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The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, in reference to the joint communication from special procedures (OL SRB 3/2022), dated 7 April 2022, has the honor to enclose herewith the response of the Government of the Republic of Serbia.

The Permanent Mission of the Republic of Serbia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

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Geneva, 13 May 2022

Office of the High Commissioner for Human Rights  
Special Procedures Branch  
Palais de Nations, 1202 G E N E V A

**Contribution of the Ministry of Internal Affairs for the Permanent Mission of the Republic of Serbia to UN - comments of UN special rapporteurs on the Draft Law on Employment in Seasonal and Other Jobs in Certain Activities as well as in connection with the measures taken by the Government of the Republic of Serbia to implement international documents related to the fight against human trafficking**

Regarding the issue related to the application of international standards of the ILO Declaration on Basic Principles and Rights at Work, which refer to: abolition of forced labour and abolition of child labour, we point out that it is provided for under the Draft Law on Seasonal and Other Occasional Employment in Certain Activities that persons under 18 years of age may be employed in accordance with that law, under the conditions prescribed by the law governing the employment with a person under 18 years of age and the decree identifying what represents forms of hazardous child labour.

When it comes to the fight against human trafficking, we would like to inform you that in order to improve the systemic response of society to the problem of human trafficking in the Republic of Serbia, in 2017 the Strategy for Prevention and Combating Human Trafficking, especially Women and Children and Protection of Victims 2017-2022 was adopted with the accompanying Action Plan for the period 2017-2018. "Official Gazette of RS", No. 77/17).

The strategy aims to ensure respect for and protection of human rights, continuous comprehensive response of the society through an improved system of prevention, assistance and protection of victims, timely identification of cases in practice and efficient prosecution of perpetrators. It should also ensure the combating human trafficking through functional networking and institutional capacity building of all actors in the public and civil sector, in line with the dynamics of new challenges, risks and threats.

As a result, the Strategy envisages five specific objectives that strengthen the partnership in response to trafficking, improve prevention, improve the proactive system for detecting trafficking, improve the identification and support of victims of trafficking and protect children from trafficking and exploitation in pornography and prostitution.

In 2019, the second Action Plan for 2019 and 2020 for the implementation of the Strategy for the Prevention and Combating Trafficking in Persons, Especially Women and Children and the Protection of Victims was adopted.

In order to improve the institutional capacities for the systemic response of the society to the problem of human trafficking, at the Government session on March 18, 2021, a Decision on dismissal and appointment of the President and members of the Council for Combating Human Trafficking was made.

Aleksandar Vulin, Minister of the Interior, was appointed President of the Council for Combating Trafficking in Human Beings, and Branko Ružić, First Deputy Prime Minister and Minister of Education, Science and Technological Development, Siniša Mali, Minister of Finance, Prof. Dr. Darija Kisić Tepavčević, Minister of Labour, Employment, Veterans and Social Affairs, Dr. Zlatibor Lončar, Minister of Health and Maja Popović, Minister of Justice.

The previous Decision on the formation of the Council for the Fight against Trafficking in Human Beings and the appointment of its members was made at the Government session on October 12, 2017. The Council held two sessions, at which, among other things, they were adopted:

- Standard Operating Procedures for the Treatment of Victims of Trafficking, aimed at improving the identification, assistance and protection of victims of trafficking, through partnerships of all relevant actors at the local, national, regional and international levels, and

Recommendations for improving the proactive system for detecting cases of trafficking in human beings, efficient prosecution of natural and legal persons and legal protection of victims of trafficking in human beings.

In order to improve the identification of victims of trafficking in the Republic of Serbia, the conclusions of the Anti-Trafficking Council, Standard Operating Procedures for dealing with victims of trafficking with indicators for preliminary identification of victims of trafficking, and all other information on anti-trafficking activities people were published on the official websites of the Ministry of Interior and the Government of the Republic of Serbia.

In order to operatively implement the activities and measures of the Strategy and Action Plan, on October 17, 2017, the Minister of the Interior, in the capacity of the Chair of the Council for Combating Trafficking in Human Beings issued a Decision on establishing a Special Working Group to implement and monitor the Strategy for Prevention and Suppression of Trafficking in Human Beings and Child and Victim Protection 2017-2022.

