



REPUBLIC OF SERBIA
MINISTRY OF INTERIOR
MINISTRY OF FINANCE
Department for Contracting and Financing of EU Funded
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SUPPORT TO STRENGTHENING FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS

EU funded project



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Support to strengthening fight against trafficking in Human Beings in the Republic of Serbia



Belgrade 2020



Support to strengthening fight against trafficking in Human Beings in the Republic of Serbia

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Foreword / Introduction

Trafficking in human beings (THB) is a severe crime and human rights violation. It is necessary to understand the legal definition as well as the legal and practical implications. This manual should support law enforcement in their work.

Instrument for Pre-accession Assistance IPA 2014 Twinning Project “Support to Strengthening the Fight against Trafficking in Human Beings” was implemented by the Ministry of the Interior of Serbia, the Ministries of the Interior of Austria and of Slovenia, LEFÖ-Intervention Center for Trafficked Woman and Girls, Ludwig Boltzmann Institute of Fundamental and Human Rights and the Agency for European Integration and Economic Development.

Twinning is a EU instrument for institutional cooperation between the administrative authorities of EU Member States and of beneficiary or partner countries. The EU is committed to sharing its achievements and its values with countries and peoples beyond its borders.

When it comes to the IPA II Assistance Programme in the Home Affairs sector for the period 2014-2020, it will focus on harmonizing with the EU acquis on Chapter 24 and on building capacities for the efficient implementation and enforcement, especially in connection with fighting organized crime.

The main objective of the IPA Programme is to assist candidate countries in their progress with regard to an alignment with the acquis (EU legal framework).

The aim of this project is to contribute to Serbia's efforts to harmonise national policies on the sector of home affairs in line with EU standards and the legal framework of the EU. In other words, to contribute to meeting accession criteria and implementation of AP Chapter 24 and Chapter 23 through strengthening capacities of relevant institutions of fighting against all forms of Trafficking of Human Beings in line with EU best practices.

It is expected to improve detection of THB and to enhance prevention and protection of victims of THB through strengthening capacities of the Criminal Police Directorate, for the purpose of efficient coordination with other relevant institutions (Centre for the Protection of THB victims at the Ministry of Labour, Employment, Veteran and Social Policy, Non-governmental organization etc.). An additional goal is developing of an efficient national referral mechanism.

The project term is 2 years and implementation started 24th September 2018. It is funded by the EU within the IPA II 2014 programme. The project funds are EUR 1.000.000 (1 million Euro).



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The activities of the project are divided in three components:

Component 1 is conducting an analysis of the institutional framework and organizational capacities of the Criminal Police Directorate and relevant institutions to fight THB;

Component 2 is building or strengthening capacities of relevant institutions, involved in fighting THB.

Component 3 is improving prevention and advancing protection of victims of THB, improving proactive investigations of THB and developing an early warning system.

This manual is the result of the activities carried out in the project, covers work in all components, and it is intended for the professional public. We can define it as a manual for all those who in their work deal with victims of trafficking in human beings. It gives them the basics to recognize THB and act in case they come across victims or potential victims.

The seven chapters of this manual can be used, individually or comprehensively, in the process of education and professional development.

Thus, the chapters deal with most of the common forms of exploitation in trafficking in human beings.

All chapters refer to the current situation in the Republic of Serbia and include good practices applied in EU countries.



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1

Definition of trafficking in human beings in the Serbian law



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TRAFFICKING IN HUMAN BEINGS

Article 388 of the Criminal Code of the Republic of Serbia

1. Whoever, by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefits, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, coercion to committing offenses, prostitution, or other forms of sexual exploitation, begging, pornography, slavery or servitude, removal of organs or body parts or service in armed conflicts, shall be punished by imprisonment of three to twelve years.
2. When the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.
3. If the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by imprisonment of a minimum of five years.
4. If the offence referred to in paragraphs 1 and 3 of this Article resulted in severe bodily harm, the perpetrator shall be punished with imprisonment between five and fifteen years.
5. If the offence specified in paragraphs 1 and 3 of this Article resulted in death of one or more persons, the offender shall be punished by imprisonment of a minimum of ten years.
6. Whoever habitually engages in offences specified in paragraphs 1 through 3 of this Article or if the offence is committed by a group, shall be punished by imprisonment of a minimum of five years.
7. If the offence referred to in paragraphs 1 through 3 hereof has been perpetrated by an organized criminal organization, the offender shall be punished with imprisonment of a minimum of ten years.
8. Whoever knows or should have known that a person is a victim of human trafficking and abuses his/her position or allows others to abuse their position for the purpose of exploitation referred to in paragraph 1 hereof, shall be punished with imprisonment of six months to five years.
9. If the offence referred to in paragraph 8 hereof has been committed against a person whom the offender knows or should have known is a minor, the offender shall be punished with imprisonment of one year to eight years.
10. A person's consent to be exploited or held in slavery or servitude, as referred to in paragraph 1 hereof, shall not prejudice the existence of the criminal offence stipulated under paragraphs 1, 2, and 6 hereof.



