



Mission to Serbia

ORGANIZATION FOR SECURITY
AND CO-OPERATION IN EUROPE

COMBATING TRAFFICKING IN HUMAN BEINGS IN SERBIA

Combating trafficking in human beings (THB) is one of the main priorities of the OSCE Mission to Serbia. Being the leading international agency in the anti-THB area, the Mission has from the very start in 2001 been working on both the policy-making level and implementation level. Due to the complex nature of the phenomenon and the position of the Republic of Serbia, the Mission has designed and implemented a number of comprehensive anti-THB activities over the past several years.

Making the Policy

As the first step in policy-making efforts, the Mission initiated and supported an active partnership between governmental and non-governmental organizations dealing with various aspects of THB in Serbia. Named as **the Republic Team to Combat THB** this partnership was built on existing national structures enabling ownership and sustainability of all undertaken anti-THB activities in Serbia.

Together with the Republic Team member organizations, the Mission drafted and negotiated a comprehensive National **Anti-THB Strategy**. After lengthy negotiations and multiple redrafts the Strategy was finally adopted by the Government in December 2006. The Strategy established clear goals that have to be implemented through various activities performed by the state institutions, non-governmental and international organizations. These strategic goals include activities in the area of prevention, identification, assistance, protection, and reintegration of THB victims, as well as prosecution of perpetrators. Political changes however caused a major delay in drafting the National Action Plan (NAP) to Combat THB, foreseen to make the Strategy operational. Finally, following pressure by the Mission and motivated with fulfilling conditions for liberalization of visa regime with the EU countries, the work on drafting NAP commenced in January 2009. The draft NAP was completed by the Ministry of Interior as of 30 January and has been circulated to other Ministries for commenting. The finalization of the NAP is expected fairly quickly.

Protecting Victims

Acting in close co-operation with the State authorities and NGOs, the Mission designed and implemented an innovative victim-centred institutional framework for addressing the phenomenon at different levels known as the **National Referral Mechanism (NRM)**. Following the concept initially introduced by ODIHR, the NRM aims to ensure correct identification and deferential treatment of all trafficked persons as defined by the UN Palermo Protocol.

At the heart of the NRM in Serbia lies the State **Agency for Co-ordination of Protection to THB Victims**. The Agency was created as a joint project of the Mission and the Ministry of Employment, Labour and Social Affairs in 2003. It ensures victims' referral to specialized institutions, which would offer medical, social, psychological, and legal specialist services in a safe environment. The Republic of Serbia is one of the first countries of the Southeastern Europe in which such institutional framework has been implemented and, most importantly, is actually operational.

The Mission has been and will be supporting the building of professional capacity of the Agency, and is also continuing co-operation with the Ministry of Labor and Social Policy in finding the best possible institutional framework for the Agency to fulfill its mandate. Importantly, the CoE Human Rights Commissioner recognized Serbia's NRM and its achievements in identification and referral of THB victims.¹

Professional Enhancement and Awareness-raising

In parallel with its efforts of getting the state's anti-THB policy-making and planning in gear, and establishing an effective NRM, the Mission has invested its efforts in working with key groups of professionals – those whose performance is critical to ensuring effective victim identification and assistance, as well as effective prosecution of perpetrators. Subsequently, the Mission has designed and implemented a wide range of capacity-building seminars for police officers, judges, prosecutors, social workers, as well as civil society specialists working on direct assistance to victims. The key focus is will remain on enhancing the professional capacity on the local level of the judiciary and law enforcement agents, as well as social workers.

In March-April 2009 the Mission has in cooperation with NGO ASTRA launched the 2nd edition of the Manual for Journalists on THB – a practical tool prepared by journalists from different spheres (investigative journalism, documentary filming, working with victim, etc.).²

Besides very technical skills-building efforts, the Mission has also invested in wider awareness-raising. 2008 saw one of the most provocative social message campaigns in Serbia. Titled as “Naked Facts” and involving 7 men from Serbia's public life, well-known

¹<https://wcd.coe.int/ViewDoc.jsp?id=1417013&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

² Available both in English and Serbian at http://www.osce.org/serbia/item_11_36351.html

for their uncompromising attitude, the campaign carried out by NGO Astra³ drew attention to the THB problem in Serbian society, urging citizens to get informed and also not to remain indifferent.⁴

Trafficking in Human Beings in Serbia

Position. Until recently, Serbia was predominantly a country of transit and (temporary) destination for foreign victims of THB and, to less extent, a country of origin. Since 2005 Serbia has witnessed a trend of decrease in numbers of foreign victims. At the same time, the identified cases indicate that Serbia has become a country of origin for different forms of THB (mostly sexual exploitation, forced marriage and begging). It's been also noted that internal THB and THB of minors (mostly for the purpose of forced marriage and begging) is on increase.