The special working group consists of representatives of ministries and other state bodies, as well as relevant institutions and associations, which have expertise in areas relevant to the implementation of the Strategy, namely: Ministry of Interior, Ministry of Justice, Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Labor, Employment, Veterans and Social Affairs, Ministry of Finance, Ministry of Trade, Tourism and Telecommunications, Ministry of Culture and Information, Ministry of Youth and Sports, Ministry of Foreign Affairs, Republic Public Prosecutor's Office, Office for Human and Minority Rights, Security Information Agency, Commissariat for Refugees and Migration, the Team for Social Inclusion and Poverty Reduction, the Centre for the Protection of Victims of Trafficking, as well as representatives of the Serbian Red Cross and two specialized civil society organizations Astra and Athens.

By the decision of the Minister of the Interior in April 2021, a new Special Working Group was formed to implement and monitor the Strategy for Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children and Protection of Victims 2017-2022. The task of the working group is to monitor and evaluate the fulfilment of the goals of the Strategy through the operational implementation of action plans and to prepare reports. In the period from 5-20.08.2021. The Ministry of Human and Minority Rights and Social Dialogue issued a public call for the participation of three other civil society organizations in the work of the Special Working Group, in addition to the participation of NGOs Astra and NGOs Athens. Bearing in mind that two civil society organizations were scored the same number of points in accordance with the public invitation, the participation of 4 civil society organizations was proposed, one of which is Roma: Group 484, Roma Centre for Democracy, Centre for Youth Integration and Association for Sexual and Reproductive health of Serbia.

Also, for the purpose of operational implementation of activities and measures of the Strategy for Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children and Protection of Victims 2017-2022. and Action Plan On April 27, 2021, the Minister of the Interior issued a Decision on the formation of a Special Working Group to draft an Action Plan for the implementation of the Strategy for Prevention and Suppression of Trafficking in Human Beings, Especially Women and Children and Protection of Victims 2017-2022, for the period 2021-2022.

The working group consisted of representatives of various institutions: Ministry of Interior, Ministry of Justice, Ministry of Education, Science and Technological Development, Ministry of Health, Ministry of Labor, Employment, Veterans and Social Affairs, Ministry of Finance, Republic Public Prosecutor's Office, Commissariat for Refugees and Migration and Ministry of

Labor, Employment, Veterans and Social Affairs - Centre for the Protection of Victims of Trafficking in Human Beings.

The working troupe has drafted an Action Plan for the period 2021-2022. years. For technical reasons, the Action Plan has not been adopted. The drafting of the Action Plan for 2022 is in progress.

The National Assembly of the Republic of Serbia is at SESSION Z. In November 2021, it adopted the Law on the Protector of Citizens, which in its provisions envisages the appointment of the National Rapporteur on Trafficking in Human Beings in the institution of the Protector of Citizens. In the following period, it is expected that the Protector of Citizens, in accordance with the law, will appoint one of his deputies as the National Rapporteur on Trafficking in Human Beings.

In the Ministry of the Interior, within the seat of the Police Directorate, the Office for Coordination of Activities in the Fight against Trafficking in Human Beings was established, which in the subject area, among other things: monitors, coordinates, supervises and directs the implementation of measures and actions; participates, implements and monitors activities planned by strategic documents; performs activities for the needs of the Council for Combating Trafficking in Human Beings; initiates changes and participates in the drafting of international agreements, laws and other regulations; coordinates the work and exchange of data of organizational units of the Police Directorate with other partners.

Also, on November 15, 2021, the Minister of the Interior issued an Instruction on the conduct of employees in the Ministry of the Interior in cases of trafficking in human beings with indicators for preliminary identification of victims of trafficking for the police and written information on victims' rights and available support. The Instruction regulates in more detail the manner of conduct of employees in the Ministry of the Interior, when in performing tasks within their competence, using indicators for preliminary identification of victims of human trafficking, they find out about victims and perpetrators of trafficking in human beings under Article 388 of the Criminal Code.

