts related to prevention. This information served as basis for formulation of recommendations concerning the measures that should be taken in order to improve efficiency of prosecution of perpetrators, prevention, and protection of victims (3 P = Prosecution, Prevention, Protection).

Data was collected in the period between 1 May and 30 August 2003, and average duration of the interviews was 1 hour 43 minutes.

is typical for this form of criminality, relying on the facts established in very rare final and enforceable court decisions, and, generally, use of traditional methods of data collecting, is hardly a suitable approach for obtaining the data which can give a picture of the extent and characteristics of trafficking in people.

VI Trafficking in Women in Serbia

Trafficking in women, in particular trafficking in women for the purpose of sexual exploitation, is an occurrence about which the knowledge is expanding all the time and, particularly in the recent period, a lot is said and written, both globally and in our country. However, trafficking in women in Serbia is a phenomenon still in great part under a veil of secret. What is known about it is largely incomplete and based on individual cases, while little is known about its prevalence, structure, and characteristics. By conducting this research we attempted, among the rest, to obtain as many details about it as possible.

This task was rather difficult. Namely, trafficking in women is a form of organized crime and therefore its characteristics include obscurity, mobility and linkage with legal actors. Also, a barrier to defining the level of trafficking in women is a big dark figure which primarily stems from the fact that very small number of women, once they find themselves in the chain of trafficking, turn to police or other agencies that assist victims.⁸² It is extremely hard to give an estimate of the scope of trafficking in women in Serbia due to the fact that only since April 2003, with the amendments to the Criminal Code of the Republic of Serbia that trafficking in people has become incriminated as a separate criminal offence,⁸³ so that the proceedings that were underway during conduction of this research, for which there was a reasonable suspicion that they were concerned with trafficking in women, were not conducted for this criminal offence.⁸⁴ Therefore, people we have interviewed, particularly judges and prosecutors, were asked to make assessment, based on the description of the event, whether a particular case was a case of trafficking or not. For the same reason, not even in those cases which were processed was it possible to obtain statistical data on the number of cases of trafficking in women.

⁸² Mihic, B. (2003) "Trafficking in Women for the Purposes of Sexual Exploitation — Criminological Aspect", in: Nikolic-Ristanovic, V., Copic, S., Mihic, B. (2003) *People Trafficking — Term, Characteristics, and Legal Framework*, Institute of Criminological and Sociological Researches, unpublished, p. 16.

⁸³ Article 111b of the Criminal Code of the Republic of Serbia, Official Bulletin of the Republic of Serbia 39/03.

⁸⁴ These proceedings mainly concerned the criminal offence of intermediation in the exercise of prostitution, Art. 251, CC RS; see more at p. 8.

Almost every previous research of trafficking in women faced the problem with determining a number of victims of trafficking in women.⁸⁵ Since before this research, we in Serbia did not have data on number of victims of trafficking in women, we felt that even an estimate of the number of victims may serve as a good basis for future strategies of action aimed at prevention and suppression of this form of crime in our country, but also as a starting point for further research in this area.

The next question to which we looked for an answer is: who are the victims of trafficking in women in Serbia — how old are they, where do they come from, what is their nationality and what is their educational background. Much more is known about victims of trafficking, in contrast to what we know about the perpetrators of trafficking. However, even these information is sporadic and no systematised. There is especially little information about our nationals who are victims of trafficking. It was presumed that this research will confirm that trafficking in Serbia mainly involves women from Eastern Europe, however it brought to light the fact that citizens of our country also often end up in the hands of traffickers in people.

Moreover, we tried to find an answer to the question whether Serbia is a country of origin, transit, or destination. The answer to this question is also a prerequisite for the creation of an efficient system for prevention and suppression of this phenomenon. Trafficking in women in Serbia, we presumed, is influenced by a multitude of micro and macro factors present in the local and regional context.⁸⁶ Having in mind that in Serbia, besides macro factors, many micro factors of criminalisation and victimisation are in place (push factors and pull factors), as well as the factors facilitating trafficking in women,⁸⁷ we assumed that Serbia is primarily a country of transit, but also a country of origin and destination.

To date acquired knowledge suggests that trafficking in women develops through three main phases: recruitment, transportation/transfer and victimisation. Having this in mind, one of the goals of this research was to obtain data on the routes of trafficking in adult women, from the country of origin to the country of destination, and the place taken by our country in that chain of trafficking; further, on methods of recruitment of potential victims, their transportation/transfer to the coun-

⁸⁵ Nikolic-Ristanovic, V. (2003) "Trafficking in People and Organized Crime: Definition of Main Terms and Method of Data Collecting", in: Nikolic-Ristanovic, V., Copic, S., Mihic, B., op. cit., p. 13.

⁸⁶ See more about this in: Nikolic-Ristanovic, V. (2003) "Trafficking in People and Organized Crime: definition of basic concept and methods of data collection", in: Nikolic-Ristanovic, V., Copic, S., Mihic, B. (2003) op. cit, p. 7—9 and p. 26.

⁸⁷ Nikolic-Ristanovic, V. (2002) "Trafficking in Women in Serbia and Surrounding Countries: Scope, Characteristics, Sources", *Temida*: No. 1: p. 9—10.

try of (temporary or permanent) destination; and then finally, also about the mechanisms of control and exploitation to which they are exposed.

To this effect, the respondents were asked the questions related to their immediate knowledge about trafficking in women — whether they had a chance to encounter victims of trafficking in women in the course of their work, how many of such cases they have come across, how many cases they have come across in the previous two years, who were the victims in those cases, how many of those cases were cases of trafficking in and how many through and from Serbia, and by what routes did they arrive in our country. Respondents also answered the question of who, to the best of their knowledge, were the usual victims of trafficking in women, in what way were they drawn into the chain of trafficking in women, how they were transported, namely how they were transferred to the destination, and in what way they were victimized by their traffickers /exploiters.

Finally, through indirect indicators — scope and prevalence of sex industry and prostitution, begging, vagrancy and illegal labour — we tried to obtain the most precise possible estimate of the prevalence of trafficking in women aimed at sexual exploitation and exploitation of labour in Serbia, namely the prevalence of the related risk. To this effect, the respondents answered the questions pertaining to the indirect indicators — markers: about scope and structure of the sex industry, prostitution, begging, vagrancy, and illegal labour, or forced labour; number of persons who were, to the best of their knowledge, reported, sentenced, or in any other way registered due to the above-mentioned behaviour; whether the victims were foreign women or our citizens, and whether any of those cases were cases of trafficking in women.

The data presented in the sections that follow were the result of the analysis of interviews taken.

VI 1. Extent and Structure of Trafficking in Women

VI 1.1. Extent and Geographic Prevalence of Trafficking in Women in Serbia

According to the results of the research, respondents, through their work or through indirectly gained knowledge, came across about 750 cases of trafficking in women, namely the cases for which there is a reasonable suspicion that they pertain to trafficking, in which about 960 victims of trafficking of women were identified.⁸⁸

⁸⁸ These numbers constitute a total number of cases/victims of trafficking in women that were mentioned in any way whatsoever, and cases in which there were grounds to suspect traffic-

From the total of 123 persons whom we interviewed, 69 respondents (56 percent) from 13 cities in Serbia, came across the cases of trafficking in women directly, in the course of their work. Out of this number, 37 interviewed were from Belgrade, 7 from Novi Sad, 4 from Sabac, 4 respondents were from Novi Pazar; there were 3 respondents from each Pozarevac, Vrnjacka Banja, Sombor and Nis; and one respondent from Zrenjanin, Zajecar, Kraljevo, Subotica and Apatin each. Only the persons interviewed in Aleksinac, Milosevac, Velika Plana and Vlasotince have never come across a case of trafficking in women in the course of their work. The interviewed who have, directly through their work, came across cases of trafficking in women included members of police, judges of municipal and district courts, magistrate judges, prosecutors, NGO representatives, employees of the Centres of Social Work and Shelter for Foreigners, and representatives of media. The respondents directly encountered about 730 cases of trafficking in women, or cases in which there were grounds to suspect trafficking, and 940 victims of trafficking. Out of this number, 376 cases of trafficking in women with 462 victims of trafficking in women took place in 2002, and in 2003 there were 125 cases and 139 victims.⁸⁹ The greatest number of cases of trafficking in women were recognized as such by members of the police in Belgrade, Novi Sad and Novi Pazar, as well as by respondents from the NGOs and international organizations from Belgrade that assist victims of trafficking.

57 respondents gave a precise or approximate number of cases or victims they encountered in their work, while 9 respondents gave their estimates of it. Accordingly, five respondents, three from Sabac and two from Novi Pazar, said that they have come across "a few cases". Three respondents (two from Belgrade and one from Zrenjanin) gave estimated number of cases at annual level. For example, a respondent from Zrenjanin said that he comes across "5 or 6 cases a year, with 2—8 vic-

king. We suppose that some of our respondents in the course of their work came across the same cases/victims of trafficking in women (e.g., respondents from the same town working in police, prosecutor's office or in judiciary; and also the respondents working in the Shelter for Women Victims of Trafficking, and those from the International Organization for Migrations). When, based on their descriptions we were able to establish that we are dealing with the same cases, we did not include such cases in the total number. On the other hand, having in mind that the dark figure in this form of crime is rather high, and that a certain number of respondents was not able to tell any accurate number of the cases they came across, it is possible that the number of cases, or victims of trafficking in women, exceeds the above-mentioned figures.

⁸⁹ The respondents were often uncertain as to a number of cases they had in 2002 and in 2003, respectively. Therefore, some of them indicated the year in which they came across more cases. Thus, for example, two respondents from Novi Pazar and the representatives of the NGO ASTRA, Belgrade, said that in 2002 they had more cases than in this year. Based on the collected data and statements of our respondents, it may be deduced that majority of cases were registered in 2002, whereas it should be kept in mind that, for the most part, data collecting took place in the middle of the current year.

tims of trafficking in each of them”; a respondent from Belgrade (a representative of the police) said that he comes across about 300—500 cases a year; and a judge of the Fifth Municipal Court in Belgrade said that he deals with 2—3 cases a year. One of the persons interviewed in the Belgrade police said that during the twenty years in the profession, he encountered about a thousand of cases of trafficking and smuggling.

Three respondents (two from Belgrade, one from the police and the other a magistrate judge; and a respondent from Novi Pazar) were not able to give even an approximate number of cases, but they described the cases they have encountered in practice.

Twenty respondents from 8 towns in Serbia, more specifically: 6 from Belgrade, 3 from Novi Sad, 3 from Novi Pazar, 3 from Velika Plana, 2 from Pozarevac and one from Sabac, Vlasotince and Zrenjanin each had indirect knowledge about cases of trafficking in women. Seventeen cases of trafficking in women with 21 victims of trafficking were described.

VI 1.2. *Who are the Victims of Trafficking in Women in Serbia?*

VI 1.2.a. Age

Even though respondents often did not have the data regarding the years of age of the victims of trafficking in women, the results of research suggest that the victims, with which in majority of cases respondents have directly met or gained indirect knowledge about, were very young women of 18 to 30 years of age.

Hence a representative of the police from Belgrade, who comes across 300—500 cases a year in the course of his work, had the information that most of the victims are between 18 to 22 years of age. Sandra Slijepcevic, programme assistant of the International Organization for Migrations, who in her work had about 140 victims of trafficking, came forward with the data that 50 percent of victims are between 18 and 24 years of age, namely 27 percent between 25 to 30 years of age. Slobodan Lovric, deputy president of the NGO Beosupport from Belgrade, had in the course of his work some 35 victims of trafficking in women all of whom, according to his words, were girls of less than 20 years of age. Five representatives of police, four from Belgrade and one from Subotica spoke about victims — “girls over 18 years of age”, while the judge of the District Court in Novi Sad mentioned “the girls of 18 or more years of age”. A respondent from Novi Pazar came across several cases, out of which four were girls of 21, 25 and 30 years of age. The respondents from the Police of Sabac encountered several cases of trafficking

and victims who were, according to their information, three girls younger than 25. A respondent from the Fifth Municipal Prosecutor's Office in Belgrade came across two cases of trafficking, and victims had 18 and 19 years of age.

Dragica Mrsic, judge of the criminal department of the Municipal Court in Sabac, who came across several cases of trafficking in the course of her work, said about the age of victims:

"All the victims I came across in my work were adults, but quite young girls in their early twenties."

However, there are some cases of women — victims of trafficking who belong to age category between 40 and 50 years. Thus, one interviewed had in her previous work one victim of trafficking who had 42 years of age. Marija Andjelkovic, activist of NGO ASTRA, came across 27 women — victims of trafficking, and women were of all age categories.

Vesna Stanojevic, coordinator of the Counselling Centre against Domestic Violence and the Shelter for Women — Victims of Trafficking, asked about the age of victims of trafficking said:

"They are usually young, average age of girls in the Shelter is 23 years of age; however, there are some cases of older women."

Also, respondents had information that some victims of trafficking were women who were pregnant at the time of trafficking (some of them were in the ninth month of pregnancy when subjected to trafficking), or who were mothers (a respondent had information that some of the trafficked women were mothers of two, or four children).

VI 1.2.b. Nationality

The respondents have accurately identified 148 victims of trafficking from Moldova, 123 from Romania, 67 victims from the Ukraine, 10 Bulgarians, 6 Russians, 5 Chinese, 2 Armenians, 2 Uzbeks, and one victim from each of Czech Republic and Byelorussia. However, these numbers surely do not accurately reflect the situation in the field since respondents often mentioned groups of victims, for example "20 victims from Romania and Moldova", or "5 victims, the Ukraine and Moldova", and it is therefore not possible to determine the exact number. That is why these data should be taken judiciously. Also, some respondents were not able to give precise data on the number of victims and coun-

try of origin of the victims of trafficking in women. They only specified countries of origin, without the figures, or gave their estimations as regards country of origin of the greatest number of victims (for example, "most of them were from Moldova, followed by the Ukraine and Romania", or "foreigners and our citizens (in much lesser numbers) — Moldova, the Ukraine, Russia, Romania, Kosovo"). However, based on the data which we obtained, we may conclude that Moldova, Romania and the Ukraine are the most common countries of origin of the victims of trafficking in women.

Also, 96 citizens of Serbia were identified as the victims of trafficking in women. They came from Cacak, Cicevac, Sabac, Kraljevo, Vranje, Loznica, Pancevo, and other towns and rural area of Serbia, particularly those in the locality of border crossing points with Hungary, Romania, and Bulgaria (Vrsac, Zrenjanin, Negotin, Sombor, Subotica, Odzaci, Novi Sad, Pirot).

VI 1.2.c. Nationality of Victims from Serbia

Nationality of the victims of trafficking in women — our citizens, is sundry. The respondents have identified 15 Roma victims (15.6 percent). However, the greatest number of trafficked women — citizens of Serbia, were of Serbian, Montenegrin, or Moslem nationality.

VI 1.2.d. Educational Background

Even though the majority of respondents did not have the information about the educational background of the victims, based on the data they presented to us we were able to conclude that victims of trafficking were mostly women who have finished a secondary school, hairdressers, tailors, etc., but some of them had a high level of education — bachelors of law, pedagogues, music teachers, physicians, etc.

VI 1.2.e. Exploitation of Labour or Sexual Exploitation

Results of the research suggest that the greatest number of cases concerning trafficking in women were the cases of trafficking in women for the purpose of sexual exploitation. In three cases, in which respondents directly met the victims, these were the cases of trafficking for the purpose of exploitation of labour. Those were two Chinese that were trafficked through Serbia — Italy was meant to be the final destination,

and two cases of trafficking for the purpose of being a housekeeper in Serbia. One of the victims in yet another case that was described, a Moldovian, was held imprisoned in an apartment and her labour was exploited to do housework. Six of respondents had indirect knowledge about the cases of sale of our women abroad for the purpose of exploitation of labour. Three cases were described of our citizens who were sold to Italy. There were some border cases where our citizens went abroad voluntarily but then were forced to work in bars or on plantations, without any food, pay, etc., and cases of our women who ended up in the Middle East, in Libya, Kuwait, etc, where they worked as nurses however there is some information that their passports were taken from them.

VI 1.3. *Trafficking in, from, and through Serbia*

While in the beginning of 1990s Serbia was mainly a country of destination, with worsening of economic situation, it gradually turned to a country of transit, and now even in a country of origin of the victims of trafficking in women.⁹⁰ According to the assessment of the International Organization for Migrations, the majority of victims of trafficking ending up in Western Europe actually arrive there through the Balkan countries.⁹¹ As the results of research suggest, Serbia is today a country of transit, destination, and origin of the victims of trafficking in women, but also a country with a well-developed internal trafficking in women from Serbia, not including crossing of the state border.

Even if it is hard to define for every individual case whether it is trafficking in, through, or from Serbia, respondents have identified 299 cases of trafficking in Serbia with 310 victims of trade, 86 cases of trafficking from Serbia with 89 victims, and 151 cases of trafficking through Serbia with 154 victims of trafficking in women.

In the cases where information was insufficient, respondents gave their estimates. Most of them believe that Serbia is predominantly a country of transit, or they have information that the area where they live and work is a transit area. At the same time, a large number of respondents believe that Serbia is also a country of destination and a country of transit. A smaller number of respondents said that, if traffic-

⁹⁰ Mihic, B. (2003) "Trafficking in Women for the Purpose of Sexual Exploitation — Criminological Aspect", in: Nikolic-Ristanovic, V., Copic, S., Mihic, B. (2003) *Trafficking in People: Concept, Characteristics and Legislation*, Institute of Criminological and Sociological Researches, unpublished, p. 17.

⁹¹ Limanowska, B. (2002) *Trafficking in People in Southeastern Europe*, UNICEF, UNOHCHR, OSCE-ODIHR: p. 4.

king in women is in question, their opinion is that Serbia is the country of origin, transit, and destination at the same time.

That Serbia is a country of transit, origin and destination advocates Marija Andjelkovic, a Bachelor of Law and an Activist of the NGO ASTRA, Belgrade.

“There were all kinds of cases... when it comes to trafficking in people, Serbia is a country of origin and a country of transit and a country of destination. We cannot be sure whether Serbia was the final destination for the girls that were found in our territory, or were they only in transit. From Serbia, the girls are going to Spain, Kosovo, Albania, Germany, Italy, Macedonia; through Serbia they are going to Macedonia, Libya, Turkey, Kosovo... In Serbia they are coming from the surrounding countries, and from Moldova, the Ukraine, Romania, Armenia...”

The respondents who have met the largest number of transit cases in the course of their work, namely a largest number cases whose transit passes through Serbia, believe that the underlying reason are armed forces that are stationed in Kosovo and Bosnia and Herzegovina, and desire of the traffickers to produce the greatest possible revenue in the Western Countries. However, even in these cases it is rare that exploitation does not take place in the territory of Serbia as well.

Sandra Slijepcevic, programme assistant in the International Organization for Migrations makes a distinction between a country of destination for the traffickers (real destination) and a country of destination for the victims (fictitious destination) and says:

“As regards the transit, or only passing through Serbia, without exploitation within the borders of Serbia, it happens only rarely, there are only a dozen of such cases. Almost all women assisted by the IOM had been subjected to the exploitation in the territory of Serbia. This means that, for the traffickers, the country of destination is Serbia. The girls did not stay in one place, they often moved, but always within Serbia. For the victims, however, the country of destination is always a country of Western Europe, mostly Italy, and for the traffickers, it is Serbia. According to our statistics, the republics of former Yugoslavia, and Serbia itself, particularly of late, are growingly becoming desirable countries of destination and transit.”

The same is confirmed by other respondents:

“Women are mainly trafficked through Serbia. However, a great number of girls have undergone sexual exploitation in the territory of Ser-

bia although when concluding the deal they did not agree on Serbia as a destination.”

“In 90 percent of cases, they were promised a job in Italy, Spain, or Germany, Austria, any job, even manual which, considering their circumstances, they find acceptable since it is well paid. Most often, the plan is that the girls end up in one of our brothels, or night bars. The girls are often sold several times before they are caught and escorted to the Shelter. One girl has been sold several times in the period of two years — first in Padova, then in some places near Belgrade, then followed Bosnia, and then Leskovac, and only then did she get to the Shelter.”

Italy and Kosovo are mentioned as the most common final destinations for the victims of trafficking, followed by Macedonia, Bosnia, Albania, Greece, and other countries of Western Europe (Germany, Austria).

It is believed that women from other countries are resold in Serbia — from Romania, Bulgaria, Moldova; while our women mainly go to the West. On the other hand, the experience of the NGOs assisting the victims is that our women, before the traffickers sell them abroad, are sold within Serbia, sometimes more than once. However, Sandra Ljubinkovic, coordinator of the NGO ASTRA from Belgrade, believes that “it is hard to tell whether a woman was sold several times in Serbia unless the victim herself confirms it. As often as not, the victims are not aware of it. The only way to establish it for sure is that they themselves witness the selling/purchasing process or otherwise find out that such process took place...”

According to the results of research, internal trafficking in our women is very well developed. The case addressed by the District Public Prosecutor’s Office in Sabac only confirms this:

“Two adult women, citizens of our country (one 45 years old and a mother of five children, the other 25 years old), have been sold by a man from Nis who was the owner of a café in Sabac. Both women were from a village near Nis, and, according to what they said, that man from Nis “put something in their drinks”, after which they had fallen asleep and woke up in Pozarevac. Then they were raped. Then some people from Sabac came (a man — owner of the café and a woman) and took them to Sabac where they worked in the café as waitresses. According to what they said, the owner of the café had kept them locked-up, raped them and forced them into prostitution, until one of them escaped and reported the case to the police.”

VI 2. Characteristics of Trafficking in Women

The results of previous (mainly foreign) research programmes, reports of the international organizations, local NGOs assisting the victims of trafficking, and other available information,⁹² suggest that, as a rule, trafficking in women takes place in three phases: recruiting; transportation, i.e. transfer from the country of origin to the country of destination following the predefined routes (channels), and victimisation to which the victims are exposed, during the trip or after they arrive at the place of destination. With this in mind, the data on main phases of trafficking in women, in, through, and from Serbia, were obtained through asking questions about the cases which respondents have directly come across in their work and which were identified as cases of trafficking in women, as well as through the questions about general (indirect) knowledge about main phases of trafficking in women. Further in the text follows the analysis of the data on the routes of trafficking in women over 18 years of age, methods in which they were recruited, transferred, and transported, and about the mechanisms of control and exploitation to which the women — victims were exposed.

VI 2.1. *Routes of Trafficking in Women*⁹³

The data on the routes of trafficking in women in, through, and from, Serbia, was obtained through the described cases that respondents came directly across in their work, as well as based on their general knowledge on the routes of trafficking in women.

VI 2.1.a. Routes of Trafficking in Women — Foreign Citizens

The data acquired during the research show that trafficking in women — foreign citizens begins in the countries of Eastern Europe, mainly the countries of former Soviet Union, and shifts towards the West. Victims of trafficking mostly come from the Ukraine, Moldova, and Romania, and less often from Russia and Bulgaria. Channels for trafficking women over 18 usually begin in the Ukraine and Moldova, then go through Romania, Bulgaria, and, less frequently, through Hun-

⁹² Mihic, B. (2003) "Trafficking in Women for the Purpose of Sexual Exploitation — Criminological Analysis", u: Nikolic-Ristanovic, V.; Copic, S.; Mihic, B. (2003) *Trafficking in People: Concept, Characteristics and Legislation*. Belgrade: Institute of Criminological and Sociological Researches (unpublished): p. 19—23.

⁹³ Routes of trafficking in women are shown on a map in the Appendix.

gary. After entering the territory of Serbia and Montenegro, the routes continue from the east towards the west, and from the north towards the south, although there are some routes to the north, too (Hungary). Thus, the routes from the east to the west are going through Pozarevac or Pancevo and Belgrade towards Republika Srpska (via Sabac) or Croatia (via Sid), with one wing chapter north, i.e. towards Hungary (via Subotica). From the north to the south, the channels for trafficking the women also proceed through Belgrade towards Kosovo, Macedonia or Albania, or towards Montenegro (via Novi Pazar), and then to Kosovo, Albania, or Italy, or other countries of Western Europe.

With regard to the channels of trafficking in women, work of the responsible departments, namely the divisions of the Police in Subotica and Belgrade, reveal as follows:

“...the girls from Moldova went either through Romania or through Hungary (two channels): the channel from Hungary usually went by rail and when this was not possible, the girls were taken across the border on foot. The girls would go from Hungary, through Subotica, to Belgrade, and then to Kosovo, and one wing headed towards Republika Srpska.” (a case addressed by the Subotica Police — Section for Foreigners)

“...The girls from Moldova went either through Romania where there was a man who met them and organized their transfer to Serbia and Montenegro (a Romanian who worked closely with our citizens), and were illegally transferred from there in Serbia; or they went via Hungary, where they come to Tompa (a place at the border with Serbia and Montenegro on the Hungarian side) from where they are transferred to Serbia and Montenegro. They are always transported to Belgrade...” (the Belgrade Police Department for Foreigners within the Administration of Border Police, for Foreigners and Administrative Affairs)

According to the information gathered by people we interviewed, as regards entry to our country, the most critical borders are those with Romania and Bulgaria.

“We know that Yugoslavia has had a place in the trafficking chain ever since 1990. Women from the Eastern Countries are arriving to Yugoslavia mainly from Romania (and to somewhat lesser degree from Hungary).”

“The area in the vicinity of Romanian border is known as a place where trafficking is easy; there is always somebody there ready to offer to take them over the border, to help them, to take them to someone in Serbia and Montenegro where they will get a job, and that is how they get trapped in the chain. The border crossings used most frequently to enter

Serbia and Montenegro are those with Romania (73%) and Hungary (13%). The border crossing from Romania is the one most frequently used since the victims usually come from Moldova and Romania so that this is the most logical route. Across the Hungarian border come the women from the Ukraine, and less often from Moldova.” (Sandra Sljepcevic, programme assistant in the International Organization for Migrations)

The following places were identified as entering points to the territory of Serbia and Montenegro for women — victims of trafficking: from Romania they usually come to Serbia and Montenegro in the area nearby Veliko Gradiste, Vrsac, Bela Crkva, Srpska Crnja and Kladovo; crossing point of Mokranja is characteristic for the border between Romania, Bulgaria, and Serbia and Montenegro; in the district of Zajecar crossings are mainly made over Vrska Cuka; at the border with Bulgaria the most significant crossings are at Strazimirovce and Bosilegrad, and from the direction of Hungary, the crossings at Horgoš and Kelebija.

“From Romania, over the area round Veliko Gradiste, Vrsac and Bela Crkva, where forests and field prevail and the border is not adequately guarded...” (the Belgrade Police Department for Foreigners within the Border Police Administration, for Foreigners and Administrative Affairs)

“...Romanians that are illegally crossing our border mostly enter our country near Golubac, they cross the Danube in boats, or in the part round Srpska Crnja. From the Ukraine they usually come by train, via the crossing point of Horgos...”

Within Serbia and Montenegro, several directions of the routes for trafficking in women — foreign citizens were identified.

Victims who enter Serbia and Montenegro from the direction of Romania, namely through Veliko Gradiste, Vrsac and Bela Crkva, are transferred to Pancevo, where a great number of them spends some time, or they go directly to Pozarevac, while some of them go to Belgrade.

Women who are entering our country at Srpska Crnja (also from Romania) are transferred to Zitiste from where one wing heads towards Pancevo and the other towards Zrenjanin, and Novi Sad and Sabac (towards Republika Srpska), or towards Belgrade.

The Mokranje crossing is, according to Tomislav Stojanovic, inspector in charge of border in the Pozarevac Police, “very convenient for all kinds of criminal activities, smuggling and trafficking in people... it is densely populated, the forests are thick... it is a wonderful setting for illicit border crossing,” and from there the routes go in two additional directions: through Majdanpek and Kucevo to the Belgrade—Nis high-

way, or via Donji Milanovac, Golubac, Veliko Gradiste and Pozarevac to the Belgrade—Nis highway.

From the area of Zajecar, i.e. from the crossing at Vrska Cuka, the routes continue towards Pozarevac or Veliko Gradiste and further to Belgrade.

From Hungary, Belgrade is usually reached with a brief stop in Subotica or in its vicinity (in a motel, restaurant, apartment, etc). This is confirmed by a case the Subotica Police Department for Foreigner came across:

“In 2000 and 2001 several criminal charges were filed against the owner of a motel in Subotica who organized accommodation for the girls whom he later transported further on... This man and his girlfriend were identified by a Ukrainian girl and they were charged for procuring in the end of 2001. Namely, the Ukrainian girl was at a point of leaving Serbia and Montenegro when the problem with her travelling documents arose at the border crossing after which she was taken to the Subotica Police (her visa had expired). In the course of her interview, she said that she had stayed at that motel, but that she had not stayed there for a long time, and that she was not involved in prostitution. The girls would stay there for a couple of days and then continue their way towards Kosovo, Republika Srpska, or Belgrade.”

It has been noted that Belgrade is the unavoidable stop for most women who are victims of trafficking, namely that Belgrade has become one of main transit centres for this region,⁹⁴ about which a respondent said:

“...Their route inevitably took them through Belgrade in which the trade took place. The girls stay in Belgrade (in apartments or houses rented solely for that purpose) until a buyer is found after which they are then transferred further on...”

This is proven by the following examples given by the persons we interviewed:

“I will tell you of a case of one woman from Romania who worked in Kosovo — she was involved in prostitution and was enslaved by the

⁹⁴ Thus, for example, international organizations warned that in the suburbs of Belgrade there were at least three large scale traffickers in people, connected with the pimps and owners of brothels, who at any time hold up to 15 women for further sale. See more about this in: “What is Cooking in the Government Pot” Belgrade: *Reporter*: No. 184: 31 October 2001: p. 15—16. According to: Mihic, B. (2003) “Trafficking in Women for the Purpose of Sexual Exploitation — Criminological Analysis”, op. cit. p. 17.

owner of a bar in Kosovo Polje... She told us that, with the help of a female neighbour, she obtained the address of a man who promised her a good job in Italy and the visa. She was not afraid since she trusted her neighbour. She was in a group of five until she reached Hungary where two girls from Bulgaria joined the group. From Budapest they came to Belgrade where a man from Pancevo took them over. She was together with a girl from Moldova put up in a house in Zvezdara where they stayed for a fortnight. She later heard that this girl was later sold to somebody in Belgrade. She never saw her again. The owner of the bar in which she began to work soon started forcing her into prostitution. — when she declined, she was beaten up. A month later she was transferred to Kosovo...”

“A Romanian girl (1971) met a friend from school who offered her to work as a waitress in the same bar she has been working for a long time. She offered her to live with her and share the rent, and the girl accepted. In that apartment she met three other Romanian girls and one Moldovian and learnt that they were going to be transferred to Yugoslavia in a couple of days. After two days, a Romanian came to get her and later he was joined by another two men who transferred her illegally across the border. On this side of the border, two Yugoslav men waited for her and took her in a jeep to Belgrade and put her up in an apartment. In that apartment in Belgrade she found three Moldovian girls and one Romanian girl who was sold to Greece, and three Moldovans were sold to Italy. She was sold to somebody from Belgrade. In Belgrade she was re-sold seven times. The buyer before the last one abused her and threatened her with a bomb which he used to carry with him all the time. By day she would sleep in an apartment in Raska and at night he would take her to Zvečan (Kosovo) and sold her to members of KFOR...”

However, beside Belgrade, women are often taken to other places in which they are detained, exploited, and then their owners sell them further. Thus, there are a lot of bars, motels and similar facilities in which these women are being accommodated in Mladenovac, Smederevo, Pozarevac, along Ibarska magistrala, in the village of Piroman near Obrenovac, in Batajnica, etc. In regard to this, and based on the results of the research conducted by NGO Beosupport, Slobodan Lovric said:

“Victims of trafficking in people in the surveyed sample were mainly foreign women who worked in Serbia for a couple of months. Their owner would keep them for 2—3 months and then he would sell them to somebody else or at the borders of Serbia or in Republika Srpska, less frequently to Kosovo.”

The same person gave the following example as well:

“In the vicinity of Veliko Gradiste there was a bar the owner of which used to trade in girls for the purpose of sexual exploitation. He always had 7 or 8 girls ‘on his disposal’ and used to sell them for DM 500—3000. The girls were mostly from Moldova and Romania.”

From Belgrade, the route follows several directions. One wing heads towards Sabac and Bijeljina, i.e. Republika Srpska, where in this area the women are often transferred in boats over the Drina; another is chapter toward Sid where they leave Serbia and Montenegro and enter Croatia; or in the direction of Subotica (towards the Kelebija border crossing) and then of Hungary.

One such example was provided by respondents — representatives of the police:

“It was a case of a woman from Moldova who ended up in Serbia and Montenegro in her ninth month of pregnancy. She came together with a girlfriend through Budapest, they entered Serbia and Montenegro illegally, with a help of our citizen against whom criminal charges have been filed. It had been planned that they acquire Romanian passports in Serbia so as to be able to go to Italy legally. These girls from Moldova were recruited by a Moldovian who promised them a job in Italy, then some other person took them over in Hungary (which they entered legally), the third took them to us, the fourth provided them with passports and handed them further on. The route usually leads from Belgrade, through Croatia, Slovenia, Austria, to Italy, or by bus — by a scheduled line Belgrade—Milan held by a man owning a transport company. Thus, a group of girls went on this bus (through an agency which has a line scheduled on the route Belgrade—Bergamo—Verona) and at the state border near Subotica it was suspected that they were victims of trafficking. They insisted that those were not their passports. They were taken to the police station and, when they were told what had been planned with them, they agreed to cooperate and related what had happened, where they had been. Thus, it was through them that we learned about that apartment in which the Moldovian girl was found, along with several other girls. In the group that was caught there was also the girlfriend of the first Moldovian girl. The plan was that both of them end up as prostitutes in Italy.”

The directions for passage are confirmed by a case that the Belgrade Police Department for Foreigners came across, as well as the one encountered by employees of the Subotica Police Department for Foreigners. In May 2003 in Belgrade, a group of 8 Chinese citizens was discovered. Two women over 18 were a part of the group as well. They were

victims of trafficking for the purpose of exploitation of labour. The police learnt that the plan had been to take them via Croatia to Italy (as a country of temporary or permanent destination). In March 2003, in the surroundings of Subotica, a group of 10 adult Chinese citizens was discovered, among which there were 2 or 3 women. They had illegally entered our country, by airplane (regular airline Moscow—Belgrade), and further transfer went through Belgrade to Subotica from where they should have illegally transferred to Hungary so as to continue, via Budapest, their journey towards the West. The final destination was supposed to be London.

The second wing goes from Belgrade towards the south, specifically towards Nis or Novi Pazar. The route from Nis goes towards Vranje and Bujanovac and further to Kosovo, while the route from Novi Pazar goes either towards Pristina (Kosovo) and then continues towards Macedonia, or goes through Bjelo Polje and Podgorica to Bar from where it leads further towards Italy or Albania.

As regards Novi Pazar, respondents from this city depicted the following situation: from Novi Pazar the routes of trafficking in women go in three directions — the 1st through Tutin, enters Montenegro through the crossing point of Mehov Krs and continues through Rozaje to Bar and then by ships to Bari in Italy; the 2nd leads through the crossing point of Mehov Krs and villages of Drage and Vrbe to Dubrovnik and from there to Italy; and the 3rd goes directly to Kosovo, and then from Kosovo to Italy. In Italy some women stay in Milan, Roma or Bologna, whereas a number of them continues north in the direction of the countries of Western Europe, i.e. towards Austria, Germany, Sweden.

The women — victims of trafficking who enter the country from the direction of Bulgaria, crossing the border at Stazilovce or Bosilegrad, continue their journey through Crna Trava and Medvedja to Kosovo.

VI 2.1.b. Routes of trafficking in women — citizens of Serbia

With regard to the trafficking in women — citizens of Serbia, as far as our respondents know, it takes place both within the borders of our country (inside Serbia or between Serbia and Montenegro), and outside these borders, i.e. some cases have been identified in which women from Serbia were sold in Bosnia, Macedonia and Italy. With regard to this, Sandra Slijepcevic, programme assistant in the International Organization for Migrations, said:

“Out of 100 women to whom the IOM Belgrade provided help between the summer of 2001 and the end of 2002, only 15 were from Serbia,

and 5 of them were trafficked within Serbian borders and the remaining 10 had been trafficked in Italy, Macedonia, and Bosnia and then returned to us.”

Another of respondents specified the example of a girl from Serbia who was sold in Croatia:

“...that girl from Vojvodina grew up in a home for children without parental care. She managed to finish secondary school and a course for hairdressers and, with the help of the Centre for Social Work, she managed to find a job and she stayed in the home even after she came of age. Since she was not satisfied with her salary, she left the job and went to see a friend of hers where she met an acquaintance of his who offered her to go to other town and work in a café. She went there and worked as a prostitute. In the meantime, she got pregnant. During her pregnancy, the owner of the café in which she worked (who is allegedly the father of her child) used to send her money. After giving birth, she was accommodated in the Home for Mothers in Zvecanska Street, where she left her child and ran away. Through a girlfriend (who took her there, or recommended her), she went to Vitez in Bosnia to get a job, and then was sold to Croatia where the Croatian police caught her without documents and sent her back to Belgrade.”

The words of Slobodan Lovric from the NGO Beosupport support the claim that women from Serbia sometimes end up in Kosovo, in Albania or Italy, or the traffickers attempt to transfer them there:

“I know about a girl from Vojvodina who used to work in a café in Podgorica. A friend of the café owner’s came and offered her a job in Budva. That first night he raped her and then tried to take her by car through Bar to Albania or to Kosovo. Fortunately, the girl managed to escape but got pregnant in the rape.”

Or, an example given by another respondent:

“A person from Novi Pazar attempted, in return for EUR 15000, to take two girls (both from Vranje) from Bar to Bari by the ferry when he was caught and arrested by the Montenegrin police...”

Even though respondents did not indicate the routes followed by women — victims of trafficking from Serbia towards the countries in its surroundings and other countries of destination, it may be assumed that the same trafficking channels are used for our citizens, i.e. the same points of exit from Serbia and Montenegro.

With regard to internal trafficking in women from Serbia, it may be noted that Belgrade, Pancevo, Pozarevac, Sabac and Novi Pazar are mentioned as places of their (temporary or permanent) destination. Considering those are the places at the routes for trafficking in women — foreign citizens, it cannot be said for sure whether their intended destination was some other country and they were discovered before reaching it, or their final destination actually was Serbia. Novi Pazar was specified as one of the most significant places of temporary or permanent destination for women from Serbia, and these women, according to the information obtained in Novi Pazar, come mainly from the cities in the locality of border crossings with Romania, Bulgaria, and Hungary; namely from Vrsac, Negotin, Sombor, Odzaci, Novi Sad, Zrenjanin, Bor, Sabac, Pirot.

Previously mentioned example given by the District Prosecutor's Office in Sabac,⁹⁵ in which two girls over 18 from the surroundings of Nis, through Pozarevac, ended up in a bar in Sabac, also points at the routes for trafficking in our women inside the borders of Serbia and Montenegro. The same goes to the example given by Ms. Vesna Stanojević, coordinator of the Counselling Centre against Domestic Violence and the Shelter for Women Victims of Trafficking:

“Four girls from Cacak, out of which one is minor, went to the seaside to earn some money. They went to Herceg Novi but did not find a job. Then came a man from Novi Pazar and offered them a job. He took them to a place near Rozaje, Montenegro. Afterwards they related that there they found three girls from Belgrade which later disappeared, and that additional three girls were expected to arrive. This indicates that it was the case of organized transfer of women.”

VI 2.2. *Recruitment of Women — Victims of Trafficking*

Available information about trafficking in women, primarily for the purpose of sexual exploitation, further confirms that there are several main forms of recruitment of women: deception through offering a job without any indication of possible sexual exploitation; deception through offering a job of a hostess, dancer, waitress, etc; deception through offering marriage; deception with regard to the conditions under which the woman would perpetrate prostitution (when they are aware that they will be engaged in prostitution); abductions and kidnapping, and

⁹⁵ See this example at p. 44—45.

sale by a member of family, boyfriend or a third party.⁹⁶ In addition, a common form of recruitment of women — victims of trafficking includes false invitations or travel arrangements for foreign countries.⁹⁷ Most reports and surveys of the situation regarding trafficking in women in European countries, and some specific research (in Albania, for example), showed that deceptions connected with the nature of the job which a woman is supposed to do in the country of destination, and pertaining conditions and pay, are still the most common form of recruitment of women — victims of trafficking.⁹⁸ Similar data was obtained in the course of the research of trafficking in people in Serbia.

According to the information of the persons we interviewed, the most common forms of recruiting the women — victims of trafficking include:

- Deception with regard to the job (nature of the job or conditions under which a woman would be working), namely, promising the attractive job abroad, and possibility to make money fast and easy;
- Promising a better and more comfortable life;
- False promise of marriage;
- False arrangements for learning languages, taking different kinds of training courses, or false arrangement for travelling abroad; and
- Enforcement (coercion) in the form of abduction or kidnapping (according to our respondents, this is an infrequent occurrence).

It may be noted that respondents did not make a distinction between the methods of recruitment in case of foreign nationals, on one hand, and in case of our nationals, on other, nor with regard to trafficking in women for the purpose of sexual exploitation, and that for the purpose of exploitation of labour.

According to our respondents' knowledge, the most common form of recruitment of women — victims of trafficking is a deception concerning the job, namely promising a lucrative, interesting job abroad, and an opportunity to make money fast and easy. This may be explained by the fact that most women who ended up in Serbia or went through Serbia on their journey to the final destination, come from the countries of Eastern Europe, mainly from the countries of the former Soviet Union, who are "mainly driven by extreme poverty to look for a better life

⁹⁶ Kelly, L. (2002) *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*. Child and Women Abuse Studies Unit, University of North London, U.K.: p. 30.

⁹⁷ Nikolic-Ristanovic, V. (2002) "Trafficking in Women in Serbia and Surrounding Countries: Scope, Characteristics, and Sources". Belgrade: *Temida*: 1: p. 6.

⁹⁸ Kelly, L. (2002) op. cit. p. 29.; Nikolic-Ristanovic, V. (2002) op. cit. p. 6.

outside the borders of the country in which they live".⁹⁹ By being given such promises, women are placed in the situation to accept as true that they can go to the wealthy West, make money, start a new life, at the same time believing that it is the only way for them and their families to escape poverty and despair.¹⁰⁰ This is reinforced by widely prevalent myths about the comfortable life and fast profit in the West. As a result, according to Sandra Slijepcevic, programme assistant in the International Organizations for Migrations, "in over 90 percent of all cases it is the case of promising a job abroad". These offers are made through advertisements in newspapers or through informal communication with acquaintances, friends, girlfriends, and similar.

Women are usually offered to take care of children or elderly, or to be waitresses, dancers, hostesses, photo models, fashion models, or to work in the restaurants, at homes, or to escort businessmen. One of our respondents said:

"Victims are usually lured by the adverts such as: '*Attractive girls needed for work abroad — excellent salary, visa provided, and proper treatment*'. Thus, by the advertisements with promising contents looking for girls to work abroad."

An example of a woman from Moldova shows how women are deceived and involved in the chain of trafficking, of which they sometimes are not aware before they reach the destination, and at times not even when they are seized the passport at a state border.

"She was told that she would be a hairdresser, since that is what she does. She bought (it was requested from her to) a complete set of hairdresser's accessories (the professional hairbrushes were very expensive and she had to borrow money to buy them), only to find out at the end that all was only empty talk, full of promises."

One of the respondents, working as the magistrate judge, in the beginning of 2003 came across a case of a woman from Romania who came to Serbia and Montenegro to do agricultural work and earn some money.

"...She crossed the border illegally since she was promised that for a certain sum of money she would be transferred over the border, without

⁹⁹ Sandra Slijepcevic, programme assistant in the International Organization for Migrations, Belgrade.

¹⁰⁰ Keonig (ed.) (1997) *Trafficking in Women*. Vienna: Federal Chancellery. Ministry for Women's Affairs, according to Kelly, L. (2002) op. cit. p. 30.

travel documents and other papers. She set off with the idea to go to Serbia and Montenegro, to do agricultural work (she was prepared to do hard physical work but not to engage in prostitution), to earn some money... The situation in Romania was very bad, there was no money, and a friend (who recruited her) had told her that she had got someone who would help her to get over the border, that somebody else would be waiting for her there and that later she would be safe and earn well... She was taken to a bar near Belgrade... At night she was working as a stripper and provided sexual services to the clients, and by day she was working in the bar — cleaning, washing dishes..."

However, according to our respondents' knowledge, women are sometimes offered a job in prostitution, but in those cases they are deceived with regard to the conditions under which they would work, in the sense that they could stay there as long as they wanted and return home at any time:

"...A smaller number of women know that they are going to be dancers or hostesses, and a very small number (about 1 percent) knows that they are going to be engaged in prostitution."

"Many of them wanted to engage in prostitution so in order to change their lifestyle and therefore they set off on their journey even though they had been aware they were going to become victims of trafficking. However, they are not aware what they shall have to go through and how little their life would be worth. Traffickers promise them that they shall be free and that they shall be able to save money and then come back home and live better."

With regard to this, Dragan Zivkovic from the Shelter for Foreigners in Padinska Skela, said that "as much as 50 percent of girls get involved in prostitution voluntarily, but they do not count on getting enslaved, which is a status characteristic for trafficking".

Another form of recruitment of women is promising better and easier life, better future, economic prosperity, comfortable life, and they are also lured by various gifts, in clothes or money. Thus, they are, as one of respondents said, "mostly promised easy money, good life... victims become aware of what is happening to them only when it is too late, when they are beaten, forced to work... victims fail to understand how serious their situation is even when their passports are taken from them... it is only when the coercion begins, that they start to grasp what is happening".

According to respondents, one of the methods for recruiting future victims of trafficking is through false promise of marriage abroad.

Then follow courses for learning foreign languages abroad, or other kind of training courses, as well as false travel arrangements for travelling abroad. One of respondents said:

“Shadowy recruitment is effected through different courses of foreign languages, PC operation, culinary skills, models, etc. Those can be attractive to anybody. Therefore, almost all victims replied to an advert in their country, eager to escape the poverty and hoping to provide themselves a better future.”

With regard to this, according to one of our respondents, “particular attention should be paid to recruitment of women from Serbia through different fashion agencies, adverts for seasonal work, fairs and exhibitions, etc.”.

In a smaller number of cases, our respondents specified that enforcement of coercion is a method for recruiting the victims, such as abduction or kidnapping. With regard to kidnapping, Vesna Stanojevic, coordinator of the Counselling Centre against Domestic Violence, said:

“There is no any particular difference between recruitment of minors and adult women, not even kidnapping is characteristic for the first or second category. They would go out in the street with a friend, their father, or sister, and the traffickers would stop their cars next to them and pull them into their cars. Just like in crime films.”

In the end, some of respondents specified the following as the methods of recruitment: use (abuse) of adverse financial situation, misuse of trust, putting drugs in drinks while in cafés, promising a visa for the country to which a woman wants to go, and sale by a member of family. Thus, Sandra Sljepcevic, programme assistant in the International Organization for Migrations has, for example, recorded only one sale of woman by a member of family for the whole duration of her work with women — victims of trafficking that were involved in the program of repatriation and reintegration.

VI 2.2.a. Recruiters of Women — Victims of Trafficking

Recruiters of women — victims of trafficking are usually the first instance in the chain of trafficking in women, and those are often persons known and trusted by a victim. However, the role of a recruiter is also often played by different agencies, clubs, etc. The recruiters are usually from the victim’s county of origin, but they can also be the citi-

zens of a transit or destination country. This is illustrated by the information obtained in the Sombor Department of Border Police, for Foreigners and Administrative Affairs:

“During the 1990s our citizens would sometimes go to the Ukraine, Moldova, or Romania, for example, find a girl, make a passport for her, pay for everything (200 DM, for example), bring her here, legally, since no visa was required at the time, and they she would invite her friends and tell them that she is fine and that she is making good money.”

Based on the data obtained during the research of trafficking in people in Serbia, it may be noted that the role of a recruiter is usually played by a woman (a friend, acquaintance, women already inside the chain of trafficking, former prostitutes); followed by married couples (husband and wife); agencies (for fashion models, photo models, beauty contests, tourist agencies), even sport clubs and some companies, while in smaller number of cases, this role is played by friends or acquaintances, relatives, boyfriends, parents.

“Recruiters are usually women — acquaintances who are familiar with their family and economic situation. That is what hurts the victims most, the fact that they were betrayed by a woman, since they would expect such a thing from a man rather than from a woman.” (Sandra Slijepcevic, programme assistant in the International Organization for Migrations)

“Recruitment through the acquaintances who tell them that they heard for some job in a foreign country. Usually, 2—3 girls are involved and not all of them manage to leave the country. The acquaintances promise them better life, tell them that they know a man who would provide them a job, an apartment, and so on.” (Svetlana Suhartovic, psychologist, Penitentiary Institution for Women, Pozarevac)

Or, as one of our respondents from Novi Pazar highlighted “some of them are recruited by their friends who were paid to do it”.

