

## **Call for input: Trafficking in persons and protection of refugees, stateless persons, and internally displaced persons (IDPs) – input of NGO ATINA, Serbia**

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### **1. Drastic weakening of the state institutions' response to human trafficking**

A five-year-old National Strategy for the fight against human trafficking in Serbia expired in December 2022. There is no new strategy, nor is it known what the new document will look like, who will work on it, whether NGOs will be involved, how, and in what way. An Action Plan (2021-2022) for the Strategy was not adopted. Its creation was followed by the Ministry of Interior's scandalous decision not to include NGOs directly in its creation for the first time in the last 20 years. When the authorities finished writing the document, they declaratively invited specialized NGOs to participate by sending comments which, at the very end, were not accepted. The Action Plan did not foresee a single improvement of the existing system but represents a list of activities that are part of the projects of international organizations that work in this field and finance these actions with their funds.

The Ministry of Interior dismissed the Working Group for monitoring the Strategy in mid-2021 without a clear reason, before it expired, and in the middle of its implementation. The Working Group has not been re-established to date, leaving NGOs and victims without a place and alternative to exchange and debate problems of combating human trafficking.

The person responsible for the Office for Coordination of anti-trafficking activities within the Ministry of Interior (also called the National Anti-Trafficking Coordinator) retired in mid-2022, and the new one was not appointed.

In addition, the inter-ministerial Council for Combating Human Trafficking, chaired by the Minister of the Interior, has not met once during 2021 and 2022, even though the Strategy stipulated the Council shall meet at least twice per year.

After the adoption of the Standard Operating Procedures (SOPs) for the Victims of Human Trafficking in 2019, regular meetings were held. National Anti-Trafficking Coordinator, representatives of the Centre for the Protection of Trafficking Victims (CPTV), and NGOs exchanged information and discussed ways to resolve the existing problems. However, these meetings have completely died down in the last two years and have not been held.

According to the latest official data from the Centre for the Protection of Trafficking Victims for 2022, the number of detected cases of human trafficking by the Ministry of Interior dropped drastically by a third, which has never happened since the establishment of the system 20 years ago.

The Ministry of the Interior actively supported the establishment of Local Anti-Trafficking Teams in cities and municipalities in Serbia and coordinated the activities at the local level. However, in the last two years, there has not been any information on whether the Ministry of the Interior had contacts, made coordination activities with the Teams, or plans to do so.

Another recurring issue in 2022 was the lack of transparency regarding the process of official victim identification. The Ombudsman's office responded to NGO Atina's complaint, concluding that both the Center for protection for victims of trafficking and the center for social work failed to identify and assist a child victim in one case.

In 2022, information leakage from the investigation to the media was another highly concerning issue, allowing the complete absence of victim confidentiality measures. One such example included the Ministry of Interior publishing information on a trafficker who was the victim's father, and as a result, the media easily identified the victim.

Overall, the past two years have been marked by the weakening of the established formal framework and institutional capacities for the fight against human trafficking, along with removing the topic of anti-trafficking efforts almost entirely from the agenda. This is concerning, to say the least, but also represents a serious setback because previously planned activities were foreseen to improve the prevention of human trafficking and strengthen the protection and support provided to the victims among the refugee/migrant/asylum-seeking populations.

## **2. Missed opportunities to identify VoTs among refugee/migrant/asylum-seeking populations in Serbia**

For political, geographical, and social reasons, the Republic of Serbia is a country where at every point daily, thousands of refugees, migrants, and asylum seekers from African and Asian countries are coming to reach Central and Western Europe. Also, thousands of foreign laborers are coming to Serbia from Turkey, India, and other countries<sup>1</sup> to work on construction, but many leave and are smuggled to the EU countries.

There was a significant increase in the number of refugee/migrant/asylum-seeking populations in Serbia in 2022. Over 116 thousand refugees and migrants stayed in Serbia during the year, an increase of over 100% compared to 2021. At each moment, more than 4,500 refugees, migrants, and asylum seekers reside in the country, mainly in some of the reception, transit, or asylum centers managed by the state-run Commissariat for Refugees and Migration. Most of the countries of origin are Afghanistan, Syria, Pakistan, Morocco, and India.