During the second half of 2021, the Ministry of the Interior established a free telephone line for reporting suspected trafficking (0800 100388). During October, a training was held for 10 members of the Ministry of the Interior, who will answer the phone. The aim of the training was to sensitize police officers to talk to victims and potential victims of human trafficking, to get acquainted with some of the active listening techniques and checklist of questions that will be used to conduct interviews with this category of persons

At the session of the Government on July 30, 2020, the National Strategy for Exercising the Rights of Victims and Witnesses of Criminal Offenses in the Republic of Serbia for the period 2020-2025 was adopted, with the accompanying Action Plan. The adoption of the Strategy is the result of a strategic commitment to provide all victims and witnesses of crime with an adequate level of procedural rights, as well as systemic, professional and accessible assistance and support, and a special level of protection for particularly vulnerable victims, including victims of trafficking.

On May 21, 2020, the Government adopted the Strategy for Prevention and Protection of Children from Violence for the period from 2020 to 2023 with an accompanying action plan, which envisages, among other things, activities in the field of prevention of child trafficking (October month of combating human trafficking),. capacity building activities for professionals in recognizing and identifying child victims of trafficking).

On December 16, 2019, the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Northern Macedonia on cooperation in the field of combating human trafficking was signed, and represents the first such international agreement

signed by the Republic of Serbia. The agreement signed by the National Assembly of the Republic of Serbia was confirmed at the session held on February 25, 2021 with the adoption of the Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of Northern Macedonia on Cooperation in Combating Trafficking in Human Beings.

On January 6, 2020, a Memorandum of Cooperation was signed between the Ministry of the Interior, the NGO ATHENS and the NGO ASTRA on cooperation in the field of combating human trafficking. By the memorandum, the signatory parties agreed on cooperation in establishing an effective system in the fight against human trafficking, identification and protection of victims of human trafficking and other forms of exploitation. The Memorandum is the basis for creating a joint partnership and providing mutual support during the activities undertaken for that purpose. In accordance with the provisions of the Memorandum, the civil society organizations Astra and Athens have so far sent 14 requests to the Ministry of the Interior for support regarding the verification of suspicions of possible trafficking in human beings.

An important part of the national mechanism for combating trafficking in human beings is the Centre for the Protection of Victims of Trafficking in Human Beings, which was established by a decision of the Government of the Republic of Serbia in 2012 as a state institution in the social protection system in Belgrade. The Centre performs assessment of the condition, needs, strengths and risks of victims of trafficking, performs identification and provides adequate assistance and support to victims of trafficking, in order to recover and reintegrate them. On February 3, 2019, within the Centre for the Protection of Victims of Trafficking in Human Beings, the Shelter for Urgent Accommodation of Victims of Trafficking in Human Beings was opened, which is available 24 hours a day, with a capacity of up to 6 users (from 16 years).

In the period January-December 2019, the police officers of the Ministry of the Interior filed 21 criminal charges for the criminal offense of Trafficking in Persons under Article 388 of the Criminal Code, against 42 perpetrators. The criminal charges damaged 33 persons - victims of human trafficking, all citizens of the Republic of Serbia (21 females - 11 minors and 10 adults, 12 males - 2 minors and 10 adults). The most common are sexual exploitation through prostitution (16), followed by labour exploitation (10), begging (Z) and multiple exploitation-forced marriage, sexual or labour (Z), and in one case there was no exploitation.

In the period January-December 2020, the police officers of the Ministry of the Interior filed 23 criminal charges for the crime

Trafficking in human beings under Article 388 of the Criminal Code, which includes 50 perpetrators and 38 injured persons - victims of human trafficking (34 citizens of the Republic of Serbia, 1 citizen of the Republic of Croatia, 1 citizen of Northern Macedonia, 1 citizen of Bosnia and Herzegovina and 1 person of unknown citizenship). Out of the total number of injured persons in 2020, 27 were female, 11 males, 13 minors and 25 adults. Out of the total number of injured minors - victims of human trafficking, 9 minors were female and 4 minors were male.