This is what has been said with regard to a case from the work of the Subotica Police — Department for Foreigners, whose employees identified 3 girls over 18 in 2003, out of which 2 were from Moldova and one from the Ukraine:

“...these two girls from Moldova said that they had already been in Belgrade, that she had contacted them, told them how things were over there, how one can make money there, and they arrived with her assistance...”

In the already mentioned case from work of one of respondents, a magistrate judge, a girl from Romania was recruited by a friend of hers.

“... She was recruited by her friend (a Romanian girl) who works in the same bar near Belgrade to which she arrived. The Romanian girl is engaged in prostitution but she has a special status since she sometimes goes to Romania and recruits new girls...”

Recruiters are usually the persons whom women trust. A case of four Moldovian girls that have been caught in a bar, as addressed by the Municipal Court in Vrnjacka Banja, is indicative of this:

“... It can be seen from the police records that in two cases a husband and a wife from Moldova acted as intermediaries. They told them (the girls) that they were going abroad to work in bars as waitresses. The girls trusted these two persons fully. Other two girls were deceived in a similar manner by another girl, a friend of theirs...”

A respondent from the Subotica Police — Department for Foreigners gave similar example:

“In 2002 we had a case of a Ukrainian girl who wanted to leave Serbia and Montenegro but encountered problems since her passport had not been stamped at the point of entry. She was taken to the Subotica Police. She was recruited by another Ukrainian who was married to one our national and lived in Belgrade. The couple had been to the Ukraine where they had told this girl to come and work in their bar in Belgrade.”

Women are also recruited through various agencies: for photo models, fashion models, beauty contests, dancers, but also through tourist agencies, employment agencies, and even, according to some of respondents, through sport clubs and companies. Thus, for example, we obtained the following information in one of the interviews we conducted:

“A Moldovian woman, a nurse, wanted to work abroad, legally, employing her skills and knowledge and working as a nurse, and make money to support her two children... She turned to an agency which assists in finding a job abroad, with a guarantee... This Agency is in Chisinau and is run by a middle-aged woman, respectable, trustworthy. The victim was offered to work as a nurse in Italy, but she was told that she had to provide several hundred dollars for security, for that agency was not involved in prostitution, they said. The money is for her trip and to have something for the beginning. She brought her documents for them

to see and then they explained to her that she should go to Budapest and there, in Italian Embassy, apply for visa. Everything seemed very legal, nobody was going through illegal channels, and nobody followed her. She regularly arrived at the airport in Budapest, she went to a taxi, an elderly man with the airport cap approached her, he was driving the airport taxi. They started in the direction of the Embassy, but after a while the taxi slowed down and two guys got violently inside through both doors at the back and grabbed her bag with documents and money. From that moment she became a nobody, a person without identity...”

According to our respondents, the role of the recruiter is less often played by friends or acquaintances, relatives, boyfriends, or parents.

VI 2.3. *Transportation/Transfer of Women — Victims of Trafficking*

From a country of origin to a country of destination, women are transported and transferred via predetermined channels (routes) which are controlled by people traffickers involved in an organized international crime network.¹⁰¹ On this journey they cross several country borders, in some countries they stay for a time (countries of temporary destination), they are being sold and resold until they reach their final destination.

According to respondents, women — victims of trafficking in most cases come to our country illegally. They cross the border illicitly outside the official crossing points (by so-called “green line”, e.g. through forests, fields, through not so well guarded area), which is easy to do, according to some of respondents, due to “perforated”, “permeable” borders, corrupted officials in charge of them, and similar. Illicit crossing of the state border is deemed to be crossing at a crossing point but with forged travel documents and other documents, or, on the other hand, through a crossing point but hidden in the roofs of railway cars, car trunks, and similar.

With regard to this, respondents sometimes mentioned border crossing by having connections at the crossing point, or by bribing customs officers and/or police officers. One of respondents, a representative of the police, said:

“They go by “green line”, illegally... They illegally cross the border outside the crossing point, or through a crossing point but hidden — in

¹⁰¹ Mihic, B. (2003) “Trafficking in Women for the Purpose of Sexual Exploitation — Criminological Analysis”, in: Nikolic-Ristanovic, V.; Copic, S.; Mihic, B. (2003) *Trafficking in People: Concept, Characteristics and Legislation*. Belgrade: Institute of Criminological and Sociological Researches (unpublished): p. 21.

the roof of a railway car, in a trunk... The greatest problem is that every organizer of trafficking "has his own man", a customs and/or police officer who let the girls pass during their shift..."

During the research, when talking informally with an owner of a café in Eastern Serbia, we learnt the following:

"Earlier women and men were transported from Romania by the Danube or by land. It is easy to transport them by the Danube since the control there is almost non-existent — there is practically a hole between Golubac and Majdanpek in this respect. There is no army, and the police visit only rarely, and the time schedule of police patrols is easy to obtain. Besides, whoever pays may do whatever he wants. The police are corrupted and it is involved in trafficking and smuggling of humans. Some policemen sell the girls they are supposed to protect — they supposedly protect them and actually sell them and this makes the situation of these girls hopeless. All this has ceased now but we do not know for how long. The people who were in the police at the time of trafficking are still there, at the same places."

A more frequent method of transferring women — victims of trafficking from one country to another, one of respondents, a magistrate judge, described as follows:

"...The percentage of women entering the country legally is insignificant; the recruiters look for women who are dependent, who have no documents, those whom they promise that they shall get them over illegally (they do not even opt for making false documents since this increases the price), and all these makes it even more easy for them to exploit victims of trafficking further, to blackmail them, to control them. If the girls had regular documents, it would be easier for them to escape and report the case to the police..."

Besides, as some of respondents asserted: "most often, the border is crossed illicitly because of the irregularity of travel documents", and one of respondents explained it as follows:

"They give some money for passports but they are aware that those cannot be regular documents for they know that it is hard to obtain a passport in their country. A passport in Romania costs 1,000 dollars, although they do not need visa, and they pay a couple of hundred dollars. Maybe they tell them that it is a kind of a simplified procedure, but usually they know that this is not a regular passport. However, when they

are to cross the border illegally, they dispute it for they have, in their opinion, given a large sum of money for passports; but they can change nothing. Sometimes they are told that they shall be provided passports and that the money would be reimbursed later (from their first monthly earnings), and illicit crossing is then explained by the fact that passports are not ready and that they will be waiting for them at the destination."

According to respondents, the border is also crossed legally, at a crossing point, with regular travel documents and visas (if needed). Dušan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, said about this: "Women are mostly trafficked from the direction of Romania and Bulgaria, on foot or in the boats, at night... mostly, however, they enter legally, they have passports..." In such cases, however, women are usually seized these passports immediately after they cross the border, or they remain in Serbia even after their visas expire, or they are not registered with the police that they are staying in Serbia (they stay there illegally).

However, even though some of respondents believe that the number of legal and illegal border crossings is equal, according to Vesna Stanojevic, coordinator of the Counselling Centre against Domestic Violence and the Shelter for Women — Victims of Trafficking, among the women who were or had been in the Shelter, only a small number had entered Serbia legally. Hence, the data obtained in the Shelter for Women — Victims of Trafficking show that in the period between 14 February 2002 and 24 March 2003, out of 41 women — foreign citizens, 24 entered Serbia and Montenegro illegally, 11 have done it legally, and for 6 women this information is unknown.

In addition to this, some cases of the combined border crossing have also been recorded, i.e. crossings in both ways, which is "very common in case of Moldovian women who enter Serbia legally since they do not need visa. Once in Serbia they obtain Romanian passports and stick their photos inside, for with these passports, without visa, they can go to Italy — Romania is among the countries on the 'White Schengen' List'".

Dušan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, gave an interesting example with regard to forged documents:

"...A case of Milivoje Zarubica — in 1999, in his motel called St. Nikola, besides 46 girls we found DM 170,000, armaments and forged documents for the girls (victims) — forged Romanian passports so that they

could enter Italy legally. This is done by stealing or in other way obtaining the passports and then putting in them photos of the girls who are to be transferred to a certain country..."

The next example was given in the Department for Foreigners within the Border Police Administration of the Belgrade Police:

"...A girl from Moldova arrived via Budapest with a girlfriend; they have entered Serbia and Montenegro illegally with the help of our citizen against whom charges have been filed. In Serbia they were supposed to get Romanian passports so that they could enter Italy legally... Here, photographs are taken of these girls and then put in previously obtained Romanian passports stamped with our entry seal (forged) so that it looks as if they have legally entered Serbia and Montenegro and thus do not have problems to leave the country legally and go to Italy..."¹⁰²

Or, an example from the work of the Subotica Police Border Section, for Foreigners and Administrative Affairs:

"In 2003, three girls over 18 were identified, namely two from Moldova and one from the Ukraine. The police had obtained information that several women — foreign citizens were staying in a house and were supposed to go from there to Hungary or Serbia (central). Since during the "Sablja" (Sabre) anti-criminal campaign the police were allowed to enter houses, apartments and other premises without a warrant, the police entered the mentioned house and found two foreign girls. When asked to identify themselves, they presented Romanian passports for which the police suspected to be forged. The girls admitted that they were from Moldova and said that those forged documents were provided for them in Belgrade where they stayed before ... Their passports were found with the lady of the house; they were forged and had original Hungarian seals — a Hungarian took EUR 100 to stamp their passports (he put the entry seal so as to make it look that they have entered Hungary legally and thus avoid problems when entering Italy)..."

The border is crossed in various means of transport or on foot, usually at night. One of respondents said about this:

"They usually cross the border at night; through some illicit crossings the girls do not know about; namely, they cannot describe them since they are not familiar with the area. They cross the border on foot, and

¹⁰² Since August 2002, citizens of Moldova need a visa to enter Serbia and Montenegro.

then, for a night or a couple of nights they stay in some house in some village in the vicinity of the border.”

We believe that the border is most commonly crossed in boats, or larger vessels, or speedboats through the Danube from the direction of Romania.

“Victims mostly enter Serbia illegally, over the Danube from Romania, at so-called Babakai Rock, near Golubac, where the Danube is the narrowest. During the sanctions and afterwards, many tons of oil were transported through here, so transfer of twenty women seems a ‘triviality’.”

“Women accommodated in the Shelter, if coming from Romania, mainly arrived by the Danube, at night, in boats, or in farm carts...”

Besides, the border is crossed by car, on foot, by bus or truck, by train or in a van, less frequently in airplane, in a cooling-truck, tow-truck, farm cart, and similar.

“They enter Serbia and Montenegro on foot, in boats, by car, by train — two or three girls hide in the train toilette, for example, until the officers who check passports are gone.”

As one of respondents said “cars and buses often have double floors; victims hide under the articles in the trailers; sometimes taxi drivers are hired... also, when in train, the girls are often placed in the space between the railway car and the ceiling... they are transported by various means of transportation, by truck, bus, private car, ship is particularly convenient — ‘you would hardly be able to find a football team in a ship’. Or, “most often they have passenger cars, with a special intended use, in which the doors cannot be opened from inside...”

However, some distinctions are made between legal and illicit border crossing:

“...If it is an illicit crossing, the so-called ‘green line’, we have ships, boats, cars (trunk), trains, the border is crossed on foot as well...When it is legal, they use cars, planes, letters of invitation, go through tourist agencies and similar...” (Mihailo Zilovic, head of the Team for Combating Trafficking in Human Beings, the Administration for Combating Organized Crime of the Ministry of Interior of the Republic of Serbia)

Women mostly travel in small groups: “...they are always transported two, at most four, together; whenever they are in greater number,

they attract suspicion...”, namely “when they traffic in women they act more subtly, they transfer them in smaller groups (3—4 women in each), they are much more precautious and much craftier making it more difficult to discover them”.

VI 2.4. *Forms of Victimization to which Women-Victims of Trafficking are Exposed*

Women — victims of trafficking, occasionally undergo various forms of victimisation already during the transport, and then also at the place of destination (temporary or permanent), i.e. control and exploitation. When analysing the data obtained during the research of trafficking in people in Serbia, we have identified following forms of victimisation when women over 18 — victims of trafficking are concerned:

- Seizure or destruction of travel documents and other personal documents; and confiscation of any money that the victim may have available;
- Unlawful deprivation of liberty or restriction of freedom of movement;
- physical, psychic, or sexual violence;
- threatening and blackmailing;
- coercion to perpetrate prostitution;
- debt bondage;
- leaving without payment or payment far below the agreed amount;
- forcing into addiction to drugs or alcohol;
- life and work in extremely bad conditions;
- sale and resale.

The respondents did not identify any distinctions with regard to the mechanisms for controlling and exploiting women — foreign citizens, on one hand, and our women, on the other hand; namely, between the trafficking in women for the purpose of sexual exploitation and for the purpose of exploitation of labour.

According to respondents, one form of controlling women — victims of trafficking is seizure or destruction of their travel documents and other identity documents, and confiscation of money, if a woman has any available at the time. Victims become dependant on the trafficker, they become a nobody, a person without identity, and this prevents them from asking for help and finding a way out from this vicious circle of trafficking.

Another form in which women — victims of trafficking are placed in a position that enables their exploiters to control and exploit them, is deprivation or restriction of freedom of movement in an illegal manner. Women are being closed in houses, apartments, weekend houses — they are isolated, guarded; their movement strictly controlled, even if they go out (to buy clothes, make-up, and similar) — they never go alone, they are always escorted by a guard.

“As regards the control of women who are bought and sold for the purpose of sexual exploitation, that control is very rigorous. This means that a woman has no freedom of movement and decision-making, she has no contact with the outside world, she sometimes does not know what country she is in, since she does not speak the language; when she goes out to buy sexy undergarments which will make money for her owner, she is escorted by a guard; even if she wanted to ask for help she would not dare...”

“Their movement is restricted, their passports are torn and seized; in the first phase they are locked-up and under continuous watch. Later they sometime go out but somebody is always with them. In several cases they tried to run away by were caught and beaten so that they are afraid to try it again.”

This is how one of respondents described victimisation, control, and exploitation of a Romanian girl who came to Serbia and Montenegro in the beginning of 2003 to do agricultural work but ended up in a bar, first working as a stripper, and then as a prostitute:

“...She was enslaved there. She had a room with two guards in front of it. She had no freedom of movement. They brought her food in this room. In the evening they would take her to the bar. In the beginning she was only a stripper, later she was ‘introduced’ to prostitution...”

Women — victims of trafficking are almost daily exposed to different forms of physical, psychic, and sexual violence; or, as one of respondents said, to “all kinds of torture”.

“...Persons who buy them and their associates often rape them... They abuse them physically, beat them, they are forced into sexual intercourse without protection, forced to have abortion at a ‘butcher’s place’, they are physically abused in many different ways...” (Sandra Ljubinkovic, coordinator of the NGO ASTRA from Belgrade)

Here is what respondents from Novi Pazar and Subotica said about terrible violence to which victims are exposed to:

"I will mention a case of a woman from Romania who worked in Kosovo — she was a prostitute and was enslaved by an owner of a bar in Kosovo Polje. The bar owner abused her, beat her, forced her to drink and receive twenty clients a day. When she disobeyed, he deprived her of food..."

"...When they came, they locked her up in a cellar, beat her, raped her (the bar owner and other men whom he and his wife brought there), they used to put out their cigarettes on her body, they forced her to jog so as to lose weight. After that she was taken to Bubanj potok where a man from Novi Sad came and took her to Novi Sad. He put her in his apartment and later moved her in a weekend house where there was already one Ukrainian girl. There they were both kept locked-up, raped, beaten. Then they were transferred to Vitez, in Bosnia and Herzegovina in a night bar in which they worked..."

Besides, the victims are also exposed to violence when they decline to perpetrate prostitution or try to escape, which is confirmed by the words of one of our respondents from Belgrade:

"Last year a case in a brothel in Leskovac drew much attention. The girls who did not want to engage in prostitution were brought there and told to get ready since a certain number of clients were waiting for them. After they refused to do it, the beatings followed, and physical abuse, and then there was nothing left for them to do but to comply. If a client complains, they are treated with torture again. This was a group of girls who tried in every possible way to resist and escape. Even to their clients they tried to indicate that something was wrong. Once a worker in the bar noticed that a girl was trying to hand over a notice to a client on which it stood that she was not a prostitute but a victim of trafficking and the girl was severely punished."

Moreover, the victims are constantly imposed deeper and deeper feelings of insecurity, dependency, and desperation.

Very powerful mechanism for controlling women — victims of trafficking is by threats: threatening by violence or death pointed directly towards the victim but also towards her family. In this way the victims are kept in constant fear for themselves and for their families. Also, they are threatened that their families and friends will be notified about what they do and where they are. On the other hand, they threaten them by police, that she will be reported to the police, or that, if she attempts to escape, she will be arrested in the territory of other country without the documents and that she will therefore be punished and deported in her country of origin. In addition to threats, they are

blackmailed, also by reporting to the police, notifying the parents and friends where she is and what she does, by expulsion from the apartment, work, or similar. This is confirmed by what our respondents said:

“Every victim of trafficking has first passed through various forms of violence; she was threatened that she is in a foreign country and that she will be deported if she was reported to the police; that once she gets back home everybody would know what she did. Some were threatened that they would be killed, thrown into the Danube, that nobody would ever know neither who nor what they are. They really do believe these stories and are afraid of their trafficker, and, of course, being in a hopeless situation, they consent to engage in prostitution...”

“...Often a threat of death is a form of control and exploitation. The most painful and the most horrible for them are the threats directed to people closest to them (their children, parents, siblings). Namely, in first days the traffickers try to establish a good relationship with the victim, and victims often tell them intimate things so that they get to know things about her family situation and significant persons in her life. They later use this information entrusted to them by the victims to threaten that they will kill people who are closest to them or that they will let them know about the indecent life that they are leading...”

In such circumstances, women, fearing their exploiters and their revenge, consent to anything, even to engage in prostitution. They see them (traffickers/exploiters) as “powerful, since they keep threatening them; they live in a constant fear of them... these people ‘can do anything’... everything is accessible to them, nothing is impossible for them to do, they are capable of anything, they can do anything they want”.

One of respondents told us about a case from Leskovac, where four girls from Romania and one from the Ukraine, about 20 years old, were forced to perpetrate prostitution in a night bar. How the owners of that bar blackmailed them shows how sly and perfidious the traffickers in humans really are:

“...The owners used a method of intimidation on them: they staged a murder and told them that if any one of them say anything about it (about ‘the murder’ or anything else), she will be killed too. That was pretty convincing.”

One of the forms of exploitation is coercion to prostitution, namely to providing sexual services. One of respondents told us about the case when “12—13 girls were taken to the police, and the owner of the bar in which they worked owed DM 800—850 to each of them, and in that

bar each of them had to have sex with 17—18 men in 2—3 days". According to the person we interviewed at the Sombor Department of Border Police, for Foreigners and Administrative Affairs, in the territory of their city there were "a number of bars where the girls worked who had been bought for DM 5000, after which they were seized passports, and were mentally abused, exploited, they were forced to perpetrate prostitution".

Debt bondage is another form of exploiting the women — victims of trafficking. A woman we interviewed in the Municipal Public Prosecutor's Office in Novi Sad, said:

"This girl replied to the announcement that read '*Earn Foreign Currency Fast and Easy in Yugoslavia*'. She was transferred from Hungary to Serbia and Montenegro, and then from Kraljevo to Kosovo. In Kosovo she had to earn her ransom (EUR 500) by providing sexual services to members of KFOR, and, one day, after having serviced 17 soldiers, she had to jump through the window to go to the police..."

Victims are financially dependent of their traffickers, they do not get their pay or they get amounts much below those that were agreed. Thus, one of respondents from Novi Pazar said: "They frighten the victim when crossing the border already, as soon as she enters other country she is told that she was sold and the amount of money she has to earn working for him, and she still does not understand that she is in debt bondage and that she will never manage to buy herself off". These are the examples of economic exhaustion of victims and of keeping them in a slavery status:

"Two years ago, for example, the owner of the bar charged the clients DM 100, out of which the woman would get only DM 10. He would take that money saying that it is for food, clothes, and similar; and they lived in some sheds in the yard, they were given unwholesome food to eat and only once a day to that. This means that everything was only a mask to get the victim economically exhausted to the greatest possible degree. Women would be maximally exploited by servicing numerous clients without getting anything since the owner got what they earned claiming it for the travel costs, accommodation, food, and clothes."

"...When they arrived to Vrnjacka Banja, the owner told them that they must provide sexual services. The owner was taking DM 100, and the girls did not get anything..."

One respondent, a magistrate judge, when she came across a case of a girl from Romania who ended up in a bar near Belgrade said:

“What she earns is taken from her, or she is given only a small percent of it for she does not need anything — she is given food and some clothes...”

One of the methods by which women — victims of trafficking are controlled, or this control over them is strengthened, is by forcing them into addiction to drugs or alcohol. One of our respondents said as follows:

“...Some of the girls were drugged and in such condition transferred to the facilities in which they were exploited, or the drugs were sold in those facilities and she acquired that ‘habit’ so that she could bear all that was happening to her, or to be able to stand it physically (use of stimulants), which is at the same time a form of the control they exert — they become addicted and then they threaten her that, if she tells anyone, they will say that she has smuggled the drugs and she would be punished.”

Conditions in which women — victims of trafficking live and work are predominantly poor, almost unbearable, and that is an additional form of their victimisation, namely violation of fundamental human rights:

“Brothels in which the girls were kept were somewhat different in terms of working and living conditions; there were some “solid” houses in Banovci and Boljevci, and the café at the BSK stadium in Batajnica is referred to as the worst in which an owner kept and exploited the girls. This was a huge room, divided by room dividers/curtains behind which the victims provided sexual services.”

Very indicative is also the example given by Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, and it refers to Milivoje Zarubica in whose motel “Sveti Nikola”, among the rest, 46 girls were found in a very small space in 1999.

In addition to this, women are sold and resold several times: “...they become goods and they trade in them, i.e. they pay for them, sell them, buy them, and such ‘goods’ has a price, and that, from the broader perspective of the Balkans, ranges from EUR 500 to 2500, while in our country it is lower — about EUR 200”.¹⁰³ According to one of respondents, a magistrate judge, in a case she worked on in the beginning of

¹⁰³ Interview with Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, Border Police Administration, for Foreigners and Administrative Affairs.

2003, the price of a girl from Romania, about 20 years old, was EUR 500. It is interesting that big centres for shopping the girls still exist in Romania and Hungary: these are Arad in Romania, and Debrecin in Hungary.¹⁰⁴ About this one of respondents, from the Sombor Department of Border Police, for Foreigners and Administrative Affairs, said:

“When they come to buy the girls, they look at everything (girls are being stripped naked and looked at their teeth, arms, legs) and that is how their price are determined. Those girls who do not take drugs have a higher price, but they are often being drugged once they end up in a bar. For a time (during the war) the price of a girl was about DM 2000.”

Such treatment, i.e. exposure to various kinds of victimisation, exploitation and control, causes in victims of trafficking a great number of consequences to their physical and mental health. Zoran Ilic, PhD, psychiatrist in the Institute for Mental Health, who had 6 cases of women — victims of trafficking in his work to date, said that “all of them had posttraumatic stress disorder; one had agoraphobia as a consequence of being held in a small space”. Also, he gave the following example:

“...One of them was a mentally retarded girl, our citizen, and she had no documents at all. She was brought from Macedonia in a completely psychotic condition. For some time she was in “Laza Lazarević” Hospital and after that she was transferred to the Institute for Mental Health. She developed psychosis as a response to the torture she had undergone in Macedonia where she was kept in a small room with seven more girls. There they were thrown the food, water, and make-up. They were given some time to put on make-up and then would be thrown out in the street to work...”

In the end, particularly indicative is the example of a girl from Moldova, showing almost all mechanisms of control, exploitation and victimisation present in a case:

“A girl from Moldova, involved in a trafficking chain, was locked up in a private prison at a 2nd or 3rd floor. For first several days her relationship with the owner was correct. He bought her clothes, food; they had sexual relations. First conflict arose when he brought the first client, after about a week. The girl was out of her mind. She had believed that her pimp was her boyfriend. Then she was beaten for the first time and forced into sexual intercourse. After the sexual intercourse she had a nervous

¹⁰⁴ Information obtained in the Police in Sombor Section of Border Police, for Foreigners and Administrative Affairs.

breakdown and jumped through the window. She broke both her legs but managed to report the case to the police...”

VI 3. Indirect Indicators (Markers) of Trafficking in Women

A complex phenomenon such as trafficking in women cannot be completely understood only based on direct indicators. Therefore, through indirect indicators — “markers”, we tried to make estimates on the scope and risk of trafficking in women in Serbia. To this effect, respondents answered the questions about the sex industry and prostitution, begging, vagrancy, and illegal labour.

VI 3.1. Sex Industry and Prostitution

Sex industry and prostitution are concepts closely linked to trafficking in women. The main difference between them is that trafficking in women implies the enslavement, namely, absence of liberty to make decisions and to move. A woman — victim of trafficking is the ownership of the person who has bought her and cannot, out of her own will, cease her engagement in prostitution. Prostitution, on the other hand, regardless to what degree it involves various forms of coercion and exploitation, implies possibility of having one’s own body and earnings on one’s disposal, freedom of movement, freedom of decision-making regarding whether to engage or not to engage in prostitution, etc. Victims of trafficking in women may be both the women who were deceived and therefore coerced into perpetration of prostitution, or the women who engaged in prostitution out of their own will but were later drawn into a trafficking chain and fell into an enslaved status.¹⁰⁵

Prevalence of sex industry and prostitution in one country is an important risk factor of trafficking in women. In order to obtain information or estimates of the prevalence of sex industry and prostitution in Serbia, we have asked respondents about the scope and forms of sex industry and prostitution in their surroundings and in the Republic.

VI 3.1.a. Estimate of the Scope

Sex industry and prostitution are, according to the estimates of the majority of respondents, widely prevalent occurrences, both in most of

¹⁰⁵ Nikolic-Ristanovic, V. (2003) “Trafficking in People and Organized Crime: definition of basic concept and methods of data collection”, in “Trafficking in People in Serbia — Seminar for Researchers”, Training Material, unpublished, p. 6.

the cities in which we conducted our research, and in Serbia as a whole. Also, most of respondents believe that these occurrences have been more frequent in the last five years. Some of respondents compared increase in the number and further spreading of sex industry with an epidemic, and others have specified that sex industry is thriving in Serbia and that in some parts of Serbia it is more noticeable and in other more latent. On the other hand, some of respondents were of opinion that prostitution has been stagnated but that it had become more evident in the recent period. A smaller number of respondents believe that sex industry has been shrinking in the last five years.

The main specified causes of the increase of prostitution include transition in former socialistic countries, opening-up towards the Western World, collective victimisation in this region — war in the surroundings, a large number of refugees, disorders in the country, economic crisis and the lack of opportunity to provide employment for young people, a disturbed system of values, liberalisation of media, current political situation, inadequate response from government authorities (primarily from the police), etc.

Most of respondents believe that, after police actions in the recent period, more precisely within the “Sabre” police campaign, prostitution has become more covered and that it gradually passes into the illegality, namely that sex industry is now shifting and moving towards the countryside. According to their belief, this does not have an effect on the abating of this occurrence. On the other hand, there are also those who are of the opinion that the “Sabre” police campaign and combating the organized crime have contributed to of prostitution.

As regards the number of foreign prostitutes, the majority of respondents believe that this number is decreasing, particularly in Novi Pazar and Belgrade. At the same time, according to the respondents from Novi Pazar, the number of women from Serbia engaged in prostitution has increased.

The obtained results suggest that prevalence of the internal and the trans-national trafficking in women in Serbia potentially exceeds the one that is showed by direct indicators.

VI 3.1.b. The Forms

Recognizable manifestations of prostitution include: street prostitution, hotel prostitution, agency prostitution, non-agency prostitution, and prostitution in private homes, prostitution in night clubs and bars, elite prostitution, sport prostitution, and prostitution for topping up the family income.

Street prostitution is a form of prostitution in which most socially deprived categories involve, including Roma girls mostly. According to a number of our respondents, these women earn about EUR 10 or slightly above this sum. Most of respondents have precisely located places where street prostitution is practiced in their respective cities, which was easy to do since this form of prostitution is clearly visible.

Hotel prostitution was much more intense in the earlier period. Now, although it still exists in this form, it has been transformed into prostitution in private homes in its largest part. Mostly students from the Serbian countryside are practicing this form of prostitution, and, in addition to the pimp, hotel staff is also involved in organizing this kind of prostitution. They ensure that prostitutes reach the rooms of their clients unobserved, without registering in the book of guests.

A more advanced form of prostitution is agency prostitution, involving women of higher education level and better financial status. This includes various agencies — for “business escort”, massage and relaxation, employment, for fashion models and photo models, agencies for singers and dancers, and similar. This form of prostitution records the greatest growth in last five years. It is exercised in private homes, rented ones, and, according to our respondents, it is well developed and organized.

There is also prostitution in private homes which does not classify as agency prostitution — this is so-called ‘friendly’ prostitution, for people ‘set up’ their friends with the prostitutes. This prostitution is mostly invisible. Even married women are involved in this form of prostitution; they are employed on permanent or temporary basis and are not registered as prostitutes.

Prostitution in night bars and clubs is, besides agency prostitution, a form that is undergoing the greatest expansion. Our respondents have confirmed that such bars and clubs exist in almost all cities in Serbia. It seems that this form of prostitution is associated with trafficking in women to the largest degree.

The least known and the most hidden is so-called “elite prostitution” — prostitution upon a telephone call, in political and business circles, first-class hotels, and similar. For this type of prostitution, the girls are engaged for a longer period and the fees are extremely high. According to a number of respondents, these fees are between 500 and several thousands of EUR.

Sport prostitution is a form of prostitution where the clubs (mainly football clubs) provide the prostitutes for the referees and players.

Finally, there also exists a form of prostitution for topping up the family income. Mostly married women who are forced to engage in

prostitution so as to provide food for themselves and their families are engaged in this form of prostitution.

It was also noted that prostitution as a phenomenon has not been adequately investigated. Also noted is the fact that new forms of prostitution are constantly evolving — Internet prostitution and pornography, e-mail trafficking, e-mail prostitution, child pornography. The respondents have noted that a number of the so-called “call girls” is growing. In the beginning, these girls do not work through agencies but are later drawn into an organized scheme. Also, the contents associated with prostitution are now increasingly present in media, first of all in daily newspapers and on TV where “hot lines” are widely advertised and continuously growing in number. These contents, according to some of respondents, include offers of jobs in the countries of the Arab world, Middle East, Italy, which may draw our women into prostitution and often even into trafficking. The respondents have also said that, according to some information they have available, traffickers in people are also behind many beauty contests that take place in Serbia.

VI 3.1.c. Geographic Prevalence

According to the majority of respondents, sex industry and prostitution are mostly represented in big towns. However, some of them believe that there are no rules when it comes to prostitution and that it affects both the urban and rural area, the capital and the inside of the country. Results of the research reveal that, within the surveyed cities, sex industry and prostitution are most represented in Belgrade, Novi Sad, Novi Pazar, Vrnjacka Banja, Velika Plana, Pozarevac, and Subotica; and that the prostitution is completely absent, or present only to a limited extent, in Zrenjanin, Zajecar, and Sombor. Further, there is some information that prostitution is well developed in Negotin, Kladovo and Tutin.

Belgrade

According to respondents, both sex industry and prostitution are widely prevalent in Belgrade. All manifestations are represented and all parts of the town are affected. Also, respondents mainly asserted that this occurrence has become more frequent in the last five years. The average price for sexual services in Belgrade is EUR 50.

Street prostitution in the capital is located at the well known sites — “Blue Bridge”, Lomina Street, Narodnog Fronta Street, Kamenicka

Street, bus and railway station, near the Port, the Zemun Park, highways, Bezanijska Kosa. It is the girls of Roma nationality that predominantly engage in this kind of prostitution. According to what we heard from respondents from the Belgrade police, a great number of the prostitutes that practice street prostitution on these sites have been arrested in the course of the year so that this form of prostitution has been reduced to "normal" extent.

Hotel prostitution, according to some of respondents, is present in most of the hotels in Belgrade — they specifically mentioned the Metropol and Slavija Hotels.

Budimir Poluga, commander of the Department for Public Peace and Order within the Police Administration in Belgrade, said the following about this kind of prostitution:

"Those are predominantly students, the girls from the countryside who study in Belgrade; they are educated and use all available measures of protection. Hotel prostitution is the most difficult to prove since hotel receptionists are connected with the girls who provide sexual services, mostly to foreign guests. Therefore, the girls stay in the hotels without being registered in the book of guests, etc."

In the course of last ten years or so, there were some 30 night bars in the territory of Belgrade in which the girls, mostly foreign, worked as strippers and prostitutes. Today, based on the information of some of our respondents, there are only three bars of this kind and the girls who work in them are citizens of our country.

Opinions are divided when it comes to the agency prostitution. Namely, almost all of respondents agree that this form of prostitution was widely prevalent in the recent period. However, a number of our respondents said that the extent of agency prostitution was reduced, as a consequence of police raids. Others, on the other hand, believe that agency prostitution is still widely prevalent in Belgrade, and that police action have only shifted these agencies in the suburbia, in private homes, so that now it is even more difficult to discover them. The pimps who work in these agencies, according to some of respondents, move very quickly across the town, they even know registration numbers of police cars, and are very well organized and informed. The girls who work in these agencies provide sexual services in rented apartments and at homes of their clients. Their bodyguards take them to the hotels or their clients' apartments and take a percent of what they earn. According to the information at disposal of the commander of the Department for Public Peace and Order in Belgrade, during 2002 and in the first half of 2003, some 50 agencies for business escort have been closed

in the territory of Belgrade. Out of this number, according to respondents working in the Belgrade Police Department for Foreigners, in the period between January and June 2003, 14 agencies of this kind have been closed.

In addition to the city centre, Novi Belgrade and Batajnica, as well as nearby cities of Stara Pazova and Pancevo have been mentioned as centres of prostitution.

Other Towns

Almost all kinds of prostitution are represented in the towns of inner Serbia: street, prostitution in the restaurants along the highways, business escort agencies, prostitution in night bars, etc. According to one of respondents, a representative of the police, "every bigger town in Serbia has a night bar which is actually a brothel. The services provided there are predominantly of low quality — these are common restaurants, the waitresses from Romania work as prostitutes and so on".

Problem of the prostitution is particularly intense in some cities in Serbia. Novi Pazar is, according to respondents from this city, a town with a widely spread sex industry. Our respondents confirmed the words of the Minister of Internal Affairs, Dusan Mihajlovic, who said once that there are more than 70 facilities in Novi Pazar where prostitution is practiced. All respondents from this city believe that prostitution in Novi Pazar is growing, thriving even. All forms of prostitution are widely prevalent, beginning with street prostitution to the prostitution practiced in night bars whose number exceeds 20. Mostly women from the underprivileged segment of the society engage in street prostitution, often including the persons with special needs. The prostitution is most widely present in catering facilities and night bars. One of our respondents from Novi Pazar specified:

"There are two types of bars in the town — those registered as cafés with working hours until 11 p.m. which illegally work until the morning hours, and those with longer working hours (until 2 a.m.). Usually, these facilities have an ancillary room which is used for this purpose. For example, in one such ancillary room, three girls were found with clients (men over 18) and taken to the police station. Two girls of age, one 21 and the other 23 years old from Cacak and Vojvodina, worked as waitresses. All of them said that they received from their clients 50 German marks each and gave to the owner of the bar 20 or 30 marks out of that sum. They were not registered and the owner of the café was therefore reported to competent authorities."

According to the obtained information, the whole families sometimes engage in prostitution in Novi Pazar:

“I know of a family whose female members practice prostitution. A fifty years old woman, mother of two adult children (both unemployed), having no other source of income, began to practice prostitution and shortly after that to procure her daughter and daughter-in-law as well. Now they provide clients for each other. They do it outside their home since they all live in one room. The woman’s son is not aware of what is going on or does not care.”

Foreign women and women from Novi Pazar both practice prostitution there, but there are also women from other parts of the country — Vrsac, Negotin, Sombor, Odzaci, Novi Sad, Zrenjanin, Bor, Sabac, Kraljevo, Raska, Pirot, Cacak, Pancevo, Belgrade.

Here is what one of respondents said about women from other parts of Serbia who come to Novi Pazar to practice prostitution:

“More and more girls come to Novi Pazar and look for a job exclusively in cafés and bars. They avoid the jobs offered in production of jeans and shoes. Almost all of them came here with a clear goal to sell love. They say that their parents believe that they are working as hotel receptionists, or as hairdressers or sale assistants. Some girls engage in prostitution as soon as they arrive here and they talk about it openly and brazenly. A rule that only poor girls practice prostitution is broken here — there is a girl from Novi Sad whose family is known to be rich.”

In addition to Novi Pazar, prostitution is very widely prevalent in Tutin. One of respondents has the information about a restaurant in Tutin where the owner “displays” the women, eight or ten of them, with 15 to 40 years of age, for the guests to choose. The price is EUR 5 to 50.

Novi Sad is also a “black mark” when prostitution is concerned. The respondents from this city believe that prostitution is widely prevalent in Novi Sad and that the dark figure is huge. There is a certain degree of street prostitution, but prostitution is really blossoming in private homes, hotels, and night bars. According to respondents, business escort agencies hire girls from Serbia and the girls from other countries (Moldova, the Ukraine) mostly work in night bars. Also, many bars employ women from Serbia. Agency prostitution is common as well. Prostitution is present even in suburbia, such as in Veternik and Futog.

In some towns, although sex industry and prostitution are widespread, not all its manifestations are present. This is a case in Vrnjacka

Banja where hotel prostitution, and prostitution in bars and brothels predominate. As regards the prostitutes, they are mainly our citizens but, as one of respondents said "it is a public secret that foreigners come to work as dancers". The prostitution is also present in Sabac, according to respondents from this town, but it principally takes place in several private facilities — cafés, mostly in the suburbia, which are suspected to be brothels actually, while there is no street prostitution or business escort agencies. Already mentioned catering facilities employ mainly foreign women, and that is so both in case of those in the centre of the town and in the surroundings. The situation is similar in Subotica where the prostitution is predominantly present in the night bars with our girls, while there are also some agencies for business escort, erotic massage, etc. In the cities of Velika Plana and Pozarevac, it is the street prostitution that predominates.

Biljana Ignjatovic, special pedagogue with the Centre for Social Work in Pozarevac, said about this:

"Here in Pozarevac we have prostitutes in the streets, even in clear daylight, in front of the police building, in villages and village inns. Now they are here for all of us to see them and they are not ashamed of it."

In addition to street prostitution, Pozarevac has some private, unregistered brothels, where foreign women work. Those are mainly girls from Romania or the Ukraine, between 18 and 25 years of age; they are mostly deceived and forced to prostitution. Our respondents also said that sometimes even older women, some of them over 40, engage in prostitution in order to top up their family incomes.

According to respondents from Zrenjanin, Zajecar, and Sombor, prostitution is not widely prevalent in their towns. In Zajecar, for example, since 2002 to date, only two cases were registered concerning intermediation in the exercise of prostitution. Officially, business escort is non-existent and there are no facilities in which prostitution is practiced. However, some of respondents believe that the mere fact that prostitution is not reported and does not appear in statistical records does not necessary mean that prostitution is non-existent. According to the persons we have interviewed in the Zajecar Department of Border Police for Foreigners and Administrative Affairs, as opposed to Zajecar, prostitution is very widely prevalent in Negotin and Kladovo where there are many facilities with prostitutes. The reason for so widely prevalent prostitution in these cities lies in the fact that Negotin and Kladovo are wealthy areas with a high percentage of population working abroad. According to respondents from Zrenjanin, in this town and its surroundings, the prostitution began to spread in the early nineties, with the

arrival of the girls from Russia and the Ukraine who found jobs in cafés. Later, three or four years ago, arrived the girls from Romania and Moldova. Members of the UNPROFOR became their regular guests. Then again, one of respondents from Zrenjanin believes that this town is a closed, small, predominantly agricultural area where people have no money for prostitution. There are no registered prostitutes, but he cannot tell whether it is so because there are not any prostitutes or because the police perform poorly.

VI 3.1.d. Connection between Prostitution and Trafficking in Women for the Purpose of Sexual Exploitation

Although existing international documents and most of modern legislations make distinction between trafficking in women and prostitution, the results of our research show that it is hard to make a clear line between these two concepts. Prostitution is connected to trafficking in humans in many ways. Prostitution, i.e. sexual exploitation is one of the possible forms of exploitation of the victims of trafficking in women, and it is usually hard to make a division between voluntary and forced prostitution, and particularly between forced prostitution and trafficking in women.

Our respondents, based on the knowledge they acquired through work or otherwise, also feel that the line of demarcation here is very vague and that sex industry is closely linked to trafficking in women. Thus, one of our respondents, a magistrate judge, said that in her work she mostly comes across cases of trafficking in women, for “many of prostitutes and foreign girls are trafficked women”.

The girls and women who practice prostitution “voluntarily” are quite often exposed to various forms of victimisation. The respondents who come across these cases in their work told us that they had cases when the prostitutes were forced to have a sexual intercourse without protection and to do “some pervert things”; that the prostitutes often cannot decide for themselves which client to choose, that they are not provided health protection nor taken to have medical check-ups, that they can move about only if escorted by a bodyguard, that their pimps often draw them into drug addiction, and similar. One of respondents, a representative of the police, mentioned a case of a girl who “became the owner’s favourite and had privileges, in the sense that she was allowed to use cocaine.” Also, according to what one of respondents said, the prostitutes sometimes cannot move freely and their passports are seized. “It is a kind of ‘purgatory’ period; so that they would not escape

or draw attention of other people". But real problems arise at the moment when they want to stop practicing prostitution.

Sandra Ljubinkovic, coordinator of the NGO ASTRA, Belgrade, said about this:

"The (business escort) agencies also employ some of our girls who willingly practice prostitution. But, when at certain moment they want to stop, the violence is introduced. The pimps threaten them, saying they would call them at home and they did call some, etc."

A number of our respondents have come across the cases of women who began to practice prostitution of their own will but later became the victims of trafficking. Vesna Stanojevic, coordinator of the Counselling Centre against Domestic Violence and Shelter for Women Victims of Trafficking said that they had several cases in the Shelter and these involved Ukrainian girls who stated that 'it is better to be a prostitute here than to go back to where they came from'.

One of respondents from Novi Pazar also had in his work some cases of girls who came to Novi Pazar for economic reasons, to support themselves and their families; they began to work as waitresses or dancers but later ended up working as prostitutes, some of them out of their own will and some were forced to it. He expressed doubt that among prostitutes there are "a large number of victims of trafficking, of prostitutes who have no any chance of choosing or deciding for themselves. Most often they are treated as animals or things; as one of the victims said: on the 'buy/use/sell' principle." Other respondents from Novi Pazar confirmed that a number of prostitutes who are actually victims of trafficking in that town is high, and that some of them began to practice prostitution willingly and were later forced to it.

Vanja Bulic, editor in chief of the BK TV satellite program, had as a guest in his program called "The Pearls" a girl from Serbia, a prostitute who "at first consented to everything, but who actually was a victim of trafficking since she had been sold without even knowing it. She was not aware that she was a victim".

VI 3.1.e. Illegal Migrations (Internal and External), Prostitution, and Trafficking in Women

The data about the number of illegal migrants, namely of illegal entries into the country, and the number of foreign and our women who engage in prostitution, may offer us a better insight to as well as ability to estimate the number of victims and the risk of trafficking in

women in Serbia. Also, for this purpose we may make use of the data about the number of our citizens penalized for the failure to register their residence.

In 2002 in the territory of Belgrade, there were 600 reports on the offence of perpetration of prostitution. Those were mainly citizens of Serbia — only a few of them were foreigners.

From the court register in Novi Pazar we have obtained the number of the women sentenced due to the unregistered residence or illicit crossing of the state border. In 2002, 28 persons were sentenced, out of which 10 foreign women, 4 from Bosnia and Herzegovina, 2 from China, 2 from Germany, 1 from Romania, and 1 from Turkey. When our citizens are concerned, those are mainly girls of 20—25 years of age whose residence was not registered. Some of them worked in cafés and restaurants in this town. In 2003, 15 persons were sentenced because of the unregistered residence, among them 5 foreign women — two from Macedonia and three from Bosnia and Herzegovina. Again, these are mostly the girls between 20—25 years of age.

The above mentioned cases include 4 young girls (22 and 24 years old) from Nis, Vrsac, Obrenovac and Belgrade, who were found in a casino, and a 25 years old girl from Zrenjanin who was found in a bar owned by a woman suspected of being a trafficker in people. Furthermore, a woman from Pancevo who was found in a night bar and had no registered residence and no identity card, and a girl from Romania who had no registered residence and was engaged in prostitution. In all these cases there was a suspicion of either voluntary prostitution or trafficking in women.

In 2002 in Novi Sad, 54 persons over 18 were sentenced for violation of the regulations on residence and domicile, and 97 persons over 18 were sentenced for violation of the regulations on movement and residence of foreigners. The respondents were not able to specify the sex structure categories of the sentenced.

In the Centre for Social Work in Novi Sad they have the data that in the territory of this city some 200 persons have been registered as practicing prostitution of lower level (street prostitution). All of them are women — citizens of Serbia. On the other hand, respondents from the municipal courts specified that some 100 adult prostitutes have been registered. Again, all of them are from Serbia. During 2002, the police found 430 foreign women in the territory of Novi Sad. 23 persons did not have proper documents, including 10 women from Romania, 5 from Moldova, 6 from the Ukraine, and 2 from Russia.

Based on the data provided by the Pozarevac police, the number of illegal entries in the country in 2000 was 27 and 59 persons were involved; in 2001 there were 31 entries with 38 persons; in 2002 there were

18 illegal entries and 27 persons; and, finally, in 2003 there was one entry and 2 persons. In 2000 there were 11 attempts of illegal exits with 12 persons; in 2001 there were 12 exits with 27 persons; in 2002 there were 4 exits and 8 persons; and in 2003, there was one exit with 3 persons. The respondents were not able to specify sex and age structure of these persons.

In the territory under the competence of the Sabac Police (which comprises eight municipalities), only women — foreign citizens were punished for offence and even they were not punished for perpetration of prostitution but for carrying out a business activity without a necessary license (work permit for foreigners), or for an offence based on the Law on Movement and Residence of Foreigners. In all these cases, these women (who were actually practicing prostitution) were found in catering facilities, sitting alone or in company of guests, or, sometimes, working as waitresses. All registered and sentenced prostitutes were young women over 18, except one (a girl from Moldova who was 17 years old). Here below follows an overview of the structure of women sentenced for offence and practicing prostitution (based on their nationality):

Year	Romanians	Moldovians	Ukrainians	Bulgarians	Tot al:
2002	22	2	25	3	52
2003 (first five months)	2	/	14	/	16

Also, in 2002 and 2003, four women were identified who entered the country illegally. All these cases were, according to our respondents in the police in Sabac, the cases of “smuggling the prostitutes who wanted to enter Serbia or to pass through Serbia”.

VI 3.2. *Begging and Vagrancy*

We decided on begging and vagrancy as markers of trafficking in women since these two concepts are closely related to the concept of trafficking in women. Namely, women beggars and vagrants are exposed to different kinds of exploitation and coercion, and their complete defencelessness and marginalisation put them at high risk of trafficking in women. As a result, the extent of begging and vagrancy, and participation of women in the structure of beggars and vagrants in Serbia may serve as an indirect indicator and point at the risk of trafficking in women in our country.

VI 3.2.a. Women, Poverty, Begging, and Trafficking in Women

According to the estimates of almost all our respondents, the majority of beggars and vagrants in their cities are women and children. Estimates of participation of women and children in the population of beggars ranges between over fifty to 99 percent at times. The reason for this, according to some of respondents, is that people are more “responsive” to women and children and therefore give them money more easily. However, there are some different opinions. A woman we have interviewed said that, in her opinion, poverty in our country is obvious and that we are facing a phenomenon that may be defined as feminisation of poverty. And it is destitution and poverty that force women to, when unable to find a job, look for alternatives way to survive and provide for themselves and their families. One of these alternatives is begging.

According to the records of the Shelter for Adult Persons in Belgrade, only in 2002 they provided shelter for 77 women — beggars and vagrants.

Our respondents believe that women of all years of age are threatened. The example from Novi Pazar confirms this:

“I know a 74 years old woman who was ashamed when she was brought to the police station. She explained that she lived alone with her husband of approximately the same age who, due to a brain stroke is unable walk or speak. Their only son died from heart attack and their daughter-in-law re-married. Until recently she was able to knit socks and sell them in the neighbourhood but now she cannot do it any more since she has severe hand tremors”.

