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By NGO ASTRA – Anti Trafficking Action

Contact person: Ms. Elena Krsmanovic, PR coordinator
NGO ASTRA
Belgrade, Republic of Serbia
Tel: +381 11 785 0001
Fax: +381 11 785 0010
SOS Hotline: +381 11 785 0000
E-mail: astra@astra.rs
Web address: www.astra.rs

¶ 1. Typical for human trafficking in Serbia in recent years, including year 2011, is the prevalence of internal trafficking, as well as of domestic nationals among identified victims. Foreigners found in Serbia are mostly from neighbouring and ex-Yu countries with rare exceptions. The proportion of children – mostly girls - among identified victims has been very high year after year. Except for three cases, since 2007 no foreign child has been identified as trafficking victim in Serbia. Compared with other countries in the region, Serbia identifies very high numbers of victims every year (the Agency for Coordination of Protection of Trafficking Victims identified a total of 88 trafficked persons; at the same time, Montenegro identified 2 victims, Croatia 11, Macedonia 12 and Bosnia 34).

¶ 2. ASTRA has been running SOS hotline for trafficked persons since 2002 and identified around 400 trafficking victims. In 2011 ASTRA identified and assisted 40 trafficked persons and one quarter of them were children. Among 40 newly identified victims, 13 were males and all of them were recruited and exploited when they were adults. All children victims of trafficking identified in 2011 (like in 2010 and 2009) were girls. Two victims identified by ASTRA SOS Hotline this year were foreign nationals (Bosnia and Herzegovina and Russia), while all the others were the citizens of Serbia. (the Agency identified around 18% of foreign victims coming from Bosnia, Montenegro, Slovenia, Ukraine, Albania, Austria, Moldova and Afghanistan).

¶ 3. As far as destination countries are concerned, the most frequent destination for trafficking victims, like in the previous years, is the Republic of Serbia. Final destination of victims trafficked for the purpose of labor exploitation in 2011 was Germany, Slovenia and Chechnya. Other destination countries were Italy, Slovenia and Bosnia and Herzegovina. Seventeen persons were trafficked internally. Serbia was the country of origin and destination for eight children identified in 2011. Internal trafficking accounted for 42.5% of all trafficking cases identified in 2011 (2010-51%, 2009- 42%, 2008- 25%).

¶ 4. Growing labor exploitation of adult males is a relatively new trend that has been steadily present for last five years. Victims are construction workers of different profiles who are as a rule exploited in construction sites abroad.

¶ 5. One of the major problems in the Serbian anti-trafficking is the absence of sustainable and predictable budgetary financing. Namely, the funding from the budget of the Republic of Serbia is still limited to the salaries of police officers and social welfare professionals in charge of identification and coordination of assistance. Direct victim assistance still depends primarily on support of foreign donors, while state support is sporadic and non-systemic. It could be heard quite often that victim assistance could be provided within the existing social welfare and public health systems. However, such assistance is often insufficient, inappropriate and not always available to all victims. We have been told that such situation is not going to change in the years to come because of the structure of the budget. Thus, once again we are witnessing the process of drafting the new anti trafficking strategy and NAP without ensuring reliable budget allocation for its implementation.

¶ 6. Although legislative framework for prosecuting human trafficking is rather satisfactory, its implementation in practice suffers many deficiencies and does not improve the status of the victim significantly.

¶ 7. Victims are expected to report the crime and witness before the court, but they enjoy no protection and the issue of their safety is not systemically solved.

¶ 8. Trials are lengthy and victims are summoned to give statements over a long period of time, which is a serious obstacle for their putting the trafficking experience behind and moving on.

¶ 9. Sentences for traffickers are around prescribed minimum and a small number of them end in jail, while in a couple of cases victims have been convicted of something they have done as trafficking victims.

¶ 10. Although human trafficking is observed as an issue of organized crime in most countries in the world, it seems not to be the case in Serbia. In the last couple of years, it could be heard in the statements of the law enforcement officials that organized criminal groups are not involved in human trafficking in Serbia any longer. Similar message is sent by the Office of Special Prosecutor for Organized Crime, in particular by its decisions not to prosecute certain trafficking cases as the acts of organized crime, but to have them prosecuted before regular courts. Organized Crime Prosecutor's Office did not take even one trafficking case in the last 25 months.

¶ 11. Further, it has been observed in recent months that in spite of numerous trainings, judicial professionals still do not understand human trafficking as a phenomenon. Both judges and prosecutors are often insensitive to the vulnerability of victims and pay no attention to secondary victimization; in addition, public prosecutors are often passive, although they have a vital role in the proceedings. We have seen several cases of victims being prosecuted for acts committed under or in relation to their exploitation.