In 2021, police officers of the Ministry of the Interior filed 23 criminal charges for the crime of Trafficking in Persons under Article 388 of the Criminal Code, which included 43 perpetrators and 46 injured persons - victims of trafficking in human beings (45 citizens of Serbia, 1 citizen of Bosnia and Herzegovina). Out of the total number of injured persons, 38 are female, 8 are male, while 10 are minors.

In the period January-March 2022, police officers of the Ministry of the Interior filed 4 criminal charges for the crime of Trafficking in Persons under Article 388 of the Criminal Code, which included 8 perpetrators and 5 injured female victims of trafficking in human beings (citizens of the Republic of Serbia). Out of the total number of injured persons, one person is a minor (aged 15 to 17).

In 2019, the Centre for the Protection of Victims of Trafficking in Persons formally identified 39 victims of trafficking, of which 25 were minors, 19 were minors and 6 were minors. According to the type of exploitation, sexual exploitation is represented - 15 female minors, multiple exploitation - 2 female minors and 1 male minor, forced begging - 2 male minors and 1 female minor, forced marriage - 1 female juvenile, labour exploitation - 2 male juveniles and coercion to commit criminal offenses - 1 male juvenile.

During 2020, the Centre for the Protection of Victims of Trafficking in Human Beings formally identified 57 victims of trafficking, 24 juvenile victims (4294) and 33 adult victims. The most represented are women, who make up 6,594 identified victims. Among women, girls make up 490/0 victims. The most common type of exploitation is sexual exploitation - 370/0, followed by labour (2194) and multiple (1694) exploitation.

During 2021, the Centre for the Protection of Victims of Trafficking in Human Beings formally identified 46 victims of trafficking in human beings. As in previous years, most of the identified victims are women, as many as 8094, which indicates that human trafficking has a component of gender-based violence.

The trend continues that sexual exploitation is the dominant form of exploitation, with a share of 5094. In the second place is multiple exploitation with 1794, and in third place forced begging with 1094. 3794 identified victims are minors, and among them 94% are girls.

**Formatively identified victims in 2021.**

Type of exploitation	Under 18 years of age		Above 18 years of age		Total
Sexual			17		23
Forced marriage					3
Labour	3				3
Forced begging	2			2	4
Multiple			3	3	6
Forced crime					2
Economic					2
<b>Total</b>	<b>16</b>	<b>1</b>	<b>21</b>	<b>8</b>	<b>46</b>

According to the data of the Republic Public Prosecutor's Office, in 2019 and 2020, the status of a particularly sensitive witness in proceedings for criminal acts related to human trafficking was determined for a total of 30 persons (Article 388 and Article 389 of the Criminal Code).

**Legislative framework governing the area of human trafficking and its consequences:**

Constitution of the Republic of Serbia ("Official Gazette of the RS", No. 98/06) - The Constitution of the Republic of Serbia, by the provision of Article 26, explicitly prohibits slavery or in a position similar to slavery, i.e. prohibits all forms of trafficking and forced labour.

Criminal Code ("Official Gazette of RS", No. 85/05, 88/05 - corrigendum, 107/2005 corrigendum, 72/09, 111/09, 121/12, 104/13, 108/14, 94/16 and 35/19) - The Criminal Code sanctioned trafficking in persons in the following provisions: Article 388. Trafficking in human beings, Article 389. Trafficking in children for adoption, Article 390. Establishment of slavery and transportation of persons in slavery.

Criminal Procedure Code ("Official Gazette of RS", No. 72/1 1, 101/11, 121/12, 32/13, 45/13, 55/14 and 35/19) - The provisions of Article 162 of the Criminal Code procedure, it is envisaged that special evidentiary actions may be ordered, inter alia, for the criminal offense of Trafficking in Persons under Article 388 of the Criminal Code

Law on Transplantation of Human Organs ("Official Gazette of RS", No. 57/18) - The Law on Transplantation of Human Organs stipulates in the provisions of Article 51 that whoever, for any fee, the human organ of another person with compensation for transplantation or recruits, transports, transfers, hands over, sells, buys, mediates in the sale or mediates in any other way in the process of transplantation of human organs or participates in the procedure of transplantation of human organs subject to commercial trade, are imprisoned for two to ten years.