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TRAFFICKING IN HUMAN BEINGS Article 388 of the Criminal Code of the Republic of Serbia		
MEANS	CRIMINAL ACTS	EXPLOITATION
<ul style="list-style-type: none"> • force or threat; • deception; • maintaining deception; • abuse of: <ul style="list-style-type: none"> – authority; – trust; – dependency relationship, – difficult circumstances of another; 	<ul style="list-style-type: none"> • retention of identity papers; • giving or accepting money or other benefits; • recruitment; • transportation; • transfer; • surrender; • selling; • buying; • acting in the mediation in the sale, hiding or holding of another person; 	<ul style="list-style-type: none"> • labour exploitation; • forced labour; • committing criminal offenses; • prostitution or other forms of sexual exploitation; • begging; • use for pornographic purposes; • establishing a slavery or similar relationship, • removal of organs or body parts; • service in armed conflicts;

Elements of the crime of trafficking in human beings in Article 388 of the Criminal Code of the Republic of Serbia.

1.1 Analysis of the situation in Serbia, with references to national legislation, which affects the work of law enforcement agencies

Criminal acts⁽¹⁾ (selection)

Recruitment

Recruiting is the instigation that can be achieved by any action that is suitable to trigger a corresponding decision of the passive object (victim), or to reinforce the person (victim) in this decision.

Transportation

Transportation is the transport of a passive subject (victim) from one place to another, spatially distant place with a specific means of transport.

Transfer

Transfer is enabling illegal entry or exit from a country, or enabling the crossing of a state border in the sense that a person, who does not meet the conditions for legal crossing, is transported across the border.

⁽¹⁾ <https://studentius.wordpress.com/2017/02/10/trgovina-ljudima-2/>



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To sell

A sale is the sale of a passive subject (victim) for a fee or other consideration.

To buy

Obtaining ownership rights over a passive subject (victim) for a fee.

Sales mediation

Mediation means bringing together people who are involved in the sale of a passive subject.

Concealment

Keeping a passive subject concealed in a specific place that is unknown to a larger group of people, or keeping the passive subject in a place, whereby a larger group of people is not aware that the passive subject is kept in this place, with the aim to keep this subject out of reach of the group of people.

Detention

The detention of another person is an illegal deprivation of liberty, a deprivation of freedom of movement and means that the passive subject is prevented from leaving the place where she or he is located.

Improper means (selection)

Violence

Refers to the application of not insignificant, physical force to overcome a real or expected resistance (also the effect of narcotics).

Dangerous threat

A threat of injury to body, freedom, honour, property, or the personal sphere of life, by making available, disclosing or publishing facts or images that are appropriate, taking into account the circumstances and his or her personal nature or importance, in order to instil to the threatened person reasoned concerns about the threatening evil, irrespective of whether the threatening evil is directed against the threatened person herself or himself, against his or her relatives or against other persons placed under his/her protection or closely related to him/her.



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Deception

“Deception about facts” means the pretence of incorrect facts or the distortion or suppression of correct facts. This may only consist of conclusive actions intended to mislead a victim. Deceiving a person about facts is regarded equal to reinforcement in error or ignorance.

Practicing deception

Practicing deception exists when passive subject has already been misled about certain facts and the perpetrator reinforces deception.

Abuse of authority (abuse of a relationship of authority)

The position of authority of the offender is used and abused as a leverage, e.g. the authority of an older relative. The mere existence of a relationship of authority is not consistent with improper means.

An abuse of vulnerability may possibly be compared with taking advantage of some other person's difficult life conditions, by suppressing identity cards or by handing over or accepting money or other financial advantages)

The vulnerability of the victim, already evident before or during trafficking in human beings, plays a central role, particularly when assessing a predicament. Regardless of the country of origin or destination, the factors are similar: age (mostly young, rarely old), lack of legal residence status, poverty, precarious situation, pregnancy, illness, mental illness, physical or mental disability, gender (e.g. women and transsexuals), sexual orientation, religious and cultural belief and conviction, isolation caused by migration and/or lack of language skills, lack of social networks, dependence on employers, family members, authorities or others, abuse of an emotional relationship.

An abuse of vulnerability arises, for example, from exploiting a person's severe economic distress, where the perpetrator is consciously calculating the acute need, e.g. the lack of alternative living and working opportunities and social environment.

Other social constraints or serious pressure situations may include:

- Drug addiction, illegal residence, homelessness, fear of the perpetrators' disposition to violence, precarious situation of young runaways
- For the assumption of a predicament, it is not decisive whether the underlying disadvantage exists objectively or is merely faked
- For victims, it is a particularly drastic disregard of human dignity, if they have to practice prostitution, totally isolated, not speaking the language, without any social connection to the country and otherwise have no accommodation in Serbia, to be involved in prostitution abroad only because of the precarious situation in their home country



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1.2 Further definitions

Who is a victim?

From a criminological point of view, a victim is a person who has been harmed by a punishable offense.