Trends. The cases identified in 2008 and early 2009 confirm the trends of Serbia being a country of origin, and increase of children among victims. In 2009, until April, out of the 24 cases identified 14 were children and 10 adults. While sexual exploitation dominates (14 cases), other forms are present – labor exploitation (4), petty crimes (1), forced marriage (3), and attempted adoption (1). Out of the total, 19 were from Serbia, 1 from FYR Macedonia, 3 from Romania and 1 from Czech Republic. Out of 24, 2 were male and 22 female.⁵

Legislative framework. Serbia inherited inter-national legal obligations undertaken by signing of the 2000 UN Convention against Transnational Organized Crime, as well as the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against Smuggling of Migrants by Land, Sea and Air. On 18 March 2009 the Parliament ratified also the 2005 CoE Convention on Action against Trafficking in Human Beings.⁶

The definition of THB, included in the 2000 Palermo Protocol, was the basis for introducing respective domestic criminal legislation. In spring 2003, the Serbian Criminal Law was amended, but the implementation proved complicated as in practice it became applied to both cases of THB and cases of

migrant smuggling. New legislative solution as well as more precise definition of both crimes was necessary. The changes supported by the Republic Team and the Mission were included in the new Serbian Criminal Code, which entered into force on January 1, 2006. Article 388 (on THB) and Article 350 (on smuggling of people) of the new Code clearly divide and sanction separately these two crimes.

Institutional framework. The mentioned Republic Team, the National Co-ordinator, and the Governmental Council for Combating THB form what the Strategy names as the central level of the national anti-THB coordination mechanism. The operational level consists of the judiciary and law enforcement (special teams for combating THB within the Criminal Police and also Border Police), and of the Agency, supported by specialized NGOs and IOs. The Agency that co-operates with relevant state and NGO actors is to ensure the respect of victims' human rights through correct identification and adequate assistance and protection.

Plans for 2009

The Mission's priority will be to assist Serbia in meeting the international standards by adequately and effectively investigating, prosecuting and trying the cases of THB and smuggling. A cycle of local level workshops for police officers, judges, and prosecutors carried out in co-operation with the Judges Association of Serbia has already started.

Focus will also remain on supporting the professional development of the NRM in Serbia – the very mechanism to balance off the criminal justice system interests with human rights of THB victims. Here the focus will be on the Agency as well as improving local level response mechanism gravitating around municipal social work centres. Simultaneously, the Mission plans to initiate specialist debate over establishment of overall victim protection mechanism in Serbia. Work will continue also on implementing the Strategy in the framework of the NAP. For these ends, the Mission will mainly be engaging in institutional capacity-building activities of various types and forms.

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³ The campaign was financially supported by Austrian Development Agency.

⁴ Link to the campaign video is available at www.osce.org/serbia

⁵ In 2008 out of the 55 cases handled, 37 were qualified as victims of THB and 18 as potential victims, whereas 30 were children and 25 adults. Again, while sexual exploitation dominates (22 cases), other forms are present – labor exploitation (5), forced begging (5), petty crimes (1), forced marriage (3), and attempted adoption (1). Out of the total, 49 were from Serbia, 2 from FYR Macedonia, 2 from Uzbekistan, and 2 from Moldavia. Out of 55, 7 were male and 48 female. For comparison, in 2007 out of the 60 identified cases, 26 were minors, 9 were male and 51 female. As for the purposes of exploitation, then 26 were intended for sexual exploitation, 9 for forced labor, 9 for forced begging and 1 for petty crimes, 2 for forced marriages, whereas there were 2 cases of selling a newborn. Out of the total of 60, 48 were from Serbia, 4 from China, 2 from FYR Macedonia and Bulgaria, 1 from Moldova, Ukraine, Croatia, Romania.

⁶ http://www.parlament.sr.gov.yu/content/cir/akta/akta_detalji.asp?Id=531&t=Z#