Law on Prevention of Domestic Violence ("Official Gazette of RS", No. 94/16) - In accordance with the provisions of Article 4 of the Law on Prevention of Domestic Violence, the law also applies to cooperation in preventing domestic violence in criminal proceedings, among others and for the criminal offense of trafficking in human beings (Article 388 of the Criminal Code), if the criminal offense is a consequence of domestic violence.

Law on Juvenile Delinquents and Criminal Protection of Juveniles ("Official Gazette of RS", No. 85/05) - Law on Juvenile Delinquents and Criminal Protection of Juveniles, in the part relating to special provisions on protection of minors as victims in criminal proceedings, the provisions of Article 150 stipulate that a panel presided over by a judge who has acquired special knowledge in the field of children's rights and criminal protection of minors shall try adult perpetrators of criminal offenses, including the criminal offense of Trafficking in Persons under Article 388 and of the criminal offense of Trafficking in Minors for the Purpose of Adoption under Article 389 of the Criminal Code, if the injured party in the criminal proceedings is a minor.

Law on Confiscation of Criminal Assets ("Official Gazette of RS", No. 32/13, 94/16 and 35/19) - The provisions of Article 2 of the Law on Confiscation of Criminal Proceedings stipulate that the provisions of the law apply, among others, for the criminal offense of Trafficking in Human Beings under Article 388 of the Criminal Code.

Law on Prohibition of Discrimination ("Official Gazette of RS", No. 22/09) - The provisions of Article 13 of the Law on Prohibition of Discrimination, Slavery and Trafficking in Human Beings are defined as severe forms of discrimination.

Law on Free Legal Aid ("Official Gazette of the RS", No. 87/18) - According to the provisions of Article 4 of the Law on Free Legal Aid, free legal aid may be provided to a person exercising legal protection from torture, inhuman or degrading treatment or punishment or trafficking in human beings who is a citizen of the Republic of Serbia, a stateless person or a foreign citizen with permanent residence in the Republic of Serbia. In this regard, the victim of trafficking is entitled to free legal aid, which includes the right to legal advice, drafting of letters and submissions, representation before courts and prosecutors' offices, as well as exemption from payment of costs.

Law on Foreigners ("Official Gazette of RS", No. 24/18 and 31/19) - The Law on Aliens regulates, inter alia, the provision of Article 62, temporary residence for presumed victims of trafficking (period of reflection) and the provisions of Article 63. temporary residence for victims of human trafficking. Also, the provisions of art. 3 which defines the meaning of the term, victims of human trafficking are also listed as persons in particular risk, who are treated separately in the return procedure in accordance with the provisions of Article 75 of the Law.

Law on Asylum and Temporary Protection ("Official Gazette of RS", No. 24/18) The Law on Asylum and Temporary Protection, in the provisions of Article 10, stipulates that the protection and safety of minors, especially If there is a suspicion that he is a victim of trafficking in human beings, the provisions of Article 17 also identify victims of trafficking in human beings as a

particularly vulnerable group who are provided with special procedural and reception guarantees, i.e. are provided with appropriate assistance.

Law on Employment of Foreigners ("Official Gazette of RS", No. 128/14, 1 13/17, 50/18 and 31/19) - The Law on Employment of Foreigners in Article 2 recognizes victims of trafficking as persons from a special category of foreigners while Article 13 stipulates that the victim of trafficking in human beings is issued a personal work permit for the duration of the residence permit.

Law on Social Protection ("Official Gazette of RS", No. 24/11) - The provisions of Article 41 of the Law on Social Protection, victims of trafficking are recognized as BENEFICIARIES of rights and services of social protection, while the provisions of Article 206 provide that services accommodation for victims of human trafficking is financed from the budget of the Republic of Serbia.

Law on Health Care ("Official Gazette of RS", No. 25/19) - The provisions of Article 11 of the Law on Health Care provide for social care for health and provide health care for victims of trafficking, while Article 239 provides that Compensation for health services provided to foreigners who are victims of human trafficking should be paid from the budget of the Republic of Serbia.