Several of our respondents said that in their immediate work they had not encountered a case of trafficking in women that was associated with begging and vagrancy. However, they do believe that such cases exist. Two of our respondents have acquired information about it from media or from indirect sources. The respondents did not have any information regarding the sale of women from Serbia abroad for the purpose of begging, with the exception of two respondents who had indirectly learnt about some cases of sale of Roma girls for the purpose of begging.

VI 3.2.b. Geographic Prevalence

Begging and vagrancy is, according to the majority of respondents, widely prevalent mainly in big cities in Serbia and it has been ex-

panded in the last five years. As main causes for expansion of begging and vagrancy in our country, respondents specified wars, great number of refugees and IDPs, inadequate care of children, primarily Roma children, and also economic crisis, high level of unemployment, etc. Another reason for the increase of begging, lies in the fact that, according to the information obtained by some of our respondents, begging is a very lucrative business.

The majority of respondents believe that begging is well organized and that there is only a small number of “true” beggars who beg for themselves. The beggars are mainly divided according to the territory and they fight for it. They are brought by their “chiefs”, most often in vans, to their territory and after their “working hours” they are taken back by the same persons. Women and children mostly go to “strategic” places — the busiest ones, where the fluctuation of people is largest. Sandra Ljubinkovic, coordinator of the NGO ASTRA believes that organized networks of beggars do not differ significantly from organized crime. Beggars, according to her, must earn a certain amount of money per day for their owner.

Belgrade

According to respondents, begging and vagrancy have become very intense problems in Belgrade. Most of our respondents believe that the reason for this expansion should be sought in the economic crisis. Also, the beggars in Belgrade are organized. The most affected population category with regard to this is the population of Roma since they are unable to find “regular” jobs, and they follow refugees, disabled persons, and homeless persons.

According to Milica Simic, coordinator of the Roma Child Centre, there are two groups of beggars — Roma: those who beg for themselves and those who beg for somebody from their family. In the vicinity of the St. Marko Church, for example, they are begging in an organized manner but for the requirements of their own families. A mother with her five children begs every day at this site. They are very well trained but they are not interlinked in a wider network of beggars; according to Milica, they are simply forced to beg by their dire poverty. These are all large Roma families which, at times, may have more than ten members all of whom must eat, and they are offered no alternative but to beg.

The official statistical data confirm that the problem of begging in Belgrade is widely prevalent. According to the records of the Magistrate Courts, in 2002 there were 1413 reports of offences connected to beg-

ging in the territory of Belgrade, but the gender structure we were not able to obtain.

Other Cities

Novi Sad is very affected by this phenomenon. The respondents from this city maintain that there are “hundreds” of beggars in this town, and most of them are women and children. These are mostly women begging with small children in their laps, and most beggars are working at the crossroads of Bulevar Oslobođenja and Bulevar Jase Tomića, and between Temerinska and Partizanska Street. There are beggars who beg to survive and other beggars, who beg in an organized manner and earn their living that way. According to the records of the First Police Station in Novi Sad, in the time period between 1 January 2003 and 20 June 2003, 28 reports of offence of begging were filed, out of which women are involved in three cases. According to the records of the Second Police Station, in the first six months of 2003, two reports against 8 persons of Roma nationality were filed, and majority of them were women. In 2002, three women with two children from Leskovac were registered for begging.

Begging is widely present in Novi Pazar too. The respondents believe that one of the main reasons for the increase of number of beggars is a myth about Novi Pazar as a place where only rich people live and without any crisis. There are all age categories of beggars, even old women. The beggars include Roma, local population, but also newcomers from other cities of Serbia and Montenegro, and Bosnia and Herzegovina. They rent rooms with poor families and stay in the city for several months, after which they are replaced by other beggars.

Among the beggars, there are many women with small children who, at minus 17 degrees, place their children on the ground and beg. A person we interviewed in Novi Pazar said that, only in 2002, more than 200 women were reported for begging in Novi Pazar and two women were reported for vagrancy.

One of our respondents from Novi Pazar said about women beggars:

“This year we have noticed among beggars our local women of both ethnicities who wrap a scarf over their heads and draw it down over their eyes covering the entire face. Judging by their conduct, we may deduce that they are from this city and cover themselves up in order to go unrecognised.”

In Zajecar and Velika Plana, according to respondents from these cities, there are not many beggars, and mainly young women, of Roma nationality, are involved in begging. According to the records of the Sabac Police, during 2002, total of 5 reports of offence were filed for begging and our citizens were involved in all these cases. In 2003 there was only one report. As regards the reported persons, men and women were equally represented and most of them were of older age. The records of the Municipal Magistrate Court in Sabac reveal that 10—12 persons, out of which 6 children, were reported for the offence associated with begging during 2002. These cases mostly involved women from Serbia.

VI 3.3. *Illegal Work and Forced Work*

Trafficking in women is usually connected with illegal markets, including illegal labour market. Estimate of the extent of illegal labour and forced work and participation of women in these illegal markets may be valuable to us in estimation of the risk of trafficking in women in Serbia.

The results of the research show that illegal labour is one of the most acute problems of our society. Almost all people we have interviewed estimate that this form of illegal market is very well developed in our country and that it affects big cities, but smaller places as well. The process of increasing a number of people who work illegally started in the beginning of the 1990s as a consequence of the social and economic transition and the economic sanctions, and from that time onward illegal labour increased proportionately to deterioration of the economy and industry. The forms of exploitation of workers who are forced to work illegally vary — from failure to pay salaries, failure to pay for overtime work, failure to compensate for the “incurred damage”, etc. Illegal work is everywhere: in services, in trade, computer business, industry, in private as well as in the state and non-governmental sector.

VI 3.3.a. *Illegal Work, Forced Work, Prostitution and Trafficking in Women*

According to the information of the individuals we have interviewed, women are one of the most affected population categories when illegal labour is concerned.

In Novi Pazar during 2002, over 300 persons were penalized because of illegal labour, about 100 persons were warned, and 150 women

over 18 were in some other manner registered as working illegally. Due to forced work of women, some 20 persons were penalized, 20 were warned, and 60 were registered in other manner. The records of labour inspection reveal that in 2002, only in private sector 130 persons were detected as working illegally in this town and 82 of them were women. In 2003, 95 persons worked illegally, with 57 women among them. All those women were our citizens. Women work illegally in catering (night bars and motels), private trade companies, in industry, namely in private clothing factories, etc.

In Zajecar, according to the records of the municipal authority for offences, some twenty sentences for illegal labour have been pronounced in last 2—3 years. Most of the persons working illegally, both men and women, are from Serbia. In Pozarevac there were 30—40 reports of illegal labour in 2002. Two thirds of these reports involve women. There were several dozens of such cases in Sabac and the person who are illegally employed include out citizens mainly, both women and men. According to the records of the Sabac Department of Border Police, for Foreigners and Administrative Affairs, in the territory covered by this Department, 52 women were sentenced because of illegal labour in 2002. According to our respondents, although these women formally did the job of waitresses or other catering-related jobs, in actual fact they were predominantly engaged in prostitution.

Zorana Sijacki, counsellor for equality of genders in the Secretariat for Labour, Employment and Gender Equality of the Province of Vojvodina, described a typical profile of the illegally working person in Serbia:

“It is a woman, between 45 and 50 years of age, dealing with smuggling of goods, or a young girl, between 18 and 25 years old, working in a boutique”.

Girls and women who work illegally are exposed to different forms of victimisation. In addition to the usual forms that are always associated with illegal labour — non-payment of salaries, unpaid overtime work and similar, present also are violence, frequent abuse of official position, and sexual harassment. Some of respondents have indirect knowledge that the girls and women who work illegally are often forced to have sex with the owner of the facility in which they work, and if they decline to do that, they do not get paid for the work they have done.

When working illegally, women are specially defenceless and frightened. They do not dare notifying the labour inspection of what is going on. One woman we interviewed said that she knew a woman who

reported her employer regardless of the fact that she knew that nobody would employ her after that; that woman is now looking after an old lady.

At the greatest risk of becoming victims of trafficking in women are young girls who are forced to work illegally in catering facilities, or boutiques, cafes, restaurants, night bars. These jobs, according to some of respondents, are closely associated with prostitution but also with trafficking in women. One of our respondents said in this context:

“Illegal migrations, transfer, illegal labour, and prostitution, are four sisters”.

The following quotes confirm the assertion that there is a connection between the illegal labour and trafficking in women, or prostitution:

“In Belgrade there were cases of forcing girls to work illegally in the bars in the countryside of Serbia — the most prominent example is that of Novi Pazar where they are promised good working conditions and high salary, only to be seized their documents (this is what constitutes the mechanism of coercion), often under surveillance of persons who do not allow them to move freely, they are often subject to violence and, as a rule, they are raped.”

“In the territory of Zajecar illegal labour is a frequent occurrence. Employers avoid payment of tax obligations, and therefore employ minors or girls over 18 in the kiosks, fast-food shops, cafés, etc. These girls are often in the early morning hours procured to clients and persuaded to provide sexual services. However, as far as I know, coercion is absent here (they may leave the job any time) but these girls are poor and have to fight hard to survive... On the other hand, I do not know what name to call this what is happening in a club where minor and young adult women work, unregistered, as waitresses. Then, after midnight, the club turns into a night club and the girls are being forced to provide sexual services, although some do it out of their own free will, and the owner of the club is the one who benefits most from it all.”

The myths about Novi Pazar as a rich area with lucrative job opportunities, according to our respondents, constitute powerful factors which attract women into this town and often draw them into the trafficking chain as well. According to respondents from Novi Pazar, illegal labour, prostitution and trafficking in women often go together:

“What can be indicative of the existence of a larger extent of prostitution is that in every single catering facility somebody works illegally, i.e.

somebody without a registered place of residence. Those are mostly women, actually there are more girls than women and most of them have children. The owner of one bar told me that every owner of a catering facility would like to buy himself a woman, for all men prefer to be served by a young and beautiful girl.”

Some of respondents believe that a certain number of girls who work illegally willingly engage in prostitution; or, more accurately, that their work in the catering facilities, bars, cafés, motels, restaurants, etc. is only a camouflage for prostitution.

Both foreign women and our citizens work illegally. Foreign women are particularly vulnerable and it often happens that these women and girls end up in a chain of trafficking in women. Thus, one of our respondents has obtained information that in the Negotin area, or, more precisely, in wealthy villages surrounding the city of Negotin, Romanian girls were first employed to work illegally and were later forced to provide sexual services and were resold.

VI 4. Conclusion

Results of this research show beyond doubt that trafficking in women is widely prevalent in Serbia. Victims of trafficking in women in Serbia come from the poor Eastern European countries where living conditions are bad. Most often these girls come from Moldova, the Ukraine, and Romania. Also, the results of research show that victims are quite often Serbian citizens as well; these are women from both rural and urban parts of Serbia. The experience of our respondents show that anybody can become a victim of trafficking, regardless of age, nationality, citizenship, education level. The victims are mostly women who never wanted to engage in prostitution but were forced into it, but the victims may also be women who began entered prostitution willingly. Also, when the prostitutes are victims of trafficking in women, we must always bear in mind that consent to prostitution does not necessarily mean consent to be enslaved and exploited and that these women have to be treated as other victims of trafficking in women.

Results of the research show that Serbia is a country of transit for trafficking in women, but that it is also a country of origin, and of temporary or permanent destination, and a country inside of which trafficking in women from Serbia takes place. With regard to the channels for trafficking in women of age, we should point out that the research did not identify the difference between routes of trafficking in women for the purpose of sexual exploitation, on one hand, and for the purpose of

exploitation of labour, on the other hand. The obtained data reveal that routes of trafficking in women mostly start in the countries of former USSR (the Ukraine and Moldova), lead over Romania, Bulgaria, and less often over Hungary, and reach Serbia and Montenegro. To the territory of Serbia, foreign women arrive both illegally and legally, by various means of transport or on foot. Through Serbia, the channels of trafficking in women go from the north toward the south (in the direction of Kosovo and Macedonia, or towards Montenegro and further in Italy or Albania), and from the east towards the west (in the direction of Republika Srpska and Croatia), and sometimes in the direction of the north (towards Hungary). On the routes of trafficking in women, Belgrade is one of the inevitable stops in which the victims stay for a while, and later continue their journey. When the women from Serbia are concerned, according to the information obtained by our respondents, they are traded within the borders of Serbia, but are also sold abroad — mostly in Bosnia, Macedonia, Italy.

The data obtained during the research confirm that the victims of trafficking are most often recruited by a deception with regard to the job, or, more accurately, nature of the job, conditions of work, and pay. Women victims of trafficking are being recruited by their girlfriends, acquaintances, women already involved in the trafficking chain, former prostitutes, married couples, but also by different agencies — for fashion models, photo models, beauty contests, and similar. Having this in mind, we should draw attention to recruitment of women from Serbia through fashion agencies, advertisements for seasonal work, fairs and exhibitions, etc.

On their journey, as well as at the place of temporary or permanent destination, women are exposed to various forms of victimisation: they are being sold and resold, their travel documents are being taken from them, their freedom of movement is being restricted, they are being physically, mentally and sexually abused, they are threatened and blackmailed, they are forced into drug or alcohol addiction, placed into debt bondage, and their living and working conditions are unbearable.

Trafficking in women is largely influenced by other, with it closely associated, occurrences such as sex industry, prostitution, begging, vagrancy, and illegal labour. Results of the research show that these occurrences, particularly sex industry and illegal labour, are very widely prevalent in Serbia. These occurrences constitute a significant risk factor for trafficking in women and, without resolving them there can be no effective combating against trafficking in women.

VII Trafficking in Children in Serbia

Trafficking in children is a very dangerous form of crime with a number of particularities that separate it from other forms of trafficking in people. Trafficking in children includes:

- trafficking in children for the purpose of sexual exploitation, children pornography and paedophilia,
- trafficking in children for the purpose of exploitation of labour,
- trafficking in children for the purpose of begging,
- trafficking in children for the purpose of committing criminal offences,
- trafficking in unborn children or just born babies for the purpose of adoption,
- trafficking in children for the purpose of concluding marriage,
- trafficking in children for the purpose of participating in armed conflicts.

Here we are addressing a grave form of crime where victims are children, as the most vulnerable part of the population, and at the same time the most innocent victims. Trafficking in children is even more veiled than is the case with other forms of trafficking in people. The dark figure in this field is much higher than in other forms of trafficking and it is therefore much harder to obtain real data about actual extent and prevalence of this occurrence.

In this section we will present the results of the research on the prevalence, structure and characteristics of trafficking in children, and the information obtained about the indirect indicators. The data were mostly gathered through interviewing the experts, activists of different NGOs, academics, and other individuals which were deemed to be a possible source of information about trafficking in children. This is the information about trafficking in children that was available to the individuals we have interviewed. Based on that information, it is possible to get a better insight into this phenomenon. The analysis primarily comprised the information available to our respondents about direct indicators of the extent, prevalence, structure and characteristics of trafficking in children in, from, and through, Serbia, and the trafficking that

takes place within the border of Serbia. This analysis also comprised the available information on indirect indicators that trafficking in children is present, such as the information about sexual exploitation of children, begging, forced labour and coercion of children to engage in criminal activity; the data about abductions, disappearances, and smuggling of children, which may be a cover-up for trafficking in children.

VII 1. Direct Indicators of the Extent, Prevalence, and Characteristics of Trafficking in Children

Out of the total number of respondents (123), 43 individuals had information about the total of 94 cases where children were victims of trafficking in the territory of Serbia.

They had information about trafficking in children in the following cities: Belgrade (49), Novi Pazar (22), Novi Sad (6), Nis (5), Zrenjanin (3), Zaječar (3), Požarevac (2), Vlasotince (1), Sombor (1), Velika Plana (1), Vrnjacka Banja (1).

In the above mentioned cases, the victims are mostly foreign children of foreign (40) and for the most part minors from Moldova, the Ukraine, Romania, and Bulgaria; then follow children from Serbia — Roma children (34) and children other than Roma, in 20 cases.¹⁰⁶

Based on the analysis of direct knowledge of our respondents about the cases of trafficking, we have learnt that, when trans-national trafficking in children is concerned, Serbia is a country of origin in 30 cases of the victims. Also, it is a country of transit or temporary destination for foreign children in 43 cases. Moreover, trafficking in children also takes place within the borders of Serbia and our respondents had information about 21 cases of internal trafficking in children. The available information about the cases where Serbia is exclusively a country of transit when children are trafficked are somewhat less frequent, and relate mostly to the cases when minor girls are involved in trafficking chains for the purpose of sexual exploitation, either aimed towards Kosovo or Western countries, or in cases when groups of people who are being smuggled include whole families moving from the east towards the west.¹⁰⁷

¹⁰⁶ A great number of our respondents had some information about sale of Roma children among the Roma population; however, they were not able to specify concrete examples and, consequently, these cases were not included in the number of cases about which reliable information is known.

¹⁰⁷ In the first five months of 2003, the Border Police, Foreigners and Administrative Affairs, registered that 268 foreign citizens have been caught in the illicit crossing of state border, including men, women, and children, namely, whole families from Iran, Afghanistan, Turkey, Romania, and China, which are being smuggled from the East to the West.

As regards the forms of trafficking in children, according to the information available to our respondents, the most common is trafficking in children for the purpose of sexual exploitation (65), followed by the trafficking for the purpose of begging (17), and the trafficking for the purpose of conclusion of marriage (12), the last mentioned being typical for Roma population.

VII 1.1. *Trafficking in Children for the Purposes of Sexual Exploitation*

The most common form of trafficking in children as typical for Serbia is trafficking in children for the purpose of sexual exploitation (65 cases).

With regard to trafficking in children, Serbia is a country of origin, but also a country of transit, or, to be more precise, the country of temporary destination for the victims (trans-national trafficking in children). Children from Serbia are being sold into the countries of Western Europe (usually to Italy and France), but also to Kosovo which is again, when trafficking in children is concerned as well, marked as a significant point of destination. Besides, the children from Serbia are also trafficked within the territory, i.e. inside the borders of Serbia (internal trafficking in children).

When trafficking in children from Serbia to other countries is concerned, it is mostly the case of trafficking in children of Roma nationality, while trafficking for the purpose of sexual exploitation within the borders of Serbia is more typical for the girls of other than Roma nationality. According to the results of this research, Serbia quite often appears as a country of transit, or more precisely, country of temporary destination, for minor girls from the countries of Eastern Europe (Moldova, the Ukraine, Russia, Romania, and Bulgaria), when they are basically drawn into international chains of trafficking in women which are moving from the mentioned countries to the countries of Western Europe, or towards Kosovo or Bosnia, when, in the territory of Serbia they are being sexually exploited for several months sometimes.

VII 1.1.a. Characteristics of Trafficking in Children for the Purpose of Sexual Exploitation

Trafficking in children for the purpose of sexual exploitation unfolds in three main phases: recruitment, transport, i.e. transfer, and various forms of exploitation /victimisation to which the children are exposed.

Methods of Recruitment

Analysis of the obtained data on trafficking in children revealed that several methods for recruitment of children — victims of trafficking for the purpose of sexual exploitation, such as: sale by parents, relatives or representatives of Roma community; kidnapping; offering a job abroad or in the country (very often the jobs in Novi Pazar or Tutin, for example, are on offer so that the girls from all over Serbia head towards these cities), and the deceptions related to the work for so-called fashion houses and different kinds of beauty contests.

The most common form of recruitment, when trafficking in children is concerned, is sale by parents; it is particularly typical for Roma population, and it is extremely hard to obtain real data about its extent and prevalence since the Roma community is very closed and the sale of children is often explained by cultural reasons.

The individuals most acquainted with the sale of Roma children are the Roma NGO representatives who in their everyday work address the issues of providing assistance and protection for Roma. A representative of one such organisation, for examples, maintained that:

“Our Roma are mainly sold to Italy. Both girls and boys are being sold: the boys for the purpose of forced labour, the girls for begging and prostitution. The children are transported in cardboard boxes. In Italy, children of 5 years are valued the most since they can work for 10 years more.”

About recruitment within the Roma population, one of respondents had this information:

“The recruitment (which is not recruitment in the classic meaning of the word) unfolds as follows: every Roma community has an organized group which has control over all that is going on inside the community, including smuggling of commodities; they bribe the police not to go inside the community; if any member of the community wants to undertake any action whatsoever, he must first ask approval from this group; the group even takes a part (a percent) of the humanitarian need assigned to the Roma in the settlement under their control, etc. Within the group, different members are assigned different roles: one deals with the trade in jeans from Novi Pazar, other is in charge of distributing the stolen commodities, etc. The same group controls the children’s leaving abroad. Namely, they move round the city, visit motels, bars, and meet other Roma who come from Italy; they make contact with them and obtain information that somebody from these people in Italy has been left ‘without

any children'. Then the representative of the Roma settlement would say that he can see whether he has got children of that age and he would go to the families with such children, offer to help them send a child abroad, where it would be better for the child. Usually the family of the child is given some sort of financial aid (although it is disputable how much of the amount paid by the man who comes from Italy to take children ends up in the family of the child and how much is taken by the Roma representative for himself, having in mind that he represents a part of the organised team) It sometimes happens that later these children send money to their families, from abroad. There is no wonder that parents of Roma children consent to this if we know that 46 percent of Roma children does not get a meal every day in our country."¹⁰⁸

One of the usual methods used to recruit children, particularly in case of older minor girls includes deception with regard to allegedly legal job abroad or in our country. Those jobs are mostly as waitresses, babysitters and similar. According to what one of our respondents said, it is typical for secondary schools that recruiters start going after the girls by the end of May, or at the close of the school year, or in August, when schoolchildren are taking the exams they had failed during the regular term. They lure them by "lingering" around them 24 hours non-stop, by buying things for them, mostly clothes, etc. After a week or two they tell them that they have a friend who is interested in them, and who owns a company abroad. If the girl attempts to get out of the chain at that moment, she is punished. Some of them are filmed while having a sexual intercourse and later threatened that these films will be sent to their parents or to the porno films industry.

The following example, recounted by a woman we have interviewed, describes yet another method of recruitment that is typical for entrapping schoolgirls. It happened in the Beauty School in Belgrade however, fortunately, it did not end in a disaster:

"This case is from 1999. One of the employees, a curriculum coordinator, a person who is constantly trading in something and making deals for procurement of the cosmetics and other necessary teaching aids, was contacted by a man who introduced himself as a designer from Greece opening a fashion store in Knez Mihajlova Street. Since this man had heard that the girls in this school were very attractive, as well as talented hairdressers, he expressed wish to hire them to do fashion shows for him. He needed a dozen of girls. Unsuspecting the scam, the coordinator ac-

¹⁰⁸ The mentioned method of recruitment is typical for trafficking in Roma children for various types of exploitation (sexual exploitation, begging, etc.).

cepted the task of selecting the girls. However, it was discovered by chance what was behind the man's offer. Namely, the coordinator wanted to send his daughter, who had graduated design as well. When the girl got back home from the interview, she said that it was suspicious to her that the man insisted that everything should be in lace, as if he was going to open a brothel. Then the curriculum coordinator called the police. The police was supposed to arrive during the next arranged visit of the man. The police arrested him and then it turned out that he was not Greek at all but our citizen who recruits minor girls for prostitution. The situation was very dangerous since everything went through school so that the parents, trusting the teachers, did not suspect the deception."

It should also be mentioned that the Beauty School is one of the safest schools in Belgrade with its own security, there is a former policeman on duty in the hallway. This is, according to what the woman we have interviewed said, very important since, until they hired the guards, "local tough guys" literally "assailed" the schoolgirls.

There is also a special, new method of recruitment associated with trafficking in children and women. Namely they are offered a job in so-called "fashion houses". This is how one of respondents, a representative of the police, explained the functioning system of so-called "fashion houses", through which our girls get presentation abroad, after being promised a comfortable life in the world of fashion, they in fact end up being drawn into trafficking chains:

"A departure of girls who were supposed to go abroad through a 'fashion house' was prevented a month ago. Those were very young girls, minors. By 'Mirage', a coordinated endeavour with the surrounding countries, where the police greatly contributed to the battle against trafficking in people, their departure was prevented. Now the steps are taken to prove that trafficking in people is behind all this."

A number of respondents had the information about a specific form of recruiting the young (often minor) girls in trafficking for the purpose of sexual exploitation through deceptions associated with various beauty contests in which the candidates could be the girls of 13—15 year of age, behind which trafficking in children for the purpose of sexual exploitation is sometimes hidden.

Trafficking in children takes place within Serbia too. Our respondents knew of the cases of minor girls from Serbian countryside who got involved in the chain of trafficking after being sold by their parent, or being recruited by the offer of a well-paid job in Belgrade or Novi Pazar and by deception thrown into the chain of trafficking in children

for the purpose of sexual exploitation. The respondents also identified a smaller number of cases when the children of other than Roma nationality were sold by their parents, even though this method of recruitment is most common among the Roma population. For example, according to one of our respondents, a 37 years old woman from Belgrade, who has engaged in prostitution since she was 16, sold her minor daughter (14) to the owner of a bar in Tutin. For a while the mother was in the same bar where she shared the clients with her daughter but then she disappeared. The daughter is still in the bar.

Talking about the possible interconnection between the prostitution and trafficking in children for the purpose of sexual exploitation, one of our respondents emphasized that the scheme is almost always the same: the prostitutes start off with street prostitution; they are procured by their aunts, mothers; the younger they are, the better their price. While they are still virgins, they practice anal and oral sex so as to preserve their virginity and later achieve a better price.

Also, there is a certain number of cases where children are kidnaped. This may be illustrated by a case of a girl from Zajecar who was still a minor when she disappeared while walking down a street in Nis; she was drawn into a car by some people who were unknown to her. Based on a telephone call received by her mother several months afterwards, it is suspected that the girl is in Kosovo and that she is a victim of trafficking.¹⁰⁹

In the case of younger children, recruiters are often their parents, mostly of Roma nationality, who make, usually verbal agreements with the traffickers very often with the belief that by doing so they are ensuring a better future to their children or a better life for the remaining part of the family as well. The role of recruiters (specially when non-Roma population is concerned) are also played by the acquaintances, boy-friends of the girls of 14–18 years of age, strangers that are met in disco clubs, cafés, or in front of schools, the girlfriends who have just entered the ‘business’ and therefore ‘earns well and has fun’, or employees in different agencies for fashion models, photo models, or in tourist agencies.

“In Novi Pazar there is a group of criminals working according to the classic blackmail principle. This group includes girls and boys. The girls from the group are paid to perform the task of recruiting a victim (usually girls in primary and secondary schools, between 14 and 16 years of age), by making a contact with a girl, starting a conversation with her, telling her about a guy that takes interest in her and has means to provide a comfortable life for her.” (a representative of the media)

¹⁰⁹ This case took place two years ago, when the girl was a minor. Now she is 19 years old.

Transportation or transfer of children-victims, when trafficking for the purpose of sexual exploitation is concerned, is quite like that in case of the transportation of women, following the predetermined channels, using illegal methods of border crossing, with the forged passports, followed by crossing with an adult who also has forged documents with regard to their relations with the child. A number of children are transported across the border as “stowaways” in the trains, trucks, in cardboard boxes, hidden under blankets, only in the case of Roma children (this method of transporting the Roma children is also mentioned in case of trafficking in children for the purpose of begging).¹¹⁰

Forged documents are very often used for the children involved in the trafficking. This was also the case with the underage girl M.A. (15) from Opovo, whose sale and departure for Italy was prevented at the Surcin—Belgrade airport by the officers of the Belgrade Police. This was an attempt to trade in children and leave the territory of Serbia and Montenegro with forged Bulgarian passports. The girl was escorted by two citizens of Serbia. The case was uncovered since a policeman checking the passports asked her something in Bulgarian and she could not reply. In this case, criminal charges were filed against her mother to the competent prosecutor’s office due to criminal offence from Article 155 paragraph 1.3 of the FRY Criminal Code, relating to establishing slavery and transport of people in slavery, since her mother had sold her. The underage M.A. had been placed in the Shelter for Children and Young People in Belgrade, and afterwards she was handed over to a social worker from the Centre for Social Work Kovacica—Opovo Department.¹¹¹

According to Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, and coordinator of the National Team for Combating Trafficking in People:

“As regards trafficking in children, the victims usually enter the country accompanied by adults who are not their parents. In such cases, certain documents are required. Namely, the persons escorting the children must be authorized by the parents so that the children may travel with them. Therefore, it is entered in the passports of these persons that

¹¹⁰ The coordinator of the NGO called Roma Children’s Centre, based on the testimonies of Roma children that were trafficked in Bosnia, saved by their organization, has obtained information that the children had crossed the border illegally, in a car, covered with a blanket.

¹¹¹ These data were obtained by interviewing the experts of the Border Police, for Foreigners and Administrative Affairs, the Police in Belgrade, also noted in report of the Border Police, for Foreigners and Administrative Affairs.

the children are travelling with them, but sometimes they leave the country without them. However, this is very hard to control, particularly in cases of mixed marriages.”

Forms of Exploitation/Victimization

Forms of the exploitation, namely victimisation of children-victims are, according to our respondents, physical abuse and intimidation, but also the sexual abuse and blackmailing, where usually older underage girls are kept in fear that, if they resist or escape, their parents would be notified of everything. This is what one of our respondents said about blackmail, as the most common form of exploitation of minor girls involved in trafficking for the purpose of sexual exploitation or in forced prostitution:

“When the recruiters ‘consider’ a girl, set her up a date with a boy who allegedly takes interest in her and take her into the arranged room. There they usually film her in some awkward pose with the boy or drug her and make her take off her clothes, and then take a photograph of her. At that moment, a member of the group comes in, interrupts everything, takes the cassette and lets her go. The girl is shocked; she has no way out. Blackmailed, she consents to providing sexual services to the clients they bring to her.”

In the houses where they are put up, the girls — victims of trafficking for the purpose of sexual exploitation are often treated with cruelty and humiliation. According to the testimony of a girl who was involved in trafficking for the purpose of sexual exploitation, the pimps are recruiting the girls by becoming their boyfriends at first only to keep them locked-up in the house later on:

“In the house he kept several other, older, prostitutes, who treated the girl brutally, putting her a smelly bucket over her head. The pimp procured her extremely cruelly, by letting the clients rape her. Fortunately, the girl managed to run away, after which the police took her to the Home”.

VII 1.2. Trafficking in Children for the Purpose of Begging

The analysis of the results obtained in this research revealed that in the territory of Serbia there are some cases of trafficking in children for

the purpose of begging (17) as well. More precisely, these are mostly children of Roma nationality who are sold usually to Italy and there forced to work as beggars (sometimes also to steal).

VII 1.2.a. Characteristics of the Trafficking in Children for the Purpose of Begging

Methods of Recruitment

The Roma children are most often sold by their parents who see this as a solution for their problems and, according to our respondents, sometimes it happens that the children sold to somebody in Italy live in better conditions than they used to with their biological parents. One Roma girl, citizen of Serbia, managed to escape. This was the case of trafficking for the purpose of begging and forced marriage. In the trafficking for the purpose of begging, children of Albanian and Roma nationality are also involved. In addition to Roma children from Serbia, one of our respondents had the information about ten children, members of the Roma population of Bulgarian citizenship, who were sold in the territory of our country for the purpose of begging.

According to respondents — journalists “at this moment most of the trafficking in Italy involves Roma children from Kosovo. Usually the children are sold to Bologna, where they are taken over by a Roma from Belgrade who takes women and children of Roma nationality to work for him. If children break an arm or leg, he does not take them to the doctor’s since, as a rule, the children-beggars with a bodily deformity earn more.” Another of our respondents said that, he found out about a camp where Roma children live in Bologna from a woman — professor at the University of Bologna who came to visit our country. It is suspected that the children who are trafficked from our country are stay in this camp.

Again, in case of trafficking in children for the purpose of begging, the recruiters are usually the parents and relatives, and also representatives of a certain Roma community. One of our respondents knew about the families who do not reveal the number of children, meaning they usually do not register their birth, and then they are renting them and similar.

Transportation/Transfer

Transportation of the children trafficked for the purpose of begging, similar to the transfer of children for the purpose of sexual exploi-

tation, is usually illegal, with forged documents, or the children are transferred as “stowaway” in the trucks, passenger cars, and similar. If they cross the border outside the border crossing point, they usually have a guide, or, they cross the border with the forged group passports and the children are identified as the children of the “traders” to which nobody pays special attention at the border.

A number of children cross the border legally, after the “adoption procedure” is completed in the territory of Serbia. A case is known when the Roma parents tried to sell their children (a boy of 10 and a boy 2 years old) to other Roma who “temporarily worked abroad”. The staff of the Centre for Social Work in Velika Plana were “only” supposed to issue approval that the children travel with their “adoptive parents”. However, since they suspected the sale, the Centre for Social Work refused to issue the approval.

Forms of Exploitation

Forms of exploitation by which children involved in trafficking for the purpose of begging are mostly controlled by physical punishment, but also by non possession of documents (which is frequent occurrence in case of children sold in Italy), inability to speak foreign languages and lack of awareness of children that they are victims.

VII 1.3. Trafficking in Children for the Purpose of Marriage

Analysis of the information obtained from respondents, as a special form of trafficking in children, also typical for the Roma population, is trafficking in children for the purpose of marriage (12), which is usually attributed to cultural characteristics of Roma. However, having in mind that young girls are concerned, often very little children, and also children with special needs, this is a serious form of crime. The following example may illustrate this:

“From the Special Primary School “Dusan Dugalic” the Centre received the information that the parents of a 16-year old girl who was slightly mentally retarded wanted to get her out of the school and sell her for the purpose of conclusion of marriage. The information from the School said that the girl did not want to get married but the people in the Centre learnt about this only when it was already too late. The Centre for Social Work contacted the girl’s parents but they did not admit anything. They notified the municipal Police Department, even contacted the Police De-

partment in the place where the groom lived. Unfortunately, everything was seemingly voluntary. Nobody was held accountable for the sale of the girl with special needs, since all was attributed to cultural customs of the Roma, and the girl had supposedly married voluntarily."

In addition to Roma population, the sale of children for the purpose of conclusion of marriage is typical for the Vlach population, particularly for the Eastern and Southeastern Serbia:

"In the Primary School "Sveti Sava" in Velika Plana there was one similar case. Namely, the school was supposed to issue approval that one of their pupils conclude marriage. A man that came with the girl seemed to be her father but it was actually her husband-to-be. Of course, the school refused to approve of this marriage. However, the girl had already been sexually abused in all probability."

VII 2. Indirect Indicators of Trafficking in Children

In addition to indicators that point directly to the phenomenon of trafficking in children, upon conducting research on this complex form of crime, it was necessary to take into account other indicators as well which themselves hide certain forms of exploitation of children (the element that together with establishing slavery is characteristic for trafficking in people and children), and pose a great risk of trafficking in children. These cases include numerous border cases and at times it is hard to determine whether we are dealing with trafficking or not. Thus our respondents were unable to include them with certainty among other cases of trafficking. In this sense the knowledge is significant on sexual exploitation, begging, illegal and forced work by children, abductions, disappearance and smuggling of children, as well as forcing children to engage in criminal activity.

VII 2.1. Sexual Exploitation of Children

The information on some of the forms of sexual exploitation was provided by 27 respondents, out of the total number of 123. These were mostly police inspectors, representatives from Centres for Social Care, county prosecutors, and magistrate judges but also representatives of various NGO's from Belgrade, Zajecar, Novi Sad, Vlasotinac, Novi Pazar, Vrnjacka Banja and Sabac. Children on whose sexual exploitation our respondents had the knowledge of were mostly girls, between 11

and 17 years of age, from temporarily or permanently dysfunctional families as well as children without parental care, children with special needs and children suffering from behavioural disorders. Roma children also figure very prominently as victims of sexual exploitation.

As regards the forms of sexual exploitation of children, our respondents confirmed that these were mostly as follows: procurement and forced prostitution as well as sexual abuse of children by their parents or other adults.

Forcing children into prostitution is especially characteristic for large towns like Belgrade, Novi Pazar, Nis. However, this phenomenon has also been observed in Vrnjacka Banja, Zajecar and Vlasotince.

According to the information of the majority of respondents, children are most often involved in street prostitution although since recently it has become common that older minor girls offer sexual services in some cafés and bars.

In Belgrade there are special locations where, together with adult girls, very young minor girls offering sexual services can be found. These locations as identified by all respondents (19) from Belgrade who had knowledge of this phenomenon, are: the Blue Bridge, the park in front of the Faculty of Economy, in the surroundings of the bus and railway station.

A female respondent described a case of a minor girl involved in prostitution who, when asked where she worked replied that it was close to the "Gavrilo Princip" School in Belgrade. The respondent at first thought that she was employed as a school cleaner but it turned out that she meant the park in front of the Faculty of Economy where the girl was offering sexual services.

At a special risk of sexual exploitation, according to the information of the majority of respondents, are children living in homes for children without parental care. However, according to some respondents from those homes, the staff respond immediately upon noticing some indications that a child is under a risk of sexual exploitation. Thus, when it was found out that two girls who lived in a Home had more money than usual and a large credit for their mobile phones, the staff of the home followed them and discovered that they frequented a restaurant in Belgrade in the company of two men. The Manager of the Home summoned the girls and told them that they were followed by the police and that they should inform the men that they were seen with the girls. This case has not been reported to the police, since it was not certain that it involved prostitution.

Especially endangered from sexual exploitation are also mentally retarded children and the so-called "border cases". This is illustrated by a case described by a female respondent:

“A slightly mentally retarded girl, placed in the Shelter after she had been found out on the street, had been sexually exploited for two years first by her own father who later “passed her on” to a man who forced her into prostitution. After she had been placed in the Shelter, the “pimp” used to come introducing himself as her uncle and trying to take her out. Since it did not work out, he started hanging around the institution recruiting girls for prostitution. With the aid of a protégé who had his phone number and the police, he was caught and is now being prosecuted for forcing girls to prostitution, while the father is being prosecuted for collaboration as well as sexual abuse of his wife and daughter.”

According to the words of Milanka Lukic, Director of the “Rada Mladenovic-Djulic-Crna” Centre for Family Accommodation of Children in Milosevac, some 10% of children sheltered in the Centre have been involved in prostitution. This can be learnt from children’s documentation. However, the risk is highest for those children upon leaving the home, since they are supposed to take care of themselves and live independently. Unfortunately, a number of children are not prepared for this.

As regards involving children in prostitution, and regarding trafficking in children for the purpose of sexual exploitation, the recruitment phase has been singled out as an important one. According to the information provided by our respondents, the majority of children get involved in prostitution or various other forms of sexual exploitation by force (often forced by parents or close relatives). Talking about this, a female respondent says:

“In the course of my work I have been meeting mothers who introduce their daughters into prostitution. There are many cases of mothers who left their children after birth to come to take them out of the home when they are 13—14 in order to get them involved in prostitution.”

However, having in mind social circumstances in our country, a number of girls, mostly older minors, decide on a voluntary basis to become prostitutes or “sponsored girls”.¹¹²

A very attractive territory for prostitution of young girls, apart from Belgrade, is the territory of Novi Pazar into which young minor girls from all over Serbia flock in search of work, since they “heard that good money can be earned there.” The financial crisis, disturbed system of values, large unemployment rate, as well as a large number of refugees

¹¹² Young girls who enter sexual relationships with rich men in return for expensive clothing, make-up sometimes even a car or apartment and similar.

and displaced persons from Kosovo have caused a huge increase of prostitution among minors in this town in the province of Sandzak. Prostitution, including child prostitution is mostly carried out in night bars famous for not offering only drinks but also young girls for entertainment. As a respondent says:

“Prostitution thrives in Novi Pazar including a lot of minor girls. Prostitution is mostly prevalent in restaurants, bars and cafés. Premises on upper floors or an auxiliary room within the building are used for giving sexual services. Women and girls, often minor, are officially employed as waitresses or cleaners while unofficially they also engage in prostitution. Most of women and girls are ours, local — there is only a small number of foreign women. They came from all over Serbia: from Belgrade, Cacak, Novi Sad, Kragujevac, Kraljevo, Raska and mostly from south Serbia. A bar owner in Tutin exhibits girls to his customers, some eight or ten of them, aged between 15 and 40 and offers them to chose. Prices range from 5 to 50 Euros.”

This huge increase of prostitution in Novi Pazar over the recent years, is explained by a respondent as follows:

“Prostitution has a deadly effect on our school children since they are more and more involved in the “business” by lies and blackmail, with promises of good and fast profits and by offering them all that their parents are unable to afford. Of course, children are also promised that they can go, i.e. leave the job any time they wish. After a while, however, girls realize that they have been cheated, since pimps are not letting them go and there is no sign of any money. I should also mention the so called “sponsored girls” who offer their services to rich businessmen, most often in return for an apartment, a good car, expensive clothes and similar.”

Otherwise, according to the words of the same respondent, during 2002 in the territory of Novi Pazar, 6 minors have been reported for being involved in prostitution. Two of them were penalized.

According to the information of the majority of respondents, child prostitution is in most cases organised. Organisers are mostly pimps who control adult prostitution as well.

In Vlasotince, a seemingly peaceful town on the south of Serbia, minor prostitution is thriving also, mostly in cafés and night bars. According to the information of some respondents, there are grounds for believing that this prostitution is organised.

“Recently a mother of a secondary school pupil dashed into premises occupied by the SOS organisation. She found it strange that her daughter

suddenly started to dress in smart clothes. Asked from where she obtained the clothes, the daughter first answered that she had borrowed them from a friend and later claimed that they had been given to her by women operating the SOS phone. Thus, the mother entered the premises of this NGO with the aim of finding out whether the clothes were given to her daughter by their staff. Even though their organisation occasionally distributes clothes (mostly second hand pieces) to women in need, it was clear to them that the girl was involved in an illegal business. Shortly after, the girl confessed and the chain started to disentangle... The police took over the case.”

The information on the presence of child prostitution exists also for Zajecar. Several cases of forcing children into prostitution have been identified there recently. One of those cases was of an 11-year-old Roma girl, who was forced by her mother, a mentally retarded person herself, to perform oral sex for railroad workers in return for 50 dinars. There is also a case of a minor boy living in a special boarding school, who offers sexual services at the bus station for some 50 dinars, a case of a Bulgarian girl, 12—13 years old who was found three years ago in a café in Zajecar where she was working as a waitress an hour after midnight. When she was found and asked with whom she had slept for money, she started to talk. Her answers were rude, in characteristic language which she picked up from her “clients”. Investigation uncovered that the girl had been forced to have sex with a priest from Zajecar. Criminal charges have been brought against him as well as against the bar owner who served as her procurer, taking DEM 20—30 per service. By the fast joint action of the Police and the Centre for Social Care, the girl was sent back to her country of origin together with her mother although the mother keeps coming back to Serbia since she has twins here with a citizen of our country. The girl is now in a boarding school of a closed type in Bulgaria. The priest was unfrocked and sentenced to 6 months in prison, while the bar owner was sentenced to 1 year in prison.¹¹³

VII 2.2. *Begging and Vagrancy*

Begging and vagrancy, almost always forced among children, are very important indirect indicators which could serve as a cover for trafficking, especially when dealing with Roma population.

¹¹³ According to the information provided by our respondents, it cannot be claimed with certainty that the child prostitution in Zajecar is organised, having in mind that all cases mentioned were separate from each other.

Seventy six respondents, professionals of various profiles, have the knowledge of begging and vagrancy phenomena among children. Out of that number, 56 believe that begging is organised, especially in larger towns (Belgrade, Novi Sad, Novi Pazar, Nis) whereas smaller towns are characterised by the so called "out of necessity" begging with always the same individuals or even families taking part.¹¹⁴ Begging by children has been observed in all towns included in our research. According to the words of our respondents, in most cases it takes place in centre of town, around markets (spots where fluctuation of people is densest), in the vicinity of bus and railway stations as well as around cemeteries.¹¹⁵ In addition to this, in smaller towns the so-called "door to door" child begging is present.

All respondents who had knowledge of begging believed that the majority of beggars are women and children, thinking of increasingly present phenomenon of begging mothers with babies in their arms. It often turns out that children are not even theirs but rented for the occasion or similar.¹¹⁶ In addition to this, it has been observed that a large number of somewhat older children who seemingly appear as independent beggars, without presence of any adults are actually very often controlled by the adults.

As an interesting example we can quote the systematic observation of begging at the Belgrade New Cemetery, carried out by researchers from the Victimology Society of Serbia, upon which it has been noted that Roma children would from time to time run to a young man of some 20 years of age, who appeared to be standing, uninterested in the area of St. Nicola's Church and were handing him something over (presumably money earned by begging).¹¹⁷

According to the majority of our respondents, begging is present at the largest extent among Roma population. However, some cases of begging by foreign citizens' children have been observed too. These are mostly Romanians for whom begging is a "family business". Dragan Zivkovic, Inspector of the Shelter for Foreign Citizens in Padinska Skela shared his observations regarding begging by foreign citizens:

¹¹⁴ However, the mere fact that entire families are included in begging can be viewed as the information on certain level of organisation in these cases.

¹¹⁵ Phenomenon of begging on cemeteries has not been a very frequent one so far, according to our respondents' words. However, it has been found that this type of begging is spreading from Belgrade to other towns in the countryside, as a new location for begging.

¹¹⁶ Zivomir Rakic-Krlan, President of the "Roma Castle — Krlan" Association approached once a young Roma female with two children in her arms, begging in Terazije Square asking whether the children were hers. She responded that one was, whereas the other one had been rented.

¹¹⁷ The observation was carried out on three occasions, between 26th April and 28th June 2003.

“ As regards the beggars who are not citizens of our country but are begging in its territory, they are in most cases not interlinked. It is a family “business” for them where father works somewhere illegally while children are forced to beg by their parents. Thus some organisation does exist but among foreign citizens this is mostly according to the family principle. On the other hand, as regards begging of our citizens, mostly Roma, I believe that a well organised network exists involving most often children and women beggars. They have their own boss to whom they hand money daily. This is an extremely tortured and abused population of Roma children.”

Milica Simic, Coordinator of the NGO “Roma Children Centre” underlined the problem of the so called “children of the street” in Belgrade, mostly affecting Roma population which is considered a population at high risk of becoming victims of various forms of crime and abuse:

“Our organisation participates in the “Children of the Street” project whose task it is to provide aid for child-beggars. Currently, 55 Roma children who beg, roam and get involved in prostitution on the streets of Belgrade, are included in this project. In addition to financial aid for clothing, food and medical care, the project includes workshops with children led by a psychologist and a psychiatrist and treats problems encountered by these children and educate them on various addictions, since all children included in the project are dependant on drugs. They sniff glue, smoke marijuana and take pills with alcohol. The children included in the project most often beg in the city centre: in Knez Mihajlova Street, Slavija Square, by “Dusanov Grad” Restaurant, in front of the National Theatre. Begging with them are also non-Roma children from Serbia and Kosovo. “Children of the Street” do not belong to an organised network, they mostly beg for their own needs, to eat and have money for drugs.”¹¹⁸

As regards the “children of the street”, one of the most serious problems facing this part of population, a female respondent from Belgrade expressed her opinion as follows:

“Our country has no strategy whatsoever in relation to the “children of the street”. Some activities for solving this problem were taken over by the “Vasa Stajic” Children’s Home, Roma Children Centre, Ministry for Social Care and our institution — Centre for Protection of Infants, Children and Youth. We know that almost all “children of the street” are ad-

¹¹⁸ Milica Simic, Coordinator of the Roma Children’s Centre believes that begging among the Roma population is not organised by some people “outside” and even if it is organised, then it is by the family or an older cousin (for example an uncle).

dicted to certain psychoactive agents, i.e. glue sniffing. However, right from the start it turned out that no psychiatric or neuropsychiatry institution existed that would engage in treatment of addicts of such young age, not even the Institute for Mental Health. Simultaneously, a number of children of the street increased, in connection with poverty, disintegration, weakening of family and its functions, as well as wars that have happened recently on these territories. Some 2—3 years ago, the so-called green or human patrols were introduced, whose task it was to remove children beggars from streets. At the same time, no adequate accommodation was found for that children or any other alternative and therefore those children remain on the street. However, a preparation is ongoing for a project for opening Safe Houses for the children of the street.”

Violeta Laketic, Director of the Shelter for Children and Youth, within the frame of the Institute for Education of Children and Youth in Belgrade provided information that out of a total number of children (369) who were admitted to the Shelter during 2002, 11 were brought because of begging and no less than 86 for vagrancy. The reason behind this could be that the so-called human patrols, which functioned regularly removing beggars and vagrants from streets, have not been functioning in the recent years, due to insufficient accommodation capacity of the Shelter. Child-beggars from 2 to 7, however, are taken to the Children’s Home “Dragutin Filipovic-Jusa”.¹¹⁹

Novi Pazar figures also in relation to this social phenomenon as the territory where begging is very common and, according to the words of the respondents who in various ways deal with this problem, organised as well. Roma women and children from all parts of Serbia, as well as displaced persons from Kosovo make up for over 80% of beggars and are mostly concentrated in the town centre, around the church and mosques. According to the opinion of the majority of respondents from Novi Pazar, begging has been very common in this town during the last decade, and now a tendency of its increase has been observed. A series of factors influenced the vast diffusion of begging: proximity of the war inflicted zones caused the influx of refugees and displaced persons (mostly Roma from Kosovo) who were predominantly engaged in begging. Further we should mention the financial crisis and also the environment where religion prescribes performing of merciful acts (“Give alms to every begging hand”) out of fear that by failing to do so, no “sevap”¹²⁰ would be received. According to the words

¹¹⁹ All efforts of the report authors to get in touch with the staff of the “Dragutin Filipovic-Jusa” Children’s Home failed, since not one of them was prepared to cooperate.

