



Serbia

- Population: 9.5 million
- GDP per capita (in US dollars): 6,152
- Parliamentary regime
- Human development index (HDI): 0.771 (66th rank among 187 countries)
- Gender inequality index (GII): 0.176 (38th rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 40 on a scale from 0 (highly corrupt) to 100 (very clean)
- Candidate for the European Union.

- No official national statistics on prostitution.
- Prohibitionist regime. The Serbian law on order and public peace prohibits prostitution, which is contrary to human dignity and to the public moral. Prostitution is punishable by 30 days imprisonment.
- Serbian criminal code punishes any form of slavery with penalties ranging from 3 to 15 years imprisonment.
- In 2014, there were 26 convictions with 3 to 12 years imprisonment for human trafficking (for forced labor and sexual exploitation), compared to 37 in 2013.
- The Roma community is particularly exposed to domestic trafficking.
- Country of origin, transit, and destination for victims of sex trafficking.
- Serbian victims are exploited in the neighboring Balkan countries (Montenegro, Bosnia-Herzegovina, Croatia), in Western Europe (Italy, Germany, Switzerland, Austria, Sweden) and in the Russian Federation.
- Foreign victims come mainly from Montenegro, Bosnia-Herzegovina, Bulgaria, Romania and Moldavia.

Since the splitting-up of the Socialist Federal Republic of Yugoslavia in the 1990s, sexual violence has been a recurring problem in Serbia. During the resulting wars, rape was used as a weapon of war, resulting in the rape of thousands of women. According to Amnesty International, there have been as few as 5 prosecutions for war crimes typically smeared with sexual violence in Serbia. These war crimes have created extreme social stigmatization surrounding sexual exploitation and prostitution that continues to permeate the Serbian

society twenty years later. This stigmatization has resulted in a lack of effort by the Serbian government to combat sexual exploitation; therefore, sexual trafficking remains a critical problem needing confrontation.

Serbia serves as a transit, destination, and origin country for victims of human trafficking. Many Serbian nationals are trafficked in Azerbaijan, Slovenia and Russian Federation. The Serbian government identified 76 trafficking victims during the year 2013, 31 of which (40%) were victims of sexual exploitation. Women subject to sexual trafficking are often transferred to other countries and held hostage by Serbian criminal groups in Italy, Germany, Montenegro, Bosnia, Croatia, Austria, and Sweden. Unfortunately, the number of victims is increasing in Serbia and domestic trafficking has been rising. From 2013 to 2014, there was a 26% increase in the number of persons with victim status, according to the Center for Human Trafficking Victims Protection (CHTVP).

A sufficient legislation that is ineffectively applied

Serbia has a sufficient legislative framework to combat trafficking, however, the problems arise in terms of implementation. Victims of trafficking are currently protected under the Serbian criminal code. Article 388 prohibits all forms of sex and labor trafficking with penalties ranging from 3 to 15 years imprisonment. When this article was established in the revised criminal code of 2006, it increased the penalties for trafficking. Article 389 prevents trafficking of minors and addresses trafficking criminal groups. Article 390 of the criminal code punishes any form of slavery with 1 to 10 years imprisonment and 5 to 10 years imprisonment if the crime was committed against a minor.

Other laws protect victims of human trafficking, such as the Law of Social Protection, the Law on Foreigners, the Law on Health Care, and the Law on Seizure and Confiscation of Criminal Assets. Article 41 of the Law on Social Protection recognizes that victims of human trafficking should benefit from “social protection services without having to prove that they are in social need” (GRETA, 2014). The Law on Foreigners provides temporary residence to foreign victims during criminal proceedings and the Law on Health Care provides foreign victims with free emergency medical care.

Serbia drafted two strategies to combat trafficking: the National Strategy for Preventing and Combatting Trafficking in Persons 2014-2020, and the Action Plan for 2014-2015. Neither of these strategies were adopted. In addition to national laws, Serbia belongs to several international organizations that fight against human trafficking, including the Council of Europe Convention on Action against Trafficking in Human Beings, the United Nations Convention against Transnational Organized Crime, and UN Convention on the Rights of the Child. Being a stakeholder of these organizations provides further obligations that Serbia must meet in order to diminish trafficking in the country.

Institutional Framework

Serbia has multiple governmental bodies against trafficking. The CHTVP was established in 2012 and contains two separate bodies including one for emergencies. However, according to the TIP Report 2015, this emergency center has never functioned. The Centre has many

duties, including but not limited to developing individual plans for protection, coordinating with the authorities, protecting national and international victims, organizing conferences, and protecting victims in court proceedings. The Agency for Co-ordination of Protection of victims of trafficking in human beings, whose key role is the protection of human rights, was established in 2004. This organization is an extremely important mechanism for combatting trafficking because it acts as a coordination center between the victims, NGOs, police, and the authorities. The Republican Team for Combating Trafficking in Human Beings was established to bring together different actors such as the Ministry of Justice, NGOs like ATINA and Save the Children, and international organizations like UNICEF. According to the Group of Experts on Action against Trafficking in Human Beings (GRETA), two main NGOs stand out in the protection of trafficking victims. The NGO ATINA creates long-term support programs that are dedicated to providing enrollment in the education system, medical assistance, and family counseling. ATINA is dedicated to targeting the roots of trafficking such as poverty, lack of education, family relations, and of basic human rights. The second NGO, ASTRA (Anti-Sex Trafficking Action), trains important professionals such as social workers and the police. ASTRA also provides an SOS hotline that victims can call and provides medical and legal assistance.

Victims of trafficking and the judicial system

No organizational body gives victims protection during trials. Often the traffickers are given the minimum sentence, and few end up in jail. During 2014, the Serbian government initiated the prosecution of 17 cases, showing a decrease from the 29 cases in 2013 (*U.S. Department of State, 2015*). The trials were slow to resolve and the appeals resulted in even weaker sentences. Fewer traffickers were convicted and they received fewer sentences because officials chose to prosecute the traffickers under alternate processes with lighter penalties. There have been multiple standout cases in which victims were convicted of crimes they committed as a direct result of their entrapment in trafficking. Additionally, Serbia is one of the few countries that does not recognize trafficking as organized crime. The victims receive no free legal aid from the government nor do they receive financial compensation for their situation. Many Serbian authorities believe that victims can receive aid and protection through the existing social welfare and public health structures in the country. However this *“assistance is often insufficient, inappropriate and not consistently available to victims”* (ASTRA position on human trafficking victims in court proceedings).

Serbia complies with the international standards of the protection of victims during court proceedings; however, it does not implement these standards. During court proceedings, victims are often not granted their basic rights of protection such as protection of privacy, right to assistance and counseling, and right to safety and compensation. According to the US 2015 TIP Report, the first time a victim was compensated was in 2014. The victims are forced to appear in front of their traffickers many times. Consequently, victims are often threatened and intimidated and are subject to secondary traumatization which can strongly influence the victim's statements.

According to the U.S. Department of State Report on Trafficking in Persons, Serbia's first step must be to increase prosecutions and punishments for traffickers. In order to change the prosecution system, Serbia must train investigators, prosecutors, judges, and relevant professionals on the gravity of this issue. The government must increase cooperation with NGOs and help NGOs with financial aid, a recommendation reaffirmed by GRETA. If Serbia implements these changes, this country will vastly improve the situation for many human trafficking victims and hopefully also lower the prevalence of trafficking in Serbia. If the Serbian public can change its view against prostitution and trafficking victims, this large international issue can begin to subside in Serbia and this form of modern day slavery hope to disappear.

Sources

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