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Overall context

In 1980s, Serbia (and former Yugoslavia) had much better standards of living compared with other countries in the region and was above all the country of destination for women – victims of trafficking from Eastern Europe. With the war and the arrival of military troupes during the disintegration of SFRY, the number of victims of human trafficking in Serbia increased. In this period, victims, primarily from Bulgaria, Moldova, Russia and Ukraine, were transferred across the territory of Serbia to Bosnia (and further on to Italy, Spain, France), Kosovo and Metohija and Macedonia (to Greece, Saudi Arabia) and the countries of Central and North Europe. In the post-conflict period and for the reasons of social changes, Serbia has become a country of origin for victims of trafficking. This was contributed to by several factors. War conflicts and criminalization of the society during the last decade of the 20th century were a friendly environment for organized crime, including trafficking in human beings, as a highly profitable activity of organized criminals. Moreover, at the beginning of the 21st century, numerous factors continued to affect growth in human trafficking.

1. Unemployment - According to the National Employment Service, official unemployment rate in 2007 was 26.83% (928,325 unemployed persons). 53.8% of unemployed are women¹. Of all unemployed persons, 37% have no education.
2. Downsizing of the public sector by ten percent where women comprise the majority of labor force. Women are also hit by downsizing during restructuring and privatization, especially in traditional "women" industries. Women with lower and intermediate education level working in industries that undergo restructuring are particularly affected.
3. Growing dissatisfaction and a tendency in youth population to leave the country (a research done in April 2004 by the Center for the Research of Alternatives reports that 18% of young people between 18 and 27 years of age who participated in the survey have already decided to leave the country and 43% wish to leave and would leave if given a chance – which amounts to 61% of young people wanting to leave).
4. A proliferation of refugees and displaced persons in Belgrade and other areas throughout Serbia due to Serbia's post-conflict status etc.
5. Corruption –According to the 2005 Transparency International Corruption Perception Index, Serbia and Montenegro ranked 97 among 158 countries (with average CPI score of 2.8 out of possible 10). Also, in the conclusion of "Evaluation Report on the Republic of Serbia" which GREKO adopted at the 29th plenary session (Strasbourg, June 19-23, 2006), it is said that corruption is considered a significant problem in the Republic of Serbia affecting many sectors of the public service. The sectors considered as being the worst affected are the judiciary, the municipalities, the customs service, the police and health care. The same report suggests that "policies aiming at preventing and fighting against corruption should also focus on two other areas where there is room for improvement: collection of taxes (it is a well-known fact that lacunas in the tax system favor corruption) and the privatization process whose implementation seems to suffer from several shortcomings".
6. Escalation (or increased registration) of gender-based violence in our country. Serbia shares the experience of the majority of transition countries – transition brings about changes in traditional family relations - women are becoming the main breadwinners, thus depriving

¹Data given by National Employment Service

- men of their "leading" role. It is in such family structures where physical violence is increased, as opposed to those where both partners are supporting family. The results of the research on domestic violence in Serbia, conducted by the Victimology Society of Serbia, show that every other woman in Serbia experiences mental violence in the family, every third suffers physical violence, while every fourth is being threatened by violence. The Shelter for Women Victims of Violence reports that as of November 25, 2006, 132 women with children were accommodated in three safe houses that operated in Belgrade at the moment. Their number increased year-to-year - one year earlier there were 83 such women. This organization receives calls from 15-20 women with children every day who suffer violence.
7. Degrading social and economic circumstances have affected the feminization of poverty in Serbia, which has become one of the main reasons for the migration of women. Since possibilities for legal immigration are limited, advertisements offering jobs to baby sitters, waitresses, nurses or dancers are attractive for many women who are trying to go abroad. Contrary to expectations, they end up somewhere in the region or in Western Europe, where they are forced into sex industry. Also present is child trafficking for the purpose of sexual exploitation, begging, theft or false adoption, as well as labor exploitation of children and adults.

Trafficking in human beings in Serbia

Analyses of available data regarding human trafficking victims' shows that following can be concluded about situation in Serbia²:

- Serbia is origin, transit and destination country for human trafficking victims;
- Number of **domestic victims** of human trafficking of all identified victims is in constant growth. In 2005 most of identified victims of human trafficking were domestic citizens (even 70%), and in the period 2006-2008 this number is even increasing (**73.9%**). Only during 2007 in **88%** of cases victims were citizens of Serbia;
- Parallel with the process of increasing number of domestic victims of human trafficking, we are tackling more present problem of **internal human trafficking**. In large number of cases (37%), human trafficking victims are domestic citizens that are being sold in our country, i.e. the entire process of human trafficking is conducted in the Republic of Serbia;
- Since 2004 **number of children** in human trafficking chain is increasing. While in the period 2002/2003 among identified victims there were 10% of children, during 2004/2005 number of children victims was 46.51% and in a period 2006-2008 44.93% of all identified victims were minors. In last few years, younger children, as extremely vulnerable category, most often become a target for human traffickers. In such context, the average of age of minor victims of human trafficking is lower (approximately 13 years old) regarding previously obtained data;
- In 2004 **male victims** of human trafficking were identified for the first time;
- The number of **mentally challenged persons** identified as victims of human trafficking is increasing (28.6% in 2004.)³;
- While in 2001/2002 **recruitment** mostly took place through advertisements offering "excellently paid jobs in Western Europe to attractive girls, visa and work permit included", typical for 2003/4 were alleged employment agencies and in 2005/6, increasing number of victims, in particular girls, were recruited through the Internet, SMS messaging and through tourist agencies (offering "au pair" jobs).
- During 2002, a great number of women were found in brothels in police raids, however, after the police action "Sabre"⁴ in 2005/6, this figure has declined to two-three girls per a raid, because