¹²⁰ Belief that no reward — “sevap” from God will arrive unless a good deed has been performed and money given to beggar.

of one of our respondents, beggars are transported to the town in an organised way, and are distributed according to places determined in advance (close to religious objects, market, hospital). Separately distributed are women with children, since they earn more. Individuals who control beggars, often come and collect money earned by begging. During summer, beggars usually do not go back to their towns but live in tents far away from the town, in Banjik village next to the dump or rent apartments. In a rented house in Novi Pazar a Roma lives with seven male children who are not his own but who beg for him and bring him money. A number of respondents had the information on houses in Novi Pazar where Roma children live in extremely poor conditions: they sleep 10 in a room, unheated in winter. During the day they beg and with that money pay for their lodgings.

As regards the problem of begging, which, although it has existed always, has become very common in recent years, a female respondent from the Centre for Protection of Infants, Children and Youth in Belgrade, says:

“There are many children who engage in begging. I think it is their way of contributing to their family budget. I have an impression that the Police is unresponsive to the problem of begging, which is partly a result of the fact that capacities of institutions for the accommodation of children without parental care as well as shelters are full. In the course of my work I have learnt that children in Roma families do not bear significance unless they earn money.”

VII 2.3. *Illegal and Forced Work by Children*

Our respondents' knowledge on forced labour by children, as an indirect indicator of trafficking in children, predominantly relate to forced begging and prostitution and to a lesser degree, to collecting old papers and washing of car windows at traffic lights, which is also considered to be an organised phenomenon in bigger cities. The information on forced labour of children provided by our respondents relates mostly to large Roma families and poor families of non-Roma origin.

Thus, for example, according to the words of our respondents, in the territory of Novi Pazar, during 2002, 40 children were registered as working illegally, mostly in warehouses, packing goods or cleaning bars, or on the other hand, girls were forced into prostitution in bars where they were working as waitresses or cleaners.

According to the words of a respondent, reasons behind the increase of the illegal and forced work among children in the territory of No-

vi Pazar during the last 12—13 years are various. The significant one is unemployment and pauperisation of a large number of families in town. In the territory of Novi Pazar, over 20.000 people lost jobs and those people had to find some solution. A number of them switched to trade, more precisely illegal trade on the black market in order to provide some support for their families. Others got employed with private companies, providing their families' basic needs for day-to-day life and education of children. Pressure on companies' owners grew stronger and stronger and they started employing more and more people, without reporting it to the authorities. It is not ruled out that minors were employed as well. Families who supported themselves by selling on market and street stalls, often included juveniles in their business (mostly single mothers). Some children were forced to sell cigarettes in bars and coffee houses and on the streets. A large number of young people work in bars to be able to continue their education.

Information on a specific form of forced labour of children has been gathered by observing the already mentioned phenomena in Knez Mihajlova street in Belgrade, where during the whole summer (exploitation of the children is ongoing) two Roma boys, aged 6 and 7, under the supervision of their strict father, "entertained" passers by by playing music while their 5 year old sister would occasionally join in dancing.¹²¹

A number of respondents believe that parents-alcoholics often abuse their children, forcing them to carry out certain jobs (sell various repertoires, flowers and similar) or to beg in order to provide money for alcohol.

One of our respondents mentioned a case of a pupil who started suffering from hernia since his father had been forcing him to work with him on a construction site where he had to push a wheelbarrow full of debris. In addition to this, respondents pointed out to the phenomenon of forced labour of children on fields in the village of Milosevac, near Velika Plana. These are foster families for children without parental care. According to the testimony of children themselves, who participated in a workshop led by a female respondent, children are forced to work in fields in the morning and go to school in the afternoon. According to her words, all sorts of things happen in foster families, from physical abuse of children to incest and yet nobody is doing anything to prevent that.

¹²¹ This observation was carried out on three occasions between 14th June and 26th July 2003. The object of observation was the forced labour of Roma children aged between 4 and 7, whose father was forcing them to play music in Knez Mihajlova street in the evenings. On that occasion, a researcher from the Victimology Society of Serbia, approached the father and found out that by playing music children were earning money for the trip to Vienna where they would continue to do the same.

A respondent pointed out the phenomenon of begging by deaf children organised by non-deaf adults in Nis. However, even though this form of begging is to a certain level organised (begging with cards asking for contribution to buy a hearing aid), the respondent believes that this phenomenon does not have a deep or strong organisation behind it, nor does it provide a significant income. Still, according to the information provided by a respondent, a deaf pupil's elderly cousin who manufactured those cards and recruited other deaf children for begging, has been arrested and convicted in Pirot.

VII 2.4. *Abductions, Disappearance and Smuggling of Children*

Our respondents' knowledge about these phenomena was mostly in relation to abductions of rich businessmen's children, known through the media or abductions by divorced parents who, having not been granted custody of their children, are trying to change court decisions by abducting their own children. According to the information of some respondents from Belgrade, there have been several cases that a parent who failed to gain custody, abducted the child, taking it without the knowledge of the other parent. The police when informed in such cases and with the aid of the Centres for Social Care, take action to have children returned to the parent who has legal custody over the child.

A number of respondents mentioned disappearance of babies from maternity hospitals, information of which they acquired in indirect way, mostly through the media. Also mentioned was the case which happened five years ago in the "Narodni-Front" Maternity Hospital, when a newborn baby disappeared and the paediatrician and midwife were involved in the offence. The trial is still ongoing.

Respondents from Nis and Zajecar knew of the abduction of a minor girl from Zajecar who had been abducted on a street in Nis and forced into a car. There has been no trace of her since. It is also known that a large number of children from Kosovo has disappeared.

As regards abductions of children, a number of respondents (11) pointed out the phenomenon of children running away from institutions for social care (Homes for Children without Parental Care and Shelters), or, on the other side, running away from home, mostly out of rebellion. However in those cases children are found shortly after with the aid of the police and social services. An example has been mentioned of a group of boys from a primary school in Novi Pazar who agreed to run away from home because of low grades in school. One of them took money from home and they all left for Ulcinj. After three

days of unsuccessful search, the parents informed the Police and the children were found and brought back home.

Children on the run often fall victims to various forms of crime. Typical is the case of a mentally retarded girl from the Home for Children without Parental Care, who ran away from the Home to look for her cousins. She spent the night with a bus conductor who took her back to the Home the next day. The girl was immediately taken for a check up by a doctor who determined that she was *virgo intacta*. The man introduced himself as her cousin and promised to come to pick her up from the Home, but he never did. The girl, on the other hand, is not able to describe what this man did to her.

None of the respondents disposed of statistics relating to the smuggled children, except the information that in Padinska Skela Shelter for Foreigners among the groups of smuggled people from East to the West, among Kurds and Chinese, occasionally complete families together with children can be found, whose number is not known since the institution does not otherwise shelter minors unless they have been caught with their parents.

VII 2.5. *Forcing of Children to engage in criminal activities*

Forcing of children to engage in criminal activities, as a specific form of control and exploitation of children, mostly relates to the forcing of children by older juveniles or younger adults to steal but also deal drugs with children being engaged as the so called "narcotics-couriers".¹²² For example, a respondent says:

"These children are some 10 years of age or over. Every criminal has his "soldiers" who perform criminal acts for him. These are criminal groups from the colonies of Brace Jerkovic and Medakovic. Within every criminal clan there are minor "soldiers". Juvenile Homes also present a real hotbed for criminals. Children in those homes get shaped up and prepared for a criminal career."

According to the opinion of the majority of respondents, this phenomenon is especially present among the secondary school pupils and children living in Homes, as well as among Roma boys, the so-called "children of the street". Some respondents, however, claim that there is a group of Roma people who force children to engage in criminal activ-

¹²² Many respondents from various towns of Serbia have pointed out the phenomenon of forcing minors to deal drugs, especially in schools.

ities. They have even managed to “snatch” two children who had previously been included in the “Children of the Street” Project. They force children into stealing by beating them. Also, it would be very dangerous should anybody try to contact them in order to set those children free.

As regards children living in Children’s Homes, a female respondent points out:

“It happens sometimes that older children abuse younger protégés, by forcing them to beg for money. For that reason, professional staff in children’s homes are trying to introduce homogenous homes for children without parental care. Special care is being taken that drug dealers do not talk children from Homes into taking drugs by offering them free samples in the beginning. There were, however, some lonely cases that a child from Home was exposed to this risk but the reaction to prevent it was immediate. More precisely, these were two cases of drug dealers concentrated in the area between two schools, offering children from Home to take drugs into the Home and distribute it among friends. Fortunately, this incident was immediately uncovered and prevented. In case of any suspicious situation, staff of Children’s Homes contact the Department for Juveniles of the Police, with whom they maintain very good cooperation. They also call them to check other children with whom protégés of the Home get in touch.”

The information given by another respondent is similar:

“Children of the Shelter and “Vasa Stajic” Children’s Home have files reaching one meter height before they turn 14. As soon as they turn 14, they are sent to Krusevac. These children are citizens of our country and sometimes deal for themselves, in other cases are organised by others. Educational measures of sending children to the Houses of Correction have never produced good results. It is a known fact that their stay in Krusevac and Valjevo is in fact a sort of their ‘graduation exam’.”

A number of respondents knew of the cases where parents and co-usins force children to engage in criminal activities. This phenomenon is also prevalent widely among Roma population but can be found as well among children of Romanian citizens whose parents force them to beg and engage in small thefts. At a special risk of being forced to perform criminal activities are children from poor or “problematic” families as well as children living alone. The following example serves to illustrate this:

“A minor (aged 11) from Zubin Potok several times broke into a warehouse of technical goods by crawling through the ventilation window 25x50 cm in size. The boy was tiny and skinny and could go through even a smaller opening without any problems. It was assumed that he could not have done this by himself and that somebody else had accompanied him. Parts of stolen goods were found with an older man who tried to sell it at the market. He was arrested but denied any connection with the boy. By further investigation it was disclosed that the boy was forced to steal by him. The boy himself was only temporarily residing in Novi Pazar, unregistered and alone. The owner of the warehouse who suffered damage asked for the suspension of charges against the boy.”

Children with special needs, according to the information by our respondents, are also frequent victims to forced engagement in criminal activities. For example, there is a case of a boy from Vozdovac who has been monitored by the Centre for Social Work since he was 4—5 years old. It was known that he was a victim of people around him, older criminals, who would help him sneak into houses to steal for them. Several criminal charges have been brought against this boy who is also slightly mentally retarded. He has been sent on several occasions to a Children’s Home in the countryside but would come back to Belgrade by himself, since he was a “Belgrade child”.

VII 3. “Children at Risk”

Upon carrying out a victimology research, special attention is paid to the characteristics of victims. In cases of trafficking in children we are dealing with children who, based on analyses of the current expert knowledge, have been singled out as children at high risk of trafficking in children and other forms of exploitation (sexual exploitation, forced begging, forced criminal activity and similar).

The part of the population of children that is, according to the information of our respondents regarding trafficking in children as well information on other mentioned social-pathological phenomena, most often mentioned are Roma children, children without parental care as well as children living in educational institutions of open type which offer full freedom of movement outside the institution and which is due to the specific situation that they are in but also thanks to the large number of recruiters who swarm around institutions recruiting girls, very easily become victims of trafficking or other forms of exploitation. As children at special risk are also children with special needs (slightly

and moderately mentally retarded children),¹²³ children with behavioural disorders, as well as children from dysfunctional families.

One of the most drastic examples of the risk to which children without parental care are exposed is the following:

“A girl from Moldova, victim of trafficking from the age of 14, previously placed in the Home for Children without Parental Care, from where she was recruited, above all because she was a virgin and a higher price is paid for virgins. The girl was found in a night bar in the surroundings of Sombor but prior to that she had been on sale in Kosovo, Montenegro, Bosnia, Republika Srpska to be finally brought to Serbia. She had been exploited for several months in each of those places. When she left for Moldova, she was already 18, which means that her suffering lasted for 4 years.”

Ljiljana Ivanisevic, expert coordinator in the Centre for Protection of Infants, Children and Youth in Belgrade talking about risks for children immediately after being released from Children’s Homes said the following:

“Needs of children in Children’s Homes are fulfilled while they are under protection. Children have accommodation, food, clothing, shoes, and pocket money and do not have many reasons to enter prostitution except already mentioned naiveté characteristic for children living in homes. Namely, the half-protected position does not train them for independent life. I believe that children are at the greatest risk of trafficking, prostitution and similar once they are released from homes. Children’s Home makes effort to help children finish secondary school, find employment, lodgings, but it is in fact the independent life itself that presents the biggest risk for those children”

VII 4. Conclusion

Results of the conducted research according to both direct and indirect indicators of trafficking in children risk undoubtedly show that trafficking in children is present in Serbia and that unfortunately, this dangerous form of organised crime has reached serious dimensions.

As regards trafficking in children, Serbia predominantly figures as a country of victim’s origin, especially for Roma children, but also as a

¹²³ Case of the girl from “Dusan Dugalic” Primary school in Belgrade, mentioned previously, page 86.

country of transit and temporary destination for minor girls who are included together with adult women in organised chains of trafficking in women for the purpose of sexual exploitation. Analysis of the collected data show that trafficking in children, mostly citizens of our country, is carried out also within the borders of the Republic of Serbia. This form of trafficking is mostly done from smaller towns toward bigger ones, most often Belgrade, Novi Pazar and Nis.

According to the data gathered by the research, most frequent victims of trafficking are children citizens of Serbia themselves (54 in total) — the number of Roma¹²⁴ and non-Roma children being the same, most of them girls. In addition to those, victims are also children-foreign citizens included in trafficking on a trans-national level.

According to this research, children who were singled out as being at a high risk of trafficking in children but also all other examined social-pathological phenomena closely connected to it, are Roma children, children living in Homes for Children without Parental Care (especially sensitive immediately after being released from Homes), children with special needs, children from poor or permanently dysfunctional families.

The results obtained by this research relating to indirect indicators (prostitution, begging, forced engagement in criminal activity, forced labour, abductions and similar crimes) point to the wide distribution of these forms of exploitation to which children are exposed to and to an increased presence of the organisation of the phenomena mentioned, which further deepens the risk of trafficking in children since it can be skilfully hidden behind them.

The analysis presented in this article will hopefully be further examined, supported by the results of future empiric research, and should be used to build an efficient system for the eradication and prevention of all forms of child exploitation. In addition to this, of special significance is the need for preventive work with those children at highest risk from these types of crime.

¹²⁴ Data on the prevalence of trafficking in Roma children should be taken with a reserve, having in mind that we are dealing with a very closed Roma community, which very often considers trafficking within the community itself as a culture trait. All indicators point that the number of Roma children involved in trafficking is by far greater and that the dark figure is high here.

VIII Trafficking in Men in Serbia

In accordance with the theoretical assumptions regarding the facts of trafficking in male migrants as well as according to empiric knowledge so far in this domain, it has been assumed that the study of trafficking in men in Serbia would affirm that Serbia presents a dominant country for transfer of migrants from the Afro-Asian complex (Near, Middle and Far East as well as North Africa) for the purpose of labour exploitation in the West. In relation to this, and having in mind that trafficking in male migrants in its appearance can hardly be differentiated from the smuggling of people prior to migrants' arrival to the country of their destination where they may possibly end as victims of forced labour, enslavement or by the taking away of their organs, it has been expected that this study would provide far more information regarding indirect than regarding direct indicators of trafficking in people (above all, on male migrants' smuggling).

Further, it has been assumed that Serbia represents also the country of origin to illegal migrants who may become victims of trafficking for the purpose of forced labour in Western countries. In that sense it has been counted not only with collecting direct indicators of the distribution of trafficking in men in, across and from Serbia as well as within its borders but also on some of "thrusting" factors towards alternative labour markets in the country and outside its borders (smuggling, prevalence of labour under illegal circumstances and begging).

One of the fundamental targets of the research of trafficking in people relates to the examination of the hypothesis of Serbia as a potential destination country for trafficking in people for the purpose of forced labour. In connection to this, information has been gathered not only on direct but also on indirect indicators of this phenomena — prevalence of foreign citizens working illegally and begging.

Finally, not a less important aim related to the insight into the presence and the level of sensibility of respondents (policemen, prosecutors, judges, reporters, social care institutions' employees) to the trafficking in men problem which they could have encountered, directly or indirectly in their work.

VIII 1. Direct Indicators and Characteristics of Trafficking in Men

VIII 1.1. *Direct Indicators of the Prevalence, and Origin of Victims of Trafficking in Men*

The results of the study of trafficking in people in Serbia have shown that during the past two years five respondents, from Belgrade, Sombor and Subotica, have encountered the phenomenon of trafficking in adult men in the course of their work.¹²⁵

More precisely we are talking about nine cases in which over 100 adult men from China, Afghanistan, Romania, Iraq, Iran, Turkey, Pakistan, Bangladesh and Serbia have appeared as victims of trafficking in people. In addition to this, indirect or informal knowledge about concrete cases of trafficking in male migrants in 2002 and 2003 have been described by four respondents from Novi Pazar. These are several cases suspected to be trafficking of citizens of Serbia by luring them to work in western countries, where once there they fall victims to forced labour and enslavement.

All respondents who had concrete professional experience with the phenomenon of trafficking in adult men were police inspectors, excluding a female activist of the NGO ASTRA from Belgrade who described a case of a local citizen — victim of trafficking in people and a reporter of “Danas” daily from Belgrade who described a case of trafficking with 10 Romanian migrants as victims.

According to the belief of our respondents, each case of trafficking in adult people, known to them either from direct or indirect experience, has been carried out for the purpose of labour exploitation. However, some of the respondents pointed out to the possibility that some of male migrants movements through Serbia had sexual exploitation as their aim, or stealing of organs, which has become a rather immanent phenomenon recently. Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Admi-

¹²⁵ Having in mind that incrimination of trafficking in people had been introduced by changes and additions of the Criminal Code of the Republic of Serbia on 11th April 2003, shortly before this research began — only in one case (of May 2003), where six adult male Chinese citizens (accompanied by two female Chinese citizens) appeared as victims of trafficking in people, where the charges brought for the offence of trafficking in people from the article 111b of the Criminal Code of the Republic of Serbia. In all other cases, criminal charges for other offences were brought against possible perpetrators, most often for the illicit crossing of the state border from the article 249, page 2 of the Criminal Code of the Republic of Serbia or for association for the purpose of perpetrating offences stipulated by the Federal Law (article 254u v Article 249 page 2 of the Criminal Code of the Republic of Serbia). In all these cases, based on their knowledge, respondents expressed their belief that the described cases were practically cases of male migrant trafficking.

nistration, for Foreigners and Administrative Affairs, expressed his knowledge on these phenomena by following words:

“Men from East European countries transit Serbia according to the same principles (as women from these countries). Only a few of them are aware that they will be sexually exploited, since they are only in search of a good job — mostly work in oil plants or construction sites (men apply to those advertisements) They get exploited by labouring under most difficult conditions, in return for minimal wages, live in inadequate accommodation, get transferred to destinations in a most inhuman way. It also happens that once they reach their destination, they end up imprisoned and forced to sell their kidney. For example, Moldavians sell their kidneys for 1500—2000 Euros, which later resold at a considerably higher price...”

As for the national composition of the victims of trafficking in people that were described by our respondents based on their own direct professional experience, prevailing are individuals originating from Iran (several dozens), Afghanistan (32). Turkey and Iraq (several dozens Kurds) followed by victims — citizens of China (14), Romania (10), Pakistan (7), Bangladesh (3) and Serbia (1). As a rule, victims of trafficking in people are young, fit working men in their twenties and thirties. According to the evidence given by respondents, the majority of victims, albeit not all of them, were very poorly educated, without the knowledge of foreign languages, non-qualified and semi-qualified labourers.

VIII 1.2. *Routes and Organization of Trafficking in Men*

According to the information relating to direct indicators of the trafficking in people phenomenon provided by this research, it can be concluded that for the past two years Serbia has primarily served as a transit country for male migrants' trafficking and only secondary a country of victims' origin. None of the respondents had any knowledge about direct indicators of adult trafficking in men in Serbia as a destination country, or adult trafficking in men within the country itself. In all cases described, the migrant victims of trafficking were from Afghanistan, Iraq, Iran, Turkey, China, Romania, Pakistan and Bangladesh. They were smuggled in the direction of Hungary¹²⁶ or Croatia towards

¹²⁶ According to the data provided by the International Labour Organisation, men — victims of trafficking in people with the purpose of forced labour who are transferred via Hungary to Western European countries, mostly come from Afghanistan, Bangladesh, Iraq and Pakistan. Source: ILO (2002) “Forced Labour, Child Labour and Human Trafficking in Europe: An ILO Perspective”, op. cit. p. 7.

Western countries among which Germany, Italy and Great Britain are designated as final destination countries. Male trafficking victims' roads of transfer lead mostly between the borders of Serbia and Bulgaria (near Zajecar) and Serbia and Romania (near Vrsac, around Veliko Gradište and Bela Crkva) at their entrance and borders with Hungary (Subotica) and Croatia (Sid) at their exit from Serbia.¹²⁷ Transport is mostly done by land routes using various means of transport (vans, cars, buses, by foot) or by river traffic (across the Danube). Crossing of borders at both entrance and exit from the country has been performed in both formally legal and various illegal ways: by crossing borders outside the official border crossing points or at the official border crossing points but with forged travel documents, forged letters of guarantee, invitation letters and tourist vouchers. A representative of the Department for Prevention of Organised Crime within the Serbian Ministry of Interior regarding those roads says:

"They enter through Bulgaria, Romania — there gathering centres exist where immigrants are sheltered. Especially famous are the so-called Zajecar and Vrsac group which transport them. They arrive by land route — legally, with the aid of invitation letters, and exit in most cases illegally. They also arrive by plane, via Slatina airport in the vicinity of Pristina or Belgrade Airport. From Turkey they arrive via tourist agencies — to Pristina and from there illegally for Podgorica, Sarajevo, Belgrade. A number of them enter via "green line" — illegally — by crossing the border by foot. There are sheltering houses near each border, from where they reach the highway and then get transferred by trucks. Romanian border is especially critical, Vrsac the most. Danube also plays a part — they are transported by boats. At some points Danube is so narrow that can be crossed by a boat in 3—4 minutes... For the exit of the country, especially popular are crossings of Hungarian border, Sombor, Subotica... At the border with Croatia, especially known is Sid — victims continue further through Croatia to Western Europe".

Respondents who described trafficking in male migrants have expressed their knowledge about the organisation of this criminal activity. They have stressed the trans-national inter-linking of criminals and criminal groups, horizontal and vertical systematisation of jobs and roles as well as the organizational involvement of citizens of the country of victim's origin, temporarily residing in Serbia. One of our respondents described a case of trafficking in Chinese migrants that happened in March 2003 as follows:

¹²⁷ Trafficking in men and smuggling roads are shown on a map enclosed in the Appendix.

“The Police received information that a group of Chinese citizens were getting ready to leave Serbia illegally. They were informed where the house was situated in which the Chinese were staying... and there they found 10 adult Chinese citizens, 2 or 3 women among them. Half of them had passports, the other half did not. The house was a weekend cottage and soon afterwards the owner was also found, citizen of our country...It was discovered that he had contacted a man suspected of organising transport of Chinese citizens and who cooperated with a Chinese man in Hungary... Police waited for the organiser to contact the guide and then they were both caught. The Chinese, on the other hand, legally entered Serbia, via Russia (to Moscow and from there by a regular air line to Belgrade). At the Belgrade airport they were greeted by their compatriot with Serbian residency permit. Everything had been arranged previously while still in China. The final destination should have been London... Citizens of our country, in this chain do their part of the “business” by handing over the Chinese to the man in Hungary, who transports them further to Budapest from where again, via Slovakia, Austria and Slovenia they reach the countries of Western Europe. Via Slovakia they reach Germany, via Austria — Switzerland, France and England. Some Chinese pay for the trip whilst still in China with the sum depending on the destination country, but mostly around USD 10.000. It happens that families collect money to send their only member to Europe where he then works illegally and pays off the trip fee while barely surviving on the rest of his wages...”

In connection with the case revealed in Belgrade on 11th May 2003, with eight adult citizens of China (six men and two women) as victims, charges have been brought at the County Court of Belgrade against a Chinese citizen suspected of forging identity papers and organisation of transfer of Chinese migrants from Romania to Belgrade, for the criminal act of trafficking in people from Article 111b of the Criminal Code of the Republic of Serbia. At the time of the research, police was still looking for one Chinese and several citizens of Serbia and Montenegro suspected as accomplices. In this particular case, trafficking in Chinese migrants was performed with the aim of labour exploitation in Italy (as a country of temporary or final destination) and the transfer was supposed to be via Croatia. In the Information on Organised Trafficking in People and Prostitution of Women in 2002 and the first five months of 2003 at the territory of Federal Police Department in Belgrade¹²⁸ issued by The Press Office of the Belgrade Police, it is mentioned that upon di-

¹²⁸ [www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/\\$FILE/b_roblje_prostit_skr.doc](http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/$FILE/b_roblje_prostit_skr.doc).

discovering this case, “more than 50 Chinese travel documents were found, among which diplomatic and business passports as well as Japanese passports” and one of Chinese perpetrators caught, a 22 year old man who had been living in ‘Belgrade and other Serbian towns for two years working in catering and commerce.

In all other events described by respondents included in this study, criminal charges against organisers have been brought for other criminal offences, most often for illicit crossing of the state border (act 249, paragraph 2 Criminal Code of the Federal Republic of Yugoslavia) or association with the purpose of performing criminal acts stipulated by the Federal Law (act 245, paragraph 1, Criminal Code of the Federal Republic of Yugoslavia in connection with act. 249, paragraph 2 of the Criminal Code of the Federal Republic of Yugoslavia) while victims were disciplined for legal offence for violation of the rule from the Law on Border Crossing and Movement in the Border Area and the Law on Movement and Residence. Of Foreigners (for illicit border crossing, non possession of travel documents, failure to report residence, etc.).

According to the information gathered by this research, Serbia also appears to a certain extent as a country of trafficking in people victims’ origin: based on descriptions by the respondents who had the knowledge of organized chain of smuggling and labour exploitation of citizens of the Republic of Serbia in the countries of Western Europe, it can be concluded that ways of trafficking in male migrants from Serbia most often lead to Germany, Austria and Italy, as final destination countries in which they fall victims to labour exploitation or forced labour. In relation to this, a respondent stated:

“I know a case of a large number of people who were smuggled to countries of Western Europe to join the work force. Namely, in most cases to Germany, Austria, Italy... There are also organised groups who smuggle women and men across the border in return for a fee. Many of those people have been cheated, their money taken and they were not transported over the border. Those who do manage to cross the border get employed illegally by their fellow compatriots. They work and hide, sometimes 2—3 months without any wages since they owe this to their employers for accommodation and food. This debt is accompanied by interest, resulting in them often working a year only for food and accommodation (a room which they share with 15 other people sometimes).”

Victims are almost always allured by the promise of a good job and fast and considerable profit. A respondent who had informal knowledge on “the smuggling of male migrants for the purpose of illegal labour” from Serbia to western European countries, gave the following description:

“Men are easily recruited by compatriots’ promise of great profits. There are people who introduce themselves as building contractors abroad (in Germany, Austria, Switzerland), they provide forged visas and other travel documents and in return for a certain fee, which does not always have to be paid immediately (sometimes they make a kind of a written contract) take those men with them. It happens that those people work several months without being paid, even those who are not in debt bondage... victims of smuggling for the purpose of illegal labour are most often men 25 to 40 years of age. Mostly citizens of Serbia, Montenegro, Turkey and Albania. Among them there are many men from Sandzak.”

Indication that Sandzak could be the area where the recruitment of men for work abroad is especially prominent, has been provided by other respondents as well. One of them, while telling of his indirect knowledge on exploitation and forced labour of citizens of the Republic of Serbia in Western European countries, among the rest added:

“I know several cases of men borrowing money (2000 to 3000 Euro) to be transferred illegally, most often to the countries of Western Europe. There they are provided work by the “employers”. They work several months for those employers, sometimes even a year, in the beginning they receive one or two salaries and then, the “employers” start promising that the rest will be paid at the end, upon finishing their work. Those promises turn out to be empty; workers do not dare report their employers, being themselves without work permits. Sometimes they are happy if the “employers” do not turn them over to the police who would deport them. In most cases those men left their families at home in a very difficult financial situation... And there are “employers” who offer jobs abroad promising everything. They take a group of people, arrange visas for them free of charge and so they end up being forced to work without being paid. Since the employer holds all documents and they themselves have no money, they are left with no choice but to keep their mouth shut and work”

A case described by Marija Andjelkovic, law clerk at the City Magistrate Court in Belgrade and an activist of the NGO “ASTRA”, points to Italy as a destination country in trafficking in male migrants — citizens of Serbia. A young man who during 2002 called the SOS phone line for victims of trafficking in people and reported his own victimisation as he was forced to engage in criminal activity in Italy, in the meantime disappeared and Astra activists are still after any information regarding his fate.

Sensibility to the problem of trafficking in adult men was clearly visible only with a few respondents, mostly those who encountered this problem directly in the course of their work. Namely, only a couple of respondents pointed to the possibility that trafficking in male migrants really presents a serious problem, and that behind numerous cases of smuggling of people we are actually dealing with their own victimisation by trafficking in people. On the problem of differentiation between smuggling of people and trafficking in people, a representative of Belgrade police says:

“Trafficking in people is the result of financial situation — poverty, people from less developed parts of the world travel to more prosperous countries to work... Victims of trafficking are in a special position: not by their own will, but by deception and false promises or force, they end up in this situation. In the definition of the act itself, it says: “by using the special position” — meaning financial position, people accept anything just to be able to live better. It is hard to differentiate, prove whether the concrete case is actually trafficking in people or illegal migration... People try everything to enter a country where they will have better opportunities and this is used by organised criminal groups.”

The majority of respondents, however, see the illegal migration of male individuals exclusively as a problem connected to illicit border crossing or smuggling.¹²⁹ Therefore, asked about any knowledge on trafficking in men the following answers were received: “As regards men we can only talk of the cases of smuggling”, “I do not believe that men can be forced to do something they would not want to.” “It is hard to talk on trafficking in men since there is a high level of voluntarism there.” and similar, while a considerable number of respondents of both sexes implicitly but clearly expressed his/her understanding of the phenomenon of trafficking in people as gender based connecting it (in a concrete and hypothetical way) exclusively to victimisation of women.¹³⁰

¹²⁹ It has been observed that a large number of respondents (more than one third) explicitly and implicitly recognises trafficking in people as a phenomenon exclusively of trafficking in women and children with the purpose of sexual exploitation.

¹³⁰ It is a general conclusion that by far highest level of sensibility to recognising phenomena of trafficking in men among respondents has been shown by police officers and then journalists. Almost all interviewed policemen expressed clear understanding and differentiation of phenomena of trafficking in people and smuggling and by far less than other professional categories involved in this study, verbally expressed prejudices like “victims is to be blamed himself” in connection to trafficking in men.

VIII 2. Trafficking in Men: Indirect Indicators (Markers)

The fact that it is impossible to study any form of organized crime by implying traditional techniques is the reason why estimates on the distribution of trafficking in people have to rely on its indirect indicators — markers.¹³¹ The phenomenon of trafficking in people is hard to investigate based on direct indicators, not only because it is an organized criminal activity but also due to some other reasons. First of all, victims of trafficking in people, as a rule, are controlled by physical and psychical forms of coercion and therefore only in rare cases do they report their own victimisation. In addition to this, male victims of trafficking with the purpose of labour exploitation are, independently from external control, most often in hopeless situation controlled from “within”: by reporting the perpetrator, they would put themselves in danger having in mind their illegal sojourn in the country to which they wanted to come and would risk deportation, which would further lessen their total life choices as well as those of their families, making the situation worse than the one that preceded their decision to migrate. Pressure to stay in the destination country “at any price” becomes strongest exactly at the time when the victimisation starts taking place — critically high numbers of trafficking in male migrants are a component of this phenomenon that clearly calls for the need of indirect indicators, markers of this phenomenon to be examined.

Distribution of the smuggling of male migrants, illegal labour and adult male vagrancy were taken as markers of trafficking in men through/from/and to Serbia. These phenomena are in close association with the phenomenon of trafficking in people. Smuggling of migrants is a solid marker of trafficking in people most of all because it often precedes or coincides with trafficking. In addition to this, smuggled migrants do not have much choice in their destination country: their roads almost always lead to illegal labour market and the victimisation of being exposed to the risk of trafficking in people even in cases where they enter the country as free individuals.¹³² Further, smuggling is a problem arousing far more interest and sensibility in the countries of transfer and especially in the destination countries, since, in the broadest sense,

¹³¹ Nikolic-Ristanovic, V. (2003) “Trafficking in People and Organized Crime: definition of basic concept and methods of data collection”, in: V. Nikolic-Ristanovic, S. Copic and B. Mihic *Trafficking in People: Concept, Characteristics and Legislation*, Institute for Criminological and Sociological Research, unpublished.

¹³² By the words of Schloenhardt, “*They [illegal migrants] have no choice but to work illegally to survive. Many of the migrants find themselves in the black labour market, and, in more extreme cases, they engage, or are forced to engage, in criminal activities....* often organized by the same criminal group that brought them into the country.” Schloenhardt, A. (2001) “Migrant Trafficking and Regional Security”, op. cit. page 86.

smuggling of people is an act against the state (unlike trafficking in people which presents merely a human rights violation).¹³³ Due to that fact, far more empirical data on smuggling exist, based on which it is possible to make an estimate on phenomenal and other characteristics of trafficking in people. Finally, having in mind that with trafficking in men for the purpose of labour exploitation, victimisation in most cases practically begins only when the smuggled migrants arrive to their destination countries,¹³⁴ for investigation on the trafficking in male migrants in Serbia, which is primarily a transit country, information on the smuggling of male migrants can be of great importance.

Illegal work is strongly connected with the risk of trafficking in people, qualifying it as a strong mediator of this phenomenon. Firstly, illegal labour as well as work under illegal conditions, under certain circumstances can acquire forms of exploitation in the sense in which it is defined as an element of trafficking in people, and having in mind that the demand and offer of illegal labour are mediated by the illegal labour exchange which acts as a profitable “entrepreneurial activity” (whose vital interest is to “recruit, transport and smuggle” offerers of labouring services), it seems sufficiently justified to assume that a positive connection exists between the distribution of illegal labour and trafficking in people. Secondly, distribution of illegal labour serves as an indicator of the level of inaccessibility to rightful and legal jobs on the labour market as well as an indicator of country’s strength and the strength of its regulatory mechanism to guarantee fulfilment of basic rights to its citizens. In that sense, distribution of illegal labour is in fact an indicator of the level of inhabitants’ structural victimisation, weakness of financial and social position of the whole levels of underprivileged citizens (especially those low qualified ones) and as a consequence, their readiness to take a risk on alternative labour markets within their country and even more so in other, richer countries.¹³⁵

¹³³ A better efficiency of the state in catching perpetrators of trafficking in people for the purpose of labour exploitation would involve, among the rest, the need of extensive assistance (offering a possibility of temporary or permanent residence, financial support, legal, medical, psychological and social aid, etc.), restitution, reparations and rehabilitation of victims of trafficking in men by the destination countries (in which their victimization takes place, after all). These measures would, on the other side, serve to increase (non desirable) illegal economic migrations. This is one of the reasons due to which the “fight against trafficking in people” practically interferes with “the fight against people smuggling” with the latter turning out to be more prioritised as multiply effective, more useful and cheaper.

¹³⁴ See: Aronowitz, A.A. (2001) “Smuggling and Trafficking in Human Beings...”, op. cit. page 167.

¹³⁵ For a person who is not able to avoid working “illegally” in his/her own country, without a possibility to receive social insurance and medical care or other rights which belong to him based on his/her work, the decision to take a chance with alternative labour markets does not present a great risk at all. On the contrary: “pulling” factors in such case function a lot stronger than any perception of possible risks.

Organized begging is often considered a relatively profitable and low-risk criminal activity. On the other hand, its potential work force is numerous and without the choice, due to a difficult financial position and high social marginalisation. The profitability of organized begging, combined with the complete non-protection and hopeless situation of individuals who serve as organized beggars, leads to a potentially high dark figure of exploitation by forced begging as well as by trafficking. This further justifies examining the distribution of begging and especially the presence and spread of its organized forms as indirect indicators of these phenomena.

VIII 2.1. *Distribution and Criminal Characteristics of the Male Migrants Smuggling*

Results of the study of trafficking in people in Serbia confirm assumptions on distribution of male migrants smuggling: 15 respondents had direct knowledge of this phenomenon encountered in the course of their work. These were mostly police inspectors, magistrate judges, district court public prosecutors as well as district court judges from Belgrade, Nis, Zajecar and Subotica. For smuggling of male migrants, Serbia is primarily a country of transit towards the Western European countries: by cutting the male migrants smuggling chain through Serbia during 2002 and in the first half of 2003, several hundreds of illegal migrants have been caught.¹³⁶ In the Shelter for Foreigners in Padinska Skela (which temporarily shelters smuggled migrants found without any personal documents) only, 222 persons were admitted in the course of 2002, while during the first half of 2003, 177 illegal migrants mostly from Afghanistan, Tunis, Iraq, Iran, Turkey, China and Pakistan were sheltered.

Migrants enter Serbia as a transit country by various means of transport and in various ways: by air, land and river, by foot, either crossing the border illegally or entering in a formally legal way. In connection to this, the Report on the Activities of the Ministry of Interior of the Republic of Serbia in 2001 quotes as follows: "It has been noted that the citizens of Afro-Asian countries often use invitation letters of local companies posing as business people in order to be granted Yugoslav

¹³⁶ In the report on the activities of the Ministry of Interior of the Republic of Serbia in 2002 it is stated that during 2002 on the territory of the Republic of Serbia "15 channels for illegal transfer of foreign citizens were cut and 289 individuals uncovered (91 Afghans, 70 Iraqis, 57 Turks, 20 Iranians, 19 Tunisians, and so on)" It has been estimated that "cutting off these channels prevented the entry of over 1000 possible illegal migrants whose destination countries were countries of Western Europe".

[http://www.mup.sr.gov.yu/domino/skzn.nsf/fc/fc9e82a3073a74fac1256c3200393d62/\\$FILE/izvestaj2002.doc](http://www.mup.sr.gov.yu/domino/skzn.nsf/fc/fc9e82a3073a74fac1256c3200393d62/$FILE/izvestaj2002.doc)

visas and enter our country legally, only to be caught afterwards attempting to cross the border illegally with the purpose of further entry to the countries of the Western Europe."¹³⁷

Migrants who were using illegal channels on their way through Serbia towards Western Europe and who were known to respondents from their direct experience, in most cases entered Serbia illegally (or were smuggled in), crossing the border between Bulgaria¹³⁸ or Romania and Serbia hidden in a specially adapted trucks, transporters, car boots, boats across the Danube or by foot. However, we have gathered information that it is not a rare case that migrants enter the country legally, by regular airlines or land routes, with formally regular tourist or business visas.¹³⁹

Similar to trafficking routes, routes of male migrants smuggling through Serbia mostly lead from east towards west and northwest of the country, or from Serbian border with Bulgaria and Romania (around Negotin, Knjazevac, Zajecar, Vrsac and Donji Milanovac) upon their entry and Subotica, Sombor (towards Hungary) Sid (towards Croatia) or Sabac (towards Bosnia and Herzegovina) upon their exit from Serbia. Absolutely most endangered in that sense are the borders of Serbia with Romania and Bulgaria at the entrance and the border with Hungary at the exit from the country: an estimate has been given by several respondents that for the past two years several thousands of migrants from the Middle and Far East have been smuggled towards the West of Europe using this route.

Having in mind the transit smuggling routes, particularly significant is the information provided by the respondents from Zajecar, Pozarevac (transit area for smuggling migrants from the direction of Romania and Bulgaria) and Subotica and Sombor (transit area at the exit towards Hungary). During 2002 and the first five months of 2003, respondents from Zajecar encountered ten cases of male migrants smuggling in organized attempts at illicit border crossing in groups of among 15 to 20 people from Afghanistan, Iraq and Iran who entered the territory of Serbia from Bulgaria. A respondent who shared his knowledge on male migrants smuggling via Serbia added the following:

¹³⁷ Can be viewed at

[http://www.mup.sr.gov.yu/domino/02arh.nsf/5e2a05a384a84a4dc1256c3e0052e9de/\\$FILE/izvestaj.doc](http://www.mup.sr.gov.yu/domino/02arh.nsf/5e2a05a384a84a4dc1256c3e0052e9de/$FILE/izvestaj.doc).

¹³⁸ Several examinees pointed to camps ("gathering centres") for illegal migrants in Bulgaria, in which a market for illegal transfer services functions in an informal way and where "the price is known for individual as well as group smuggling".

¹³⁹ Cases have been described in which smuggling of people from the East to the West had been organised by persons from the migrants' countries of origin (Pakistan, China) who temporarily lived in Serbia where they would open "phantom" companies, based on which they would send invitation letters to their compatriots in order for them to obtain visas and enter Serbia legally. Then, they would be transferred, illegally, further, most often to Italy across Croatia and Slovenia or other Western European countries via Hungary.

“Victims have entered Serbia via Bulgaria and further following determined channel-points to Subotica, from where, again illegally, they cross to Hungary. In Bulgaria there are so called camps for sheltering smuggled people who also receive a refugee status and their accommodation and food are provided. However, victims contact people who transfer them further, to Serbia and from there to the West... Organized groups of smuggled people cross border illegally at border crossings or outside of them, mostly in trucks, cars, transporters, aboard ships while a number of them cross borders by foot being led by a guide — they are met at the other side by a “contact person”. Sometimes they cross several miles by foot through forests. To be assisted in their attempt to reach certain countries of the West Europe, victims pay between USD 3000—5000.”

A case of smuggling of migrants via Serbia revealed in the territory of Pozarevac municipality in 2002 has been described by a respondent who had a direct professional experience in connection with it:

“In 2002 we discovered a case of smuggling of 43 adult men: 23 Tunisians and 20 Afghans. Prior to their arrival to Serbia they took shelter in a refugee camp in Bulgaria. Of the total group of 43 of them, 33 possessed refugee ID cards while the rest 10 possessed no documents at all. Due to the difficult conditions in the refugee camp, with the aid of connections from Bulgaria and Serbia they paid to be assisted to cross the border by foot. In a village on our side of the border there is a gathering centre. From there they were transported in two vans loaded with wood which had been purchased by their transporters from the Department for Forests for the purpose of camouflage. They were supposed to reach Hungarian border. However, they were stopped by the traffic police as part of their regular check ups, near the highway branching on for Pozarevac. The drivers missed the road and traffic police suspected they were smuggling goods. Among wood that was transported, the traffic police discovered also hidden passengers who were arrested and sent to prison for 10 days. They were all in possession of money, between 10 and 600 dollars. After serving the sentence, all 43 were handed to the High Commissariat of UN for refugees while criminal charges have been brought against organizers and transporters.”

“Mokranje” border crossing between Bulgaria and Romania (near Negotin), according to the testimony of a respondent, is the one used most for migrants’ illegal crossing.

“The territory there is very convenient for all sorts of machinations, smuggling and trafficking in people. Densely populated, very forested.

Excellent conditions for illicit border crossings... Two additional directions are used: Majdanpek—Kucevo and further towards Belgrade—Nis highway and the other — Donji Milanovac—Golubac—Veliko Gradiste—Poza-revac highway. These are ways used also by women and Afro-asylants.”

This study, among the rest, confirmed the rule that smuggled migrants are at high risk of various forms of victimisation on their way to a “Better Future”. According to some respondents’ testimony, “guides” usually take away money from smuggled people for “security reasons”. It often happens that they run away, leaving their victims cheated and robbed of their possessions. A respondent who described a case of smuggling a group of Iraqi migrants caught in the territory of Serbia in 2003, added:

“A group has been caught of 8 Iraqis who planned to cross the border towards Hungary, having spent time prior to that in a camp in Bulgaria as refugees following the events in Iraq. They paid USD3000 each to a Bulgarian citizen who transferred them in a lorry across Bulgarian border. He tricked Iraqis by telling them they were crossing a border with Hungary then with another country and yet with another one every time they passed a toll payment point or something similar. Finally he left them in a field in the municipality of Sombor informing them they arrived to Germany. You could see that Iraqis were extremely poor. When they do reach Germany it often happens that they sell their kidney for USD 4000—5000 to cover those travel expenses, transport and similar. The same kidney reaches later the price of USD 120000.”

Belgrade journalist Vanja Bulic, editor in chief of the “BK Television” satellite program, described his knowledge of the risks that smuggled people are exposed to as follows:

“A smuggler who was a guest in my program, talked about his business of transporting Kurds from Turkish border to Greece by a boat. The profit was USD 2000 per smuggled person. According to his words, if a boat sank — it sank. An unbelievable story indeed.... He also said that they would beat them with rows in order to get rid of those who were excessive to prevent the boat from sinking....”

All respondents who had direct or indirect knowledge on male migrants smuggling expressed their belief that Serbia rarely appears in such cases as a country of destination. Even though illegal entries to Serbia of migrants from Romania, Bulgaria, Bosnia and Herzegovina and Macedonia with the aim of working illegally are not such a rare ca-

se, according to respondents' opinion, these are in most cases not carried out in an organised way.¹⁴⁰

On the phenomenon and ways of smuggling migrants from Serbia as the country of origin, respondents included in this study almost had no knowledge or disposed of only uncertain and informal information. One of them who did have the knowledge of this phenomenon said:

“Our migrants travel towards the countries of Western Europe. Destination countries are in most cases: Germany, Austria, Switzerland and Italy. They use various ways to get there. From Serbia and Montenegro via Hungary they reach Italy, via France they arrive to Germany or from Hungary to Austria and then Germany. The third route is Hungary—Slovakia—Czech Republic—Germany...”

Smuggled male migrants, according to testimonies of our respondents, are mostly younger individuals, capable of working, between 20 and 40 years of age, relatively low educational level and most often without the knowledge of any foreign languages. In all cases where groups of smuggled migrants were discovered, smuggled persons were fined for violation of the rule from the Law on Border Crossing and Movement in the Border Zone or the Law on Movement and Residence of Foreigners, along with pronouncing protective measures of deporting foreigners from the territory of the country, as stipulated by the Law on Misdemeanour which violate the Federal Rules.¹⁴¹

Organisers of smuggling and other perpetrators in the organizational chain caught in the territory of Serbia, have all been accused of offence of illicit border crossing or association for the purpose of performing this offence. According to our respondents' testimonies, perpetrators are in most cases local citizens, males, between 25 and 40 years of age, with a criminal record and involved in other forms of organized criminal activities, such as: black-marketing and smuggling of arms, petrol, drugs and motor vehicles. Some respondents stressed that in these cases we are practically dealing with the same group of perpetrators as well as the same methods of smuggling. Criminal groups dealing with organisation of smuggling of people are interwoven on a regional and trans-national level and in most cases are not specialised only in smuggling of people but are rather flexible and with changing business affin-

¹⁴⁰ According to certain recent estimates, Serbia appears as a destination country for some 10% of illegal migrants. See: SCEPP (2002) “Advisory Report on the Justice and Home Affairs in Yugoslavia/Serbia in the Context of the EU Stabilisation and Association Process”, final Report, Prepared by Gordana Ilic, Counselling Centre for Economy and Legal Issues, Belgrade, page 15.

¹⁴¹ Published in the “Official Gazette of the SFRY” issue 4/77, 36/77, 20/82, 14/85, 74/87, 57/89, 3/90, and 35/91 as well as “Official Gazette of the SFRY”, issue 27/92, 50/93, 24/94 and 35/91.

ities, depending on market demands and the calculation of profit and risk. As has been stressed by a respondent:

“Smuggling of people is organised on an international level, synchronised... Smuggled persons mostly move with organisers from Asian countries — Afghanistan, Iraq, Iran, China, across Turkey towards Bulgaria. In Bulgaria a large number of those people gather where they are issued refugee I.D. cards by the Agency for Refugees. In Bulgaria there are also many criminals who deal with smuggling of people, they offer those people their services of illegal transport to countries of Western Europe. Bulgarian criminals are closely connected with our and Hungarian criminals. They transport groups in organised ways and charge for their services for each country separately. There is a high level of trust here, since the consequences that they would have to bear should the action fail, would be dare. Money for the payment of these services is usually kept by the Bulgarian smugglers and only when they are informed from Hungary that the group has been transferred successfully, do they share the money with all other organizers of this business.”