The Council of Europe Convention on Action against Trafficking in Human Beings, adopted on 16 May 2005 stipulates that „victim“ refers to any natural person who is subject to trafficking in human beings as defined by the Convention (ratified by the Parliament of Serbia on 18 March 2009).

The 2012/29/EU Directive of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, Article 1, paragraph a) defines a victim as:

1. a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence;
2. Family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

Minors:

When minor victims of human trafficking are concerned, we speak of a person under the age of 18. (Directive 2011/36/EU of the European Parliament and of the Council of 5th April 2011, Article 2, paragraph 6 and Article 3/d, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime).



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2 Trafficking for sexual exploitation



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We talk of sexual exploitation when a person is expected to perform sexual services or make oneself available for sexual acts that are not in line with her or his vital interests.

2.1 Analysis of the situation in Serbia, with references to national legislation, which affects the work of law enforcement agencies

In Austria, regulations on the practice of prostitution fall under the competence of the Provinces, in Serbia prostitution is completely forbidden. Apart from defining prostitution as a misdemeanor, mediation in prostitution is a criminal offense in Serbia (Article 184 of the Criminal Code).

2.2 Definitions

Sexual exploitation is evident when a sex worker is deprived of large proportion of the money received from clients in return for services, and is left with just enough money for the satisfaction of the basic needs of daily life (economic distress is not a decisive factor), or when certain conditions for practising prostitution are imposed on her or him which endanger vital interests.

For minors, the violation of vital interests must be set lower, as consideration must be given to their development being undisturbed in sexual and moral terms.

The Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography, Article 2 paragraph d) defines that 'child prostitution' means the use of a child for sexual activities where money or any other form of remuneration or consideration is given or promised as payment in exchange for the child engaging in sexual activities, regardless of whether that payment, promise or consideration is made to the child or to a third party.



Prostitution:

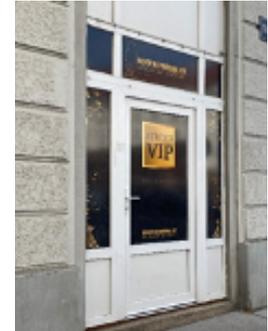
Prostitution is the professional tolerance of sexual acts on one's own body or the professional conduct of sexual acts

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Places where in Austria prostitution is performed:



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2.3 Best practices in Austria

Victim recognition and notification of the competent authorities

This is ensured by police, labour inspectorates, municipal administrations, child and youth welfare, NGOs, social workers, hotlines, third parties.

- Contact information (folder) for victims

Process management by competent authorities

- Provincial Investigation Department, Office of Criminal Investigation, Central Office for Trafficking in Human Beings/Prostitution
- Carrying out of open and undercover investigations, OSINT (Open Source Intelligence) research, interrogations, evaluations (Information Technology – IT devices, e.g. mobile phone, computer), communication, NGOs



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Notification of additional authorities

- Financial police, alien police, child welfare agency (municipal administration, administrative authority)
- Identification of medical, psychological and legal needs

Foreign police measures

- Voluntary repatriation
- Support/ensuring repatriation

Criminal prosecution

- Maintaining contact with competent judicial authorities
- Ensuring adversarial interrogation

Victim protection coordination

- Information of victims about their rights, status and opportunities for rehabilitation in Serbia
- Residence permit, compensation for damage, legal support, case monitoring

Referral of victims

- To responsible NGOs
- In case of minors, to child and youth welfare organizations

Qualified victim protection

- Witness Protection Unit (qualified for protection of victims under high risk)

Deception of victims – example:

One evening, 20-year old Diana meets 25-year old Mircea in a discotheque and falls in love with him. Mircea too, is enthusiastic about Diana, compliments her and adores her. He wants to go abroad with Diana, in order to build a better future for the two of them. Diana had the same dream, fascinated by a different world and of being independent. Her parents are not doing well financially, a fact that regularly leads to disputes in the family. Diana can hardly wait to leave home, together



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with Mircea. However, sometimes Mircea is rather pensive and speaks about problems and about debts when asked by Diana. He insists that he is able to cope with them. Once in Vienna he will find jobs for Diana and himself. Later, Mircea and Diana move into an apartment in Vienna, which Mircea has rented from a friend. After some time they have their first argument. Mircea cannot find a job, he is in debt and the „guys“ harry him to repay the money swiftly. They also threaten him with a weapon. Diana wants to help him, but she does not have any money nor a job. Mircea tells her that a friend runs a brothel and is always looking for prostitutes, but he would never ask Diana to get involved in prostitution. Shortly after that, Mircea comes home, seemingly suffering from pains in his chest and abdomen. When Diana asks him about it, he states that the guys, who lent him the money, beat him up and are pressing him to pay the first instalment within a week. Diana decides to help him and registers as a prostitute in order to work at the brothel of Mircea's friend. She gives everything she earns to Mircea and he pretends to use the money to pay off his debts. However, after some time she realizes that he uses the money for his own purposes instead of paying off his alleged „debts“. Mircea puts her off and tells her she was the only woman in his life and the only one who could help him.