² For more detail analyses please refer to ASTRA SOS Hotline statistics www.astra.org.rs

³ Second Annual Report on Victims of Trafficking in South Eastern Europe 2005, Regional Clearing Point

⁴ The police operation pursued in 2003 during the state of emergency introduced after the assassination of Prime Minister Zoran Đinić.

traffickers shifted their business more undercover and **exploitation** is mostly done in the private apartments and houses.

Anti trafficking activities

In seven years following the ratification of the UN Convention against Transnational Organized Crime and Protocols hereto⁵, a number of activities have been carried out in Serbia by both international and national governmental and nongovernmental organizations, bringing about positive changes in the field of combating trafficking in women. **In 2001 and 2002**, NGOs launched the first media campaigns, the first shelter and SOS hotline for trafficked survivors were started by NGOs and the first education programs for the GO sector were initiated. Also, the National Team for Combating Human Trafficking was established, composed of government institutions, NGOs and international organizations. In April **2003**, article 111b Trafficking in human beings was introduced as a criminal offence into the Criminal Law of the Republic of Serbia. In **2004** the Agency for Co-ordination of Protection of Trafficking Victims was set up within the Ministry of Labour, Employment and Social Policy, as well as the Governmental Anti-Trafficking Council. In **2005**, we saw the first key trials to the organizers and perpetrators of trafficking in women (TIW). On January 1, **2006**, the new Criminal Code of the Republic of Serbia came into effect, introducing article 388 and some novelties into the definition and penalties for human trafficking and distinguishing this offence from people smuggling. In December 2006 National Strategy for combating trafficking in human beings was adopted.

Problems and challenges

Beside obvious progress in suppressing human trafficking, we should also point out to omissions, problems and task that should be worked on in the following period in order to make fight against human trafficking more efficient.

- The Republic of Serbia still has not adopted National Action Plan for combating human trafficking;
- Taking into effect new Criminal Code, we made significant step forward in regard to defining human trafficking and separation of criminal act in the article 350 *Illicit crossing of state border and people smuggling* (by which clear distinction is made between these two acts), as well as including criminal act in the article 389 *Trafficking in children for adoption*. The new Code, however, generally brings lower penalty policies which can also be seen in criminal act Human Trafficking, where penalty for trafficking in children regulated in article 388 paragraph 3 is decreased from minimum five to minimum three years of imprisonment. This is particularly considerable bearing in mind increase of number of children involved in human trafficking.
- National team for combating human trafficking is good example of cooperation between governmental, nongovernmental and international organizations (mostly as observers), but unfortunately it still functions without clear procedures and rule. Up to date this team has no joint actions conducted in anti-trafficking field. Members of National team have no precisely defined roles, and consequently no responsibility. The entire communication between team members is informal. All activities in Serbia in fighting human trafficking were conducted thanks to international donations and foreign governments, and through the work of non-governmental organizations (Shelters, SOS Hotline, media campaigns, most of educations) or through the work of institutions, in a form of additional educations, study visits or technical equipment (first of all of the police). In the state budget of the Republic of Serbia, no means are envisaged for suppression of human trafficking.⁶ Since January 2008, National team of the Republic of Serbia has no coordinator, as former coordinator is retired and new one was not appointed.

⁵ Official Gazette of FRY – International Contracts, no.6, 26 June 2001

⁶ Law on budget of the Republic of Serbia, Official Gazette RS No. 123/2007, 58/2007, 106/2005, 108/2005 - correction., 85/2006 and 86/2006 - correction., 127/2004 and 66/2005, 33/2004 and 115/2004, 86/2002 and 35/2003, 74/2001, 35/2002 and 86/2002, 21/2001 and 27/2001 - correction.)