The transport of people across the border itself is mostly done by local inhabitants of border areas, local drivers, persons who in most cases have no direct contacts with or knowledge of the main organisers. After crossing the border, illegal migrants are taken over by a “guide” and get transported further towards the north or northwestern borders at the exit of the country. According to descriptions of our respondents, guides most often get arrested together with victims although it is not a rare case that they travel separately, making it more difficult to catch them. Organisers at the “top” level and main smuggling profiteers are often out of reach of the organs of formal criminal control.

Most respondents are in no doubt that there is a connection between criminals and criminal groups organising smuggling of people and corrupt policemen, border officers, employees of consular sections, embassy staff, tourist agencies, transporters and other legal executioners. The problem of corruption at the level of customs and in the police, especially in border towns on both sides of borders between Serbia and Romania and Bulgaria, was pointed out by interviewed police officers: several of them stressed that the organisers of smuggling had “their own people” (corrupt customs officers and policemen) who expose all police actions before they even take place. In general, low efficiency in discovering smuggling of people is a circumstance that most respondents marked as a serious problem of our country. Speaking of that, Director of the Institute for Criminological and Sociological Research in Belgrade, Dobrivoje Radovanovic, PhD, says:

“Recently we have experienced a drop in the number of discovered migrants and smuggling of labour force. A strange phenomenon is apparent — destination countries register an increased influx of illegal labourers who passed via Serbia while simultaneously in our country we register decrease in their number. There is a large disproportion between the number of migrants who are waiting in dispensaries in Bulgaria and registered illegal entries to Serbia. The dark figure is therefore high. The number of illegal crossing via Serbia ranges from 800 to 2500 annually.”

Reasons for inefficiency in the control of smuggling of migrants via Serbia, as pointed out by our respondents are in the first place corruption of legal officers, lack of people and technical resources necessary for adequate control of borders by the police and Army of Serbia and Montenegro and insufficiently intensive cooperation between various organs of the state in the network of criminal control on both national and international level.

VIII 2.2. *Illegal Work and Begging — its Prevalence and Connection with Trafficking in Men*

Illegal work as a phenomenon has already been present in Serbia for more than a decade: since our country entered the period of socio-economic transition and selling of the so called “public property”, driven by pressures of “transitional profiteers” in search of fast capital accumulation on one side and the need for basic sustenance of “transitional losers” on the other, an informal order has been established in which labour exploitation of hundreds of thousands of people became a common occurrence, over the years tolerated and passively approved by the pauperised, weakened and criminalized state. In such a context, Serbia has become a country with a large illegal labour market: employers were encouraged by the low risk and a large black market labour force to offer alternative jobs and ever worse conditions of work while desperate workers, chronically desensitised to their rights to which they are entitled to based on their work, did not seek the legal protection they were and are due.¹⁴²

As has been expected, results of this study show that almost all respondents have mentioned illegal labour as a very serious and very widespread phenomenon in Serbia: when talking about illegal labour of

¹⁴² According to the estimate made by the Republic of Serbia Minister for Labour and Employment, during 2002, some 600000 people worked illegally in Serbia. From the Minister’s statement, broadcasted by Tanjug on 8th November 2002, can be viewed at: http://www.mfa.gov.yu/Srpski/spopol/Bilateral/SAD/activities_s/081102_s.html.

local citizens of the male sex, it is a general estimate that it is especially widespread in the field of private entrepreneurship, mostly in construction and commerce section, agriculture and catering. Labour exploitation is performed, according to respondents' knowledge, by violating all rights based on work, including the right to earn, social and health care, right to daily rest hours, weekly rest days and holiday. Some of respondents described illegal labour in Serbia in general sense as a specific form of forced labour. According to the words of Predrag Vidanovic, of the Municipality Magistrate Court in Nis: "illegal labour is a form of forced labour since certain people are forced to work having no other choice, whereas on the other hand, employers abuse their situation and practically exploit employees who work without social security and pension contributions, social care or minimal wages. A considerable number of respondents mentioned an estimate that illegal labour during the previous decade has reached participation of 80—90% of the total labour market, and that by introducing a stricter former control of employers, this number has dropped over the last few years for some 50%.¹⁴³ According to the information received by respondents, during 2002, some 1000 employers were fined for employing illegal labourers in Belgrade, more than 300 of them in Novi Pazar, some 100 in Velika Plana and around 20 in Zajecar. All penalized employers were citizens of the Republic of Serbia, whereas workers whom they engaged were predominantly local citizens of both sexes, with the exception of a smaller number of foreign citizens (mostly Romanians and Bulgarians).

When talking about migration of workers with the purpose of illegal labour, Serbia appears not only as a country of transit from East to the West but also as a country of origin and to a smaller extent, destination of migrants. As destination countries for migrants from Serbia with the aim of illegal labour, respondents most often named Greece, Italy, Austria and Germany. According to the information provided by the respondents included in this study, migrants from Serbia most often get engaged for illegal labour in construction (Germany) and agriculture (Greece). In Serbia, however, according to the evidence of respondents included in this study, illegal labour of migrants from Romania, Bulgaria, Moldova, China, Bosnia and Herzegovina and Macedonia is present

¹⁴³ The Ministry for Labour and Employment of the Republic of Serbia during 2002 intensified their campaign of the stamping out of illegal labour — in addition to the preparation of a New Law on Employment and Insurance in Case of Unemployment which stipulates serious sanctions for the unemployed who accept to work illegally, control of employers by inspectors has been increased as well as fines for those who employ workers under illegal circumstances. In the public statement of the Ministry for Labour and Employment of the Republic of Serbia issued on 19th September 2002 it says: "number of workers who are registered with authorities by their employers has increased for almost 470% in relation to year 2000.. Thanks to fines introduced for illegal labour, influx of financial means into budget has increased for 813%." <http://www.srbija.sr.gov.yu/vesti/2002-09/19/329498.html>.

to a large extent. Romanian and Bulgarian workers most often get engaged for seasonal work on farms and for construction work, especially in the territory of east Serbia and Sumadia (Romanians) and in central and southern parts of the Republic (Bulgarians). Most often they enter the country legally (as visitors, tourists, seasonal workers), in smaller groups or individually. Romanian and Bulgarian citizens, engaged for seasonal physical labour, work illegally on farms or with private entrepreneurs in Serbia, in most cases for daily wages that range between Euro 5 and 15. However, according to some respondents, some of those workers work "only for food and accommodation" and they work "12, 13, 14 hours or more daily" in most cases "jobs for which it is hard to find manpower in Serbia itself". Several respondents pointed that, despite having the advantage of the cheaper work of Romanian workers, it happens that local employers after a job has been done, refuse to pay agreed wages and report workers to the police since their stay in the country is illegal.¹⁴⁴

Legal protection of immigrant-workers in Serbia is on a rather low level: despite the fact that it is widely known that thousands of immigrants perform illegal seasonal and other jobs all over Serbia, the state remains tolerant towards illegal labour by foreigners while at the same time absolutely passive in relation to their status which is completely at their employers mercy. Campaign for stamping out work under illegal conditions in Serbia, similarly to the situation in the West, relates exclusively to local work force. Talking about the attitudes of organs of the state toward foreign citizens who work illegally, one of our respondents says:

"An impression is gained that the authorities do not have any relation towards illegal labour of Romanian citizens. Almost everybody believes that their work brings more benefit than damage and everybody tolerates this phenomenon, which is not characteristic only of this period but has been present for decades."

Same impression has been shared by the majority of other respondents: local employers who employ foreign workers (especially employers on private farms and on construction sites) are very rarely sanctioned. Illegally working foreigners in Serbia are obviously characterized by a high unknown figure, while ignorance consequently also surrounds conditions under which they work.

¹⁴⁴ Nelson describes similar phenomenon in English villages in which employers report to authorities illegal migrants who worked on their land in case workers complain about low wages. According to: Ruggiero, V. (2000) *Crime and Markets: Essays in Anti-Criminology*, Oxford: oxford University Press, page 95.

Workers from Moldova in Serbia work most often on construction jobs all around the country, legally or illegally. According to the information gathered by this research they enter Serbia legally or illegally, in smaller or larger groups as into a country of temporary destination or transit on their way towards the West.¹⁴⁵ The story told by one of Moldovian illegal migrants who were interviewed, within the frame of this research, in the Shelter for Foreigners in Padinska Skela, is very indicative in relation to the problem of the connection between illegal labour and trafficking in people, since it relates to certain issues regarding factors of illegal migration, above all their relation with the situation on the formal and informal labour market in the country of origin as well as in the destination country:

“I was arrested for the attempt of crossing the border illicitly and for non-possession of travel documents in June 2003 by the military border patrol on the border crossing between Serbia and Croatia, together with my friend who is also from Moldova... We were crossing Romania, Serbia and Croatia on our way to Italy where we were supposed to work illegally at a building site... I am 40 now and become unemployed immediately after the disintegration of the USSR.... I wanted to go to Italy since I had been there before. I worked illegally in Turin as a construction worker and was earning very well (some USD 1000 a month). I was helped with the job search by some friends from Moldova, who are living in Italy in large numbers and who most often themselves work illegally... The situation in Moldova during the last decade has become unbearable: there are no conditions for bare sustenance, food is scarce and money is extremely difficult to earn. I have a wife and a 12-year old child and yet do not have a permanent job. I work only from time to time illegally as a mason, since the situation has been very difficult in Moldova since the disintegration of the Soviet Union and it is almost impossible to find a legal job... I would be most happy if by some miracle I could reach Italy or any other Western country where I could work and provide better life to my family...”

The decision to migrate by smuggling channels, relying on “compatriot-friends” in the destination country who themselves work illegally and intention to leave at any cost the country in which “there is no life”, to go “anywhere” where money could be earned, practically reflects some of possible close connections between limited access to the legal work market and life opportunities in the country of origin, alter-

¹⁴⁵ A respondent described a case of 25 male Moldovian citizens who, according to their own words, set off to Serbia with the purpose of finding work, only to be caught at the border with Hungary and refused entry due to irregular visas.

native markets for which, apart from others, mediators are “compatriots” (so called self victimisation phenomenon¹⁴⁶), smuggling and the risk of trafficking in people.

A person who succeeds to reach the destination country wishing to work “any job”, with very limited possibilities of communication due to the lack of foreign language skills and with very limited financial resources, is in fact inexorably referred to the illegal labour market, illegal jobs and “compatriots” who probably have some financial interest acting as “mediators” — in the best case, illegal immigrant “owes” to his “compatriots” (either favours or money) from the first moment of stepping on the destination’s country ground, if not even before. How thin the line is between such exposure to victimisation of trafficking in people and concrete victimisation, is a question of estimate.¹⁴⁷

For the territory of Novi Pazar Municipality it is characteristic that among economic sections where illegal labour exist, in addition to commerce, construction, catering and agriculture — industry is also present: some respondents have expressed their belief that illegal labour is undoubtedly present in Novi Pazar private factories, at least to some extent. Foreign workers who were engaged in illegal labour in this territory during 2002 and in the first half of 2003 mostly carried out seasonal jobs in agriculture and construction (workers were predominantly from Bulgaria and Romania).

Several respondents expressed their belief that many Chinese migrants in Serbia work illegally, not excluding the possibility of forced labour. However, they could not provide concrete information regarding this, stressing the problem of ethnic isolation within which possible victimisation of Chinese migrants exists. Having in mind the strict control of potential victims, possibilities of discovering these phenomena are dramatically limited. In relation to this, a respondent says:

¹⁴⁶ “Self Victimisation” Phenomenon has been described by Ruggiero explaining the victimisation of migrants in their destination country by ethnic criminal groups which function within migrant communities. (Ruggiero, V. (2000), op. cit.). Victimisation by one’s own compatriots in the destination country is one of the rules connected with trafficking in people, which has gained recognition also through the results of this study. Based on gathered information on people trafficking in Serbia as the country of victims’ origin and transit, “compatriots” play the roles of executioners of all functions from the description of people trafficking, starting from recruiting, through organisation of smuggling, mediation for illegal labour market, all the way to the labour exploitation itself, forced labour and holding victims in slave like position in destination country.

¹⁴⁷ Recent gender aspect research of trafficking in people from Moldova conducted by the International Labour Organization, has shown that men-victims are most often transported to employers in Germany, Greece, and Italy where they get engaged predominantly on construction work. In the destination country, they are first obliged to pay off by their work the travel expensed incurred. Once the job is finished, they are released but without wages or are threatened by deportation. Identified also are certain cases of migrant workers’ sale to employers — in those cases victims were brought in the situation where they had to “buy off” their own freedom. According: ILO (2002) “Forced Labour, Child-Labour and Human Trafficking in Europe: An ILO Perspective”, op. cit. pages 6—7.

“Regarding the Chinese (in Serbia) forced labour may be present but the dark figure is high. Chinese mafia arrived with the Chinese; there have been cases of abduction... Mafia organizes their transport to our country.”

Generally speaking, specific cases of forced labour of individuals of male sex have not been known to any of the respondents included in this research. However, in addition to the fear that forced labour victimisation is present among Chinese immigrant community in Serbia, some respondents have singled out the possibility of the presence of this kind of exploitation in cases of organised begging. Opinion that organized begging exists in Serbia with adult individuals of male sex taking part among the rest, was shared by approximately one third of respondents. Especially vulnerable categories among adult men are disabled persons, the homeless, Roma and refugees from areas affected by war in the territory of the ex-Yugoslavia. Several respondents expressed their impression that among adult men who beg in Serbia (mostly in Belgrade) there are people with residence in other places within the country, as well as foreign citizens (mostly Romanians). Begging by local and foreign migrants, most of respondents observed as “institutionalised” and “organised”,¹⁴⁸ despite the fact that they were not able to support their observation with concrete indicators of dimensions and characteristics of these phenomena¹⁴⁹ Dragan Grinvald, Director of the Gerontology Centre — Shelter for Adults in Belgrade, expressed some of his knowledge of the organised and migrant begging phenomena with the following words:

“According to our estimates, 80% of beggars are begging in a professional and organised way — begging is a very profitable business. Beggars mostly work in groups of 10 to 15. Every beggar is to obtain from begging some 100 Euros daily, which means that a group obtains 1500 Euros daily by begging, which is a considerable sum. Beggars are organised by territory. Brutal rules exist that beggars have to abide by: if not — the

¹⁴⁸ Their assumptions on the existence of organised forms of begging, respondents have mostly founded on their direct and informal observance: namely, several of them stated that they had a chance to witness beggars being “transported to”, “distributed” and “gathered” in certain hours and on certain places in the city.

¹⁴⁹ It has become a general practice for begging, as a violation of Article 12 of the Law on Public Order and Peace of the Republic of Serbia, to be penalized in rare cases, having in mind that state organs have a rather tolerant attitudes toward this phenomenon, “due to a general situation”. Therefore, it is very difficult to offer any estimates on distribution of begging, organised begging and possible victimisation of adult men (local as well as foreign) by forced begging. However, it should be noted that the majority of examinees who expressed their belief that begging is to a large extent carried out in an organised way, gave positive answer on the risk of victimisation by forced begging.

punishment is cruel and in front of everybody, as a lesson to others... Towns from which the majority of beggars are recruited are: Zvornik, Sremska Mitrovica, Tutin, Vlasenica, south Serbia... In recent years an invasion of beggars from Romania has been observed, becoming a serious competition to local beggars... Conflicts with the so-called freelancers — those who beg out of necessity, are frequent. There are categories of tavern beggars, tourist beggars (during tourist season a large number of beggars leave for the seaside and other tourist resorts) and foreign currency beggars (two-three families, mostly Roma with many children, gather and leave for Italy and Austria to beg there). Prior to departure they become acquainted with the laws of the country of their destination and have some sort of education. In the destination country their passports are taken away (although recently since the visa regime has become stricter, they have been crossing borders illegally). There in most cases they beg for one part of the day while during the other part, they cheat and steal..."

In general, begging is mostly prevalent in bigger cities of Serbia, especially in Belgrade. In smaller municipalities included in this study, the number of those registered and especially penalized ones are rather low and in 2002 ranged mostly under 10. Organised begging of adult men and certain presence of foreigners among beggars has been observed almost exclusively by the respondents from Belgrade,¹⁵⁰ even though certain doubts were expressed by some respondents from Novi Sad as relates to organised begging. According to the statement by Sonja Krajnovic, a pre-school pedagogue in the Youth Centre in Novi Sad, the operation of sheltering adult street beggars recently organised by the Gerontology Centre in Novi Sad, has been accompanied by anonymous threats to the Centre employees.

Among forms of adult men begging in Serbia, dominating are as follows: washing of windshields on crossroads, handing out pieces of paper asking for "aid to a handicapped person" in restaurants and cafés, pleading for a smaller sum of money "missing" to pay for transport back home "in the countryside", on bus and railway stations, and classic begging of adult, visibly handicapped men in busy city spots.

Despite the fact that the majority of respondents gave an estimate that "there are more women and children than adult men among beggars (including the cases of organized begging), gathered information shows that adult men absolutely dominate among the homeless: in the course of 2002 the Gerontology Centre — Shelter for Adults in Belgrade, according to the words of its Director, Dragan Grinvald, offered

¹⁵⁰ According to the information provided by Marija Andjelkovic, law clerk with the County Magistrate of Belgrade, on the territory of Belgrade during 2002, out of 1413 requests for bringing charges for begging, some ten related to foreign citizens (mostly Romanians and Bulgarians).

shelter to a number of homeless persons from the streets of Belgrade and Kalemegdan, mostly adult men, among whom there were handicapped persons and those suffering from mental disorders, and in the total number of beggars and the homeless sheltered in the Gerontology Centre, the number of men was double that of women.¹⁵¹

Having in mind all information gathered, risks of forced adult men begging is undoubtedly present in Serbia for both local citizens and foreigners. Participation of adult men among beggars, and especially those who belong to specially vulnerable categories (handicapped persons or those with mental disorders, the homeless and refugees) according to the above mentioned is not minor. In addition to this, observations of respondents speak in favour of assumptions that begging in Serbia, especially in larger cities, is performed to a great deal in an organised way. Organisation of begging on one side and involving of specially vulnerable categories of adult men, clearly implicate the existing risk of trafficking in people.

VIII 3. Conclusive and Overview: Serbia on the Road of Illegal Migrations and Trafficking in Men

Regardless of the fact that on the roads of illegal economic migrations Serbia represents primarily a transit country, which consequently limits the possibilities for an estimate of the distribution of male migrant trafficking, information on indirect indicators of the risks of trafficking in people, gathered by this research, still offers foundation for stating that problem exists and in a not irrelevant extent. Namely, these results point to the risk of trafficking in male migrants both in cases of smuggling via Serbia, and in cases of illegal economic migrations from Serbia as a country of origin and into Serbia as a destination country. Serbia is a country that undoubtedly still abounds in factors that favour illegal economic migration movement of people in all directions: inefficiency of both the control of the state border and the control of crime, favour transit. Financial difficulties of a country in transition as well as political insecurity still represent strong factors of “pushing” people from Serbia to set off in economic migration while the high demand for cheap seasonal work force results in the influx of worker-immigrants from some of our neighbouring countries into Serbia.

Even to this day some of the important routes of illegal economic migrations lead from Middle and Far East through Serbia towards

¹⁵¹ In the Shelter for Adult Persons in Belgrade, during 2002, among sheltered homeless people and beggars, there were 130 men and 77 women.

Western European countries (Germany, Italy, Austria, Switzerland, Great Britain and others). Trevor Pearce from The National Criminal Intelligence Department in Great Britain at one time named Bosnia and Herzegovina and Yugoslavia to be "the main Balkan countries for transit of illegal immigrants", As the most important factors for these circumstances, he named an inadequate border control system and "difficulties in the years following the disintegration of ex-Yugoslavia. He added: "These are the main countries, but transit happens via all European countries and people living in these territories should bear in mind that organized criminals will try to push people over any border that is easiest for them to cross."¹⁵² Adequate control of no less than six state borders (with Hungary, Romania, Bulgaria, Macedonia, Bosnia and Herzegovina and Croatia) and two administrative borders (with Montenegro and Kosovo which are currently under the protectorate of the United Nations) which, according to all information available, are all more or less intensively used for illegal migrations of men, women and children, for years now has not been an easy task for Serbia. Corruption in the police and among customs officials, relatively high receptiveness of the pauperised local inhabitants for "opportunity criminal" plus easy and high profit for getting migrants across the border, existence of organizational infrastructure for smuggling of all kinds which has been operating smoothly ever since the war conflicts in the territory of the former Yugoslavia, border police suffering from the lack of staff and technical equipment and weak cooperation with neighbouring countries regarding the control of international borders, explain for the fact that an extremely high black market figure does not represent a phenomenon only for trafficking of male migrants via Serbia, but also for smuggling of people itself.

Inefficient control of borders with Bulgaria, Romania and Hungary, which are also considered as "ideal" "gathering" and transit countries for smuggling migrants from a number of countries of the Afro-Asian complex, is no doubt a main precondition for Serbia to remain at the top of the "most desirable" transit countries of the Balkans for smuggling of people and goods by routes that connect Asia and Europe.¹⁵³ Kurds from Turkey, Chinese, Iranians, Pakistanians, Iraqis, Afghans and Bangladeshians who for a number of years have been the majority of Asian immigrants to the countries of European Union, during recent

¹⁵² Quotations according: Vintleanu, I., Babovic, B. (ur.) (2001) *Smuggling of People, Smuggling of Women and Children*, Belgrade, Centre for Advancement of Legal Studies, page 153.

¹⁵³ SCEPP (2002) "Advisory Report on the Justice and Home Affairs in Yugoslavia...", *op. cit.* page 15: Jane's Information Group, "People trafficking: Europe's new problem", Jane's Information Group, September 23, 2000.

http://www.fsa.ulaval.ca/personnel/vernag/EH/F/noir/lectu res/people_trafficking_europe.htm.

years, and in more recent time, have been smuggled via Serbia by different routes and in different ways, despite the fact that the Ministry of Interior or the Republic of Serbia in recent years has undertaken various organisational and practical measures and activities with the purpose of increasing the qualities of its own men, financial and other resources and cooperation with the police of neighbouring and other countries with the aim of stronger border control and stamping out trafficking and smuggling of people.¹⁵⁴ Undoubtedly, some long time ago installed and well worked out organisation networks, ways and routes of smuggling of people have remained resistant to said measures.

Having said this, special attention should be drawn to the problem of illegal migrations of Chinese citizens through Serbia: estimates are that Serbia during the period of Milosevic's regime became the "most popular" and "easily accessed" entrance to Europe for Chinese immigrants.¹⁵⁵ It is believed that, due to the special relations nourished between the Chinese establishment and Milosevic's regime, during the second half of the 90's, tens of thousands of "tourist visas" were issued to Chinese citizens and that in those days, every week two to three planes would land on Belgrade airport full of passengers from Beijing — the same planes would be returning to China almost completely empty.¹⁵⁶ Despite the fact that in 2002 the direct line Belgrade—Beijing was cancelled, channels for illegal migration of Chinese citizens via Serbia, as it seems, survived and the transfer has partly been moved to Moscow—Belgrade air route. For Chinese migrants, Serbia is a country of transit towards the Western European countries which they enter illegally: the most used route is via Hungary to Austria.¹⁵⁷ The experience of Hungary itself, which is seriously facing the problem of illegal migrations of Chinese citizens not only due to its geographical position but also thanks to the fact that in Hungary a relatively numerous and strong community of Chinese immigrants exists, within which ethnic criminal groups act,¹⁵⁸ is sufficiently indicative for Serbia as well. Having in mind that the community of Chinese immigrants in Serbia num-

¹⁵⁴ See: Reports on the Activities of the Ministry of Interior of the Republic of Serbia in 2001 and 2002 and the Information on the State of Security on the Territory of the Republic of Serbia and Results Accomplished by the Work of the Ministry of Interior of the Republic of Serbia in the period from 1st January to 30th June 2003. Op. cit.

¹⁵⁵ Centre for the Study of Democracy (2002) "Smuggling in Southeast Europe", CSD Reports 10, page 47, <http://www.csd.bg/publications/book10/smuggling.eng.pdf>.

¹⁵⁶ *ibidem*, page 49.

¹⁵⁷ In June 2000, the Hungarian Minister of Interior, Sandor Pinter, informed that "during recent months an average of 100—150 Chinese citizens have been arrested in attempts to illegally enter the country from Serbia." According to Jane's Information Group, "People trafficking: Europe's new problem", op. cit.

¹⁵⁸ It has been observed in Hungary that Chinese Mafia return travel documents of legal immigrants to China, to be used for smuggling of new immigrants. According: *ibidem*.

bers several tens of thousands of people, and taking into account the rule that with the immigration waves into the country of temporary or final destination criminal organisations from the country of origin arrive as well,¹⁵⁹ it is possible that Serbia also faces seriously not only the problem of smuggling and transit on the way of trafficking in people,¹⁶⁰ but also possibility that labour exploitation, debtor and forced labour of Chinese immigrants are performed to a certain extent in Serbia itself as a country of temporary destination.¹⁶¹

Theoretical assumptions and practical observations that smuggling of male migrants is organised by criminal groups that already have experience with smuggling or drugs, arms or “assistance” to war refugees in leaving dangerous areas, were confirmed by this study as well: smuggling of people is carried out by the same “partners” on both sides of the border and same routes are used as in the case of goods smuggling.

Smuggling of male migrants via Serbia, meagre control and high porosity of international borders (especially the border of Serbia with Romania, Bulgaria and Hungary), were understood by the respondents from all parts of Serbia as very serious problems, especially by respondents from Zajecar, Subotica, Sombor and other towns in border regions who are directly faced with them.

According to the information gathered by this study, a conclusion can be drawn that, to a certain extent, Serbia is also a country of origin as well as a country of destination for illegal labourers. In both cases, we are dealing with jobs in the same fields: agriculture and construction. For illegal labour there is a demand and offer of mostly cheap, low qualified work force, engaged to do physical jobs (masonry, digging channels, picking fruit, tending cattle, etc). While illegal labourers from Serbia mostly leave for Germany, Austria, Italy and Greece, in Serbia itself mostly immigrants from Romania, Bulgaria and more rare, Moldova work.

¹⁵⁹ Regarding this: Freeman, R., Andreas, P. ed. (1999) *The Illicit Global Economy and State Power*, Lanham, Boulder, New York and Oxford: Rowman and Littlefield Publishers, inc.: Nikolic-Ristanovic, V. “Illegal markets, human trade and transactional organised crime”, op. cit, and others.

¹⁶⁰ Previously described event of 11th May 2003, which relates to the arrest of a Chinese citizen who had lived legally in Belgrade for two years, on the charges of organised trafficking of Chinese migrants with the purpose of labour exploitation, on which occasion some tens of forged passports and equipment for forging documents were confiscated, strongly confirms these doubts.

¹⁶¹ This assumption has been strengthened by the fact that in most cases it is not possible to carry out the transfer to destination country according to envisaged plan but depending on a specific course of events, “security” and other circumstances. It is an empiric fact that a transfer of illegal migrants into the same country of destination can vary from several days to several months or even years: in that sense, countries through which this transport is carried out turn also to places in which victimization of people trafficking (forced labour or some other form of exploitation) may begin in a specific sense as well.

Information gathered on this occasion regarding the illegal labour of our citizens in Western European countries, points to the possibility that their labour exploitation is carried out by mediation of or within "ethnic circles" or "immigrant communities of persons originating from Serbia in the countries of destination". To look for illegal labour abroad, workers are often recruited by "cousins", "acquaintances" and "compatriots", not rarely only to find themselves cruelly exploited and exposed to forced labour in destination countries.

As a country of destination to thousands of immigrant workers from Romania and Bulgaria, and at the same time as a country with meagre system of law protection of immigrant workers, Serbia is potentially also a country within which there is a certain risk or trafficking in people for the purpose of labour exploitation. In that sense, especially indicative are data on illegal labour of Romanian immigrants in Serbia. Despite the fact that no specific information on coupling of smugglers and employers has been gathered by this research, nor information on forced labour or keeping immigrant labourers in debtor bondage, there are hints that such phenomena exist, especially having in mind the information received on hours of work, value of wages, accommodation and treatment of immigrant workers. In Serbia there is relatively high demand for cheap work force (especially the seasonal one), mostly in agriculture and construction. Indeed, many employers prefer to employ an immigrant in order to be able to lower the wages to a minimal level and exploit their work in other ways using the advantages stemming from their unprotected status. Such circumstances produce very dangerous foundations for existence of trafficking in people and it is realistic to assume that some of traffickers function through numerous informal seasonal labour markets in Serbia which offer work to citizens of neighbouring countries in Serbia, as well as Serbian citizens in Western European countries, most of all Greece, Italy and Germany.

Information gathered on adult men begging in Serbia points to the risk of exploitation by forced begging especially of the homeless and handicapped persons. International seasonal migrations of beggars, as well as a certain presence of beggars from other countries (Romania, Bulgaria, etc), strengthen assumptions that adult men begging is to a certain extent carried out in an organised way and that many of beggars are potential victims of forced begging and then highly exposed to the risk of trafficking in people victimisation.

IX Individuals and Criminal Groups involved in Trafficking in People

According to the words of Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs, during 2002, 31 criminal charges were brought against 47 persons (owners of restaurants and other individuals), for the total of 62 offences in connection with trafficking in people, most of all for intermediation in exercising of prostitution (24), and unlawful deprivation of liberty (11). During the first five months in 2003, 9 criminal charges have been brought against 30 individuals for 72 offences committed. On the other hand, in the territory of Belgrade, according to the data of the Section for Foreigners within the Department of Border Police for Foreigners and Administration of the Belgrade Police, during the first six months of 2003, criminal charges were brought against 17 individuals for some 40 offences committed relating to trafficking in people.

So far, especially in the course of the operation "Saber", 20 people traffickers were temporarily arrested and several individuals from Jagodina, Novi Pazar and Kraljevo were detained.¹⁶² However, according to the words of a female respondent "the arrested represent only the tip of the iceberg, since a very well coordinated international team, most often under the leadership of the top level of organised crime itself deals with trafficking in women".

Having the above-mentioned in mind, a question is imposed of who the individuals and criminal groups involved in the chain of trafficking in people are, what their organisation is like and whether they are in any way connected to other forms of organised crime, on the one, and legal actors on the other hand. Here follows the analysis of the data gathered by the study in connection to these questions.

IX 1. Individuals involved in the Chain of Trafficking in People

Information regarding the individuals involved in the chain of trafficking in people has been obtained by the analyses of specific cases

¹⁶² According to; "Most Members of Criminal Organisations Arrested", Blic, 25th March 2003: page 5.

which our respondents encountered in practice as well as based on their indirect knowledge of the phenomenon.

Despite the fact that several respondents stated that it was difficult to present a general picture of traffickers in people, i.e. that there is no typical profile and that those can be individuals of various age, nationality, citizenship, based on the experience of the majority of respondents who answered the question who human traffickers were, we obtained the following data: these are mostly men, middle aged (between 30 and 50 years of age), citizens of Serbia and Montenegro, owners of restaurants, bars and other similar objects where victims were held or were exploited, then owners of transport companies, taxi drivers and similar. Mediators, i.e. those who transport victims, buy and sell them are, according to some respondents, mostly younger people who already possess a criminal file. However, foreign citizens are also involved in the chain of trafficking in people (especially for recruiting the victims in their countries of origin and their transport to Serbia and Montenegro) and they are as follows: Romanians, Albanians, Russians, Ukrainians, Moldavians, Bosnians, Bulgarians, Hungarians, Roma, Macedonians, Afghans, Turks but also citizens of the countries of western and central Europe: Italians, Austrians, Germans, French, Slovaks and Czechs.

However, the information gathered points that many women feature among traffickers (especially in cases of trafficking in women), mostly as recruiters, since "women are trusted by victims" but also as assistants,¹⁶³ organisers of the business, transport across the border or, still, as those in charge of the technical part of the business (provision of forged documents, accommodation search and similar). In trafficking in women, friends, acquaintances or women who were involved in the chain of trafficking, ex prostitutes appear as recruiters. Jelena Tusup, reporter of the "Danas" daily, has the information about "a woman from Temisoara (Romania), who helped some 80% of trafficked women to reach Serbia". Or, as Sandra Ljubinkovic, coordinator of the NGO ASTRA from Belgrade, points out, "there is a woman in Zemun who serves as a recruiter, she has a bar there...the police still does not have sufficient evidence against her and she remains at large". On women involved in the trafficking chain a respondent, a police officer says:

"Women figure mostly in rural areas — they work as recruiters... Women often organize transport across the border. Romanian and Moldovan women do that. It is not a rare case that couples are involved in this

¹⁶³ It should be noted that according to respondents from the Section for Foreigners of the Border Police Administration, for Foreigners and Administrative Affairs of the Police in Belgrade, there were cases with elderly women acting as assistants.

story. Here, in a large number of cases, organisers are married to Romanians and Moldavians who work on the transport of girls.”

A respondent stated that he worked on forming the profile of women-traffickers, in people based on which some women from the countryside have already been arrested on the charges of trafficking. The profile looks as follows: a woman, with no children or with no female children, 38 to 45 years of age.

In the trafficking chain women play the role of apartment, houses or weekend houses caretakers into which first of all women victims of trafficking are brought to and kept until their further sale. On the role of women in the chain of trafficking in women a respondent said the following:

“They (the victims) are recruited by their own people. After that, they connect them immediately with our people who are already in Moldova and who are involved in this business — as job providers for those women. In most cases a woman is involved in negotiations dealing with departures and arrivals. Which means that not only men but also very often some women to whom those women (victims) trust are involved. It is usually a friend or sister’s friend and in most cases they believe that it is all right since they have already known this woman. Women are also active in the chain of trafficking even when women victims arrive here in the country, in Belgrade apartments, which I would name as gathering centres, and where some 20 women co-habit before being distributed all over Serbia. Women are those who keep them locked, threaten them, deprive them of food and similar.”

Appearing in the role of recruiters, especially in cases of women victims of trafficking are also married couples (men and wife), agencies (for models, beauty competitions, tourist agencies), even some sport clubs and companies, while in smaller number of cases these are friends, acquaintances, cousins, boyfriends, parents.

As regards children victims of trafficking, parents often serve as recruiters (mostly for younger children of Roma nationality), then also male and female acquaintances, 14—15 year old girls’ boyfriends, strangers whom they have met in a disco, bar or in front of schools, girlfriends or sometimes employees of various model agencies or tourist agencies.

According to the experiences of our respondents, most recruiters are citizens of the victims’ country of origin.¹⁶⁴

¹⁶⁴ More on recruiters of women, children and men can be found in parts of the research dealing with trafficking in women, trafficking in children and trafficking in men, through and from Serbia.

In the role of male migrant traffickers, according to the words of an respondent from Novi Pazar, appearing most often are: "Tourist agencies, agencies assisting in finding jobs abroad, building contractors, cousins, neighbours, acquaintances". It is interesting to mention that, according to the words of the same respondent, "some of those tourist agencies are very successfully managed by women who have proved themselves as very good organisers of trafficking in people."

Next in the chain of trafficking in people are those who help victims to cross borders or transport them over the border. These can be individuals but also organisations that deal with passenger transport. Individuals hired for transfer and transportation of victims are often not aware for whom they work, nor who apart from them is included in the chain of trafficking and sometimes they are not at all aware that they are dealing with trafficking in people. In connection to this, a respondent stated:

"Many of them have been arrested. Including Zarubica who was involved in trafficking in women from the East Europe to Italy. Most often arrested are drivers, who transport victims.... Arresting drivers does not mean a lot to them (the police) since they have no knowledge of the complete chain, and are often not aware who they are working for."

According to the words of a female respondent, "the border is crossed illicitly in most cases by horse-drawn vehicles, with the aid of our citizens, mostly elderly people from rural area, who do not even know what exactly that is all about and accept, for a small fee to transport women to Kosovo. This is mostly done over night, crossing via Vlasotinci without stopping."

However, certain tourist agencies are involved in transporting victims of trafficking and their owners are aware that they are dealing with illegal border crossing, mostly of women. This is confirmed by the words of a respondent, police officer, from Belgrade:

"There was a tourist agency that dealt with transport from Yugoslavia to Italy. The agency's owner received a fee for transporting girls. He knew that they did not possess travel documents and he knew who was behind the organisation but he accepted to do the job in return for the fee. He was arrested and criminal charges were brought against him, however he is still remains at large."

In addition to this, there are groups that deal with transporting victims across the border, which is especially interesting in cases of men (migrants). For example, according to the words of a respondent from

Belgrade (police officer) “especially known are the so called Zajecar and Vrsac groups that transport migrants.”

At the end of the trafficking chain are those who buy victims, exploit them and then sell them further. These are mostly owners of bars, night clubs, brothels and similar (especially in cases of trafficking in women), as testified by some examples from the court. Respondents from Sabac mentioned a case from the Municipality Court during 2002, in which the owner of a brothel, to whom a Romanian female citizen had been sold, was sentenced to one-year imprisonment for the offence of intermediation in the exercise of prostitution. Or, in Sombor where an owner of one of the night clubs where foreign female citizens “worked” was sentenced to 2 years and 5 months in prison for intermediation in the exercise of prostitution. The woman who helped him to manage the business (collected fees for services from clients) was sentenced to 2 years and 6 months for collaboration.

IX 2. Organization of Criminal Groups

Trafficking in people is a multilevel, complex and dynamic social phenomenon whose invisibility, mobility and organisation on an international scale,¹⁶⁵ increase the seriousness and danger of this type of crime. According to police reports, two criminal groups and 22 procurers in Serbia dealt with trafficking in people, with Sabac being identified as a town in which 10 criminal groups consisting of 52 members and 6 individuals operated and who in addition to drug and car resale also dealt with trafficking in people, cooperating with groups from Belgrade, Novi Sad, Loznica, Sremska Mitrovica and Republika Srpska.¹⁶⁶ Our respondents’ knowledge relating the ways in which people traffickers are linked and organised are shown by the following data.

Out of the total number of respondents (123), 60 provided an answer regarding the way in which traffickers in people were organised and how their roles were distributed as well as regarding the distribution of tasks within the organisation. Based on this, it has been observed that respondents have identified three types of organisations: organisation as a network, organisation with a strong hierarchy, i.e. according to the “pyramid principle” and *ad hoc* organisations.

¹⁶⁵ Zamfiresku, D.G. (2001) “Harmonization of National Legislation in Accordance with the Standards of the Union in Relation to Human Trafficking”, in *People Smuggling — Smuggling of Women and Children* Belgrade: Centre for Legal Studies Advancement, Ministry of Interior of Romania and Centre for Legal Issues: page 15.

¹⁶⁶ After: “Mafia in the Mouse Hole”, Blic, 15th March 2003: page 9: “*Mafia Organisations in Serbia Destroyed*”, Blic, 22nd May 2003: page 4.

According to some of our respondents, criminal organisations involved in trafficking in people “function according to the network principle, no hierarchy exists; they are unstructured and therefore more difficult to expose”.¹⁶⁷ On the other hand, other respondents believe that these are organisations “with no strong organisation, but function according to *ad hoc* principle or business cooperation, from one case to another.”

The third group of respondents consists of those who stated that traffickers in people are very well organised, interlinked and that the organisation itself has a clear, precise and complex structure. Namely, these are criminal organisations with strict hierarchy and clearly distributed tasks, or, as a respondent added, “they function according to the pyramid principle”.

In that sense, at the head of organisation is a boss who is the main organiser of the business and at the same time the one whose profit is highest. According to a respondent from the Sombor Police, “bosses are interlinked on the Eastern European level”. Below are all the others who carry out for him the following tasks: ones recruit victims in their countries of origin, others transport and transfer victims across the borders (transfer, transport), they are followed by those who chose, buy and sell of victims, negotiate (with police, courts and similar), as well as by those who forge documents, invitation letters, seals, signatures, and those who obtain forged documents, hide and take care of victims, and, finally, in the end are those who exploit the victims (owners of night bars, brothels and similar). This is very well described by the following quotes of our respondents:

“Every person in the chain has his/her role and task. Bosses maintain and control the group, negotiate the trafficking and decide on further fate of women. Within the groups there are victim recruiters, they take over and transport women further through the determined channels.”

“Everybody involved in these criminal activities have his/her own tasks. Hierarchy is respected. The main organiser has to be informed of all details regarding the trafficking and in cases where internal untruths and lies occur — cruel punishment ensues.”

“The organisation of the trafficking chain is an internal thing — it is precisely known who does what, those who are involved in the business in our country are known to each other, they are very skilful. However those transferring across the border get changed so that it is never the same person from Romania to contact the same person from our country

¹⁶⁷ According to the information by Dobrivoje Radovanovic, PhD, Director of the Institute for Criminal and Sociological Research in Belgrade.

while transporting and waiting for... Everyone does his part of the business, takes a fee and is not interested as to what happens next."

"I think that people traffickers are very well linked and organised — they operate in a chain with clearly distributed roles and rules of behaviour both within an organisation as well as between organisations. It is exactly known within each organisation whose task is to recruit, transfer, sell, control and so on. Between themselves, organisations distribute "business" according to the principle of territory and they have worked out mechanisms for solving various conflict situations. The chain of trafficking in people and cooperation between criminal organisations is carried out also on a trans-national level: women traffickers from victims' countries of origin, transit and destination are interlinked."

"As regards their organisation, when talking about trafficking in women, distribution of tasks looks as follows: there are individuals in their countries who recruit them (some of them enter this business although being aware what it is, for the purpose of involving in prostitution), to work as bar tenders, waitresses, baby sitters. Then there is a circle of people who provide forged papers for them. Next, they cross borders. For example, Moldovian women cross to Romania, stay there for 2—3 days, and then others buy them from recruiters and later our people take them over or Romanians organise transport to border and from border to their destination... When they reach our country, auctions are organised — public sales of girls and they leave further for Kosovo, Macedonia and Hungary. Such public sales took place in Belgrade, too. Even today there are camps where girls are gathered and their sale organised".

Experiences of some respondents testify that there are cases of complete families involved in this "business". One of our respondents says:

"...In our country as well as in other countries entire families are involved in trafficking. I had a case in Kraljevo where a wife and husband and other family members worked together and each of them had his/her specific task."

Another respondent added something similar:

"...they are well organised and there are cases that trafficking in people is a family business — for example, a family in Veternik (mother, father, son and daughter are involved); in Sremska Mirtovica in addition to father his son is also involved, in the case of "Mozart" bar in Leskovac, two brothers worked together etc."

IX 3. Connection between Trafficking in People with Other Forms of Organised Crime

The following information gathered by this study serves as evidence for the connection between trafficking in people in Serbia and other forms of organised crime.

Out of the total number of respondents (123), 69 have answered the question whether connection between trafficking in people and other forms of organised crimes exist — 66 of them confirmed that such connection exists, i.e. that criminal groups and individuals are interlinked and well organised. Talking about this, Djordje Ignjatovic, PhD, from the Belgrade University Law School, adds:

“Those connections are almost certainly direct. Trafficking in people is a form of organised crime and has to be performed by using channels, connections and methods characteristic in general for “doing business” within the domain of organised crime and illegal market of goods and services.”

Three respondents explicitly stated that although this connection exists, there is also specialization for dealing with one form of organised crime, so that criminal groups do not interfere with each other’s spheres of interest. Two respondents do not have knowledge of the existence of such connections, whereas a respondent stated that he believed that direct connections between trafficking in people and other forms of organised crimes do not exist.

The data gathered show that trafficking in people is connected with narcotics trade (30 respondents), arms trade (15), trade in stolen cars (9), then prostitution (5), forging of documents (3), cigarette trade (3), smuggling of people (2), trade in human organs (1) and war crimes (1).

The majority of respondents who answered this question believed that trafficking in people was connected with narcotics trade (30 respondents). Namely, as Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs added “at the top of the “business” in Europe are terrorism, drug trade and trafficking in people”. Talking about this connection, a respondent says:

“There are most certainly connections between trafficking in people and other forms of organised crime, like drug trade — women that are trafficked (local and foreign) from Serbia (travelling mostly by plane) leave from Surcin Airport carrying as a “gift for the mother in law” half a kilo or a kilo of cocaine for the mother in law living in Bologna since one of local trafficking in people bosses has in-laws in Bologna.”

Examinees have stressed also the connection between trafficking in people and arms trade.

“There are connections between trafficking in people and drug and arms trade. Namely, sometimes it is easier to trade with arms and drugs than with a human who is not small, he needs to be hidden, transported over the border. But on the other hand, police pays more attention to drugs/arms and it happens that it is easier to trade with people.”

In addition to this, a number of respondents is of the opinion that this form of organised crime is connected with the trade with stolen cars, prostitution, forging of documents, cigarette trade, smuggling of people, trade in human organs or war crimes.

Talking about some of these connections, Brankica Grupkovic, Adviser to the Republic of Serbia Minister of Interior for International Cooperation, says:

“Our experience, after the assassination of Prime Minister Djindjic, shows that criminals are connected and financed from the one source and that all this has a political dimension. War crimes and organised crime are the same thing, or were carried out by the same people. The London statement of the last year which defines the most important kinds of organised crime points to the said as well. In our region that is trafficking in people, followed by drug dealing and arms trade. The statement also reveals the way in which all this is connected to war crimes and how criminals were attributed a patriotic dimension while they were in fact only guarding their own markets.”

However, connections between individuals and groups dealing with various forms of organised crime, is confirmed by some of our respondents' experience that these are the same people or people who originally dealt with drugs, arms and stolen cars trade, and only later changed to trafficking in people. This is mostly explained by the fact that trafficking in people is a “more profitable business”, i.e. brings in higher profits accompanied with lesser risk. A respondent from the Department of Border Police, for Foreigners and Administration of the Zajecar Police, regarding this adds:

“These are mostly people who were previously involved in some form of organised crime — stolen cars trade or drug dealing, who then switched to other “business” because the profits are higher and the risks lower.”

Dusan Zlokas, deputy commander of the Ministry of Internal Affairs of the Republic of Serbia, the Border Police Administration, for Foreigners and Administrative Affairs explains this kind of connection as follows:

“This connection most certainly exists. If profits are so high, since one girl a month can bring a profit of some 10.000 Euro, brothel some 100.000 Euro while risks being small — girls are scared, they are in a foreign country, frightened by pimps and traffickers to report them to the police (who would put them in jail). We are dealing with a criminal activity bringing the highest profits accompanied by the least risk. Usually money from drugs and arms trade also pours into this activity, but there is no sufficient evidence for this in our country.”

In connection to this, the quote of one respondent is interesting. He says “in the territory of Golubac there are those who became specialists for the transport of goods, petrol, cigarettes, the same towards Bosnia, so that there is also an existing infrastructure here for smuggling of people and trafficking.” A police officer also stressed:

“The same circle of people who use border to transport people deal with arms as well. The group towards Romania, on the Romanian border, trades in drugs and cigarettes in the direction of Romania and traffics people in the direction of Serbia. These are criminals who operate at the border and they deal with anything which, to use their slang “goes”, meaning which is profitable and forbidden. Terrorists also use these channels. Trafficking in people is more profitable than other forms of organised crime: risk is lesser, profits good, organisers are often not involved directly, it is hard to prove it, they have their own customs officials and police officers, meaning that the risk is really minimal.”

IX 4. Connections between Trafficking in People and Legal Actors

Trafficking in people is a form of organised crime which is, especially in a contemporary society, characterised by “professionalism, flexibility and relying on individuals outside the organisation (businessmen, politicians and bureaucrats)”.¹⁶⁸ In the view of this, asked whether the

¹⁶⁸ Nikolic-Ristanovic, V. (2003) “Trafficking in People and Organized Crime: definition of basic concept and methods of data collection”, in Nikolic-Ristanovic, V.; Copic, S.; Mihic, B. (2003) *People Trafficking: Phenomenon, Characteristics and Legal Regulations*. Belgrade: the Institute for Criminal and Sociological Research (unpublished): page 5.

connection between trafficking in people in Serbia and legal actors exists, out of 64 respondents who answered this question (from the total of 123), 52 respondents gave positive answer. It should be noted that some respondents answered that such a connection definitely existed since trafficking in people could not exist without it (especially not to this extent), whereas others believe that such a connection probably exists but do not have any direct knowledge of it or are of the opinion that it is difficult to give an estimate of its dimension. Two respondents answered that such a connection does not exist while the other ten stated that they had no specific knowledge as to the existence of this connection.

The experience of our respondents shows that connections and cooperation exist both with the state structures, i.e. some organs of the state, as well as with other legal actors.

As for the organs of the state, the most often mentioned connection is that between traffickers in people and police, which is illustrated by the following example:¹⁶⁹

“The worst thing is that the bar is situated 50 meters away from the police station and that policemen themselves took part in the transport of girls to points where their sale to interested bosses from other towns in Serbia, from Kosovo and Albania took place. The policemen did not take part in their transport, it was done by the bar owners, however it would have been practically impossible to do that without the feedback from the police. They provided “business security”, since trafficking was made exactly next to the police checkpoints.”