¶ 12. Serbia still does not have a uniform database of criminal reports for human trafficking and corresponding proceedings. It is therefore difficult to establish the exact number of criminal reports filed by the police, indictments that have been filed by public prosecutors and final judgments for human trafficking and corresponding offences, i.e. how many police reports have been rejected and on what grounds. It happens quite often that cases initially qualified as human trafficking in criminal reports/indictments change their qualification into facilitation of prostitution pending the trial.

¶ 13. No victim received compensation for what have happened to her/him nor criminal assets have been confiscated for any trafficker. Criminal courts are reluctant to decide on damages and refer the victims to litigation, which is costly, lengthy and brings additional re-traumatization with uncertain outcome.

¶ 14. Specialized victim assistance is provided by NGOs. As said earlier, it could be heard quite often that victim assistance could be provided within the existing social welfare and public health systems. However, such assistance is often insufficient, inappropriate and not always available to all victims. Victims – domestic nationals, who do not have proper documents, which are the condition for enjoying any rights in the field of social welfare and public health (except for emergency assistance), are faced with the greatest obstacles. Free legal aid for trafficked persons that is funded by the government, local government or the like, still does not exist in Serbia.

¶ 15. Social welfare centers operate at the municipal level; their involvement is mandatory if trafficked person is a child. They are generally in charge of providing social services, but they lack specialized programs, skills and sensitivity to work with trafficked persons.

¶ 16. Accommodation of trafficked person has been problematic in Serbia for years. To overcome the situation in which there has been only one shelter - Reintegration Shelter in Belgrade, with the capacity to accommodate up to 7 persons, in October 2011 two shelters for victims of domestic violence ran by local social welfare centers – in Novi Sad and Nis - were expanded to provide primary care for trafficked persons. These shelters have the capacity of up to host up to six persons. However, victims with

addiction diseases or with psychologically altered behavior/psychological disorders cannot be admitted in these shelters because programs for support to such victims have not been developed nor cooperation with specialized institutions have been established in order to enable their involvement in victim assistance in urgent situations without ample red tape. In addition, there are no night shifts in either of these shelters and victims cannot receive urgent assistance or support during the night. This is a very important shortcoming in the organization of the shelters, since trafficking victims usually suffer from sleep disorders or change in the sleeping rhythm in the course of exploitation and therefore cannot sleep at night. Specifically, the shelter in Novi Sad is managed by the employees of the Novi Sad Social Welfare Center; they are engaged in the shelter alongside their regular duties, but after their working hours, i.e. in the afternoon and over night, the staff is reduced to one security guard who is supposed to provide physical protection of the facility. The shelter in Nis has only one person engaged who works only one shift, while additional staff and support is engaged if and when necessary. To our knowledge, staff at the shelters did not pass long-term training or education programs held by local and/or international experts in the field of identification, urgent assistance and (re)integration. Moreover, direct work with victims in the shelter is not supervised either by the project managers or in the form of monitoring the quality of provided services; thus, there is a plenty of room left for procedural errors and oversights in psychosocial work with victims.

¶ 17. In November 2011, the Justice Minister and Minister of Labor and Social Policy signed an agreement according to which a temporarily seized house (pursuant to the Criminal Assets Confiscation Act) in Belgrade would be used as an emergency shelter for trafficking victims. In addition to the shelter, this house is supposed to be a new address for the Agency of Coordination of Protection of Trafficking Victims. However, the shelter did not become operational so far and it is still not clear who and how would manage the first private house for trafficking victims and what categories of victims it would accommodate in terms of gender and age.

¶ 18. Although children have been constituted a large proportion of victims identified in Serbia and that they are almost exclusively children of Serbian origin, we still lack specialized assistance and reintegration programs for children. A shelter specialized for children victims of human trafficking still does not exist, and if a child victim is not returned to the family (if there are no adequate conditions or if it is not safe), child is accommodated either in the shelter for adults or in one of the institutions for children without parents, which does not have specialized recovery and reintegration programs.

¶ 19. According to the Agency for Coordination of Protection of Trafficking Victims, in the last two years 30% of children victims were accommodated in child care institutions, 13% in shelters for adults and only 15% in foster families, although foster families represent a good model of care for trafficked children.

¶ 20. Also, many children are not identified as victims, because their traffickers are not prosecuted as traffickers but as pimps because it is allegedly easier to prove that a child was voluntarily in prostitution and than to punish the pimp because prostitution in Serbia is not legal than to prove exploitation and human trafficking. Besides major injustice, such children do not receive any assistance in the process of recovery from sexual exploitation, but are forever labeled as underage prostitutes.

¶ 21. All actors in the field of victim protection in the phase of recovery and reintegration should abide by generally accepted standards based on international practice, documents and recommendations that are accepted in Serbia, too. This is quite challenging for all actors in terms of persistent implementation of the principles of

working with victims, respect for their needs and rights and the provision of appropriate support, especially having in mind that victim assistance in Serbia is not provided following any written procedures, not to mention monitoring and quality control.