Loverboy method – example:

One night, 21-year old Cristina meets the very attractive 27-year old Marius in a club. He is charming, polite, witty, has good manners, and adores Cristina. She falls in love with him, does not want to lose him, and would do everything for him. Marius tells Cristina that he also is in love with her. He is intrigued by the idea of getting to know another world together with her. He just wants to get away from the poverty they live in and talks about the many wonderful things they could do together and about the common future he wants to build with her.

They spent several evenings together and someday, Marius suggests a trip to Vienna together. He says Vienna is such a fascinating city with bars, discotheques, restaurants and shops, he has friends there and knows people who own a bar. Head over heel they travel to Vienna, move into an apartment and live on their savings. Occasionally, Cristina works in different places as a barmaid. Marius keeps talking about an acquaintance who works in a brothel and earns a lot of money, wears fancy clothes, goes to parties, looks great and has a wonderful life. Cristina is afraid of losing Marius and mulls over working as a prostitute as well, so she could earn the money for both of them. Marius pretends to hesitate, but finally concludes that it would be great to live without financial worries. They would have a great life together and could get married. Cristina



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starts to work in various brothels on a permanent basis. She gives most of her earnings to Marius but they don't get married. Whenever she wants to go to Romania, he threatens to tell everybody that she is a "whore". He also threatens to hurt and even to disfigure her to a point where she cannot look at herself in the mirror.

2.3.1 Nigerian THB

Often, young Nigerian women are tricked into travelling to Europe in order to escape the bad economic and political situation and intercultural conflicts at home promising them education or work as a hairdresser, nanny, receptionist, etc. Nigerian women are handled like merchandise and they are traded for sexual exploitation by criminal associations.

On their way to Europe, the women travel from Nigeria towards the Mediterranean by land and then further on via Spain or Italy. From there they are distributed to other European countries. Partly, Nigerian women are taken to Europe by air, which is a more expensive method, as documents have to be procured.

So-called madams, relatives of madams or trolleys (accompanying persons) recruit the girls (some of them are only 14 years old) exclusively in the southern (Christian) part of Nigeria. Madams are females who control other women or girls, who work for them as prostitutes.

An essential factor within Nigerian THB is the ritual of Juju, which is an aggravated form of coercion and is used to get the women under control and enslave them.

The ritual of JUJU (VOODOO)

Juju is a religion of nature based on the belief that there is an invisible world that is in connection with the manifest world. It is important to understand the difference between Juju and ritual oath. Ritual oaths are used for the practice of Juju, in order to make sure that an agreement is complied with and to secure and strengthen the exploitive relationship between victim and offender. When taking an oath the victim undertakes to be discreet, obedient and to keep secrecy towards the Madam, not to cooperate with the police/law enforcement agencies and to refund all debts that arise from the transport to Europe. The oath is taken in a ceremony performed by a priest at a shrine. The victim is made believe that the priest takes over power over her spirit and body. Therefore, the victim is convinced that breaking the oath will result in a curse falling upon her or her family and causing sickness, insanity, infertility or even death.



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For all of these reasons, it is extremely difficult to build a basis of trust with Nigerian victims of human trafficking.



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Case Study

Joy, a girl of 18 years, the eldest of six children, sells vegetables on a market in Lagos together with her mother, in order to earn their family's livelihood. Joy never received schooling. She helps her mother to earn enough money in order to make it possible for her siblings to be educated at school.

One day a woman named Eze approaches Joy on the market, tells her she is a pretty girl and says she doesn't understand why she works on the market. She says she has a sister named Faith in Europe, who runs a hairdresser's. Her sister is always looking for babysitters and hairdressers. Joy could earn a lot of money there and support her family in Nigeria. Joy agrees to work as a babysitter and moves to Eze's house where she meets five girls of her age. After a few days, Eze takes Joy and the other girls to a shrine outside of Lagos. In a ceremony, a priest takes their oaths to be obedient towards their madam, not to talk with the police and, above all,



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to refund any travel costs to the madam. Otherwise, something terrible would occur to them or to their families.

A few days after the Juju ritual Eze takes Joy and the other girls to a bus terminal and hands them over to a driver. Eze gives Joy a phone number to call upon their arrival in Italy. In busses and trucks the girls are taken from Nigeria via Niger to the Mediterranean coast in Libya. The journey takes about three weeks. Once in Libya, they are accommodated at a „connection house“ and, one evening, somebody picks them up and takes them to a beach, where a large rubber dinghy is waiting for them. There are about 150 persons on the boat, which is heading for Italy. On the open sea, they are intercepted by a rescue boat that takes them to the Italian mainland.