- Penalty policy for criminal act of human trafficking, with few exceptions, is very light. During 2005 only few larger trials were accomplished, but unfortunately main organizers of this “business” from Serbia (but also from the region) are still free and/or in escape. The connection between corruption of the representatives of state officials and human trafficking in concrete cases was never investigated or didn’t have an epilogue. Presentation of evidence in this criminal act still in the most part relies to witnesses and their testimonies. As a new problem, citizens’ proceedings in compensations for damage are occurring in trials. As it is practice in Serbia not to bring decision regarding the compensation during the trial for criminal act, the court refers witnesses/victims to realize their right to compensation through civil suit, which always last for a long time, requires the presence of the victims and understands huge costs (for taxes, engagement of lawyer. etc). Problem is bigger when it comes to foreign victims who were witnesses in criminal proceedings in Serbia, and than were repatriated into their country of origin. If they want to realize their right to compensation, they have additional expenses for travel and lodgment. Their security while returning in country in which they testified against trafficker(s) and the possibility to meet trafficker(s) open new questions. The existing educations for judges and prosecutors should be continued, but we should also consider involving litigation judges in those educations, in order to bring re-victimization of human trafficking victims to minimum.
- Largest number of non-governmental organizations, but also certain number of the representatives of governmental sector participates in preventive activities. Representatives of government institutions gladly participate in such projects (as participants or lecturers). But, there is no systematic support for the preventive activities. When identifying the main obstacles to effective TIW prevention in Serbia, we need to speak about the lack of commitment on the side of government to tackle the issues of prevention in a more systematic way, because this is the only strategy that gives results in the long run. Unfortunately, up to date there is no evaluation conducted in order to estimate real efficiency of such activities and how should they be conducted in the future. The main efforts for the design and implementation of such programs still rest on the informal sector.
- Although with establishing Agency for Coordination of Protection of Human Trafficking Victims (in 2004)⁷ made significant progress, the fact is that direct assistance (medical, legal, psychological...) is so far provided only by three non-governmental organizations and IOM (through repatriation and by supporting one shelter). Unfortunately, in Serbia there is no protocol for treating victims of human trafficking, procedures are not very clear, and large number of representatives of institutions is not aware of the work of the Agency, nor its competences. Practice shows that in the Republic of Serbia identification of human trafficking victims is still conducted by the police, while the Agency only confirms this primary identification. There are cases of pressure, direct or indirect, on human trafficking victims to testify in court procedures. The period of reflexion most usually is not respected, and estimation of security, i.e. endanger of victims, is not conducted (or the victims are only placed in shelter of closed type). Also, it is very important to conduct evaluation and estimation of the quality of assistances offered to human trafficking victims by governmental as well as by non-governmental and international organizations. In the future it is necessary to work on the augmentation of quantity of assistances offered to victims, but also on improvement of quality of existing ones.
- In Serbia, there is no unique database of victims of human trafficking and assistances that are provided to them. The Agency has database in which they keep records in victims they have been in contact since their establishment. Their methods of protection of data and criteria for availability to public, experts, scientific workers, interested parties and victims themselves, or the prevention of abuse of those data are not clear.⁸

⁷ The Agency was financially supported by OSCE until 01.07.2005. After this period, the financing should have been conducted by State, which unfortunately did not occur

⁸ Law on protection of personal data, "Official Gazette FRY", No. 24/98 and 26/98.

- In Serbia there are no particular programs or measures for treating children victims of trafficking. They have the same assistances as adults, they are in the same shelters and they are treated the same.
- Reintegration and re-socialization of human trafficking victims are an urgent problem. Victims are mostly offered language courses, computer courses and similar, but more systematic, and long-term programs are still omitted. The lack of information after the repatriation of victims in their country of origin and of success of re-socialization there is present. This segment demands urgent and more efficiently organized involvement of social protection system and creation of special programs within.
- In order to fight successfully against this specific form of violence, it is necessary that State works systematically on eradication of poverty. We also have to be conscious that human trafficking would not be so much present if there was no corruption. For these reasons, facing basic causes that lead to human trafficking, i.e. poverty, unequal situation of women and still present violence against them, corruption and organized crime, are priorities in repressing human trafficking.
- Since 2004 it is noticed that government institutions are closing the cooperation with NGOs dealing with human trafficking. This can be particularly seen in cooperation with the police and the Agency for coordination of protection of human trafficking victims. NGOs are expected to provide and report to institutions but there are no feedback data.
- The fact that non-governmental organizations working on repression of human trafficking in Serbia are going through a specific crisis is indisputable, as well as the fact that they should be supported and strengthened to persevere in their independency, to give objective and critical look to a situation. This is of key importance, as NGOs will be responsible in the future, when Serbia becomes a country that fully respects international standards, to monitor the respect of human rights and to work on their constant improvement. Without strong and developed civil society, we can not talk about democratic state as a guarantee for human rights.

What worries us the most, as a non-governmental organization, is declarative call to respect human rights of human trafficking victims. Practice shows us that their human rights are violated even after they exit the chain. After the progress (in 2002 and 2003) in treating human trafficking victims, we are facing again examples when this problem is treated as illegal migrations, people smuggling or disturbing public peace and order. Here we have in mind work of governmental, non-governmental and international organizations/institutions. For these reasons general education of all actors working on human trafficking problem in Serbia, on human rights, on guaranteed international conventions is essential for quality in future work.