Vesna Stanojevic, Coordinator of the Counselling Centre Against Family Violence Office and Shelter for Women — Victims of Trafficking, as one of the reasons making uncovering of traffickers in people difficult, mentions the cooperation with the police, describing it as follows:

“Cases of trafficking in women that end in the Shelter are uncovered exclusively by the aid of raids. However, an obstacle to this way of uncovering, according to girls’ stories, prior to the “Sabre” operation, was the existence of informers within the police who would inform traffickers of the forthcoming raids and they would hide, usually somewhere in the countryside, only to come back once the danger is over.”

¹⁶⁹ Also, check examples mentioned in the chapter “Method of Functioning and Assessment of Mechanisms of Operation of Governmental, Non-governmental and International Organisations in relation to Trafficking in People”.

Secondly, there are connections with the customs officials, as one female respondent adds:

“First there is the connection with border organs, police or customs, since crossings are not only illegal. It is possible to cross only at certain times when certain custom officials are present...”

These are followed by the connections with various agencies: for example, real estate agencies, agencies for models, tourist agencies, then sport clubs, the estrade, folk dancing groups, transporters and similar, by the aid of which women are mostly recruited, or who promise to provide various documents, certificates and similar (vouchers, invitation letters and similar), or those who organise transport to a certain destination. An example for the connection with legal structures has been mentioned by Dobrivoje Radovanovic, PhD, Director of the Institute for Criminological and Sociological Research in Belgrade:

“Legal Businesses that maintain a connection with trafficking in people have several levels: bar owners who are final buyers of women try to make it legal by owning restaurants in which they employ women as cleaners, waitresses and then they are under a very strict control.”

The same connection has been described by another respondent as follows:

“Firstly, women can enter our country legally, to stay for a certain period. For example, she is coming to visit her sister married to our citizen who is at the same time an owner of a restaurant — it is very hard to prove that prostitution, trafficking and similar exist due to covering it with legal activities. Further, there is corruption, bribing of everybody necessary by criminal organisation: for example, police to issue passports, officials issuing visas, others to obtain business travel documents... Further at border crossings, corrupted transporters who provide regular lines in order to make the job of transport and border crossing easier...”

Very illustrative is the example from the experience of the Border Police Department, for Foreigners and Administration of the Subotica Police describing the connection of traffickers in women with railroad staff:

“...Police had been waiting for the landlady but in the meantime a man appeared, a railroad worker, followed by another one so the police held them. When the landlady arrived, they were all taken to the police

station. The railroad workers' task was to board girls on an empty freight car in order to avoid passport and customs control. Namely, as those railroad workers were in charge of railroad cars control, they knew when the control was supposed to arrive and leave (they also used mobile phones), and they would board girls in one of those cars. They were supposed to be transported to Hungary where they would have been waited by a Hungarian railroad worker who would transport them further. The same principle was applied for transport in the opposite direction, from Hungary to Serbia and Montenegro. Otherwise, this group from Subotica (a woman and two men) had transported over 30 girls according to the same principle and there was another citizen of ours who would wait for girls arriving from Hungary and would transport them to Belgrade."

IX 5. Conclusion

Trafficking in people, as a form of organised crime, is characterised by a whole series of different forms of behaviour, committing acts, offenders and purposes, which is to a great extent confirmed by the results of the study of trafficking in people in Serbia.

A large number of individuals are included in the trafficking in people chain and they all have defined jobs and tasks within the criminal organisation: beginning with the organiser (a "boss" organising the complete "business"), with the aid of mediators who are in charge of certain tasks in the phase of recruiting, transport and transfer of victims, ending with exploiters, i.e. owners of bars, night clubs, companies, hotels and similar where victims arrive to get exploited.¹⁷⁰

In the role of the traffickers in people in Serbia, mostly middle aged men figure, citizens of Serbia. However, it is not a rare case that women enter this "business", most often as recruiters in the cases of trafficking in women. In addition to this, various agencies are involved in trafficking in people: tourist agencies, employment agencies, agencies organising beauty competitions, modelling agencies but also sport clubs, some companies and similar.

¹⁷⁰ For the sake of comparison, we should point here to the typology of those involved in the chain of trafficking in people as described in a Croatian study. According to that study, the first and the most important group consists of organisers who belong to the organised criminal network; they are followed by mediators who perform at exactly determined locations and are in charge of recruiting, transport and sale of women (certain tasks from this level are assigned to certain individuals). The next level consists of managers, i.e. owners of bars, nightclubs, hotels, brothel and pimps. Finally, there are assistants or individuals with certain status in government, administrative departments, police, who provide information and/or legal papers in return for money and who can also intervene in various ways to protect interests of others involved in the chain (for example to stop criminal charges from being brought against them, to "lose" evidence and similar). Stulhofer, A.: Raboteg-Saric, Z. (2002) *Sex Trafficking in Croatia: An Assessment Study*. Geneva: IOM, after Kelly, L. (2002) op. cit. page 43.

The organisation of the groups involved in trafficking in people, according to our respondents' experiences, is threefold: based on network principle, pyramid principle, i.e. with strong hierarchy and clearly distributed and defined tasks, and finally, as an *ad hoc* organisation.

Trafficking in people is closely connected to other forms of organised crime, especially narcotics and arms trade. Those connections can be explained by the fact that same channels, methods and connections are used for trafficking in people as in cases of other forms of organised crime or illegal goods and services markets. On the other hand, judging from the response of our respondents, it can be concluded that same people deal with trafficking in people, i.e. those who were previously involved in drug dealing or arms trade and then "switched" to a more profitable activity carrying lesser risk, which further explains the existence of connection with other forms of organised crime on our territories.

However, in order for trafficking in people to survive as a form of organised crime, an adequate support is necessary from legal, social and state structures and according to the knowledge of the interviewed professionals, such connections do exist in Serbia. In the view of this, as "assistants",¹⁷¹ i.e. individuals belonging to state structures and other legal actors with whom traffickers in people are connected, identified were as follows: police officers, customs officials, various agencies (for real estates, modelling), tourist agencies, transporters, the estrade, sport clubs, some companies and similar.

¹⁷¹ Assistants in the sense of previously mentioned typology of persons involved in the chain of trafficking in people described by the Croatian study.

X Method of Functioning and Assessment of Mechanisms of Operation of Governmental, Non-governmental and International Organizations in relation to Trafficking in People

Mechanisms of operation of the organs of the state, non-governmental and international organizations have been analyzed on the basis of the respondents' answers to the direct questions related to the subject matter, on the basis of examples of good and bad practices they have quoted, as well as on the basis of the analysis of responses obtained from the interview as a whole.

X 1. Mechanisms of Operation of the Organs of the State

The analysis of activities of the organs of the state pertaining to trafficking in people is related to the work of the police, judicial bodies and centres for social work related to discovering, proving, protecting and reintegrating victims.

X 1.1. The Police Operation in Discovering and Collecting Evidence on Trafficking in People

The analysis of responses obtained from interviews carried out with NGOs professionals and representatives indicates that both reactive and proactive approach is present in the police operation. The proactive approach appears to be the prevailing one lately, particularly during 2003. Also, the analysis shows that there are changes in treating victims of trafficking in people in compliance with the protection of their human rights. This means that victims are more and more often treated as victims and not, as previously prevailing practice, perpetrators referred to in the Law on Public Order and Peace (prostitution), Law on Movement and Residence of Foreigners (illegal stay), and Labour Law (illegal labour).

The proactive approach actually means the police initiative which includes operational work on collecting data and reacting on the basis of data obtained by controlling night clubs and bars in which it is suspected that criminal offences of trafficking in people are committed, by arresting perpetrators, arresting and/or rescuing victims, closing night

clubs and bars, intensifying border control, i.e. control of persons crossing border, particularly children, regardless of whether they travel alone or accompanied by adults, and alike. The proactive approach also means other forms of active police operation in discovering such offences, such as, for example: calling up escort agencies, introducing themselves as clients and making appointments for choosing girls, and alike.

In addition to proactive, the police also use reactive approach, which includes reacting on the basis of reporting by victims, reporting by citizens, foreign embassies notes, and alike. This approach has for a long time been a main approach in discovering trafficking in people and, as such, it has not taken into consideration specific features of this type of crime, which is primarily reflected in a grave and unprotected position of victims and persons close to them and other citizens, and thus in extremely low level of reporting such persons as well. Partly because of the domination of such approach, the number of identified cases of trafficking in people in Serbia has for a long time been extremely small. Still, judging by the respondents' answers, it appears that a certain number of professionals do not realize the significance of proactive approach in discovering trafficking in people, considering that they deem the non-reporting of trafficking in people by victims to be the main problem in discovering trafficking in people.

According to respondents' knowledge, during 2002 and 2003, criminal proceedings were initiated in 10 places, i.e. in most of the places covered by the research. These places are the following: Subotica, Sombor, Sabac, Belgrade, Mladenovac, Pozarevac, Kraljevo, Nis, Leskovac, and Novi Pazar. The criminal proceedings were mainly initiated against night club owners, waiters employed in them, women assisting night-club owners in buying women or in paying for services, as well as against persons assisting in or organizing transfer of victims. Considering that such persons were discovered before the changes of Criminal Code of the Republic of Serbia from April 2003 became effective, they were in most cases accused of the following criminal offences: intermediation in the exercise of prostitution (Article 251 of the Basic Criminal Code), unlawful deprivation of liberty (Article 63 of the Criminal Code of the RS), forging of documents (Article 233 of the Criminal Code of the RS), illicit crossing of the state border (Article 249 of the Basic Criminal Code), rape (Article 103 of the Criminal Code of the RS), and alike. In cases where the judgment was passed, the imposed sanctions ranged from probation up to 2 years to 6 months of imprisonment, the average penalty being about 1 year of imprisonment.

Most probably it has been the education of the police that has influenced the change in the police approach in discovering trafficking in people, as well as in identifying victims, but it has also influenced by

the changes of the law and inclusion of the police in regional actions directed towards discovering trafficking in people. According to the data of the International Organization for Migration, presented to us by Sandra Slijepcevic, 61% of victims of trafficking in people have been rescued by the police, 8% by clients, 4% managed to escape, while others have been rescued by friends.

As for changes in treating victims, they primarily include punishing of victims by imposing fines instead of penalty of imprisonment or are reflected in a complete lack of punishment and possibility of temporary residence, i.e. delaying their deportation. It is also noticed that there is a tendency of a more liberal attitude towards the victims of smuggling to whom minor sanctions are more often imposed instead of criminal sanctions. However, although there is a trend to act more often in such a way, it appears that there are still many cases of victims being sanctioned for misdemeanour, who first serve imprisonment and only then go to Shelter, or return to their countries.

The answers of some respondents indicate the absurd situation that in some cases victims are punished for prostitution by passing judgment of 15 days of imprisonment, and their bosses by passing judgment of one month of imprisonment, also for misdemeanours (referred to in the Law on Public Order and Peace or the Labour Law). Apparently non-uniform actions of both the police and magistrate courts indicate lack of systemic solutions and an unequal position of victims, which often depends on where they were found or who discovered them, and alike. Obviously, the lack of clear legislation, which would exclude punishing victims of trafficking in people, and which would guarantee them a temporary stay in order to participate in criminal proceedings and for humanitarian reasons, influences the existence of bad practice, i.e. non-uniform approach of the organs of the state.

Besides, it is noticed that there are still many nightclubs and bars in which there are victims of trafficking in people, as well as cases when the closing of nightclubs does not necessarily mean that exploitation of victims has ceased. A number of respondents have expressed their doubts or had knowledge that sexual exploitation of victims has only become more hidden, i.e. moved inland, primarily to countryside, apartments in towns, and suburbs as well. The question arises of what has happened with victims after closing greater number of nightclubs in Serbia, because the influx of victims in the Shelter for victims of trafficking in people has been drastically reduced due to the introduction of the state of emergency and beginning of "Sabljka" (Sabre) operation. According to the opinion of one respondent, a police representative, the reason is in the fact that the victims have already been previously rescued and have not been found at the time when perpetrators have

been arrested. Another possible explanation, given by some other respondents, is that the perpetrators have been faster than the police and that they have in time hidden the victims in apartments, countryside, and alike.

In spite of positive trend in discovering trafficking in people in Serbia, on the basis of answers given by our respondents, the whole series of problems have been identified which represent a barrier to greater efficiency in discovering and proving trafficking in people.

The identified problems can be classified in 4 groups as follows: financial, personnel and organizational problems, problems stemming from the very nature of this type of crime, broader social (systemic) and regional problems, and problems related to the reporting.

Table No. 1. Problems in discovering trafficking of human beings in Serbia

Financial, personnel and organizational problems of the police	Problems stemming from the nature of trafficking in people	Systemic and regional problems	Problems related to the reporting
<p>Inadequate financial-technical equipment</p> <p>Small number of personnel</p> <p>Lack of specialized units</p> <p>Bad financial position of the police</p> <p>Corruption</p> <p>Linking up of the police, customs officials and staff of other governmental institutions and traffickers</p> <p>Ignorance and prejudices about victims</p> <p>Insufficient international cooperation in the discovering</p> <p>Lack of experience in implementation of special investigation techniques and their usage as evidence</p>	<p>High level of organisation and mobility of traffickers</p> <p>Problem to reach the main person in the ring</p> <p>Good masking of this crime/seeming legality</p>	<p>Political pressures</p> <p>Difficulties in controlling border crossings</p> <p>Legal restrictions</p>	<p>Non-reporting by victims and citizens</p> <p>NGOs staff is not allowed to publish information which would help in discovering traffickers</p>

As shown in the above Table, most of the identified problems related to discovering of trafficking in people in Serbia emerge from the problems related to functioning of the organs of the state, particularly the police. Also, it is obvious, judging by the answers of the respondents, that most of the problems in functioning of the police are related to the problems of internal organisation and control, and to financial and personnel problems as well. External problems, particularly those related to the nature of criminal offence and non-reporting, are far less frequent in answers given by the respondents.

Among the answers of respondents who have emphasized the problems in discovering trafficking in people, the most frequent ones are those related to bad financial and technical equipment of the police, difficulties in border control, and particularly the linking up of the police and criminals, as well as the political pressure exerted on the police.

It has been emphasized that financial and technical equipment of the police is in disproportion with technical equipment of criminals, while bad financial position of the police has been closely related to its proclivity to corruption. Particular emphasis has been given to the problems of controlling borders towards Romania and Hungary, which are today less controlled than previously. Besides, the police members have highlighted, as a great problem, the difficulties in controlling border crossings towards Kosovo controlled by the UNMIK ("Djeneral Jankovic" and Pristina Airport)¹⁷² where one can enter without visa and entry seal.

A number of respondents, among which there is a considerable number of police members, have indicated the linking up of traffickers and the police, customs officers and employees of other governmental institutions, as well as political pressures, as the most significant barriers to the discovering. As for political pressures exerted on the police, the responses have been classified in two groups. The responses in the first group are those given by the respondents who have pointed out the pressures and protective attitude the representatives of former authorities have had towards the traffickers, while the responses in the second group are those in which the obstructions from the present authorities have been highlighted. As for the latter, the influence of local political officials who obstruct discovering and arresting of perpetrators have been mostly emphasized. Here, it is important to mention that the very members of the police, who have at the same time expressed their dissatisfaction that, in spite of their personal efforts, the results are often small or none, have also indicated these problems.

¹⁷² The earlier problem with "Mehov Krs" crossing was also pointed out, which was resolved after signing an agreement with Montenegro.

The following quotations¹⁷³ of responses given by the respondents are good illustrations of the above:

“There are really many barriers and obstructions. Neither conditions nor funds for the work exist. We use one car only. We don’t have enough funds for communication. The five of us use that same shabby car. As soon as we enter in the neighbouring village, those because of whom we go there have already been informed that we are on the way. We expect better conditions and more funds. There are still the untouchables in the new Government. Because of some of them I have to write reports even now and excuse myself for inconveniences.”

“The owners have been reported, but they have subsisted because of overall system of the State intervention, i.e. functioning of the State itself. All these people, actually “bosses” have tried to become closer to the police, to bargain with them. The girls in these cases have been brought in during raids to magistrate judges and got evict orders to leave our country.”

“The problem is in the fact that the bordering places have their own police stations. In these stations, unfortunately, there are many police members who are directly involved in the whole story — they either drive cars after working hours in which victims are transferred and when the police stop them they introduce themselves as colleagues and nobody asks them whom they have in the car, or they directly worn the traffickers as soon as they learn that the police will take some action. It is difficult to move within the bordering area without being noticed — it is quite enough that a new face appears, either in ordinary clothes or in a uniform; this is a sufficient reason for alarm and giving up of the planned transfer.”

“Great problem is also the corruption on border crossings (although the situation has changed for better since 5th October). According to my experience the corruption always starts from chiefs of shifts who are authorized to give instructions to the staff to give free way to certain cars. This problem may be overcome by a good intelligence work (example of the SIA — Security Information Agency — which has discovered the chain of Pakistani citizens and our people who transported migrants). Besides, one of the solutions should be mandatory reporting of earnings by all those employed in governmental institutions.”

“The greatest problem is that every trafficker has its own man, customs officer and/or policeman who during their shift let the girls pass freely. The girls fear to speak about it.”

“The accused may come out even after two years and during that time continues to control a part of trafficking from the jail.”

¹⁷³ About this, see also quotations on pages 127 and 150.

In addition to systemic, financial and internal problems of the police, the problems related to the complexity and extreme mobility and adaptability of perpetrators of this type of crime have also been highlighted. In this sense, particular accent is given to the problem of reaching the main person in the ring because either victim or those at the end of the chain (persons enticing, drivers, etc.), who may be more easily arrested, often do not know who he is. Besides, the fact that this is a type of crime well masked by seeming legality, as well as the limited authorizations of the police when entering apartments in which the victims are held and often not getting the permission from judges for this¹⁷⁴ is considered as an important barrier to more efficient discovering of trafficking in people.

“The problem is in revealing the names of those who have participated in trafficking or addresses of mediators, traffickers. The names of recruiters are known, but this does not help. There have been cases when women have disclosed the name of the agency which has engaged them and we have tried to trace it, but it has turned out that such agency has never existed at the address at all.”

A number of respondents have emphasized as a barrier in earlier period, also the lack of appropriate legal provisions, because they have been compelled to qualify the trafficking as establishing slavery and intermediation in the exercise of prostitution, which is very difficult to prove. They also pointed out that the provisions of Article 111b of the Criminal Code of Serbia, in which the criminal offence of the trafficking in people is foreseen, “give them opportunity to work”.

X 1.2. Mechanisms of Operation of Other Organs of the State, Particularly the State Prosecutor’s Office and Courts

As for the operation of the state prosecutor’s offices and courts, the respondents’ answers have indicated some crucial problems which contribute to inefficient prosecution and punishment of perpetrators, on one hand, and repeated trauma of victims, on the other. The most important identified problems are related to the following:

- Slow, long and inefficient criminal proceedings,
- Lack of evidence,

¹⁷⁴ According to the respondents’ statements, the situation in this sense was favourable during the “Sablja” police campaign because the police was not obliged to have a warrant to enter the premises in which the victims were held.

- Corruption,
- Lack of appropriate witness protection in criminal proceedings,
- Weak position of victims in criminal proceedings in general and strengthening protection of rights of the accused at the expense of victims' rights,
- Lack of cooperation and coordination between the police and prosecutor's office in collecting evidence,
- Ignorance of and prejudices about victims,
- Ignorance of possibilities of victim assistance and support provided by non-governmental organizations,
- Lack of clearly expressed willingness to solve the problem.

The possibility of endless delay in proceedings and general judiciary inefficiency has influence on long duration of all criminal proceedings, including proceedings against trafficking in people as well. Slow and long proceedings have direct adverse effects both on chances to prove criminal offence and on the victims themselves. As one of the respondents noticed, the problem related to testifying in long proceedings is what the victims actually want, because otherwise, due to the lack of legal regulations governing temporary residence, they have to return to the place of origin. In order to testify later, they have to come back to our country for which, if not for anything else, they need a large sum of money. However, the endeavours, particularly those made by certain prosecutors, in conducting shorter proceedings so that they may be completed before the victims have to leave the country, are also some of the quoted examples.

The victims refuse to testify or they change their statements out of fear because the witness protection does not exist. They fear reprisal from traffickers, their relatives, friends and collaborators. It has also been highlighted that victims rarely blame the traffickers as well as that testifying is made difficult because there is no material evidence. However, opposite to those who consider the lack of material evidence and cooperation of victims to be the crucial problem in proving trafficking in people, some respondents have quoted good examples of how it is still more important to have a strong will to disclose material evidence and not to rely exclusively on victims' statements:

"In one of the clubs, below the price list of beverages on the menu a nude girl is drawn and the price is missing, so the price is negotiable, which might be a proof for intermediation in the exercise of prostitution. Another example for this is a club where a board containing numbers is placed above the bar (these numbers are actually room extensions) so when a room is emptied, the corresponding number flashes up."

“The organs of the state have unsatisfactory approach. The prosecutor’s office and police are not engaged enough. The prosecutors may take advertisements and may act according to them. Much more can be done in this matter. It is not sufficient only to enter in one or two apartments.”

Besides, as emphasized by Sandra Slijepcevic from the International Organization for Migration, impossibility of victims to stay here influences their readiness to testify. “They often do not wish to return but want either to stay or go to some other country. Should they be able to stay and start a new life where they want, they might be willing to testify,” says Slijepcevic. The respondents from the police of Sombor are of similar opinion, and they say:

“The victims do not cooperate because we are unable to offer them anything except of canceling their sojourn here and thus, should it be possible to provide and ensure them residence here, they might be ready to cooperate.”

A number of respondents have indicated the lack of appropriate victim assistance and support as a reason for them not to testify. So, for example, the above mentioned respondents from Sombor have said that in this town and its surroundings there are no NGOs which provide victim assistance and support. Also, the cooperation with the Centre for Social Work is quite problematic so that, according to the respondents, “it happens that during weekends there is nobody (on duty) and if a victim is found during weekends, say a child or a minor, there is no place to accommodate him.”

The police practice during raids in hotels, restaurants, and night-clubs to bring in the bosses together with girls has been emphasized as a barrier to cooperation of victims because during hearings they do not dare to tell the truth. As noticed by one of the respondents “even if hearings are separated, the girls don’t disclose anything out of fear from reprisal by their ‘owners’”.

According to some respondents, in the previous period the police did not manage to collect enough evidence while the prosecutors, as a rule, were not interested in new cases. Some respondents have stated that it is “the practice of the prosecutors not to appear during investigations on the spot, i.e. they leave the collecting all of the necessary evidence to the police and only then the prosecutors, while processing the evidence, assess whether any crucial data or evidence is missing.” It has also been highlighted that collecting evidence and data should be more concrete, that the work in the pre-criminal proceedings must be done well in order to achieve effects in suppressing such type of crime, as

well as that the role of prosecutor should be more active — a prosecutor should be well informed about this phenomenon in order to be able to order and coordinate police activities within pre-criminal proceedings in an appropriate way. The judges have, for their part, emphasized that courts are to a great extent dependent on the work of other organs of the state so that “the work of courts is conditioned by the bodies involved in the discovering and prosecution. Where there is no charge, there is no trial either”.

According to the opinion of a woman representative of one of the non-governmental organizations “the police carry out occasional raids but where everything “falls apart” is actually the judiciary”. She has criticized the judiciary mostly for “exhausting victims by taking a number of repeated statements and by allowing them to leave the country upon giving statements, and then they do not respond to summons any longer, which results in acquitting traffickers due to lack of evidence.”

The woman representative of another non-governmental organisation has had a similar opinion based on her direct work with women:

“When this is delayed, it becomes boring to the police as well, the accused either goes to a hospital or something similar happens. Then they hold victim for a couple of months. When it comes to the main hearing, the same is not carried out, she is sent back to the country of origin, and in the meantime she had been held even for four months, which is completely unnecessary. Because it has been known that she would not testify in the main hearing, she could have been freed earlier. There is yet no organized procedure in this matter and the problem is in the judiciary and not in the police, which work correctly ... The people from the police whom I have met have excellent relationship with victims, which I cannot say for judges and prosecutors.”

Some respondents have indicated the generally weak position of victims in criminal proceedings in Serbia, where lack of right to appeal has been particularly pointed out, as well as the non-realization of right to compensation for damages in practice. The latter is of particular interest as a factor contributing to the fact that victims may become victimised again and cannot realize successful rehabilitation when (if) they return to the country of origin.

“The problem is that judges don’t have enough knowledge about this matter. The prostitution is regarded as a part of folklore, while trafficking is seen as a part of prostitution. The victims are treated as voluntary witnesses who may and may not testify, and when they do testify the entire procedure means a repeated trauma with little or none compensation in the sense of accusation of traffickers. They return to the country of ori-

gin but because of very bad financial situation they are again in the same position from which they have come into the whole process. Should the judiciary in a different way consider the compensation for damages, the vulnerability of these girls to future victimisation would be diminished. These girls should be compensated in money, out of human and moral reasons, but also in order to deliver a blow to organized crime, because the money is the most important thing for them. Because of that, the sums should be much greater. Secondly, when she returns, she would have resources for education, work, and this would prevent her to take the same road for earning money again.” (A woman lawyer representing victims of trafficking in people)

Completely unsolved issue of reintegration of both local and foreign women victims is in direct connection with this. It has been indicated that main problem when local women¹⁷⁵ are concerned is the lack of clearly defined obligations and responsibilities of appropriate organs of the state, particularly of the Centres for Social Work, as well as the lack of any kind of care of society for solving problems related to victims of trafficking in people. The International Organization for Migration, the Shelter and the NGO ASTRA assist the victims in the first moment. However, as Sandra Ljubinkovic from ASTRA has noticed, what they can provide is not sufficient for successful reintegration because the women and children in question need assistance for months, even years. Also, the victim integration is a very complex process, which often requires working with the whole family. It is, therefore, important to define the obligations of the State in this matter. The women respondents from NGOs and the International Organization for Migration have supported the above by an example of a girl who has spent more than a year in the Shelter for Women Victims of Trafficking because she has neither had a place where to go nor any money for living.

The common feature for all identified problems is that their existence and non-solving them cause a series of other problems, which may be classified in three basic groups:

- Non-establishment of existence of criminal offence (“problem of proving”) and non-punishing perpetrators,
- Secondary victimisation,
- Re-victimisation of victims (falling into trafficking ring again).

The lack of revealing and eliminating the causes gives an impression that we are in a vicious circle, and even when the police perform

¹⁷⁵ As for the problem related to reintegration of victims — foreign women citizens, see the report presented at the International Organization for Migration, on pg. 143.

their part of work excellently, it is impossible to prove the existence of criminal offence because of, sounds as a paradox, inadequate behaviour of the victims themselves. By avoiding making clear that there is a lack of systemic and structural (in country, region and world) conditions for cooperation by victims, a vague and confused picture about the victims is created, primarily about girls and women. This picture has a confusing impact on public opinion since controversial messages are sent out to public such as: they are victims and they are not WE, they are DIFFERENT, it is their own fault, it is difficult to find out whether they want that or whether they are forced to do that, and alike. Judging by the responses given by our respondents, the employees of judiciary bodies are not immune to prejudices or, at least, to confusing and controversial public images about victims.

When all listed problems are considered as a whole, then it becomes clear that behind a myth about seemingly non-provable trafficking in people and “problematic character” of the victims themselves, there is a whole series of bad or inappropriate legislation, ignorance, prejudices, systemic inefficiency and lack of organisation, especially in the judiciary. All the above taken together is to a great extent the heritage of the past, which is undergoing changes slowly, in addition to hastiness of the transitional period, unsystematic changes of legislation, and particularly overemphasized need to show through improving position of the accused, however at the expense of victims’ rights, that the break-away from socialism is realized. Since systemic problems require systemic solutions, it is clear that the law and practice related to the state prosecutor’s office and courts in the field of trafficking in people must be systematically changed, also having in mind that individual and general problems and interests are linked.

X 1.3. Attitude of the Organs of the State towards Prostitution, Begging, Vagrancy and Illegal Labour

In addition to questions related to the operation of the organs of the state with respect to trafficking in people, the respondents were asked questions about the attitude of the organs of the state towards the prostitution, begging, vagrancy and illegal labour — the phenomena suppressing of which is in close relation with suppressing of trafficking in people.

The answers of respondents related to the attitude of the organs of the state towards the prostitution may be classified in three groups as follows:

- The State does nothing about it,
- Operation of the organs of the state, primarily the police, in this sphere is inappropriate,
- The State does everything in its power.

Only a few respondents have been of opinion that the State does everything in its power while the most of respondents deem that attitude of the organs of the state, primarily the police, is inappropriate. They have most often indicated:

- Lack of a system,
- Irregular and unsystematic operations,
- Lack of clear strategy,
- Excessive relaying on repression, i.e. sanctioning of prostitutes,
- Minimal engagement,
- Discriminatory attitude,
- Hypocrisy,
- Tacit approval,
- Passiveness.

Some police members have indicated also the recent changes in the attitude of the police towards prostitution, which is now paying more attention to this phenomenon and combat prostitution along with combating against trafficking in people. However, on the other hand, excessive dependence of the attitude towards prostitution on current interests of the State has also been highlighted, as well as the existing legislation as a barrier to more decisive dealing with this phenomenon.

Some of the respondents have noticed that the reason because of which the organs of the state are insufficiently dealing with the problem of prostitution is in fact that they are too busy in dealing with other problems, which are presently given priority. The lack of preventive programs and, generally, preventive operation of the organs of the state, and, in connection with this, the hypocrisy reflected in the fact that the sexual services are without any problem offered through advertising in the existing media, has also been emphasized. The passiveness of social services in relation to the child prostitution has particularly been highlighted.

The assessments of the attitude of the organs of the state towards begging and vagrancy are similar to those of the attitude towards the prostitution, and the opinions range from those according to which the organs of the state do nothing, through assessments that their attitude is inappropriate, to opinions that they do everything allowed by the law and everything possible in current economic situation. The respon-

dents have mainly highlighted penalizing of beggars and/or taking beggars off the streets as well as temporary social support as measures mostly implemented.

The respondents have also quoted concrete actions of the organs of the state aiming at accommodating beggars and the homeless as well as joint actions of the organs of the state and NGOs in solving increasingly visible problem of the so called "children of the street".¹⁷⁶ It has at the same time been pointed out to irregularity of these actions and their direct connection with accommodation capacities in institutions for children deprived of parental care and those in shelters. Namely, the accommodation capacities in these institutions are noticed to be disproportional to the number of beggars and the homeless, which has a direct influence on the decrease in number or complete discontinuation of actions of taking these persons off the streets. It has also been mentioned that the City Centre for Social Work intends to initiate a project titled the Safe Houses for Children of the Street".

The attention has also been drawn to the fact that the organizers of begging are not arrested and punished, although, according to the opinion of some respondents, the police know who the organizers are and how they organize begging, but still, they do nothing to solve the problem. Some have noticed that the attitude of the organs of the state only additionally discriminates beggars, particularly the Roma, who, because of being socially excluded, make most of the beggars.

"Most of the beggars are Roma and we know why, and we know the issue of the Roma, and their education and inclusion in social flows is the issue which must be solved at the level of the State." (A respondent from Novi Pazar)

A number of respondents have noticed compassionate and tolerant attitude as an expression of impossibility to act in different way in current economic situation. Just like in case of prostitution, the complete lack of strategy and coordination, particularly regarding the children of the street, has been emphasized as well. In this respect, the following statements given by our respondents are rather illustrative:

"They often bring to me an apprehended woman with a child, and while she is in my office, they bring the child upstairs in the police office and, afterwards, I hear that the child is let go to the street." (A representative of a magistrate court from Belgrade)

¹⁷⁶ The cooperation with, for example, "Vasa Stajic" Home, the Roma Children's Centre, Ministry of Social Affairs and Centre for Protection of Infants, Children and Youth, has been highlighted with respect to this.

"This problem should be approached on a broader scale and better control in resolving this problem should be established. If we take them off the street for some time they disperse to houses, and when our attention weakens, they return to streets again. A handicapped person sleeps under a bridge in summer and in winter he sleeps in extremely inhuman conditions, we know about that but — what is to be done — to report him, hear him out, maybe punish him, and then send him back to the street; then we are again at the same point. Other institutions, just like us, are helpless with relation to this phenomenon. The Centre for Social Work has no possibilities to help. I have no idea how we could provide space where they could gather, where we could work with them, educate them and make children interested in schools, and help their integration in local community. When we can't find the way, then how they can know to whom apply for help." (A representative of a magistrate court from Novi Pazar)

As regards the children of the street, it has been pointed out that the centres for social work are incompetent to react in an appropriate way. In this sense, the necessity of their overall transformation has been mentioned.

As for the attitude of the organs of the state towards the illegal labour, we have classified the responses given by our respondents in two groups. The first group comprises the responses which prevail and according to which the organs of the state have commenced a decisive action in suppressing illegal labour, while the other group comprises the responses according to which the organs of the state make no efforts in this direction and actually tolerate the illegal labour.

The respondents who consider that the organs of the state are taking certain measures for suppressing illegal labour have pointed out the corresponding changes of legislation as well as the intensified control of inspection aiming at discovering black labour. However, they have a series of objections regarding the work of the organs of the state in this sphere: mostly workers, i.e. victims are punished and not those who employ them, the lack of parallel social policy measures and possibilities of legal employment, the fight against black labour mostly refers to local and avoids foreign workers, and alike.

The apparent trend towards the more decisive fight against the illegal labour is also important for discovering trafficking in people, which is illustrated in an example from Novi Pazar:

"The objective of the organs of the state is the suppressing of illegal labour and they do this by using various control mechanisms. The controls are now more frequent and include an increased number of inspec-

tors whom we have to employ for a fixed period of time in order to keep this phenomenon under control. The truth is that the law is now favourable in this sense and this is now more successfully done. In some cases, when restaurants are in question, this phenomenon is quite difficult to be controlled and we are never quite sure how many workers work illegally. When we come, the waitresses and other persons employed illegally simply sit down at tables and we are often unable to identify them. Such controls also indicate some other phenomena in connection with the illegal labour, such as prostitution. It happens that during the control in some restaurants — inns with only four tables, we find 6 to 7 waitresses working in it.”

X 2. NGOs and International Organisations

We have learnt about the mechanisms of operation of local non-governmental and international organizations related to the trafficking in people from the interviews with their representatives, from written material obtained from them, as well as from the interviews carried out with other respondents, whom we have asked to give us their views and assessments of operation of these organizations.

X 2.1. *Mechanisms of Operation of Organizations Dealing with the Issue of Trafficking in People*

Three non-governmental organizations dealing with the problem of trafficking in people in Serbia are the ASTRA, Shelter for Women Victims of Human Trafficking and Victimology Society of Serbia. In addition to these organizations, the Beosupport is also dealing with the problem of trafficking in people. Within the so-called ASTRA network in Serbia about 15 organizations to greater or smaller extent also deal with this problem. In addition, the Roma non-governmental organizations deal with the problem of trafficking in Roma women and children such as Bibija, the Roma Children’s Center and Krlan. As for international organizations, the International Organization for Migration, OSCE, Stability Pact of South Eastern Europe, Catholic Relief Service, International War and Peace Institute, Save the Children, and others also deal with the problem of trafficking in people.

The Shelter for Women Victims of Trafficking, International Organization for Migration, ASTRA and the above mentioned Roma organizations provide direct support to the victims.

Sandra Slijepcevic, program assistant of the International Organization for Migration and Vesna Stanojevic, Coordinator of the Shelter for Women — Victims of Trafficking have indicated the recent changes in the procedure related to reception of victims by their organizations and their relation with the police, which conformed information on operation of organs of the state mentioned previously in this paper.

Namely, according to Sandra Slijepcevic, the victims of trafficking in women in previous period were first arrested and brought in to magistrate judges and then imprisoned in Padinska Skela up to 40 days. Only afterwards they were sent to the International Organization for Migration or the Shelter. Recently, however, the situation has been improved and the victims are often sent directly to the International Organization for Migration.

Vesna Stanojevic, for her part, has also pointed out the changes in the manner in which the victims come to the Shelter. The victims more often come to the Shelter directly, through the police, who pick them up, inform the Shelter and then drive them there. Besides, the victims come to the Shelter also through the International Organization for Migration or through mediation of the Prison in Padinska Skela in case they have been accused and sent to serve imprisonment first.

When the victims are found, further procedure differs depending on whether they are local or foreign women. In case of women citizens of Serbia, they are, when possible, brought back home, and if this is not possible, sent to the Shelter. The procedure with the foreign women is different, depending on whether they accept to enter the reintegration or repatriation program of the International Organization for Migration. In case they do accept it, they are sent to the Shelter. Otherwise, the victims are sent to the Shelter for Foreigners in Padinska Skela and then deported into the country of origin.

The foreign women from the Shelter return home (repatriation), and in case of local women, for the purpose of reintegration, the International Organization for Migration and ASTRA offer them various courses (hair dressing, manicure, pedicure, free courses in foreign languages, computer skills, and similar).

The programs of returning and reintegration, carried out by the International Organization for Migration, include organizing voluntary return of victims. The reintegration program has been made so as to meet the needs of each victim. Sandra Slijepcevic has described the operation of this organisation in this respect in the following way:

“The Program functions in such a way that, when a girl is reported, or when we are about a girl that was trafficked girl, we go there and introduce ourselves. We tell her what we do and inform her about our Pro-

gramme. We give her some time to think whether she would like to be included in the programme. Some girls accept this straight away, while some are afraid to do so. When they agree to be included in the Programme, we accommodate them in the Shelter and give them few days to gather their thoughts. We make an interview with them in order to obtain data, which would later help their reintegration. The filled-in questionnaire is then sent to the IOM mission in the girl's country of origin, the country to which she will return, with complete doctor's report, psychologist's report, data on family situation, on what she would, for example, like to do when she returns home, etc. The questionnaire is always sent before the girl leaves. We provide documents to the girls as well. We cooperate with embassies of the Ukraine, Russia, Moldova, Romania, and Bulgaria. We try to provide the girls with everything they need: clothes, shoes, travel bags. We give them pocket money of 150 \$ to have some money until they return home. They actually want to return home, however, their problem is that they are almost always penniless. The victims returning from Italy are in somewhat better position. Namely, the Italian Government sponsors girls-victims with 1500 EUR, which makes their return home considerably easier. They are not paid all the money at once but in three instalments: 500 EUR before their departure, 500 EUR three months later, and 500 EUR after the following three months. The problem however with the girls trafficked in Italy is that they are the most traumatized ones."

The Shelter for Women — Victims of Trafficking provides a safe accommodation for trafficked persons where they are offered various forms of assistance: "accommodation, medical assistance, psychological and legal assistance, shortly, everything they need in order to feel safe." (Sandra Slijepcevic). The average stay of victims in the Shelter is 29 days, but there are those who stay even four months or longer. For example, a victim — our citizen, has stayed in the Shelter for more than a year.

Five women work in the Shelter: lawyer, psychologist, nurse and two female social workers. Our respondents have emphasized several problems, which both the victims and the persons working in the Shelter are facing. Firstly, women accommodated in the Shelter have no freedom to move so that they are "practically in a kind of a prison". Unfortunately, they stay longer in the Shelter primarily because of our slow judiciary, i.e. long duration of criminal proceedings. This makes the situation of victims difficult, and as a consequence also makes the work of their careers in the Shelter more difficult.

"On one hand, it is good that our judiciary and the police want the persons who have sold, resold and exploited these girls to stand trial and

serve the deserved penalty; while on the other hand, operation of our system is very slow. This is very difficult for the victims because they are like in prison, and everyone has her own problems at home, an unsolved situation, a child, an ill member of the family, or someone who needs money. Thus, it is quite difficult to work with them and explain them that this is simply the way it works, because nobody asks victims whether they want to testify or not. Also, in order to leave the country, the victims should have an exit visa, which we request from the police, and the police issue the exit visa only when the court proceedings are completed. That, unfortunately, prolongs their stay in the Shelter.” (Sandra Sliepcevic, the International Organization for Migration).

Another crucial problem is related to the security of both women accommodated in the Shelter and the staff working there. In this respect, the situation has recently become even worse because previous permanent security service organized by the Federal Ministry of Internal Affairs has been replaced by patrols of the city police, which only occasionally visit the Shelter. Obviously, the problem of the Shelter security has not been solved in an appropriate manner, which may cause serious problems both for victims and the persons employed in the Shelter.

The ASTRA activities are primarily directed towards prevention (media campaigns, education, brochures, and information), assisting in finding and rescuing victims, helping victims’ families, checking offers/contracts for jobs and other arrangements abroad, and alike. The SOS telephone for women victims of trafficking is also available within the ASTRA network. Organizations within the ASTRA network and Beosupport mainly prepare various prevention programs related to trafficking in women and children.

The Roma organizations, particularly Bibija and Krlan, make efforts in informal ways to protect Roma women and children victims of forced prostitution. According to them, they perform this task by using an informal mobile team for interventions.

The activities of the Victimology Society of Serbia related to trafficking in people primarily include drafting changes of legislation, lobbying for their adoption, and educating experts. In addition, since April 2003, within the Victimology Society of Serbia a service for providing support to victims of crime titled the VDS Info and Support to Victims has been established. When trafficked persons are in question, the significance of services is primarily in informing the victims on their rights and on services which may be useful for them. This is realized mainly by disseminating information brochures.

X 2.2. *Assessment of the Work of NGOs and International Organizations*

Almost all respondents (120 of them or 97,6%) have answered that they are familiar with the work of local non-governmental and international organizations in this domain, which could be an indicator of high transparency of their work, at least when professionals encompassed by the research are concerned.

The respondents who have been familiar with the work of non-governmental organizations have had a positive attitude towards their work. In other words, only in few cases the importance of the existence of non-governmental organizations and their activities have been negated, or their real intentions in this domain have been doubted. The responses related to the operation of these organizations may be classified in three groups:

- Their work was praised,
- Their work was criticized,
- The problems facing these organizations face were pointed to and/or the inexistence of such organizations as a problem in itself.

The respondents who have praised the non-governmental organizations have highlighted their importance with respect to providing information and making public sensible for the problem regarding prevention and, particularly, providing assistance to victims. According to a number of respondents, the non-governmental organizations are the only ones assisting the victims; they have been the first to react to this phenomenon, talked about it, carried out education, etc. There are opinions according to which the non-governmental organizations should appear in public “more aggressively” pointing out to this problem.

Regarding the assistance to victims, the importance of safe houses has been highlighted, while the work of ASTRA was mentioned as important in relation to prevention. The activities of the Victimology Society of Serbia were emphasised in relation to the advocacy for legal changes. In addition, it has also been emphasized that media actions and campaigns have produced first results in their straggle to make trafficking in people more visible.

Also, some respondents have pointed out that the non-governmental organizations are now working and functioning much better then the organs of the state (for example, “They are better connected, they communicate better.”). On the other hand, it has been emphasized that they have better working conditions than the organs of the state:

“Regarding the personnel and financial situation, the non-governmental organizations have certain advantages over the police. They have qualified personnel, considerable funds compared to the policemen who have very low income and work hard, almost 20 hours a day.” (A representative of the police)

Likewise, the representatives of the police have indicated that the conditions in the Shelter for Women Victims of Trafficking are better compared to those in the Shelter for Foreigners.

The respondents who have had a critical attitude towards the non-governmental organizations have mainly emphasized that, although the only one, the assistance which the non-governmental organizations are able to provide is not sufficient, that there are not enough organizations which provide support to victims, that by wanting enthusiastically to do many things these organizations often do not work systematically enough and their work is of lower quality, that there are few organizations which really do something and many of those which ‘only talk’, and similar.

Several women respondents have indicated that there is a certain level of discriminatory attitude of the non-governmental organizations towards some victims, where the inappropriate attitude towards the Roma women and women with special needs has been particularly emphasized. One of the activists of the Roma non-governmental organisation pointed out that “a great importance is given to the girls trafficked from other countries to Serbia, while nobody takes care about the Roma girls. They speak little about them; nobody is interested in the Roma population.” She has also pointed out that prejudices about the Roma women are present in the non-governmental sector and consequently the cooperation between the Roma and other non-governmental organizations is quite weak. Another woman respondent employed in the Centre for Social Work has said that when it comes to the persons with special needs, “the accommodation of victims according to their needs is still not always a primary task of the non-governmental organizations”. The problem that neither Roma women nor disabled women are received in the Shelter for Victims has particularly been pointed out.

The problem of inappropriate personnel structure of non-governmental organizations providing support to victims and carrying out education has also been highlighted. The consequences are reflected both in poor results and in the fact that the participants at seminars do not accept these organizations in an adequate manner. With respect to this, the statements of the two respondents, a woman representative of an institution for social care from Belgrade and a woman representative of the Centre for Social Work from another town are particularly illustrative:

"The non-governmental organizations certainly assist victims. However, in the territory of Serbia, quite a number of NGOs have appeared recently which do not have educated members, actually they have members who have completed some instant education and who educate people who are far more educated than them and are much more familiar with certain problems than them. There are plenty of young girls in the non-governmental sector who are hard workers, but have no appropriate education. Some of them have studied a year or two at university some subjects completely non related with the work they do."

"Today there are many incompetent volunteers who work in non-governmental organizations, more in the local than in the foreign ones, who are educated, but their education often brings about more damage than benefit, because these people only got an ad hoc training. The work in these organizations should be monitored permanently in order to maintain the quality of assistance, and not to cause damage."

At this point we should remind you of the words of Professor Fattah who says that "for many victims the lack of any assistance might be better than misguided, badly delivered or ideologically tainted assistance. The fact that victim services and victim assistance programs are for the most part a do-good, humanitarian and charitable endeavour, or public relations enterprises, is a good reason for careful monitoring their work and assessing their results."¹⁷⁷

With relation to the criticism concerning the competence of persons employed in non-governmental sector, a woman respondent has observed the drawback of some media campaigns carried by non-governmental organizations, which have not been accompanied by public opinion polls at the very beginning, in the middle and at the end of the campaign. "Because of that, the campaign is senseless, not transparent, because its effects are not known", warns the respondent.

A number of respondents have noticed the lack of coordination in the work of non-governmental organizations, weak transparency of their work, as well as competitiveness to the detriment of victims. Thus, one of our women respondents has proposed the setting up of a network for offering assistance, in which it will be known what each non-governmental organisation deals with, while at the same time each non-governmental organisation would have its own projects. In this way one would know which of the NGOs to contact for assistance.

¹⁷⁷ Fattah, E (1999) "From a handful of dollars to tea and sympathy: sad history of victim assistance", in J. van Dijk, R. van Kaam and J. Wemmers (eds) *Caring for crime victims*, Monsey, New York: Criminal Justice Press.

“It should be like this — when one is in the need of help, one dials a phone number of four figures and gets professionals offering various kinds of assistance.”¹⁷⁸

The respondents have listed a number of problems, which the local non-governmental organizations face. Among the listed problems particular emphasis has been placed on the following ones: the problems of financing and presenting their work, still present negative attitude towards their work both in the public and environment in which they act, uncertain sustainability of their activities (“what will happen if there would be no money?”), insufficient number of shelters for victims, sceptic attitude of certain governmental institutions towards their work, and alike.

The problem of security of women associates of the non-governmental organizations providing victim assistance has also been pointed out:

“We have to take care of ourselves, because it has already happened that I and an interpreter have been chased by a car trying to hit us. We always check each other in the Shelter to see whether we are all well and whether everything is all right because there is a constant fear of possible attack. Only the closest circle of people, know where the Shelter is and I am exceptionally cautious to whom and what I say about the Shelter and the girls-victims.”

As for international organizations, the assessments of the respondents range from placing emphasis to their importance in carrying out reforms, in making the problem of trafficking in people transparent and in assisting victims, to the critical attitudes towards the local non-governmental organizations and experts and their role in solving the problem of trafficking in people.

Some representatives of the police and the magistrate judges have expressed their distrust in the abilities of these organizations to influence suppressing of trafficking in people and doubts about their real intentions. They have also indicated that these organizations impose topics and priorities without taking into consideration opinions and needs of the local actors. The women representatives of certain non-governmental organizations have had a similar opinion and have indicated the political dimension in their dealing with this problem, the lack of a real interest and care for victims, as well as a monopolist, arrogant and al-

¹⁷⁸ This woman respondent has probably not been familiar with the recently established service of the VDS Info and Support to Victims founded by the Victimology Society of Serbia, which, among other things, provides this kind of information.

most blackmailing attitude towards the local non-governmental organizations with regard to what is to be done and how.

Also, according to the opinion of a woman, representative of one non-governmental organisation, the international organizations should be more engaged in assisting local organizations, primarily by providing funds, and particularly related to the risk they put themselves into by working on such a delicate issue:

“Our organisation has had a three-month project for raising citizens’ awareness of the trafficking in women, after which many members of the organisation have faced numerous problems such as threats, anonymous calls. Activity in this field bears a great risk, so that all activists will think seriously before they decide to put themselves and their families at risk for extremely small funds allocated for the projects dealing with the trafficking in people.”