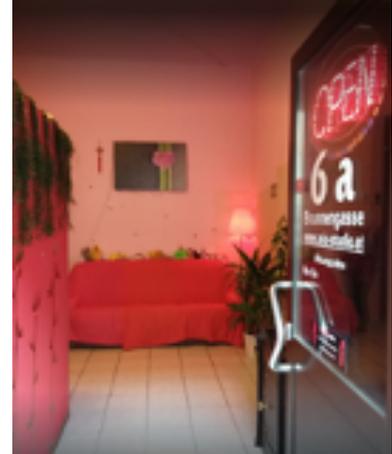
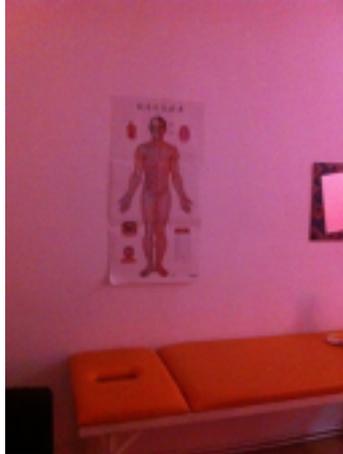
In a camp, she is fingerprinted. From the camp Joy calls Faith up and tells her that she is now in Italy. The next day a Nigerian man named Monday picks her up at the camp and takes her on a train to Milan and to Faith's apartment. After recovering for a few days Joy enquires when she can start working as a babysitter. Faith just laughs and gives some clothes to Joy, a mini skirt, a short top, and some condoms. She tells her that she has to work as a prostitute. Joy cries and refuses this kind of work. Faith hits Joy and reminds her of her oath, and what will happen, if she does not obey. She points out that Joy will have to work for her in order to repay her debt of EUR 50,000 for travel costs. Finally, Joy accepts her situation and starts to work for Faith as a prostitute. She has to hand over all her money to Faith and is not allowed to transfer any money to her family.



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2.3.2 Chinese THB

In recent years, an increasing number of Chinese women have been noticed being employed as sex workers in massage studios. The studios are registered commercially and staffed with Chinese women who perform sexual acts with clients (massage with a „happy end“). Advertisements for the massage studios are placed in Austrian newspapers and erotic forums.



Original photographs

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The Chinese women are recruited through ads in Chinese newspapers, in public places or on train stations in China. The women are promised a legal residence status in Europe and jobs with salaries of several thousand euros per month. Some of the women are aware of the fact that they will be practicing prostitution in Europe but accept that, because they are attracted by the high income they are promised.

Their transport is organized by human traffickers, either by land via Russia or by air with visas that are often obtained by devious means. The organizers share responsibilities and operate in China and Europe.

Case study

42-year old Yinli has been without job for months and has been reading newspaper advertisements for well-paid jobs in Europe. She finally decides to contact one of the telephone numbers given. She is offered several jobs as a babysitter, as a worker in a restaurant, but also a masseur by a so-called agency. The agency also takes care of the travel arrangements. She borrows several thousand euros from family members and friends for making an advance payment for her journey. She is told that she can pay the rest by instalments once she works in Europe. A few weeks later Yinli takes a flight from China to Vienna in the company of a person who takes care of her. After the passport control at the Vienna airport Yinli goes to the restroom, leaving her suitcase and personal belongings with her attendant.

When she returns, she finds that her attendant and her belongings are gone. Yinli only speaks her Chinese mother tongue and is not able to read the writings at the airport. „By chance“ she is approached by another Chinese woman named Hong and Yinli tells her story. Hong promises to help her and takes Yinli to her place. Hong explains that Yinli has no permanent residence title and her tourist visa does not allow her to work in Austria. The only possible way for Yinli to legally stay in Austria is to apply for asylum and to work as a prostitute. As Yinli does not speak German or English Hong accompanies her when dealing with the authorities. However, Yinli has to pay Hong for this kind of support. Hong also arranges jobs for Yinli as a prostitute at various massage studios and brothels and demands a large portion of Yinli's earnings. Additionally, Yinli has to pay the residual travel expenses payments to the agency in China.



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2.4 Policing guidelines

Below, a selection of possible indicators is listed. The crime of trafficking in human beings and its indicators for victim recognition are changing constantly. When indicators are recognized the overall situation has to be taken into account (e.g. just wearing a short skirt is hardly sufficient to indicate that a person may be a victim of human trafficking).

2.4.1 Personal documents

- A person does not possess personal documents
- Personal documents of the person are in the possession of other persons / the person does not have control over his/her personal documents
- The passport has been recently issued / no previous travels
- Personal documents are forged or other persons' documents are used
- The person stays in the country illegally and/or has no registered residence

2.4.2 Personal things owned by the person

- The person has no money, wallet or other common items on him/her
- The person has a lot of condoms, tranquilizers and painkillers on him/her
- The person has very little or no luggage when travelling
- The person's luggage comprises mainly of items suitable for work or sexual exploitation

2.4.3 Transport of persons

- A child is travelling with an older person who is not the child's parent or guardian
- A child is travelling alone, unaccompanied
- People who are together in a passenger car and travel together do not know each other well / do not speak the same language / have different nationalities



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2.4.4 Physical appearance and injuries