Law on Health Insurance ("Official Gazette of RS", No. 25/19) - The provisions of Article 16 of the Law on Health Insurance, among other things, stipulate that victims of trafficking are considered insured and when they do not meet the conditions for acquiring the status of insured.

Law on Public Procurement ("Official Gazette of RS", No. 124/12, 14/15, 68/15 and 91/19) - The provisions of Article 111. of the Law on Public Procurement stipulate that the procuring entity is obliged to exclude an economic entity from of the public procurement procedure if the economic entity does not prove that he and his legal representative have not been convicted in the period of the previous five years from the expiration of the deadline for submission of bids, i.e. applications, unless a final judgment prohibits another period of prohibition others and for the criminal offense of Trafficking in Persons under Article 388 and the criminal offense of Establishing a Slave Relationship and Transportation of Persons in Slavery Relationship under Article 390 of the Criminal Code.

Law on Accounting ("Official Gazette of RS", No. 73/19 and 44/21 - other law) The provisions of Articles 37 and 38 of the Law on Accounting stipulate that the annual report on operations of a legal entity includes both non-financial and consolidated non-financial report which contains information necessary to understand the development, business results and position of the legal entity, as well as the results of its activities related, inter alia, to respect for human rights.

Based on the Protocol on Cooperation between the Ministry of the Interior and the Ministry of Education, Science and Technological Development, the "Fundamentals of Child Safety" Program was implemented, which is intended to educate students about security risks and threats to which they are exposed, prevention methods and security skills. During the school year 2018/2019, a total of 6,745 lectures were held, attended by 112,017 students, and an electronic application was developed and presented. "Fundamentals of Child Safety" for mobile phones for children, parents, teachers and professionals, as well as 50,000 manuals "Fundamentals of Child Safety", which were distributed to children and educators.

For the purpose of electronic teaching, due to the declared epidemic of the COVID19 virus within the Program "Fundamentals of Child Safety", during the school year 2020/2021, an article was recorded on the fight against human trafficking, which is broadcast on RTS-3 and RTS-Planet.

Also, the program of the National Contact Centre for Child Safety on the Internet of the Ministry of Trade, Tourism and Telecommunications was implemented in 31 primary schools across Serbia, within which a total of 77 presentations were held, specially created for children

and parents, through which 3372 students and 15 parents and teachers for safe use of the Internet and how to recognize and report all child abuse via the Internet.

The "Program for the Fight against Human Trafficking" of the Serbian Red Cross was also implemented, on which occasion during 2019-2020. year, a network of peer educators and trainers held 1,695 information workshops in cities and municipalities across the Republic of Serbia, which covered 63,770 children, namely: 41,677 primary school students, 21,655 secondary school students and 438 children without parental care, who received a preventive message to identify risks from the mad trade.

Also, during the recovery program of children from socially endangered families in eight shifts of the Red Cross Summer School organized in the Serbian Red Cross facility in Baošići (Montenegro), 500 children aged seven to 14 attended ten-day workshops and received a preventive message to raising awareness of the need to protect against human trafficking.

All programs aimed at educating children about security risks: Program "Fundamentals of Child Safety" of the Ministry of Interior and the Ministry of Education, Science and Technological Development; The program of the National Contact Centre for Child Safety on the Internet of the Ministry of Trade, Tourism and Telecommunications and the "Program for Combating Trafficking in Persons" of the Serbian Red Cross include safe use of the Internet and instructions on how to recognize and report all child abuse via the Internet.

We point out that police officers take measures and actions within their competence in order to early identify and prevent the exploitation of victims of all forms of human trafficking, including that which manifests itself through labour exploitation.

Cooperation with civil society organizations is an important support in providing these measures in terms of providing assistance after identification, but also in the phase of initial knowledge about the committed crime and victims of human trafficking.

We point out that during 2021 and so far in 2022, police officers have not filed criminal charges against organized criminal groups involved in trafficking in human beings through labour exploitation, but all knowledge about the possibility of such groups is thoroughly checked.