According to the data from the state-run Center for the Protection of Trafficking Victims (CPTV), which is authorized to identify human trafficking victims (VoTs) formally, 62 victims were formally identified in Serbia in 2022. Most of the victims were women (79%). Sexual exploitation is still the dominant form of trafficking, and women victims of sexual

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<sup>1</sup> Given the rise of migrants from India, Tunisia, and Burundi who come to the EU via Serbia, the European Commission requested the Republic of Serbia in 2022 to introduce visas to these three countries. Soon after, the Government of Serbia abolished the visa-free regime with Burundi and Tunisia.

exploitation make up over 50% of all the identified victims. About 1/3 of the victims are girls (under 18), most of whom also suffer sexual exploitation.

In 2022, of the 62 formally identified victims, only six were not from the domicile population, all women. Among them, five were from the refugee-migrant population (two from Cameroon and one victim from Uganda, DR Congo, and Tunisia). Although this is an increase compared to the annual average of formally identified human trafficking victims among the refugee-migrant population (so far, CPTV usually identified one or no trafficking victims from the refugee-migrant population per year), it is still negligible compared to the population of refugees and migrants residing in Serbia, and the risk of exploitation and violence they are constantly exposed to. To put it more concretely, identified VoTs make up only 0.004% of the total refugee-migrant population in Serbia, which is at the level of a statistical error.

### **3. Violations of the rights of VoTs from the refugee and migrant populations**

The long-term effects of the post-COVID-19 pandemic are also reflected in the worsening position of human trafficking victims, especially those who belong to multiple marginalized groups, such as refugee and migrant women. [Many of them have suffered social isolation long before the pandemic](#). However, their position was further exacerbated by the fact that government institutions could only respond to 30% of their needs, whereas civil society organizations covered 70%. [The measures of the Government of the Republic of Serbia during the pandemic were not created concerning the specifics of the position and needs of girls and women – trafficking survivors, thus pushing them deeper into social isolation, invisibility, and life-threatening situations](#).

The state-run Center for the Protection of Trafficking Victims opened an emergency shelter for victims of human trafficking in early 2019 and closed it in August 2020 amid the pandemic due to the lack of funds and work permits. The shelter remained closed until the beginning of 2022. All beneficiaries previously accommodated in this emergency shelter were transferred to a licensed assisted housing service run by NGO Atina. At the same time, the state has not allocated any funds to support this service that has, for the last 20 years, remained the only safe accommodation for women victims of human trafficking in the Republic of Serbia. The emergency shelter run by CPTV was reopened in April 2022. However, in January 2023, the state shelter was closed again (because of reconstruction), leaving human trafficking victims in need of safe accommodation without the state-provided service.

On the other hand, the highest number of refugee and migrant women who suffered some form of violence or exploitation are not formally identified nor in any other way recognized as victims of human trafficking and are consequently unable to use services intended for victims. Even the women who are recognized as victims of human trafficking experience difficulties in accessing existing services or face a lack of means to have their needs met adequately. Short-term support services available to victims of human trafficking often do not respond to the specific needs of women victims from the refugee and migrant populations. For instance, they need better access to basic services, such as health care – through the constant presence of doctors in reception and asylum centers, or mental health – through permanent and accessible psychological support. [However, the state failed to develop any support service for this group](#). This also applies to long-term support services such as employment and economic empowerment. The particular problem with employment lies in the fact that it is closely connected with the asylum procedure. Namely, a temporary work permit in Serbia can be obtained nine months after a person enters the asylum procedure (which often lasts much longer than that). As for economic empowerment, there are no state-led programs for victims of human trafficking, even though they have been recognized as a hard-to-employ category. In this regard, it is

necessary for the state of Serbia to facilitate economic empowerment programs for these women, especially if they are from multiple marginalized and vulnerable groups of migrant women, such as victims of gender-based violence and human trafficking. Currently, the only economic empowerment program available to them is provided by NGO Atina.