- Person is wearing clothes that indicate sex work (short skirts, cleavage, fishnet stockings, etc.).
- Clothes the person is wearing are not suitable for the weather conditions
- Person looks exhausted, malnourished, dehydrated, has dark circles around the eyes and or looks chronically short of sleep
- Person has multiple bruises / eye injuries, swellings, scratches, cuts, lacerations, scars, bites, lacks hair in some places, has broken bones / teeth, etc.
- Person has self-inflicted injuries
- Person has injuries indicative of various forms of controlling victims (pinch marks, bruises around joints, etc.)
- Person complains of genital injuries or such injuries are diagnosed by a clinical forensic scientist

2.4.5 Conduct and characteristics of the communication

- Person looks frightened, shows fear and anxiety
- Person keeps looking around, as if he/she wanted to see if someone was watching him/her
- Person does not allow anyone to touch or approach him/her and keeps physical distance
- Person is disoriented, confused, has panic attacks and phobias
- Person cannot answer questions about what he/she said before, shows insecurity
- Person does not respond to common questions, such as place of birth or schooling
- There is a long pause before person answers or does not respond at all
- Person acts as if he/she did not fully understand his/her current situation
- Person shows anxiety, unprovoked anger, tension, etc.
- Person is completely indifferent
- Person finds excuses for behaviour of others who appear to control him/her
- Person wants to avoid, or as soon as possible, finish conversation with the police
- Person is under the influence of alcohol or drugs.
- Person attempts to communicate her/his need of help non-verbally (he/she wants to say something but cannot, gives signs by nodding, with eye movements, etc.)
- Person talks as if he/she had memorized what to say, he/she acts as if he/she had received instructions from someone



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2.4.6 Distrust of the police

- Person is afraid to talk to the police / does not trust the government system / is of surrender to the authorities / fears expulsion from the country
- Person does not want to cooperate with the police, does not want to provide any relevant information

2.4.7 Person is under the control of others

2.4.7.1 Control over a group of persons

- One person is in possession of identity documents for several persons.
- One person constantly talks on behalf of a group of adults and has all the information, while other members of the group stay silent
- A larger group of people is controlled by several people (two or three)

2.4.7.2 Controlling communication with the person

- A second person is always present, or is trying to be present when the person is contacted, does not allow the person to leave or insists that they do not separate (pretending reasons like the person's sex, age and religion)
- The second person does not allow the person to answer questions, tries to answer all questions instead

2.4.7.3 Physical barriers

- Security measures are implemented so the person would be prevented of leaving residence / work (guards, installed video cameras, grilles, fences, etc.)



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2.4.8 Information on community / job

- Person does not know the name of the place where he/she is located, where she/he lives or works
- Person cannot give a clear explanation on what he/she does, where he/she is, where she/he is going
- Person does not know the details of her/his journey (price of the tickets, preparation of documents, etc.)
- Person does not know anything about the person that is supposed to accommodate him/her
- Person travels abroad for work and does not hold a contract of employment and/or work permit.
- Person says she/he is going to work in the country but does not know the language, nor does she/he understand English or another language used in the country, apart from her/his mother tongue
- Person has incomplete or unrealistic information regarding the kind of work, pay, future living conditions and general living conditions in the country of destination



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3 THB and Labour Exploitation



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Trafficking in human beings may occur in various forms and by various activities. Victims may be subjected to forced labour or their labour may be exploited. Exploitation may occur in different commercial areas (for example: agriculture, fishing, transport, construction, hospitality, etc.), as well as in non-commercial areas (for example: forced begging, forced committing of crimes, domestic help, etc.).

3.1 Analysis of the situation in Serbia, with references to national legislation, which affects the work of law enforcement agencies

Article 388 Trafficking in Human Beings – Labour Exploitation

Forced labour and exploitation of labour force as a form of EXPLOITATION of victims of trafficking in human beings are defined in paragraph I of Article 388 of the Criminal Code of the Republic of Serbia. It is necessary to understand that the Exploitation of victims is only one of the three elements that constitute a crime of trafficking in human beings.

In order to facilitate the understanding and delineation of trafficking in human beings crimes from other crimes, it is necessary to know that THB crimes consist of three elements:

- means used by perpetrators
- criminal acts performed by perpetrators
- when Exploiting victims of trafficking in human beings

3.2 Definitions:

3.2.1 What is forced labour?

Forced labour was identified by the International Labour Organisation (ILO) under Convention no. 29 on compulsory or forced labour 1930 (,Convention No. 29'). In doing so, forced labour is defined as any job or service that is required of someone based on the threat of punishment and for which the person has not voluntarily opted.



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What is „any job or service“?

Prohibition of forced labour applies to all types of work, services, and employment, regardless of education or profession, or whether this work is legal or illegal. The definition applies to all people, regardless of age, gender, origin, and legal status in the country where the forced labour takes place.