It has been pointed out that it is not good to send the victims of trafficking to attend trainings, which include physical touch, since this may be a great problem considering that they are mostly victims of sexual violence. Finally, it is important to mention that the women representatives of the non-governmental organizations have noticed that the International Organization for Migration by conditioning the assistance which it delivers to victims with their acceptance of reintegration program is not a good practice. They have also concluded that the victims should have free access to the Shelter and other forms of assistance regardless of whether they accept the program or not or whether they want to return to the country of origin or not. This observation raises an important question related to the problems which the victims face after returning to their countries, lack of their protection and a series of other open issues related to their security and efficient reintegration.

X 3. Cooperation between the Organs of the State, NGOs and International Organizations

As for the mutual cooperation between the organs of the state, non-governmental and international organizations, as well as the cooperation within certain sectors, the answers of our respondents are quite different: ranging from the lack of any kind of cooperation, through opinion that only occasional cooperation exists or that it should be improved, to the experiences of excellent cooperation. However, regardless of the answers the respondents have given, almost all of them have noticed that problems related to the cooperation and its establishment do exist.

bad mutual communication, lack of motivation of all actors. Related to this, the statement of a woman respondent who is included in the work of the Centre is quite indicative:

“The defined concrete goals to be realized have not existed from the beginning but it has been left open to adjust the goals to the needs which would emerge in the course of their realization. This additionally aggravated the realization of the project, as well as its evaluation. A certain number of people, included in the project by governmental and non-governmental organizations, were not truly motivated to realize the project but did so for the sake of their personal promotion. As for the non-governmental organizations, there has been a certain lack of motivation because they had no particular financial interest, so that some of them have adopted a rather aggressive attitude towards the state institutions. Too much work has fallen on only one person, a woman coordinator of the Centre, and she could not cope with it. On the other hand, both the governmental and non-governmental organizations have wanted to formally give an impression that the cooperation does exist, although it has not been concretely realized”.

X 4. Examples of Good and Bad Practices of the Organs of the State, NGOs and International Organizations

In order to obtain complete knowledge of mechanisms of operation of the organs of the state, non-governmental and international organizations, we have asked the respondents to quote an example of good as well as that of bad practice which they have directly or indirectly learned of. Most of the respondents have quoted examples from their own experience, while only a few of them have given examples they indirectly learned about, mentioning mainly the case of S. C. from Montenegro as an example of bad practice.

The analysis of the examples of good and bad practices at the same time is the best summary of the above-mentioned analysis of mechanisms of operation of the organs of the state, non-governmental and international organizations as well as a basis for proposing adequate changes. In order to better highlight positive and negative models, and as a basis for recommendations given in the conclusions at the end of this paper, the results of the analysis will first be given in the form of a summary of bad and good practices quoted by the respondents, and then the examples best illustrating the both will be presented.

Bad practice:

- a) Bad cooperation between the organs of the state and non-governmental organizations,
- b) Bad cooperation of the police with the Border Control Departments of the Army of Serbia and Montenegro,
- c) Lack of information exchange among institutions,
- d) Inappropriate informing of the press and its consequences related to the uncovering,
- e) Political pressures,
- f) Linking up of the police and traffickers,
- g) Punishing and imprisoning victims.
- h) Unjustified release of the accused,
- i) Long duration of the proceedings,
- j) Entrusting the hearing of victims to colleagues lacking experience and appropriate education
- k) Inappropriate security of victims after they return to the country of origin and falling in the trafficking rings again,
- l) Non-punishment of perpetrators,
- m) Lack of prevention programs,
- n) Lack of reintegration programs.

Good practice:

- (a) Good cooperation of various police units in uncovering trafficking
- (b) Cooperation of magistrate judges, police, non-governmental organizations, International Organization for Migration and Centre for Social Work, and successful accommodating of victims,
- (c) Cooperation between the local and foreign non-governmental organizations, on one hand, and the police, on the other, and successful discovering and rescuing of victims,
- (d) National Team for Combating Trafficking in Human Beings as an example of cooperation of the organs of the state with the non-governmental organizations,
- (e) Regional cooperation of the organs of the state with non-governmental organizations in discovering victims,
- (f) Proactive attitude of the police and successful discovering
- (g) Cooperation between journalists, the organs of the state and non-governmental organizations, and discovering and rescuing victims,
- (h) Fast reaction of the competent bodies,
- (i) Readiness of educated policemen to cooperate with organizations delivering victim assistance,

- (j) Protecting victims by non-governmental organizations,
- (k) Non-governmental organizations delivering assistance to victims receive feedback information,
- (l) Public prosecutors do their best to ensure that the case is completed properly,
- (m) A victim (girl) runs away from the trafficker, applies for help to the police, the police provides appropriate protection and she testifies,
- (n) A judge taking care of victims: providing psychologist, medical doctor, expert witness and hearing victims upon request of another judge,
- (o) Sensible attitude towards the victims and victims' readiness to testify.

The mentioned summary of the bad and good practice cases, stated by the respondents, indicate once again the importance of the proactive and sensible approach of the police, prosecutors and judges, protection and correct treating of victims as well as cooperation between various actors in discovering, prosecuting and punishing perpetrators and preventing secondary victimisation and re-victimizations of the victims. The mentioned examples also indicate that a lot may be learned from the experience so far and that there are some negative, but also quite a few of positive models in the existing mechanisms of operation of the organs of the state. The examples of bad and good practices quoted by the respondents have once again supported the conclusion emerging from other answers given by the respondents, according to which the problem of discovering and proving trafficking in people is not in victims but in traffickers, in the lack of systemic and comprehensive solutions and indecisiveness of the organs of the state to suppress it.

Examples of two extreme cases from the police practice

Bad practice:

"We had a case of a night club in the centre of a provincial town. All local inhabitants knew what was going on in the nightclub; it was been located nearby the most visited café in the town. When the members of the UBPOK (police unite for combating of organized crime) have entered the club, the local police have started to make obstructions. The owner of the club has been a local man of power, at the top of the ruling political party, and the local police did not disturb him. When the UBPOK has entered the club they blocked the exits and started searching. It took an hour and a half for the local police to get there. Instead of sending policemen, the chief of the police has sent policewomen, and it is well know that this not a thing to do. They did not have any rooms suitable for the

questioning in the local police station, access to computers was not provided, etc. After speaking to all the girls they took their statements, and sent them to the local police in order to proceed with the charges and give them notices to leave. While I was typing the criminal charges against the owner, whom all of the girls identified by a full name and surname, the prosecutor had already received a criminal charge for intermediation in the exercise of prostitution from the local police, however, against the unidentified perpetrator! It was obvious that there was a link between the local politicians who engaged in the trafficking in women and prostitution, and the local police”.

Good practice

“I received a call during the night because of two girls detained at the border crossing in Srpska Crnja. One of them had a torn passport, and I was told that both of them were lost and refused to speak. I arrived to the spot, offered them a cup of coffee, or tea, they refused. I spent the night in the same police station and the next morning I asked them to have breakfast with me. That is when they started to talk. They told me terrible things, they were terrified of their torturer finding them, and they had had bad experience with the police. One of them was from Moldova. She was on her way to a winter holiday when somebody offered her an excursion to Yugoslavia, and she accepted the offer. She entered the car only to find out that the door could not be open from inside and that was the end. The other was told that she would work as a waitress. They had both been through a dreadful experience, in Bosnia, in Kosovo, and in Macedonia. I obtained all the data from them, photos, names of persons, descriptions, and sent them to the competent police body. They served prison sentences of 30 days in Pozarevac; at the time the Shelter did not yet exist. I sent them back home with their torn passports. I accompanied them up to Zombolj. Now, one of them is inviting me to her wedding. Some of the perpetrators have been arrested, others remain at large. One of the customers, clients helped them escape.”

XI Awareness about the issue of Trafficking in People and measures to be taken

In order to obtain a more complete picture of the existing and necessary ways of social reaction to the trafficking in people in Serbia, the research has also included collecting data on how familiar the respondents are with the problem of trafficking in people and the recent changes of legislation, as well as their suggestions regarding measures to be taken. In this section, the results of the analysis of the data obtained on these issues will be presented.

XI 1. Awareness of the Problems Related to the Trafficking in People and the New Legislation

In our research we have tried to find out to what extent the professionals and representatives of institutions and organizations whom we have interviewed are included in various forms of education on the trafficking in people and how much they know about the problem of trafficking in people. As for the latter, we have paid particular attention to how much they master the basic phenomena and whether they are able to make distinction between them. We have also tried to find out how much the respondents know about new legal regulations stipulated in the Article 111b of the Criminal Code of the Republic of Serbia in which a criminal offence of trafficking in people has been included in our legislation for the first time. We have obtained data on this on the basis of both the analysis of direct answers of the respondents to the questions regarding definition of the phenomena and legal regulations, and the analysis of responses given with regard to other issues, actually on the basis of the interview as a whole.

The data on awareness of the problem of trafficking in people are an important indicator of the education level of our respondents in general, and particularly those who permanently or occasionally come across the cases of trafficking in people in their everyday work. Also, related to the data on participation of respondents in training, seminars, round table discussions and other forms of education or on raising awareness of trafficking in people, the data on familiarity with this phenomenon also show how successful this kind of education is. Thereby, the

obtained data on awareness of this phenomena and education of the respondents so far are of great significance for the planning further work on education not only of the representatives of the organs of the state and non-governmental organizations, but of the academics and other persons who encounter the problem of trafficking in people in their work as well.

Also, as already mentioned in the introduction, and considering that our research had the character of an action as well, our interviewers have given explanations and information to the respondents related to the issues and legal regulations we have researched, and in that way, while carrying out research, they have also worked on raising awareness of our respondents.

XI 1.1. Attendance of Seminars and Other Forms of Education on the Trafficking in People

Out of 123 interviewed persons, about one third (35.8%) has attended various forms of education, from lectures delivered by foreign experts and academic gatherings to the seminars and trainings organized by governmental, non-governmental and international organizations. The aim of all seminars and trainings was the education on trafficking in people.

Thus, most of the respondents, actually 79 of them or 64.2%, have not participated at or attended any such form of education (including round tables and lectures related to the trafficking in people).

The academics and university professors have been those who acquired knowledge on the trafficking in people through lectures given by foreign experts while the representatives of the organs of the state, non-governmental and international organizations, as well as journalists, have mainly attended various forms of training and seminars intended for them.

The women representatives of the Belgrade NGOs ASTRA and the Counselling Centre against Family Violence / Shelter for Women — Victims of Trafficking in Human Beings, a woman representative of the International Organization for Migration, as well as representatives of the Ministry of Social Affairs and the Ministry of Internal Affairs of the Republic of Serbia have attended the greatest number of seminars. The number of seminars at which the representatives of these organizations and ministries have attended ranges from 4 to several dozens.

The visible disproportion between the number of respondents who attended seminars and who are from Belgrade and the number of those from other parts of the country has been noticed. Namely, almost half

of the respondents from Belgrade (26 of them or 47.3%) have attended some form of training or discussion on the trafficking in people, while only 18 or 26.4%, out of the total of 68 respondents from other parts of the country attended some form of education, this being less than one third of the respondents.

It has particularly been noticed that out of the respondents from border towns of Apatin, Sombor, Pozarevac and Novi Pazar, where the problem of trafficking in people is very much present, no one has ever attended any form of education. The same refers to Milosevac, near Velika Plana, in which, as already stressed in previously mentioned statements, the data show the possible existence of trafficking in children. In other towns as well where trafficking in people is present, such as Nis and Zajecar, out of 10 and 7 respondents respectively, only two from each town have attended some form of education on trafficking in people. In Zajecar, the police officers were the ones who attended seminars, while in Niš, apart from the police, there were representatives of the NGO sector (Girls Centre) and the Centre for Social Work as well. However, the answers given by the respondents show that this has not happened accidentally but as a rule that the whole institutions from the parts of Serbia out of Belgrade have not been included in any kind of

Table 2: Education of Experts in Serbia

Place	Included %	Not included %	Total %
Apatin		3	3
Aleksinac		2	2
Beograd	26	29	55
Kraljevo		1	1
Milosevac		1	1
Novi Pazar		5	5
Novi Sad	5	8	13
Nis	3	7	10
Pozarevac		6	6
Sombor		3	3
Sabac	2	3	5
Subotica	1		1
Vrnjacka Banja	2	2	4
Vlasotince	1		1
Velika Plana	1	4	5
Zajecar	2	5	7
Zrenjanin	1		1
Total	44 35,8%	79 64,2%	123 100%

education on trafficking in people (for example, Elementary School, Municipal Magistrate Court and Centre for Social Work in Velika Plana, Municipal Court in Zajecar and District Court in Pozarevac, Center for Family Accommodation of Children in Milosevac).

On the basis of the above, it may be concluded that data gathered by the research indicate the regional disproportion in inclusion of professionals in various forms of education. However, in addition to the regional one, the disproportional inclusion in education of representatives of various organs of the state and non-governmental organizations has also been observed.

Judging by the answers of our respondents, there is a significant disproportion in inclusion in education of the employees of the Republic ministries for social affairs and internal affairs, on one hand, and employees of the centres for social work, courts, prosecutor's offices and police at the local level, on the other. The representatives of district and municipal courts and prosecutor's offices, the employees of centres for social work and the police most often have not at all been included in any form of education on trafficking in people or have participated at one seminar or one round table. However, the representatives of the police and centres for social work have been in somewhat more favourable position compared to the judges and prosecutors, as they have more often been included in education, although, as a rule, they have actually participated at only one seminar or round table discussion.

Such a small number of judges and prosecutors included in education on trafficking in people is contrary to the needs. To support this, we quote two answers:

"I have not so far attended any seminar on trafficking in people, but I would like to be invited to one. I think that it is particular useful for employees of the justice sector because they are expected to appropriately punish such criminal behaviour." (A respondent from the Municipal Court in Zajecar)

"So far I haven't attended any seminar on trafficking in people, but I think that educating prosecutors and judges on this issue is necessary, because I myself sometimes do not know how to react." (A respondent from the Municipal Public Prosecutor's Office in Zajecar)

The disproportion between the education and needs is found in respondents' answers which indicate that there are cases when the employees of the organs of the state having jobs closely related to trafficking in people (for example, the police, Federal Ministry of Foreign Affairs) have not attended any kind of education on trafficking in people at all.

According to the research data, the smallest number of those included in education is amongst the employees of homes for children and young people as well as those of high schools. Namely, out of respondents representatives of all institutions, except for psychologist in the High School of Economy in Velika Plana and assistant manager of the SOS Child Village from Novi Sad, nobody has attended any seminars or other forms of education on trafficking in people.

We have also noticed certain disproportion in the number of seminars at which women representatives of the NGOs ASTRA and Counselling Centre Against Family Violence/Shelter for Victims of Trafficking have participated, on one hand, and those at which women representatives of some other, smaller non-governmental organizations from Belgrade and those from Serbian countryside¹⁸⁰ have participated, on the other. An exception is a woman representative of the NGO Eva from Novi Sad who participated in all ASTRA and OSCE seminars and a woman representative of the SOS telephone from Vlasotince who has participated in almost all seminars organized by ASTRA.

The seminars and round table discussions in which the respondents have participated have been organized by the local non-governmental organizations (ASTRA, Victimology Society of Serbia, Incest Trauma Center, Safe House for Women, Beosupport), international organizations and foreign non-governmental organizations (OSCE, Council of Europe, UNDP, USAID, ICMPD, Stability Pact of South Eastern Europe, IOM, Lefo, Admira, La Strada, Hans Zeidel, Ministry of Interior of Greece), as well as the Ministry of Internal Affairs of Serbia, Ministry of Social Affairs and the Secretariat for Employment and Gender Equality of Vojvodina. The seminars are usually organized in cooperation with various organizations, or the organs of the state.

The respondents have mainly been satisfied with what they have learned during training (30), a smaller number of them (7) have been partly satisfied, actually satisfied with some trainings and unsatisfied with others, while only 4 respondents have stated that they are completely unsatisfied with the training. It is interesting to mention that three out of these 4 unsatisfied respondents have attended trainings organized by local organs of the state in cooperation with non-governmental organizations. However, amongst those who have stated that

¹⁸⁰ For example, a woman representative of the Roma Children's Centre from Belgrade stated that she had not attended any of the seminars because "regrettably, in the non-governmental sector the women of her age (54) are considered inappropriate for education and participation at seminars; this is reserved for young people." Also, a woman representative of the Girls Centre from Nis responded that she had participated at only one basic training course organized by ASTRA, while a woman representative of Psihofon from Novi Sad attended two seminars only.

they have been partly satisfied are the respondents who have attended trainings organized by international organizations.

The respondents are unsatisfied or partly satisfied, or better to say, those who have a critical attitude towards the education in which they have been included, have mainly stressed the following drawbacks:

1. they have not learned anything new;
2. there are too many "repetitions of already known things";
3. "things are too simplified";
4. the presented data are "meagre";
5. "there are not enough concrete pieces of information";
6. the quality of lectures is low;
7. the lecturers are inadequate;
8. the data on the situation in other countries are in disproportion compared to those on the situation in our country;
9. foreign lecturers are disappointing since they have treated them as "complete lay persons";
10. no materials whatsoever have been available at all.

Besides, in case of training organized by international organizations, a woman representative of a non-governmental organisation has indicated that main downside of foreign lecturers is that they are not familiar with the local context:

"International organizations are unable to thoroughly comprehend nor can they present true picture of how things are in the countries of the Region. The knowledge acquired at their seminars is not usable. Only the local people can provide such knowledge. Also, international organizations present only what is politically suitable for them. And they, unfortunately, have greater power than local organizations, they are those that conduct policy and decide about everything."

XI 1.2. *Familiarity with the New Legislation*

Almost three fourths, thus the majority of the respondents have answered that they are familiar with new changes of the law related to introduction of a new criminal offence of trafficking in people. Generally, the Table 3 shows high level of familiarity with the new legislation both in Belgrade and in other towns of Serbia.¹⁸¹

¹⁸¹ Given the small number of respondents in certain places, individual differences could not be a basis for some more general conclusion so that here we will not make any comments on them.

If we take a look at who are the respondents unfamiliar with the new Criminal Code, with regard to their profession and institution/organisation in which they work, we will see that most of them are people of non-legal professions working in homes for accommodation of children and young people and in elementary and high schools, and sometimes those working in centres for social work. However, although the law professionals, particularly judges and prosecutors are mostly familiar with the new criminal offence, still there have been individual cases, both in Belgrade and in other places, when some of them have not been familiar with this at the time of the interview. On the other hand, however, all respondents — police members, as well as representatives of the non-governmental organizations and academics, have been familiar with new criminal offence.

The data on awareness of legal changes reflect to some extent the extremely low level of inclusion in education on trafficking in people of those employed in homes for accommodation of children and young people, as well as the disproportion in education of the police, on one hand, and of judges and prosecutors, on the other. As for the latter, the differences in functioning of these two institutions are to be taken into consideration, i.e. obviously greater efforts invested by the Ministry of

Table 3: Awareness of professionals in Serbia about Legal Regulations

Place	Aware %	Unaware %	Total %
Apatin	1	2	3
Aleksinac	1	1	2
Beograd	41	14	55
Kraljevo	1		1
Milosevac		1	1
Novi Pazar	4	1	5
Novi Sad	10	3	13
Nis	5	5	10
Pozarevac	3	3	6
Sombor	3		3
Sabac	5		5
Subotica	1		1
Vrnjacka Banja	2	2	4
Vlasotince	1		1
Velika Plana	2	3	5
Zajecar	7		7
Zrenjanin	1		1
Total	88 71,5%	35 28,5%	123 100%

Internal Affairs in systematically changing the police operation in such cases.

In this sense, the response given by a police representative from Velika Plana is indicative, who, when asked whether he knew about the changes of law, responded:

“Yes, certainly. We have received the instructions from the Ministry on how to act in compliance with new changes.”

If the data on awareness of the legal regulations are considered in the light of the above mentioned data on the prevalence and characteristics of trafficking in people in Serbia, it may be concluded that lack of knowledge about legal changes of those employed in homes, schools and centres for social work is a very upsetting fact because of adverse effects it may have on their timely and appropriate reacting in a situation when they come across a case of trafficking in children.

XI 1.3. *Definitions and Capability of Delineating Basic Terms*

At the beginning of each interview we have asked our respondents to define the terms which we believe to be the basic ones for understanding the problem of trafficking in people:

- Trafficking in people;
- Prostitution;
- Smuggling of people;
- Forced labour.

Most of the respondents have given their definitions of the above listed phenomena. However, some respondents either have not known or have not been willing to give their definitions.

The definitions of the trafficking in people range from those in which only some elements are identified to those citing in detail the definition from the Protocol to Suppress Trafficking in Human Beings from Palermo or definitions stipulated by the law. The analysis of obtained definitions shows that most of the respondents see in trafficking in people the buying and selling relation in which the objects of sale are human beings, i.e. their bodies and organs. This is not at all surprising considering the very Serbian term '*trgovina*' (trade) of people which is actually an inadequate translation of the English word *trafficking*, and is rather confusing and causes difficulties in understanding of the prob-

lem as a whole.¹⁸² However, on the other hand, significant number of respondents identifies exploitation, i.e. establishment of slavery as a basic element of trafficking in people. This actually speaks about satisfactory level of their basic knowledge on the trafficking in people phenomenon.

It is interesting and quite unexpected, considering that in our country this problem is mostly connected with the trafficking in women for the purpose of sexual exploitation, that most of the respondents, while defining this problem, have identified as victims people, i.e. human beings in broader sense, placing emphasis on women and children as being particularly vulnerable, where in conformity with this is a high level of awareness of both trafficking in people for the purpose of sexual exploitation and the trafficking in people for the purpose of labour exploitation, i.e. forced labour. A considerable number of respondents have noticed a close connection between the trafficking in people, forced prostitution and forced labour. They have noticed the coercion, exploitation and inadequate working conditions to be crucial elements of forced labour. However, only few respondents have noticed wider range of possible forms of exploitation, such as using human beings in armed conflicts, adoption, etc.

However, while giving correct definition of trafficking in people for the purpose of forced labour, the respondents have also emphasized that this form of trafficking in people does not exist in our country at all. Also, the analysis of responses to other issues indicates that some of the respondents have only declaratively, possibly because of the manner in which the question is formulated ("how do you define trafficking in people"), included men among the victims as well, while actually they have not identified men as victims, particularly in our country. Likewise, they have not seen children as victims. At the abstract level of defining the phenomenon, the respondents have seen the trafficking in children as a form of trafficking in people, but when they spoke about concrete cases in our country, they have not always identified the trafficking in children (for example, they define trafficking in juveniles as the trafficking in women), or, although the descriptions correspond to the trafficking in children for the purpose of forced labour, they have not at all identified such cases as trafficking in people.

Thus, for example, while, on one hand, some of the respondents identify the problem of trafficking in people exclusively as trafficking in women and children for the purpose of sexual exploitation, on the other hand, they have shown tendency to relate the trafficking in men primarily to the stereotype idea of workers migrants from the Far East

¹⁸² Kelly, L. (2220). Op. cit. pg. 17.

going to work in the “sweatshops” in the West. In addition, while in many cases of smuggling of men migrants through Serbia the respondents have openly expressed their doubts or left the possibility that this is actually the matter of trafficking in people, some of them, when asked about the forced labour in Serbia, have responded as follows: “There is no such thing in our country, this takes place only in the factories in the West”, “The Chinese in our country deal with trade, and not with production”, “In our country there are no factories in which a bunch of Chinese make small bears”, and alike. It is interesting that relatively small number of respondents professionals haven’t even expressed a slight doubt that trafficking in adult men or at least forced labour of male migrants in Serbia exists at all, in spite of the fact that they have been aware of “widespread” low-cost “illegal labour” of immigrants from Rumania, Bulgaria and other countries, who work under conditions which, as a rule, exclusively depend on the will of their employer.

Nevertheless, the trafficking in men is a problem in relation to which the sensibility of professionals in Serbia is raising, particularly of the police members. This is confirmed by their awareness of and interest in the phenomenon, about which we can at least superficially judge by the amount of information they have and their opinions on various aspects of this phenomenon they have expressed in the opinion poll.

The detailed analysis of responses given by the respondents also show that the trafficking in women is most often understood as trafficking in women for the purpose of sexual exploitation, while the trafficking for the purpose of labour exploitation, on the other hand, is mainly reserved to men. The trafficking in children is related to both sexual and labour exploitation.

From often meagre definitions given by the respondents we gained an impression that they may be classified in three groups with regard to their ability to make distinction between the phenomena we have asked them to define. The respondents who have no particular problem in making distinction between the basic phenomena belong to the first group. The second group consists of those who do not make distinction between the trafficking in people and smuggling of people, while the third group consists of those who have problems in making distinction between the forced prostitution and trafficking in women,¹⁸³ which is not at all surprising considering their close link.

“Everything is linked up. The trafficking in people has an economic impact: somebody pays to go out of the country. Prostitution is a form of

¹⁸³ See Kelly (2002), op. cit. pg. 14.

trade. Women from the Ukraine, Moldova, and Romania come here because of prostitution. In Moldova one gathers them, sells them, and then they work here to pay off that amount, and afterwards they share their profits with their bosses.”

“Previously, I have looked upon the prostitution as a selling of a body, while today I consider it to be one of the main forms of trafficking in people.”

“The prostitution is a form of exploitation, however, a form that is more voluntary than in case of trafficking — an exploited person is from the beginning aware of what she is doing. In most cases, their freedom to move is restricted. The element of deception is not that much present as with trafficking, but other elements are very similar. There may be other elements of deception and blackmail — these are cases when a woman who has voluntarily become a prostitute in one moment wants to leave her pimp but he refuses to let her go. Similar case is when a woman who is a voluntary prostitute wants to refuse a client but the pimp does not allow her to do this.”

Besides, there have been individual cases when the respondents have not made a distinction between individual illicit border crossings and smuggling, between forced labour and illegal labour, as well as when they have not realized that border crossing is an essential element of smuggling of persons which, compared to the trafficking in people, may not be performed within the borders of one country.

Some respondents have, among other things, defined the trafficking in people as a form of organized crime and/or a set of various criminal offences, while others have stated that this is primarily the matter of human rights violation. While defining trafficking in people some respondents have highlighted push and pull factors, where social and economic ones are mentioned as push factors, and economic factors and sex industry in the West as pull factors.

By linking up the data related to education and definitions given by the respondents about the basic phenomena we have come to the expected connection between education and ability of making distinction between the basic phenomena and understanding of the trafficking in people as a whole. This connection is noticed mostly in the responses given by the respondents who have never attended any form of education and those who have attended a number of seminars. The respondents who have not attended any form of education about trafficking, have, as a rule, given meagre and abstract definitions, often based on common sense and not on knowledge: “selling of people for the purpose of gaining material benefits”, “selling of sexual services”, “illegal transfer of persons”, “abuse for the purpose of begging, prostitution, selling

for gaining material benefits”, and alike. Such responses have been particularly noticed with the respondents from homes for children and young people, schools and centres for social work. Still, some respondents from homes for children and young people have in their surroundings and in concrete examples identified forced labour of children and trafficking in children related to it. The latter speaks mainly about the enthusiasm and self-education of some individuals, and additionally confirms the previously stated data on lack of and need for systematic approach to education of the employees of these institutions.

It has also been noticed that among the members of various professions, particularly among journalists, members of the police, judges and prosecutors, there are those who, in spite of the fact that they have not attended or have only occasionally attended some specific form of education, are rather familiar with the basic phenomena. This indicates that self-education is present among professionals, which is quite understandable given the nature of their professions.

On the other hand, the respondents who have not known or who have not wanted to give the required definitions prevail among those who have not attended any form of education, while the respondents, particularly members of the police who attended several forms of training, have given most articulated and detailed responses. However, some of the responses indicate possible connection between the quality of training and the acquired knowledge considering that among those who have attended training there are still respondents who are quite unable to make distinction between the basic phenomena. Among them are particularly the women representatives of the non-governmental organizations from outside Belgrade, who have often given general definitions such as “terrible phenomenon”, “victims are like animals in a cage”, “a great burden”, “the problem stemming from poverty”, and alike.

XI 1.4. *Conclusion*

The obtained data show that the number of professionals in Serbia included in the education on trafficking in people is very small, as well as that in this regard there is a high level of regional, professional and vertical disproportion. Education is available mostly to the professionals from Belgrade, from the police and non-governmental organizations, as well as to those in higher place in hierarchy, i.e. who have key positions or are in key organizations, while it is far less available to the others. Particularly indicative is low inclusion in education of employees of homes for children and young people and high schools, as well as in centres for social work, courts, prosecutor’s offices and police at local le-

vel. In addition to inappropriate distribution of offer of education, we have also noticed a disproportion and obvious lack of standards in the quality of education. We have also noticed the lack of adaptability of education to the local context and to the level of basic education of professionals from Serbia.

On the other hand, the obtained data indicate that there is an evident need for education on trafficking in people. This conclusion emerges from both the direct responses of the respondents related to this phenomenon and the level of their awareness of basic phenomena and their connection with education.

The obtained data indicate that there is a need for creating conditions for education on the entire territory of Serbia and for all institutions/organizations for which such education is relevant. These data further indicate that there is also a need for more detailed reconsideration of monitoring/evaluation. We have also come to understanding that awareness and sensibility of respondents related to the trafficking in children and men is weak, which at the same time suggests that there is a need for including these problems in all educational programs on trafficking in people. In addition, it is necessary to divide educational programs into basic and special ones, depending on the relevance of particular programs, considering target groups which the professionals to be educated deal with.

On the other hand, the data on the awareness about changes in legislation show that the professionals in Serbia, particularly law professionals, are rather familiar with them, as well as that their familiarity with the law is not necessarily connected to additional education. This is actually expected when we consider the attention the media give to the legislation reforms as well as the fact that monitoring changes in legislation is a part of legal professionals' work. However, rather low level of familiarity of non-legal professionals in social institutions with changes in legislation once again highlights the importance of the education of this category of professionals.

XI 2. Measures to be Taken as seen by Respondents

In the course of the research on "Trafficking in People in Serbia", the data were collected on the respondents' attitudes and ideas related to the manners of efficient combating of society against this gruesome type of crime. The respondents have expressed their views of the manner of fighting trafficking in people in their responses to the following questions: "Do you have any idea of how our society should fight the problem of trafficking in people?" and "What is your opinion on new

legislation and possibilities of its enforcement in practice? What is their meaning for victims and what for the perpetrators? What should be changed as well?" Most of the respondents — 77 of them (63%) have, giving their response to one or both questions, explicitly expressed their own ideas regarding measures to be taken for overcoming the problem of efficient suppressing of trafficking in people. The proposals may be classified in three groups:

- Proposals of measures for strengthening efficiency of criminal law repression;
- Proposals of measures for improvement of the protection and support to the victims of trafficking in people;
- Proposals of measures and activities in the domain of prevention.

In the structure of the proposed measures, the dominant ones are those related to strengthening efficiency of criminal law repression (44%), followed by the measures aiming at improving victim protection and support (31%), and measures in the domain of prevention (25%). Almost half of the proposed measures for improving prevention, repression or protection and support to the victims of trafficking in people (43%) have also implied a need for changing or supplementing certain legal regulations. This will be discussed in more details further on in this chapter.

Most of the respondents who have given concrete proposals related to social reaction to the problem of trafficking in people, have deemed that exclusively measures for strengthening criminal law repression (38) are necessary, while eight of respondents persons have decided that exclusively preventive measures are the necessary ones. Four respondents have proposed the improvement measures in the domain of repressive and preventive reacting, while those who have suggested measures for improving victim protection and support (27) have at the same time stressed out the need for taking measures in the domain of repressive or preventive operation of the state and society against this type of crime.

XI 2.1. *Measures for Strengthening the Efficiency of the Criminal Law Repression against Trafficking in People*

The respondents who stressed the need for strengthening the repressive control of trafficking in people prevail both in overall structure of respondents who have given their proposals and within almost all

encompassed professional categories. Namely, measures for strengthening efficiency of criminal law repression are included in the proposals of:

- 1/2 of judges from district and municipal courts,
- 2/3 of district and municipal public prosecutors, their deputies or experts,
- 2/3 of journalists,
- 3/4 of activists and experts of non-governmental organizations,
- 4/5 of the employees of centres for social work, educational and social welfare institutions,
- 9/10 of employees of the Ministry of Internal affairs, and
- all magistrate judges.

The respondents who have expressed their views on the necessity of improving efficiency of criminal law repression may be generally classified in two groups: the first group comprises of those who share the opinion that the main problems are in bad functioning of repressive mechanisms and inefficiency in discovering criminal offences of trafficking in people, catching perpetrators and timely and appropriate reactions of all organs of the state within the criminal justice system, and only consequently in proving (76%), while the second group comprises of respondents who believe that the main problem is in the domain of ensuring evidences against traffickers to the extent and quality necessary to pass condemnatory judgment in criminal proceedings (24%). As it was expected, those who have most often highlighted the difficulties in ensuring evidence as the main barrier in successful repression of trafficking in people are most often members of the police followed by employees of prosecutor's offices. The respondents of various professions, both the employees of the organs of the state and those belonging to all other professional categories, have pointed out the systemic problems of efficiency of the organs of the state in combating against trafficking in people.

According to the above views of the problem in functioning of criminal law control, the measures recommended for raising its efficiency may be classified into: general measures and measures related exclusively to the sphere of proving criminal offence of trafficking in people in the proceedings against perpetrators.

The following general measures for improving efficiency of criminal law reaction against trafficking in people are proposed:

- Strengthening mutual coordination between organs of the state
- the police, prosecutor and courts;

- Fighting against corruption in the police, customs and other state services;
- Strengthening international, particularly regional cooperation in combating trans-national crime;
- Sensibility, education and advanced training of employees of the organs of the state, primarily of the police, prosecutors and courts;
- Staffing and improving personnel structure of the police;
- Upgrading technical equipment of the police for the purpose of more successful control of the State borders and more efficient discovering of criminal offence of trafficking in people;
- Specialization of police teams for combating against trafficking in people.

Within the measures, which would improve repressive formal control by setting up preconditions for greater efficiency in the sphere of proving criminal offence of trafficking in people, the following is proposed:

- Urgent operation of criminal prosecution bodies in cases of trafficking of people,
- More comprehensive legislation related to witness protection in proceedings against perpetrators of the criminal offence of trafficking in people,
- Providing more extensive (legal, psychological and financial) support and protection to victims of trafficking in people for the purpose of encouraging testifying in criminal proceedings against perpetrators,
- Expanding cooperation of the organs of the state and NGOs in supporting and protecting victims,
- Delay in deportation of foreigners-victims of trafficking in people who are willing to testify in criminal proceedings against perpetrators,
- Activating in practice the new measures provided for by the Criminal Procedure Codes (giving simulated business services, concluding simulated legal deals, engaging covert investigators, surveillance and recording),¹⁸⁴

¹⁸⁴ Amendments to the Law on Criminal Procedures of 19th December 2002 (“Official Gazette of FRY” issue 68/02), Article 504lj provides for the possibility that, against the person for whom there is a reasonable doubt that “he alone or together with other persons prepares organized criminal offence” the investigating judge, on request of the state prosecutor, allows a temporary measure of: “giving simulated business services, concluding simulated legal deals and engaging covert investigators, if organized crime offence could not be revealed, proved or prevented in another manner, or if that might be connected with significant difficulties”. These measures are executed by the internal affairs bodies (Art. 504m, paragraph 1 of the Law on Criminal Procedures), while the “covert investigator may be a person employed by the organs of the state” (Art. 504nj, paragraph 1 of the Law on Criminal Procedures).

— Creating legal possibilities for expanding range of investigating techniques.

It is interesting that none of our respondents has mentioned the possibility of greater use of other sources of evidence compared to the number of victims, such as, for example, informant witnesses,¹⁸⁵ etc. Even the very proposals of the respondents related to “activating” of new measures and evidence collecting techniques and “expanding range of investigating techniques” indirectly speak that a victim is still preferred by all or some the organs of the state as “the only” source of evidence although the Criminal Procedure Codes, and particularly Amendments and Supplements to the Criminal Procedure Codes of 19th December 2002 (“Official Gazette of the FRY”, issue 68/02) provide for a wide range of possibilities for using many other “sources”. A question may arise: which other investigating techniques are “necessary” in addition to: “surveillance and recording of telephone and other conversations or communications by other technical means”, “optical recording of persons against whom there is a reasonable doubt that they themselves or with others have committed a criminal offence with elements of organized crime” (Art. 232, paragraph 1 point 3 of the Criminal Procedure Codes), “giving simulated business services, concluding simulated legal deals and engaging covert investigators” (Art. 504lj, paragraph 1 of the Criminal Procedure Codes) who may again “use technical means for recording conversations and enter in other persons’ apartments and other premises” (Art. 504nj, paragraph 5 of the Criminal Procedure Codes). However, since the implementation of these measures are preceded by activities of the police (which pass on the information related to “reasonable doubt” to the prosecutor) and prosecutor (who requires their determination) and investigating judge (who approves them), and again the police which execute them, it is not possible to clearly locate where is the barrier for “activating new measures” which are not actually quite new.

A partial answer to the above question may be found in observations of one fifth of the respondents that special measures are not quite necessary for raising efficiency of criminal law reaction, but that in this sense actually the “willingness” of the State is crucial in decisive suppressing of trafficking in people as a grave criminal offence and grueso-

¹⁸⁵ Informant witness is a member of a criminal group (under condition that there is no reasonable doubt that he/she is organizer of a criminal group), against whom the criminal charge is filed or criminal proceedings is conducted for organized crime offence, and who is, at the proposal of the state prosecutor, heard out as a witness. The informant witness who gives a statement in court in compliance with obligations envisaged in Art. 504d of the LCP “may not be prosecuted for organized crime offence for which the criminal proceedings is in progress” (Art. 504z, paragraph 1 of the Law Criminal Procedures).

me type of organized crime. The employees of the organs of the state as well as others are almost equally represented among respondents who have shared this opinion: namely, four representatives of non-governmental organisations have explicitly stressed the “lack of willingness” for suppressing trafficking in people, as well as the two of each interviewed academics, judges, magistrate judges, members of the police and journalists. Particularly indicative is the fact that relatively greater number of respondents who have had direct professional experience with the problem of trafficking in people (25%), have openly and clearly emphasized “the lack of willingness for suppressing trafficking in people” than those who have not had such experience (10%).

More than a third of respondents have implicitly expressed their doubts about decisiveness of the organs of the state to seriously approach the problem of suppressing trafficking in people. They have given the following response to the question on how much they know about introducing criminal offence of trafficking in people (Art. 111b of Criminal Code of RS) into the Law on Amendments and Supplements of the Criminal Code of the Republic of Serbia of 11th April 2003: “the law is one thing, but we will see how this will function in practice”. Tragic Music, a woman judge in the Municipal Court of Sabac has, like many others, highlighted the need for systemic and decisive approach of the organs of the state to repression of trafficking in people which should be followed by the very changes in legislation:

“I think that the new legislation has put a greater accent on human body protection. However, the challenge in future is in readiness of the criminal justice bodies to arrest, prosecute and punish perpetrators. In this sense, formal control should be compact — all of its rings, starting from the police, through prosecutors up to courts. They all have to have equal attitude and decisiveness. Punishing perpetrators should be unavoidable and severe, while victims should be encouraged to report these offences.”

The precondition for successful combating against trafficking in people in Serbia is, in the opinion of most respondents, the change of overall attitude of the society, and particularly the organs of the state, towards the problem of trafficking in general, and victims of trafficking in people, in particular, where there is, according to their observations, still unacceptably lot of prejudice and lack of understanding. In this context, the importance of intensive and good cooperation between the organs of the state, media and non-governmental sector has been particularly stressed out as one of the strategic approaches, which may give positive results in suppressing such a grave and specific problem as the trafficking in people is.

XI 2.2. *Preventive Measures against Trafficking in People in Serbia*

Among preventive measures recommended by the respondents, absolutely prevailing are those of a general — preventive character:

- Educating common population on risks related to illegal economic and other migrations;
- Tightening legislative penal policy for the purpose of de-motivating potential perpetrators;
- General economic and social policy measures;
- Raising the sensibility of the public to the problem of trafficking in people;
- Legalization of prostitution.

One fourth of respondents who have expressed their views of measures for improving combating against trafficking in people have emphasized the importance of educating common population on risks of victimisation by trafficking in people. Some 15% of the respondents who have expressed their views of efficient social suppressing of trafficking in people have given absolute priority to the general economic and social policy measures as being “the only permanent solution”. Almost one fourth of the respondents, by expressing their own ideas on how to improve fighting against this problem, have proposed the tightening of legislative penal policy counting on its generally preventive effects and discouraging of potential perpetrators by increasing “the price” of this criminal activity. The respondents who have expected positive effects of the sensibility of the public to the problem of trafficking in people (5%) have actually expressed their hope in mechanisms of informal control of this type of crime and public pressure on the organs of the state which would result in their greater efficiency and engagement in various aspects of the problem of trafficking in people, including the preventive ones as well. The preventive effects of legalization of prostitution, proposed by 5% of the respondents who have expressed their opinion on appropriate suppressing of trafficking in people, are expected primarily through expanding markets of legal services at the expense of illegal services as well as through elements of legal, social and economic status of prostitutes — both local and foreign women, and consequently lessening risk of their victimisation.

Few respondents, who have called for preventive measures, have given priority to such preventive measures which would include educating and assisting persons belonging to categories particularly vulnerable to victimisation by trafficking in people. In this sense, they have made emphasis on the following measures:

- Educating adolescent and young girls,
- Educating children without parental care and children in social welfare institutions
- Financial and psychological support to persons who have already been victims for preventing their re-victimisation.

Re-victimisation of the victims of trafficking in people for the purpose of sexual exploitation is a problem which some respondents from Novi Sad and Novi Pazar have noticed. Valerija Tomin, a physician from the Health Center in Novi Sad and associate of the NGO "Eva" has described several cases of trafficking in women and female children for the purpose of sexual exploitation where the victims have been local women who after the first victimisation "continued to work in the same places". She knew about these cases from her own experience since, as a doctor, she had been asked to come in houses to treat the victims, after which she herself reported the cases to the police. One of the respondents described his knowledge about victimisation of victims of trafficking in women for the purpose of sexual exploitation in the following way:

"In some cases, a discovered person is apprehended and brought in to magistrate judge where she is heard out and punished for having violated the Law on Public Order and Peace. Afterwards, the women are escorted by the police to the border to be returned to the country of origin... It has happened that some of them have come back to Yugoslavia, and some have again fallen in hands of traffickers who have sold them. This only means that this type of crime is well organized."

Most of the respondents who have offered concrete proposals of preventive activities related to risks of trafficking in people, have at the same time emphasized the importance of efficient repressive formal control, to which they have attributed certain preventive effects. However, some of the respondents have completely negated the significance of repressive reacting, emphasizing that "nothing can be achieved by repression and thus one should work on prevention". They stressed as "the only efficient" measure for suppressing problem of trafficking in people introducing general measures of economic and social policy and educating common population, as well as the population particularly vulnerable to victimisation.

Journalists and academics (57%) have most often given absolute priority to preventive measures, followed by those employed in educational institutions (50%), while employees of organs of the state (33%) and activists and associates of the non-governmental organizations (29%) have rather rarely given priority to these measures.

XI 2.3. *Measures of Protection and Assistance to Victims of Trafficking in People*

Among the respondents who have explicitly expressed their opinions on measures to be taken in relation to the problem of trafficking in people, the journalist (2/3) have been those who have most often given proposals related to the victim assistance and support, then the magistrate judges (2/3) and activists and associates of the non-governmental organizations (1/2), while the police members (1/5), professionals of centres for social work (1/5), municipal and district public prosecutors and their deputies (1/5) as well as municipal and district court judges (1/6) have rarely given such proposals. Neither any of the interviewed academics nor those employed in education institutions have explicitly emphasized measures of support to victims of trafficking in people, which however should be envisaged in future.

Most of the respondents, who have called for the need for improving assistance to the victims of trafficking in people, have emphasized double purpose of these measures. They have pointed out that they are necessary both because of strengthening the victims themselves and preventing their secondary victimisation and re-victimisation as well as because of efficient criminal law repression of trafficking in people considering that the victims are often the only available source of evidence against perpetrators. The proposed measures for the purpose of strengthening victims and preventing their secondary and repeated victimisation are the following:

- Operate urgently in cases of trafficking in people;
- Providing legal, psychological, medical and financial assistance to victims of trafficking in people during preparations for testifying in criminal proceedings;
- Reducing to the minimum situations when victims of trafficking for sexual exploitation are asked to give statements (both by the organs of the state and by the non-governmental organizations);
- Raising sensibility and educating police members, prosecutors and judges on specific features of victimisation by trafficking in people, particularly women for the purpose of sexual exploitation;
- Delay in deportation of victims in cases when their security is jeopardized;
- Stipulating legal regulations for appropriate protection of trafficked persons who are willing to testify in criminal proceedings (implementation of witness protection program);
- Opening state shelters for care of victims and “half-way” shelters

- Upgrading professional victim assistance delivered by non-governmental organizations;
- Legally binding the State to provide psychological, medical and financial assistance to victims for the purpose of their socialization without conditioning them to testify in criminal proceedings;
- Restructuring the National Team for Combating Trafficking in Human Beings and defining the role of all actors by a protocol on cooperation.

The above-mentioned measures of protection and support to victims of trafficking in people mainly burden the State which so far, in the opinion of many respondents, has not shown enough sensibility, interest and willingness in this domain. The attitude of the State towards the victims of trafficking in people is actually indication of general attitude of the State and society as a whole towards this problem. Namely, it is clear that without cooperating with victims the possibility of combating this type of crime is quite limited. In addition, the attitude towards victims is an indication of a true attitude towards values which are declaratively protected by legal-criminal norms. The responses given by the respondents in the domain of victim protection and support have, therefore, been more often along the lines of understanding of this attitude as systemic problem than as “humanitarian” issue. All respondents who have proposed measures for improving victim support have understood sensibility of employees of the organs of the state to the problem of trafficking in people and specific features of victimisation by this grave criminal offence as systemic issue. Zoran Ilic, PhD, psychiatrist in the Institute for Mental Health in Belgrade and expert consultant in the IOM stresses out:

“It is very important that those who implement the law have deep feelings for the victim... Those who are in direct contact with victims must in every moment be aware of what she or he has gone through and what she or he is still to face.”

The proposal for reconstructing the National Team for Combating Trafficking in Human Beings has been made in the very context of general observations about the need of entire attitude of the organs of the state and society as a whole towards the problem of trafficking in people and victims of trafficking. According to the opinion of Vesna Stanovic, lawyer and coordinator in the Counselling Centre against Family Violence:

“The Republican Team for Fighting Trafficking in Human Beings should include people who deal with this problem — representatives of

the Ministry of Justice, Ministry of Health, the police, Ministry of Labour, Ministry of Social Affairs, non-governmental organizations. It is necessary that each of them has a defined role; to know who can apply, to whom and what for.”

All respondents have highlighted the need for taking measures aimed at more extensive protection and support to victims of trafficking in people, as well as the significance of strategic approach and cooperation of the State and non-governmental sector in this domain: seriousness and specific character of the problem call for more comprehensive, systematic and intensive engaging and cooperation of various social factors in order to secure realization of interests of both victims and society through victim protection and support, including also criminal law repression objectives.

XI 2.4. Proposed Changes of Legislation for More Efficient Suppressing of Trafficking in People

The proposals related to the change of legislation represent constituent part of the proposal for improvement measures in the domain of repressive or preventive reacting or measures for protection and support to victims of trafficking in people. Given the importance of these proposals, it is necessary to analyse them separately. Because of that it would, unfortunately, be inevitable to partly repeat what has already been said in previous sections.

First of all, most of the respondents who at the time of the interview were familiar with the latest changes of the law related to the policy for combating trafficking in people, have not had any concrete remarks to these changes and considered them as appropriate. Still, some of them have been of the opinion that the legislation itself has undoubtedly provided possibilities for a more efficient combating against trafficking in people, but that the space for criminal prosecution has existed even previously. There have also been opinions according to which the new legislation is good for a start but that educating professionals is necessary for its correct enforcement.

The concrete remarks made by some respondents on the very text of provisions related to incrimination of the Trafficking in People, Article 111b of the Criminal Code of the Republic of Serbia, have ranged from the opinion that legal definition in this part is “too detailed” and “clumsy” to those that it is “insufficiently clear” and “incomplete”. In this context, two respondents have given their opinions according to which it would be better to literally take over the definition from the

Protocol to Prevent, Suppress and Punish Trafficking in Human Beings in conjunction with the United Nations Convention against Transnational Organized Crime launched in 2000. Besides, three respondents have stated that the scope of punishment covered by incrimination referred to in Article 111b of the Criminal Code of the Republic of Serbia is insufficiently wide, i.e. that the criminal law protection of adult persons, and particularly that of the minors, is insufficient. Considerably more remarks have been made on the penal policy related to the criminal offence of trafficking in people, i.e. amount of penalties prescribed for perpetrators.