#### **4. Poor perspective for the integration of refugees and migrants**

One of the greatest obstacles to the successful integration of refugees and migrants in Serbia lies in the state's general approach towards migrants and migration, which has not improved throughout the years. This is also why most refugees and migrants in a situation of long stay do not intend to seek asylum in Serbia but are most often staying near the borders in an attempt to enter the EU countries, primarily Hungary and Croatia. However, they are exposed to numerous risks to their safety in such places. The case from July 2022, when disturbing photographs and videos of refugees and migrants kneeling on the grass, with their hands on the back of their necks, surrounded by armed members of the Gendarmerie, appeared in public, also speaks of this. The Serbian Minister of Police emphasized that the government protects the security and suppresses the commission of criminal acts. The behavior of the police and the reaction of former Minister Vulin, unsupported by any evidence, did not contribute to security within the migrant population or to reducing the existing prejudice and stereotypes surrounding them. At the same time, it caused great shame to the Serbian police and the Republic of Serbia.

Finally, due to the lack of an approach aimed at integration and reducing social distance towards this population, the public's interest in the issue of migration and the problems faced by these persons have also decreased, with the right-wing anti-migrant movement remaining dominant in the public discourse. At the same time, it is essential to emphasize that Serbia should provide access to protection and support services under equal conditions for all refugee and migrant women, regardless of whether they come from Ukraine, Burundi, Afghanistan, or some other country.

The position of refugees and migrants who are victims of human trafficking or different forms of violence in judicial proceedings also contributes to their weak perspective on integration. At the same time, there are almost no victims of human trafficking in proceedings since there are nearly none of them, even among formally identified victims. In other words, victims of human trafficking in the Serbian judiciary face difficult access to justice. This is, among other things, reflected in the uncertain protection of victims during the proceedings (neither the status of a compassionate witness is granted regularly, nor all courts have the technical capabilities to conduct hearings via video link) and in the almost non-existent right to compensation (only two victims who are Serbian nationals have received compensation for the last 20 years). Because of this, victims of human trafficking from the refugee-migrant population rarely decide to initiate legal proceedings and are pushed into even greater marginalization, undermining any perspective for their integration.

Only one example of this is the failure to thoroughly investigate allegations that 500 Vietnamese workers endured forced labor, including passport confiscation, restriction of movement and communication, threats and intimidation, withholding salary, forced overtime, inadequate housing, and insufficient food at the construction site of a PRC-owned factory in Serbia. The European Parliament adopted a joint resolution calling for an investigation into forced labor at the factory, and the UN and civil society organizations similarly urged the government to take immediate action. While the Ombudsman visited the factory and called for an investigation, the government was slow to respond to the allegations of forced labor and did not fully adhere to its protocols. To date, no progress has been made in this case.

## **5. Advocacy Group of survivors as a promising practice**

Despite numerous challenges faced by refugee and migrant women, it is essential to mention the [Refugee Women Advocacy Group](#), whose establishment was supported by NGO Atina. The idea of an advocacy group arose from the need to provide space for persons with experience within the protection system to participate in policymaking, influence changes in existing practices, and directly advocate for the rights of victims of trafficking, gender-based violence, and persons from groups at risk. Refugee Women Advocacy Group members have so far spoken at conferences, trainings, and gatherings attended by professionals who come in direct contact with the refugee and migrant population and had regular meetings with decision-makers and representatives of various organizations and institutions in the country. These women view their participation in the Advocacy Group as a chance to have their voices heard and to ensure that no other woman or girl will feel alone, silenced, or invisible. Precisely for this reason, it is necessary to explore the possibilities of the Advocacy Group further, to continue and deepen its cooperation with decision-makers and service providers, especially at the local level, and use its capacities for advocating the improvement of access to necessary services for refugee and migrant women.