According to the ILO convention, the concept of forced labour consists of two elements:

- involuntary performance of work and
- threat of punishment

Life-threatening elements may be:

- physical sanctions
- financial sanctions
- psychological sanctions
- penalties with loss of rights or privileges
- various psychological threats
- threat of being registered by the police when the status of the person is illegal

Financial threats due to debt dependence may be:

- non-payment of salaries
- danger of loss of services, if a person refuses to work overtime
- confiscation of documents

Based on the Convention for the Protection of Human Rights and Fundamental Freedoms, the concept of forced or compulsory labour does not include:

- work required in the course of regular imprisonment in accordance with the provisions of Article 5 of this Convention or in connection with an early release from a prison sentence
- any service of a military nature, services required instead of compulsory military service in countries where conscientious objection is admissible
- service assigned to someone under exigent circumstances or in the event of an accident when the lives of persons or the prosperity of the community are endangered
- work or services that are part of ordinary civic duty



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3.2.2 What is labour exploitation?

Labour exploitation or „particularly exploitative working conditions“ means working conditions, including those resulting from discrimination on grounds of sex or other discrimination, where there is a manifest disproportion compared with the conditions of employment of legally employed workers, which, for example, affects the health and safety of workers and which violates human dignity.

In other words, as severe forms of exploitation of workers, they designate working conditions which deviate greatly from standard fair and fair working conditions as defined in labour legislation and other legal provisions, in particular as regards pay, working time, leave, health and safety and decent and respectful treatment of workers.

Not every exploitation of labour (including illegal employment of migrant workers, exploitation of undeclared work) represents trafficking in human beings.

Workers hired under bad circumstances, for low wages or in harmful environments, are not necessarily victims of human trafficking. If a person has voluntarily taken on a job, even though she/he knew the conditions and can perform it without fear of retaliation, cannot be considered a victims of human trafficking for the purpose of labour exploitation. This means that workers who tolerate poor working conditions due to economic urgency and a lack of other options are not automatically regarded as THB victims.

However, such work situations, mainly designed for the enrichment of employers, put workers in a vulnerable position, and therefore these groups are considered at risk of human trafficking.

Trafficking in human beings – In addition to exploitation, there must be also other elements of the crime of trafficking in human beings, which are reflected in the criminal act of the perpetrators and the means used by them.



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<http://www.drustvo-kljuc.si/>

3.3 Best practices in Slovenia

Overview of the process and coordination in trafficking in human beings in Slovenia.



<https://www.gov.si/assets/vladne-sluzbe/UKOM/Boj-proti-trgovini-z-ljudmi/Dokumenti/Prirocnik-o-identifikaciji-pomoci-in-zasciti-zrtev-trgovine-z-ljudmi.pdf>

3.3.1 Victim recognition and notification of the competent authority

The process of recognition of THB victims is carried out on the basis of the manual on recognition, assistance and protection of THB victims, which is based on the decision taken by the Government of



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the Republic of Slovenia (no 02402-2/2016/5 of 5th May 2016) and adopted by inter-ministerial working groups against human trafficking.

Victims may be identified by criminal and uniformed police, labour inspectorates, inspectors of the financial administration of the Republic of Slovenia, non-governmental organisations, trade unions, centres for social work and other government bodies, NGOs, who encounter victims of trafficking in human beings in the framework of their duty.

Everyone, especially professionals or health workers and staff in educational and training institutions, must immediately inform the police, the public prosecutor's office or social work centres, when they suspect that a child is a victim of human trafficking.

3.3.2 Process management by competent authorities

Investigations into cases of trafficking in human beings at the stage of pre-trial proceedings are conducted by qualified criminal investigators from all eight sectors of the criminal police, by police administrations and the national investigation office, the Criminal Police Directorate, and the General Police Administration.

Investigations are mainly conducted using special, covert investigation measures, as a result of proactive investigations conducted by the police in co-operation with relevant non-governmental organisations (NGOs), labour inspectors, inspectors of the Financial Administration of the Republic of Slovenia, and other agencies. Co-operation with competent financial administration services of the Republic of Slovenia, the Labour Inspectorate of Slovenia and the Office for the Prevention of Money Laundering is based on agreements concluded between these bodies. Police has also concluded a co-operation agreement with the non-governmental organisation Centre for Combating Trafficking in Human Beings. Agreements define protocols of mutual co-operation, information, exchange of information, training, etc.

All procedures related to the recognition of victims and further procedures with recognized victims of THB, programs providing protection and assistance to victims of THB and the roles of police, prosecutors, other governmental bodies and NGOs are defined in the manual for the recognition, assistance and protection of victims of trafficking in human beings.