The respondents made concrete remarks on the new legislation and, as a rule, have given concrete proposals related to amending and supplementing law. However, among the respondents who had no concrete remarks on the new legislation there were also those who have stressed the appropriateness of some additional legal changes in order to provide better efficiency of repressive or preventive control of trafficking in people and other criminal offences related to trafficking. Generally, 40 respondents have, given concrete proposals for amending and supplementing law aiming at more efficient suppressing of trafficking in people by the organs of the state and society as a whole. Their proposals are listed according to their frequency as follows:

- Tightening legislative penal policy related to trafficking in people;
- Providing special witness protection in criminal proceedings against perpetrators of the criminal offence of trafficking in people;
- Providing possibility of delaying deportation in cases in which victims or other witnesses — foreigners accept to testify in criminal proceedings against perpetrators;
- Regularizing the obligation of the State to act urgently in criminal proceedings in cases of trafficking in people (shorter legal deadlines for performing certain procedural actions);¹⁸⁶
- Legalizing prostitution;
- Expanding the scope of punishment covered by incrimination of trafficking in people referred to in Art. 111b of the Criminal Code of the Republic of Serbia (providing better criminal law protection to juveniles and adult persons);

¹⁸⁶ Considering that Art. 504b of the Law on Criminal Procedures (“Official Gazette of the FRY”, issues 70/01 and 68/02) stipulates that “Officials engaged in criminal proceedings regarding offences of organized crime are obliged to act urgently”, the proposals of the respondents on introducing special measures to ensure urgent operation for criminal offences of trafficking in people may be, in this concrete sense, understood as proposals including separate deadlines for conducting certain procedural action in cases when there is a reasonable doubt that this criminal offence has been committed.

- Providing legal possibilities of reducing to minimum the number of statements taken from the victims of trafficking for sexual exploitation prior to and in the course of criminal proceedings;
- Introducing new investigating techniques (secret recording, audio and video surveillance of objects and suspects, and alike);
- Providing possibilities of delaying deportation in cases in which security of victims is jeopardized without conditioning victims to testify in criminal proceedings;
- Stipulating obligation of the State to provide psychological, medical and material assistance to victims for the purpose of their re-socialization;
- Introducing witness protection programs;
- Stipulating punishment for non-reporting criminal offence of trafficking in people.

Most of the respondents who have given concrete proposals related to changes of law have advocated the need for changing the very provision of the Art. 111b of the Criminal Code of the Republic of Serbia in the sense of tightening legislative policy related to criminal offence of trafficking in people by:

- tightening prescribed legal penalties for perpetrators (17) and
- expanding the scope of punishment in case of incrimination of trafficking in people (3).

Expanding the scope of punishment is proposed as a measure for providing more complete criminal law protection primarily of the minors (persons between 14 and 18 years of age), then of adult persons as well. This is actually the proposal to make the “consent of a victim” (regardless of its age) irrelevant for the existence of a basic form of a criminal offence of trafficking in people, and to foresee the use of coercion during committing as circumstance qualifying the criminal offence.

Tightening legislative policy for criminal offence of trafficking in people has been emphasized by respondents who belong to almost all encompassed professional categories: police members, prosecutors, judges, magistrate judges, legal professionals, academics, activists of non-governmental organizations, and teachers.

A woman advisor on gender equality in the Secretariat of Employment and Gender Equality in Vojvodina has proposed changes of the Criminal Code in the sense that a penalty should be prescribed also for non-reporting criminal offences and perpetrators of trafficking in people.

Ten respondents have proposed precise regularizing of special protection of witnesses of trafficking in people in criminal proceedings. Among them are:

- activists and experts of non-governmental organizations (6),
- members of the police (2),
- judge (1), and
- magistrate judge (1).

Two of the women respondents (a woman employed in the Ministry of Internal Affairs and a woman activist of an NGO) have at the same time proposed introducing witness protection program, which would include the changing of identity, moving to the third country, and witness financial support.

The respondents who have proposed legal changes aiming at: delaying deportation in cases in which the victims or witnesses of trafficking in people are willing to testify (9), providing urgent proceedings in cases of trafficking in people (5), and reducing examination of victims of trafficking prior to and during the criminal proceedings (5), have also belonged to various professional categories, although they have mostly been activists and experts in non-governmental organizations. One of respondents woman activists of the NGO “ASTRA” from Belgrade has recommended that the State should be bound to deliver psychological, medical and financial victim assistance for the purpose of re-socializing victims without conditioning them to testify in criminal proceedings, as well as regularizing stay of deportation of victims when their security is jeopardized.

Four respondents (a representative of the police, a magistrate judge, an academic and an expert of an NGO) have advocated legalization of prostitution, while three members of the ministry of Internal Affairs pointed out the need for prescribing legal possibilities of using new investigating techniques in securing evidences.

XI 2.5. *Final Overview of Proposed Measures for Improved Combating the Problem of Trafficking in People in Serbia*

The respondents covered by the research on trafficking in people in Serbia are mainly of the opinion that the way to more successful fighting against trafficking in people is primarily in strengthening efficiency of repressive formal control, particularly efficiency of the police, in discovering and catching of perpetrators and securing evidences. The measure proposed by the majority of respondents (67.5%), which is

most often specified as the need for “better mutual coordination and cooperation of the organs of the state”, indirectly indicates that the level of decisiveness and seriousness in the approach to the problem of trafficking in people as a grave type of organized crime is not equal with all participants in criminal law repression. It is possible that the fact that a part of the respondents proposed this measure actually represents a milder manifestation of impression about the situation which has been explicitly specified as lack of willingness to approach the repression of trafficking in people in systematically serious and decisive way.

The measures which are indirectly related to improvement of such situation refer to elimination of both the objective barriers to efficiency of criminal law repression of trafficking in people (insufficient international and regional cooperation in combating trans-national crime, staffing of the police, upgrading of technical equipment and improving of organizational structure of the police) and the barriers of subjective nature (insufficient sensibility, education, qualification and corruption of state officials). The first-mentioned set of measures has been examined by the police members, while the measures for eliminating subjective barriers to efficiency of criminal law repression of trafficking in people have been proposed by one third of all respondents of various professional categories.

Proving trafficking in people is a serious problem in the opinion of great number of respondents. Considering that victims of trafficking in people are often the basic source of evidence against perpetrators, the interest of criminal law repression and protection and support to victims of trafficking in people practically coincide in certain points. The proposals of measures upon which many advocates of the idea that “repression and catching of perpetrators is more significant than anything else” have agreed with those who are of the opinion that “the protection and interests of victims of trafficking are above all other objectives”, are the measures of protection of witnesses of trafficking in people, urgent operation of criminal prosecution organs, psychological, medical and financial support to victims of trafficking during preparations for testifying in criminal proceedings, staying of deportation of aliens-victims of trafficking willing to testify, suppression of secondary victimisation of the victims by raising sensibility level and educating employees of the organs of the state and expanding cooperation with the organs of the state and non-governmental organizations in the domain of support to and protection of victims of trafficking in people.

Preventive measures have, by all indications, secondary importance for respondents covered by this research. Preventive effects are implicitly expected mainly as a result of efficient criminal law repression and

de-motivation of potential perpetrators by maximizing risk of their discovering and catching. However, some respondents have expressed general doubt about the extent of criminal law effects: general measures of economic and social policy (raising living standard, increasing rate of employment, and alike), educating common population on risks of victimisation by trafficking in people, tightening legislative penal policy and prostitution legalizing, according to them, have better chances for success in this sense.

For the purpose of more efficient suppressing of problem of trafficking in people, some respondents have proposed concrete changes of legislation. However, most of those who proposed changes of legislation, like many other respondents, have given priority to implementation of law emphasizing that even the best legislation cannot have any effects unless it is implemented decisively.

Taking all the above mentioned into consideration, raising the level seriousness and decisiveness in the approach to the problem of trafficking in people is a general measure, which is, explicitly or implicitly, behind proposals of concrete measures aiming at more efficient suppressing of problem of trafficking in people by the society.

XII Conclusions and Recommendations

The data obtained through this research clearly show that trafficking in people is a serious problem in Serbia. At first, as already mentioned, the research was not aimed at obtaining the representative and precise data on trafficking in people in Serbia. However, the data obtained represent a good basis for assessing its prevalence and structure, for building a picture of the most important characteristics of this phenomenon, manner in which governmental and non-governmental organizations react, as well as for conceiving recommendations with respect to more efficient strategy of suppressing and preventing it.

The very fact that relatively a small number of persons, actually 123 of them, who have been encompassed by the interviews with professionals and activists of non-governmental organizations, have had direct knowledge about more than thousand victims of trafficking in women, children and men, is sufficient to presume that the number of victims of this type of crime in Serbia is much larger. This assumption is supported by the data showing that a considerable number of respondents have had direct knowledge about the victims, although they could not say with certainty what their actual number is, as well as by the widespread and insufficiently researched prostitution, begging, homelessness and illegal labour — the phenomena hiding in itself the cases of trafficking in people. In addition, most victims as such have been identified by the representatives of the police, non-governmental organizations and some journalists — thus, the respondents who have best knowledge about the problem of trafficking in people. It could be presumed with great certainty that a number of respondents (for example, employees of homes for children without parental care and centres for social work) have come across victims of trafficking in their work but have not been able to identify them. Considering all data obtained from the research, the number of 1134 victims identified in this research may be taken as a minimal possible number of victims of trafficking in people in Serbia, while actual number of victims is presumably several times greater.

The research undoubtedly shows that trafficking in women and in children and men exists. The trafficking in women for sexual exploitation is, as expected, mostly prevalence. However, the cases of trafficking

in women for the purpose of work exploitation are also identified. As for trafficking in children and men, as well as in women for the purpose of work exploitation, this research should be first of all understood as their initial mapping. In this sense, it should be borne in mind that these phenomena are much more prevalence considering both the indirect indicators, particularly child prostitution, begging, smuggling of persons and illegal labour, and presumably low level of awareness of the respondents with regard to these phenomena compared to awareness of trafficking in women.¹⁸⁷

Serbia is first of all, a transit country but also a country of origin and temporary destination of victims of trafficking in people. In connection with this, there are certain differences in whether the victims are women, children or men. The results of the research show that Serbia is a transit country for victims of trafficking in women, but also the country of origin, temporary or permanent destination as well as the country within which local women are trafficked. The victims of trafficking in women in Serbia are mainly foreign citizens and most often citizens of Moldova, the Ukraine and Romania. However, the fact that more than 100 respondents have identified almost the same number of local woman — victim of trafficking, then the widespread illegal labour, prostitution and other forms of sex industry, as well and the intensive internal trafficking in women, indicate that the number of our women-victims of trafficking is also much higher. Particular attention is to be given to internal trafficking in both local and alien women who are, obviously not at all accidentally, trafficked through the channels of trans-national trade.¹⁸⁸ In this respect, and in the respect of spreading of sex industry in broader sense, particularly endangered are big cities and their surroundings, primarily Belgrade and Novi Sad, but also towns in border zones such as Novi Pazar which figure as a potentially permanent destination of primarily local women.

As for trafficking in men for the purpose of labour exploitation, Serbia is mostly a transit county, but there are indicators which show that this is also a country of origin. Besides, the research data indicate the widespread illegal labour of Chinese and particularly men from the Eastern European countries. However, the knowledge gained from the research does not provide enough ground for assertion that these are the cases of trafficking.

¹⁸⁷ This assumption derives from the fact that trafficking in women is more evident both in public discourse and in professional education.

¹⁸⁸ As noted by some authors, the internal trafficking has often been neglected in spite of the fact that there are more and more evidences that it is connected with bordering trafficking (Kelly, 2002, pg. 16).

As for trafficking in children, Serbia is mostly a country of origin, particularly for the Roma children, but also a country of transit and temporary destination of minor girls who are together with adult women included in organized rings of trafficking in women for the purpose of sexual exploitation. The research results show that children, mainly our citizens, are trafficked also within Serbia, from smaller towns most often to Beograd, Novi Pazar and Nis.

According to the data obtained in researches, the most frequent victims of trafficking are children-citizens of Serbia and mainly girls. Out of the identified victims the number of the Roma children is similar to the number of the children of non-Roma nationality where the number of the Roma victims is in reality probably much greater than the number obtained from interviews with primarily non-Roma population. Besides, the victims are also children-aliens included in trans-national trafficking. The children particularly vulnerable to trafficking are those of the Roma nationality, children from homes for children without parental care (particularly vulnerable immediately upon leaving these homes), children with special needs, children with social behaviour disabilities as well as children from the poor families and families with permanently disturbed family relations. The children are victims of trafficking for the purpose of sexual and work exploitation and begging.

Although we have started our research from clearly delimited phenomena of trafficking in people, on one hand, and prostitution and smuggling of persons, on the other, the results we have obtained show that it is far easier to make distinction between them in theory than in practice. The researchers¹⁸⁹ have also noticed that these categories overlap in reality so that it is not easy to ascertain the boundaries between the voluntary and forced prostitution, i.e. forced prostitution and trafficking in women, as well as between smuggling of people and trafficking in people. The difficulties in making distinction between these phenomena have a number of implications on dealing with the problem of trafficking in people and may be a serious problem in discovering trafficking and determining criminal responsibility of perpetrators, but in deciding on providing victim assistance and protection as well. In this respect, it is very important to observe the connection between the criminal behaviour and victimisation of victims as a whole, notice their entwining and avoid unjustified exclusion of criminal responsibility of perpetrators or unjustified refusal to provide victim assistance and protection only because a clear boundary between the trafficking and prostitution, or smuggling, may not be determined.

¹⁸⁹ See Kelly, L. (2002), op. cit. pg. 14.

Out of the data obtained in the research on perpetrators of trafficking in people, from the standpoint of suppression of trafficking in people, the most important ones are those related to their linking up with the police and various other legally registered organizations, as well as to the knowledge indicating the linking up of trafficking in people with other types of organized crime.

In addition to the awareness of various forms of trafficking in people, the research undoubtedly indicates the most important factors contributing to its appearance, level of awareness of professionals and representatives of non-governmental organizations in Serbia of this phenomenon, as well as the mechanisms of operation directed to its suppressing. The obtained data also undeniably indicate that the most important factors contributing to appearance of trafficking in women, children and men in Serbia are the following:

- Geographic position of Serbia,
- Economic factors, particularly poverty and unemployment, in countries of origin and in Serbia itself,
- Opening of borders towards the Eastern Europe after the end of cold war, but since recently the opening of Serbia towards the world as well,
- Myths about the West existing both in Serbia and in other Eastern European countries,
- Migrations caused by wars in the region and in other parts of the world (Afghanistan, Iraq),
- Militarisation of the region and expansion of prostitution connected to it,
- Marginalizing of some social groups like the Roma, handicapped children, children without parental care, and alike,
- Sexual violence, family violence and disturbed family relations in broader sense,
- Disorientation of young people and general insecurity caused by transition,
- Widespread corruption,
- Still insufficiently defined limits between the allowed and non-allowed behaviour,
- Grey economy,
- Bad functioning of laws-respecting society, independent judiciary and state institutions in general.

The data obtained in this research indicate that there is a significant disproportion in the level of awareness of the problem of trafficking in people among respondents professionals where the category of

those employed in homes in which children and young people are accommodated and employees of high schools, thus of those who work with the most vulnerable categories of children, has emerged as the category of those with particularly low level of awareness of this phenomenon. The low level of awareness of this phenomenon has also been noticed with employees of centres for social work, courts, prosecutor's offices and the police at local level. Lack of awareness of the problem of trafficking in children and men as well as unequal availability of education to professionals from Belgrade and other places in Serbia is particularly observed.

The analysis of mechanisms of operation of the organs of the state has highlighted a series of downsides, but positive moves and a series of positive examples in practice as well.

The proactive approach has emerged as the best practice related to the discovering and proving of trafficking in people, in which the police and prosecutors rely primarily upon intelligence work and in which they have initiative in collecting evidences, while the reporting by victims and their statements is of second-rate importance. At the same time, treating victims as victims, not criminalizing them, and highly respecting human rights proved to be the model which is to be followed.¹⁹⁰

In connection with this, the fact that the police are at present satisfied with closing a number of nightclubs and bars should in no way influence both the impression that trafficking in people is no longer a problem in Serbia and the diminishing of efforts in discovering perpetrator and rescuing victims. This is particularly important because, due to lack of discovering all participants in the ring, the trafficking in women for the purpose of sexual exploitation after recent police actions has become more hidden and more difficult to discover. The analysis of mechanisms of operation of both the organs of the state and the non-governmental organizations show that Serbia needs systemic, comprehensive and institutionalised solutions as well as reforms of the state institutions, primarily the police, judiciary bodies and centres for social work, in order to reinstate the rule of law, *condicio sine qua non* of efficient changes in the domain of trafficking in people too.

The results of the research as a whole, particularly the analysis of responses given by the respondents related to the manner of functioning and mechanisms of operation of the organs of the state, international and non-governmental organizations, as well as the analysis of proposals of measures for suppressing trafficking in people, have served to us for conceiving the following recommendations with respect to further activities and research related to trafficking in Serbia:

¹⁹⁰ For similar, see Kelly, L. (2002), op. cit. pg. 41.

1. Urgent changes of Law on Movement and Residence of Foreigners, Misdemeanor Law and Criminal Procedure Codes aimed at providing appropriate victim protection (right of temporary residence, exclusion of punishment, witness protection),
2. Including in education on trafficking in people all professionals who in their work encounter people from vulnerable categories or victims, and particularly employees of homes in which children and young people are accommodated, and employees of high schools,
3. Equality in including professionals from various parts of Serbia in education,
4. Including the matter of trafficking in people in basic and additional education of professionals and including corresponding standards and evaluation of education,
5. Organising campaigns for raising awareness of vulnerable categories of children and broader population based on the results of researches and regular evaluation of the results,
6. Formalising mutual cooperation between the organs of the state, non-governmental and international organizations and within each category as well, by protocols on cooperation in which obligations and responsibilities will be clearly defined,
7. Improving cooperation of the police and Army of Serbia and Montenegro,
8. Increasing number of services for delivering assistance to the victims, setting up standards of services and developing services for witness protection,
9. Further development of the proactive approach in discovering and proving trafficking in people particularly by using possibilities provided for by new legislation related to organized crime,
10. Raising efficiency of criminal proceedings, passing judgment and sever punishing of perpetrators involved in all phases of committing criminal offence,
11. Improving overall equipment and specializing the police for fighting against trafficking in people,
12. Strengthening measures of internal and external control of the police work and severe sanctions for participation in criminal offence of trafficking in people,
13. Re-evaluating justifiability of the existence and the role of the Centre for Counselling and Coordination;
14. Conceiving victim reintegration programs and clearly defining their leaders and their responsibilities,
15. Conceiving prevention programs,
16. Monitoring implementation of law and all mechanisms of operation of the state and non-governmental organizations,

17. Including the Roma and non-governmental organizations of the Roma in all mechanisms of operation aiming at suppressing and preventing trafficking in people

18. Taking measures for sustainability of services delivering victim assistance (opening the state shelters and “half-way” shelters),

19. Passing the National Action Plan,

20. Carrying out further research on:

— Trafficking in children, primarily the Roma and children of other vulnerable categories,

— Internal trafficking in women and children in Serbia and its links with trans-national trafficking,

— Risks of local population,

— Illegal labour of foreigners in Serbia,

— Trafficking in women in border zones,

— Needs of victims,

— Implementation of new legislation,

— Prostitution, begging, homelessness and their connection with trafficking in people, and alike.

REFERENCES

- ADAMOLI, S., DI NIKOLA, A., SAVONA, E., ZOFFI, P. (1998) *Organized Crime around the World*, Helsinki: HEUNI.
- ARLACCHI, P. (1998) "The Dynamics of Illegal Markets" in P. Williams and D. Vlassis (ur) *Combating Transnational Crime: Concepts, Activities and Responses*, Milano: ISPAC.
- ARONOWITZ, A. A. (2001) "Smuggling and Trafficking in Human Beings: The Phenomenon, the Markets that Drive It and the Organizations that Promote It", *European Journal on Criminal Policy and Research*, 9(2), Summer: 163—195.
- ASTRA (2002) Report on Work of SOS hotline in the period July—September 2002, unpublished
- ASTRA (2002) "Trafficking in Women — Our Reality or Problem of Others, Attitudes of the Belgrade High-School Pupils and Students Related to the Problem of Trafficking in Women", unpublished.
- BAUER, T. K., ZIMMERMANN, K. F. (1999) *Assessment of Possible Migration Pressure and its Labour Market Impact Following EU Enlargement to Central and Eastern Europe*, Bonn: IZA.
- CENTER FOR THE STUDY OF DEMOCRACY (2002) "Smuggling in Southeast Europe", CSD Reports 10.
<http://www.csd.bg/publications/book10/smuggling.eng.pdf>
- CHATOLIC RELIEF SERVICES (2003) *Factors of Risk and Protection — Trafficking in the Roma Women and Roma Children*, unpublished.
- CRESSAY, D. (1997) "The Functions and Structure of Criminal Syndicates" in P. J. Ryan and G. E. Rush (ed) *Understanding Organised Crime in Global Perspective: A Reader*, Thousand Oaks, London, New Delhi: Sage.
- ĆOPIĆ, S., NIKOLIĆ-RISTANOVIĆ, V. (2002) "People Trafficking in the Light of International Documents, Contemporary National Solutions and Current Legislation" *Temida*, No. 1.
- DIMČEVSKA, A., JANKOVIĆ, I. (2003) *Close Look at Trafficking in Women*, Belgrade: Beosupport.
- FATTAH, E. (1999) "From a handful of dollars to tea and sympathy: sad history of victim assistance", in J. van Dijk, R. van Kaam and J. Wemmers (eds) *Caring for crime victims*, Monsey, New York: Criminal Justice Press.
- FRIMAN, R., ANDREAS, P. ed. (1999) *The Illicit Global Economy and State Power*, Lanham, Boulder, New York and Oxford: Rowan and Littlefield Publishers, inc.
- ILO (2002) "Forced Labour, Child Labour and Human Trafficking in Europe: An ILO Perspective", Technical paper for the EU/IOM STOP "European

- Conference on Prevention and Combating Trafficking in Human Beings”, 18—20 September 2002, Brussels.
- INTERNATIONAL ORGANIZATION FOR MIGRATION (2000) *Migrant Trafficking and Smuggling of People in Europe*. IOM: Geneva.
- IOM KOSOVO (2002) *Return and Reintegration Project, Situation report — February 2000 — December 2002*.
- IOM OFFICE BELGRADE (2003) The Report dated 31.3.2003, unpublished.
- JANE'S INFORMATION GROUP “People Trafficking: Europe's New Problem”, *Jane's Information Group*, September 23, 2000.
http://www.fsa.ulaval.ca/personnel/vernag/EH/F/noir/lectures/people_trafficking_europe.htm
- KELLY, L., REGAN, L. (2000) *Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK*, London: Home Office, Police Research Series, Paper 125.
- KELLY, L. (2002) *Journeys of Jeopardy: A Review of Research on Trafficking in Women and Children in Europe*. Child and Women Abuse Studies Unit, University of North London, U.K.
- KONSTANTINOVIĆ-VILIĆ, S., PETRUŠIĆ, N., ZUNIC, N. (2002) *Sex trafficking — Routes of Sexual Exploitation of Women*, Nis: Women's Publishing Centre for Education and Communication.
- LESKO, V., AVDULAJ, E. (2002) “The Girls and the Trafficking” — Research on the Trafficking in Human Beings for the year 2002.
- LIMANOWSKA, B. (2002) *Trafficking in People in Southeastern Europe*, UNICEF, UNOHCHR, OSCE-ODIHR.
- MIHIĆ, B. (2003) “Trafficking in Women for the purpose of Sexual Exploitation — Criminological Aspect”, in Nikolić-Ristanović, V., Čopić, S., Mihić, B. (2003) *Trafficking in Human Beings — Phenomenon, Characteristics and Legislation*, Criminological and Sociological Research Institute, unpublished
- MINISTRY OF LABOR AND EMPLOYMENT OF THE REPUBLIC OF SERBIA
 Press Release at the presentation of the Ministry, 19. September 2002.
<http://www.srbija.sr.gov.yu/vesti/2002-09/19/329498.html>
- MINISTRY OF THE REPUBLIC SERBIA, Report on the Work of the Ministry of Internal Affairs of the Republic of Serbia in 2001
[http://www.mup.sr.gov.yu/domino/02arh.nsf/5e2a05a384a84a4dc1256c3e0052e9de/\\$FILE/izvestaj.doc](http://www.mup.sr.gov.yu/domino/02arh.nsf/5e2a05a384a84a4dc1256c3e0052e9de/$FILE/izvestaj.doc)
- MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SERBIA, the Report on the Activities of the Ministry of Interior of the Republic of Serbia in 2001.
[http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/\\$FILE/izvestaj2002.doc](http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/$FILE/izvestaj2002.doc)
- MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SERBIA, Information on Security on the Territory of the Republic of Serbia and Results Obtained by the Ministry of Internal Affairs of the Republic of Serbia in the period from 1st January to 30th June 2003
[http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/\\$FILE/16.07.2003.doc](http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/$FILE/16.07.2003.doc)

- MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SERBIA, Information on Organized Trafficking in Human Beings and Prostitution of Women in 2002 and the First Five Months of 2003 in the territory of the Secretariat of Internal Affairs in Belgrade, Information Services of the Secretariat of Internal Affairs in Belgrade
[http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/\\$FILE/b_roblje_prostit_skr.doc](http://www.mup.sr.gov.yu/domino/skzn.nsf/fc9e82a3073a74fac1256c3200393d62/$FILE/b_roblje_prostit_skr.doc)
- MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SERBIA, Report of the Border Police for Aliens and Administration Affairs for 2003, dated 1.04.2003.
- MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SERBIA, Secretariat in Belgrade, Report of the Border Police for Aliens and Administrative Affairs, dated 18. 06. 2003
- MINISTRY OF INTERNAL AFFAIRS OF THE REPUBLIC OF SERBIA, Secretariat in Nis, Report on Missing Persons and Unidentified Bodies by the Nis Police Department for 2002
- NELSON, D. (1999) "Slave Oil Rig Workers to Be Sacked", *The Observer*, 21 February.
- NIKOLIĆ-RISTANOVIĆ, V. (1998) "War and Crime in the former Yugoslavia", in: V. Ruggiero, N. South and I. Taylor (eds): *The New European Criminology: Crime and Order in Europe*, London and New York: Routledge, s. 462—480.
- NIKOLIĆ-RISTANOVIĆ, V., MRVIĆ-PETROVIĆ, N., ŠKULIC, M., ČOPIĆ, S. (2002) *New Model of Legislation on Trafficking in People*, Beograd: Victimology Society of Serbia, unpublished
- NIKOLIĆ-RISTANOVIĆ, V. (2002) *Social change, gender and violence: Post-communist and war affected societies*, Dordrecht/Boston/London: Kluwer Academic Publishers.
- NIKOLIĆ-RISTANOVIĆ, V. (2002) "Trafficking in Women in Serbia and Surrounding Countries: Scope, Characteristics, Causes", *Temida*: No. 1.
- NIKOLIĆ-RISTANOVIĆ, V. (2003) "Trafficking in People and Organized Crime: definition of basic concept and methods of data collection" in Nikolić-Ristanović, V., Čopić, S. and Mihić, B. *Trafficking in People: Concept, Characteristics and Legislation*, Institute for Criminological and Sociological Researches, unpublished
- NIKOLIĆ-RISTANOVIĆ, V. (2003) "Trafficking in Human Beings and Organized Crime: definition of basic concept and methods of collecting data", in "Trafficking in Human Beings in Serbia — seminar for researchers", training material, Belgrade, Victimology Society of Serbia, unpublished.
- NIKOLIĆ-RISTANOVIĆ, V. "Illegal markets, human trade and transnational organized crime", in: *Proceedings of 4th Colloquium on Cross-Border Crime*, Ljubljana, (forthcoming).
- RUGGIERO, V. (2000) *Crime and Markets: Essays in Anti-Criminology*, Oxford: Oxford University Press.
- SCEPP (2002) "Advisory Report on the Justice and Home Affairs in Yugoslavia / Serbia in the Context of the EU Stabilisation and Association Process",

- Final Report, (Prepared by Gordana Ilić), Counseling Centre for Economic and Legal Issues, Beograd.
- SCHLOENHARDT, A. (2001) "Migrant Trafficking and Regional Security", *Forum for Applied Research and Public Policy*, Summer: 83—88.
- SOMERSET, C. (2001) *What the Professionals Know: The Trafficking of Children into, and through, the UK for Sexual Purposes, End Child Prostitution Pornography Trafficking* (ECPAT).
- TAYLOR, I. (1999) *Crime in context: A Critical Criminology of Market Societies*. Cambridge: Polity Press.
- UN (1990) UN Convention of the Rights of the Child, *International Agreement No. 15*.
- VINTLEANU, I., BABOVIĆ, B. (UR.) (2001) *Smuggling of People, Smuggling of Women and Children*, Belgrade: CUPS.
- WILLIAMS, P. (1999) "Trafficking in Women and Children: A Market Perspective", *Transnational Organized Crime*, Special Issue "Illegal Immigration and Commercial Sex — the New Slave Trade" (ed. P. Williams), Vol. 3—4.
- WILLIAMS, P. (2001) "Organizing Transnational Crime: Networks, Markets and Hierarchies" in P. Williams and D. Vlassis *Combating Transnational Crime: Concepts, Activities and Responses*, London and Portland: Frank Cass, p. 61.

APPENDIX

© Victimology Society of Serbia
Research on Trafficking in Human Beings in Serbia

Interviewer:

Date:

Place:

Time when interview began:

Time when interview ended:

QUESTIONNAIRE FOR PROFESSIONALS

Good morning,

I am from the Victimology Society of Serbia. The Victimology Society of Serbia collects data on trafficking in women, children and men, and on forced labour in Serbia, including also forced begging and other forms of anti-social behaviour. Your knowledge and experience can be very helpful for us in collecting data on prevalence and characteristics, as well as on manners of suppressing this phenomenon in our country, therefore I would kindly ask you to give us your responses to several questions.

Before I pose any question, I would like to check whether you have any written material containing quantitative or any other data on some of the following phenomena:

- 1. Prostitution — registered, detained and accused local or foreign prostitutes, bars and other locations in which pimps, organizers and similar persons are concentrated*
- 2. Illegal entry or exit from the country, persons who illegally stay in Serbia*
- 3. Smuggling and trafficking in people (women, children and men)*
- 4. Missing adults and children*
- 5. Parentless children refugees*
- 6. Escort Agencies and sex industry*
- 7. Begging, particularly local and foreign children beggars*
- 8. Homeless persons, particularly children and children committing criminal offences*
- 9. Children crossing border without parents accompanying them (accompanied by a person other than parent or alone), foreign children staying in Serbia without parents accompanying them*
- 10. Children returned from other countries,*
- 11. Deportation of men/women foreigners*

12. *Repatriation of men/women from Serbia*
13. *Illegal labour, individuals and companies illegally employing local and particularly foreign women, adult and children*
14. *Work of Children*

In case you receive some of the mentioned data, write down what you have received, express gratitude and ask for answers to general questions.

I. General Data

1. **Name and surname**¹⁹¹
2. Profession/job/function/title:
3. Age:
4. Gender:
5. Organization/institution:
6. Specialization:
7. Whether in her/his everyday work she/he deals with the problem related to trafficking in women, children and/or men or any forms of forced labour? If so, state what does she/he deal with?

II. Awareness of trafficking in people and forced labour

1. How would you define:
 - 1a. Trafficking in human beings
 - 1b. Prostitution
 - 1c. Smuggling of persons
 - 1d. Forced labour

Interviewer: Please explain how these phenomena are defined for the research purpose.

2. Have you attended any seminars on trafficking in people?
 - 2a. If so, can you tell us:
 - 2a.1. How many seminars have you attended?
 - 2a.2. Who has been organizer?
 - 2a.3. Have you been satisfied?
 - 2a.4. When was the last time you attended such a seminar?

¹⁹¹ Ask whether the person agrees or not to be cited in the research report.

III Information of trafficking in people and forced labour based on experience gained in direct work with the concrete cases

1. Have you in your work encountered any case of trafficking on human beings (adult persons and children), smuggling of persons and/or forced labour of adults and children?

2. If so, how many cases have you encountered to date?

3. How many cases did you encounter in 2002, and how many in 2003?

Now, I would like to ask you more about these cases.

4. Who were the victims in these cases?

	Number	Country	What has happened
Adult women			
Female children			
Male children			
Adult men			

5. In how many cases it the case of:

Number

1. Trafficking/smuggling to Serbia
2. Trafficking/smuggling from Serbia
3. Trafficking/smuggling through Serbia
4. Trafficking in Serbia

6. How and by using which routes did the victims come to Serbia, or went to another country of destination?

7. Have the victims been arrested in some of these cases?

7a. If so, why?

8. Have the victims been punished?

9. Who have been the perpetrators?

10. Have the perpetrators been arrested?

10a. If so, what have they been charged for, i.e. how the law was applied?

11. Have the perpetrators been punished?

11a. If so, for which criminal offence/misdemeanour have they been punished?

12. If they have not been arrested or sentenced, state why.

13. What has happened with victims in these cases?

14. What have you personally, your colleagues, your institution/organisation done in these cases? Can you give closer description of mechanism of operation in such cases as well as problems you have encountered?

15. Have other institutions, organizations and individuals been included too?

16. If so, what have they done?

17. What are your experiences in cooperation with other organizations and organs of the state regarding the work related to cases of trafficking on human beings?

I. Sex Industry and Prostitution

1. Can you give us your assessment of the scope, structure and characteristics of sex industry and certain forms of sex industry in your town and its surroundings (street prostitution, escort agencies, brothels, night clubs, hot telephones, and alike)? In the Republic?

a) Scope

b) Which forms exist? Describe them closer.

c) Where is it located?

d) What influence does it have on school children and children accommodated in the Homes for Children without Parental Care?

2. Have you in the last 5 years noticed changes in the sense of dropping or growing of sex industry in your town or surroundings?

2a. If so, how is this change manifested?

2b. How do you explain this change?

3. How would you describe the attitude which the organs of the state, including your institution/organizations have towards the prostitution?

4. How many persons to your knowledge were reported, punished, or in any other way registered in 2002 because of prostitution or punishable behaviour related to it in the territory of your jurisdiction?

Reported Punished Registered in other way (which one?)

Adult prostitutes

Children (under 18)

Pimps

Clients

5. Did those cases involve local or foreign women/men, i.e. how many were there from each group? Where did the foreign women/men come from?

Number

Country

Adult prostitutes

Children (under 18)

Pimps

Clients

6. Whether some of these cases have been those of trafficking in people (or doubted to be the cases of trafficking in people)? Are you aware of any other case?

6a. If so, please describe these cases in more details.

7. Have you succeeded in revealing the cases for which there have been doubts about trafficking in people?

7a. If not, what has been the problem, i.e. obstacle?

7b. If so, describe how you have done it?

8. Are you aware of cases of trafficking in our women and children abroad for the purpose of sexual exploitation?

8a. If so, please describe them.

II. Begging and Homelessness

1. Can you give us your assessment on the scope, structure and characteristics of begging and homelessness in your town and surroundings? In the Republic?

1a. How many beggars and homeless persons are women and how many of them are children?

1b. In which part of the town or in which neighbourhood are the numbers of beggars and the homeless the largest? Please describe.

1c. Are there among children in schools and children accommodated in the homes for children without parental care, those who are beggars or homeless children? Please describe.

2. Have you in the past 5 years noticed changes in the sense of dropping or growing of begging and homelessness in your town or its surroundings?

2a. If so, how is this change manifested?

2b. How do you explain this change?

3. Can we speak about the existence of organized forms of such antisocial behaviour and enforcement to such behaviour?

3a. If so, please describe.

4. How would you describe the attitude which the organs of the state, including your institution/organizations have towards begging and homelessness?

5. How many persons to your knowledge were reported, punished, or in any other way registered in 2002 because of begging and homelessness or punishable behaviour related to them in the territory of your jurisdiction?

Reported	Punished	Registered in any other way
----------	----------	-----------------------------

Begging — women

Begging — men

Begging — children under 18

Organizers of begging

Homeless — women

Homeless — men

Homeless — children

6. Whether in these cases the local or foreign women were involved, i.e. how many from each group were there? Where did the foreign women/men come from?

Number	Country
--------	---------

Adult women — begging

Men — begging

Children — begging

Organizers

Homeless — women

Homeless — men

Homeless — children

7. Were some of these cases the cases of trafficking in people — children, women, men (or suspected to be the cases of trafficking in people)? Are you at all familiar with such cases?

7a. If so, please describe these cases in more details.

8. Are you aware of cases of trafficking in children from Serbia abroad for the purpose of begging, or illegal adoption and forced marriage?

8a. If so, can you tell us more about this?

9. Have you succeeded in revealing the cases for which there have been doubts about trafficking in people?

9a. If no, what has been the problem, i.e. obstacle?

III. Illegal Labour and Forced labour

1. Can you give us your assessment of the scope, structure and characteristic of illegal labour in general and particularly forced labour in your town and its surroundings? In the Republic? Where are they located? Please describe.

a) Scope

b) Forms (agricultural work, construction work, and like)

c) Where are they prevalence the most?

2. Do you have any knowledge about forced labour of children (in general, in your school, Children's Home, etc.)?

3. Have you in the past 5 years noticed any change in the sense of decrease or increase of illegal labour in your town or its surroundings?

3a. If so, how is this change manifested?

3b. How do you explain this change?

4. How would you describe the attitude of the organs of the state, including your institution/organisation towards the illegal labour in general, and particularly towards the forced labour and forced labour of children?

5. How many persons to you knowledge were reported, punished, or in any other way registered in 2002 because of employing workers illegally, forcing others to work or exploiting work of other persons, i.e. because of behaviour related to them, in the territory of your jurisdiction?

Punished

Reprimanded

Registered

Illegal labour

Forced labour — women

Forced labour — men

Forced labour — children under 18

Others (specify)

6. Were the local or foreign women/men involved in these cases, i.e. how many of each group were? Where did the foreign women/men come from?

Number

Country

Adult women — illegal labour

Men — illegal labour

Children — illegal labour
Organizers
Women — forced labour
Men — forced labour
Children — forced labour

7. Whether some of these cases have been the cases of trafficking in people or linking up of people smugglers and employers (or was it suspected to be so)? Are you at all familiar with such cases?

7a. If so, please describe these cases in more details.

8. Are you familiar with cases of trafficking in people from Serbia (adults or children) abroad for the purpose of labour exploitation?

8a. If so, please describe them.

9. Have you succeeded in revealing the cases suspected of trafficking in people?

9a. If no, what has been the problem, i.e. obstacle?

IV. Abduction, Disappearance and Smuggling of Children

1. Are you familiar with any cases of abduction of children? If so, please describe.

2. Are you familiar with any cases of children running away from their home or their disappearance? If so, please describe these cases.

3. Are there children from other countries in your town and its surroundings, in your school, Home, and alike? If so, do you know how have they come, how many of them have stayed, what is happening with them, and alike?

4. Do you have knowledge about transferring of children over border without parents accompanying them or who are accompanied by persons who are not their parents? If so, please describe.

V. Forcing Children to Commit Criminal Offences (stealing, and alike)

1. Do you have any knowledge about forcing children to commit criminal offences, such as, for example, stealing, in your town and its surroundings? In your school? Home?

2. If so, can you tell us something more about it, particularly about children (local children or aliens, their national belonging, age, and alike), who forces them to commit criminal offences and where such cases take place?

3. Have you in the past 5 years noticed any changes in the sense of dropping or growing of this phenomenon?

3a. If so, how is it manifested?

3b. How do you explain this change?

4. How would you describe the attitude of the society, particularly the organs of the state, including your institution/organisation towards the problem of forcing children to commit criminal offences?

5. How many persons were reported or registered in any other way in 2002 because of forcing children to commit criminal offence?

Reported	Punished	Registered
----------	----------	------------

6. Were local or foreign women involved in those cases, i.e. how many of each were there? Where did the foreign women/men come from?

Number	Country
--------	---------

7. Were any of these cases cases of trafficking in people (was the case suspected of being trafficking in people)? Are you at all aware of such cases?

7a. If so, please describe these cases in more details.

8. Do you have knowledge about any case of trafficking in children from Serbia abroad for the purpose of committing criminal offence?

8a. If yes, can you tell us more about it?

9. Have you succeeded in revealing the cases doubted to be trafficking?

9a. If no, what has been the problem, i.e. hindrance?

V Trafficking in People — Methods and Routes

What is your knowledge about:

1. Roads of trafficking in

Women
Children
Men migrants

2. Ways of recruiting victims

Women
Children
Men

3. Ways of transfer and entry into as well as exit of victims from Serbia and other transit countries and countries of destination?

Women
Children
Men migrants

4. Forms of control and exploitation

Women
Children
Men migrants

5. Who are traffickers (nationality, citizenship, age, sex)?

Women
Children
Men migrants

6. Who are victims (nationality, citizenship, age, sex)?

Women
Children
Men

7. How are the traffickers in people organized and how are their roles and jobs distributed?

8. What are links between the trafficking in people and other types of organized crime?

9. Connections with legal actors/businesses/organizations.

10. What are the greatest problems in discovering and prosecuting (in our country) trafficking in

Women
Children
Men migrants

11. Are you familiar with the latest amendments of law pertaining to trafficking in people and organized crime?

If so, what is your opinion on new legislation, i.e. its relation to previous legislation and the possibility of its enforcement in practice? What does it mean for victims and what for perpetrators? What else should be changed?

12. How would you assess the mechanisms of operation of international and local non-governmental organizations in domain of victim assistance and with relation to suppressing trafficking in people?

13. What is your assessment of mutual cooperation of the organs of the state, and cooperation between the organs of the state and international and local non-governmental organizations?

VI. Case Study??

Please choose and describe two cases of trafficking in women, children or men migrants and/or forced labour as follows:

1. One case which you consider as the example of **good practice** of the organs of the state and/or non-governmental organizations
2. One case which you consider as the example of **bad practice** of the organs of the state and/or non-governmental organizations

If the chosen case is not the one from your experience, please quote the source of information.

Do you have any idea of what our society should do to efficiently suppress trafficking in people and forced labour, particularly spreading the forced labour of children?

Can you recommend a person who could provide information on the issues you were questioned about, or additional information on other questions, and similar?

Thank you for having dedicated your time to our research.

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Interviewer:

Date:

Place:

Time when interview began:

Time when interview ended:

Place: shelter/reception centre

QUESTIONNAIRE FOR VICTIMS/POTENTIAL VICTIMS

Good morning. We are from an organisation which is trying to help people who are in the situation similar to yours. Because of this, your experience, knowledge and opinion could be of great help for us. I will pose you several questions about you or other people you know or have met on your way here.

I. General Data

1. Sex: M F

2. Place/country of origin:

3. Age:

1. under 14 years of age

2. from 14 to 17

3. from 18 to 23

4. from 24 to 29

5. from 30 to 35

6. from 36 to 41

7. from 41 to 46

8. from 46 to 50

9. over 50 years of age.

4. Profession:

5. Employment — have you ever worked and where (in public or private firm), which kind of job, state you salary (in average amount in EUR or USD)?
When have you quitted the job and why?

6. Place of residence:

1. village

2. town

7. Nationality:

1. Serbian

2. Romanian

3. Moldovian

4. Ukrainian

5. Russian
6. Chinese
7. Roma
8. other (specify) _____

8. Marital status:

1. single
2. married
3. widowed
4. divorced
5. cohabiting
6. other (specify) _____

II. Questions about Current Problems

9. How do you feel in here? Do you have any problems? How are you getting on with other women/men? How are you getting on with the staff?

10. How and when have you arrived in the Shelter/Reception Centre? Who has brought you? Where from? How?

11. When you came to the Shelter/Reception Centre did you receive any assistance and which (medical, legal, psychological)? What the assistance actually consisted of?

12. Have you during your stay in the Shelter/Reception Center had any professional education? If so, what?

13. Have you ever been sentenced before the court in Serbia? If so, because of what (for example, because of illegal stay, dealing in prostitution) and what was the penalty?

III. Life in the Place/Country of Origin

14. What was the situation in the place/country you have come from? What are the opportunities for the young people, for employment, living? What is your financial status? What are your housing conditions? With whom have you lived in the place of residence/country you have come from?

15. Do you have children of your own? How many? Where are they now and with whom?

IV. Information on Inciting and Transport

16. How and when did you leave your place of residence/country? Do you know about other cases, about other people (women friends, acquaintances, relatives, and alike) who went away like you? Can you tell us more about it?

(Reminder: Did you wish to leave your home, to go to another place, country? Have you tried to find the way to realize this wish? Why did you wish to do that?)

Has anybody offered you, or other person whom you know, better job, earnings abroad or in some other place — who has it been — sex, nationality, relationship with a victim, profession, and alike? How has it happened? Have you looked for something like this through employment agencies, tourist agencies, or alike?

Have you or the person you know accepted at that time some of the offers and what? What have been promised? Where have you had to go (which has been the country of destination for the victim)? Have you been aware of what you have been doing?)

17. Have you possessed valid identification documents and passport? Have you got a forged passport? Have you paid for it, how much and to whom?

18. What happened during this journey?

(Reminder: Were you alone or with other women, men or children who took the trip together with you or with the person you know (other victims)? Have you crossed the border into another country? How many borders have you crossed? Did you do it legally or illegally? Do you know where have you entered in Serbia, the place where you crossed border and how (on foot, or by some means of transportation and which one)? Who transported you over the border? Was it the same person with whom you have taken the trip? Who met you and where did you go then? Have you seen that some of these persons pay something to other persons? Have you or the person you know paid for something, how much and to whom for the whole “arrangement”?)

19. Have any of the persons who have been with you or you yourself had any problems during the trip? Has anybody been violent against any person who has been with you? Has anyone asked any of the persons who has been with your or you to do something which that person/or you disliked?

V. Information on Control and Exploitation

20. Where were you accommodated (restaurant, night club, tavern)? Do you know in which place?

21. What did you do there — you or the person you know? What kind of a job did you perform (sexual exploitation, field work, construction work, domestic work)? Were you or anybody else forced to work something you disliked?

22. What were your living and working conditions like (accommodation, food, clothes, and alike)?

23. Was your freedom of movement restricted? Could you go out only if accompanied and who accompanied you?

24. Was your work or the work of the person you know paid for? How often? How much?

25. Did you or the person you know use alcohol or drugs? Were you been forced to do this?

26. How did the owner of the nightclub and persons who worked there behave? Was their behaviour towards you or the person you know correct? Were you harassed and how (physically, mentally, and sexually)?

27. Were your documents or those of the person you know taken away from you and when? Has the boss or somebody else threatened you and with what? Has anybody threatened with the police (that you would be punished)? Has anybody threatened that he would tell your parents, husband and alike where you are, what you are doing or that something bad would happen to them if you do not obey?

28. What was the relation of clients (in case of sexual exploitation)? Were you been forced to have several clients during the day and how many? Who were clients? Did you use protection? Have you ever got pregnant? Have you ever given birth or had an abortion (where, who paid for it, and alike)? Have the clients been violent? Have they offered help and what kind of help?

29. Have you attempted to leave the place? Have you asked for help and from whom? Have you got the help?

30. Have you escaped by yourself and how?

VI. Attitude of the State organs (primarily the police) and Other Services

31. Who has found and saved you? How has it happened?

32. Have you been in contact with the police (officially or privately), when and in what way? If the police have found you, what has been their attitude towards you? Where have they taken you?

33. Where have you been before you have come to the Shelter/Reception Centre? What was the attitude of this person towards you (for each service, organisation separately)(for example, IOM, Centre for Social Work, NGO, prison, Reception Centre, and alike)?

34. Have you appeared in court as a witness? If so, how have you felt? What has been the attitude of judges, prosecutor towards you?

35. Has such thing happened to you for the first time?

VII. Future

36. Where would you like to go from the Shelter/Reception Center? What would you like to do? Are you in contact with your family? Could you return to where you have come from? If no, where would you like to go, to whom?

Would you like to ask us about something, to say us something more?


Thank you for your time!

Protocol of Observation

- I. Period of observation:
- II. Frequency of observation (daily, once a week, etc.)
- III. Place of observation (town, village, part of a town, square, etc.)
- IV. Who was under observation (children, men, women)?
- V. What was under observation (subject of observation)?
- VI. What was noticed:
Description No. 1
Description No. 2, etc.
- V. Conclusions



Routes of Trafficking in Women in Serbia

 Routes of Trafficking in Women

 Centers of Trafficking in Women

 Border Crossing Points