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3.3.3 Notification of additional authorities

- When a crime is discovered or when a victim or potential victim of THB is recognized, the relevant criminal police sector will be notified immediately, following the protocol, undertaking all further proceedings with the victims and the execution of the pre-trial proceedings
- When carrying out procedures with victims, the protocol will include representatives of non-governmental organisations that implement THB assistance and protection programmes for victims. The role of NGOs is to inform victims about the rights of THB victims
- In case of the recognition of a child, representatives of the competent centre for social work will be involved in the procedures
- Any detection of criminal offences by the criminal police is reported to the competent specialized state prosecutor's office of the Republic of Slovenia, which then directs the execution of the pre-trial procedure
- Competent inspectorate of the Republic of Slovenia – realization of the authorization of their working area – protocol on co-operation
- Financial Administration of the Republic of Slovenia – realization of authorizations from their working area – protocol on co-operation



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3.4 Recognition of victims of trafficking in human beings – reactive actions of the police

Criminal offences of trafficking in human beings are most often seen by police officers, non-governmental organisations that fight against trafficking in human beings, and other national authorities (inspection services, customs, social centres, the centre for protection of victims of trafficking in human beings, etc.). Such offences are hardly ever reported by involved persons. In the course of victim perception and treatment, it is important to understand that policing activities must focus on:

- protection and providing assistance to victims of trafficking in human beings
- an investigation into a crime that is largely dependent on the victim's participation

It is necessary to know that the main source of information about the crime and any other evidence are the testimonies of the victims of trafficking in human beings.

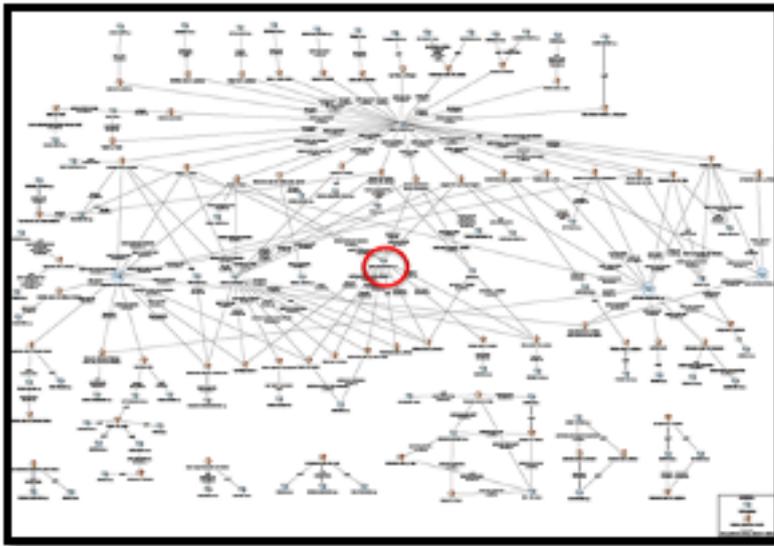


<https://www.delo.si/novice/kronika/trgovina-z-ljudmi-zrtve-zaklepali-v-klicne-centre-in-jih-kaznovali-za-vsako-napako.html>

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3.4.1 Recognition of victims of trafficking in human beings – proactive actions

Victims of trafficking in human beings rarely report their exploitation. On the other hand, it must be borne in mind that the exploitation of victims of forced labour or labour exploitation is visible and that the police can detect it, carrying out targeted activities, if appropriate, in co-operation with other national authorities (inspectors) and non-governmental organisations.



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Activities aimed at reporting on the crime and identifying the victims are:

- collection of information on trafficking in human beings, perpetrators, modus operandi, criminal organisations
- criminal intelligence activities
- implementation of financial investigations
- investigations that use covert investigative measures



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Evidence and information obtained through proactive policing do not depend on the victim's participation.

3.4.2 Indicators for the preliminary recognition of trafficking victims

THB is a crime which needs proactive police work, without recognition of victims of trafficking criminal acts are hardly visible.



<https://www.policija.si/>



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In which economic sectors may labour exploitation or exploitation of forced labour be detected:

- agriculture
- food processing and packaging
- construction
- domestic work and care
- hospitality service, hotel, (ethnic) restaurants, catering, bars
- cleaning industry
- manufacturing, in all of the supply chain
- transportation sector
- entertainment industry
- craft activity, production (workshops)

Who can be a victim of human trafficking due to forced labour or labour exploitation:

- vulnerable people

Who are the vulnerable persons:

- uneducated persons
- persons who do not understand or speak the language of the target country
- migrant workers, refugees, persons with the status of unregistered residence
- persons coming from weak social and economic backgrounds with a tendency towards unemployment
- persons with debts
- persons who do not know or are not familiar with their rights as employees
- persons working in the grey economy
- persons without legal residence status
- members of the community or minorities working for employers from their community
- children from weak social and economic backgrounds



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<https://www.vecer.com/slovenija/prestraseni-jezni-izkoriscani-6201461>

3.4.2.1 Vulnerability indicators:

- repayment of debts related to the acquisition of labour
- repayment of debts by work
- dependence on the employer: financial, accommodation, food
- poor social and economic conditions, the family of the victim depends entirely on her/his income
- ignorance of language and labour rights
- low level of education or illiteracy
- illegal status in the target country
- alcohol addiction, illicit drugs, etc.



<https://www.delo.si/>



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3.4.2.2 Labour exploitation indicators:

- performing dangerous work without adequate protective equipment, even if threatened by punishment
- non-compliance with safety and health precautions for employees at work
- working conditions clearly violate labour laws and contracts governing labour relations
- workers live and work in the same place
- workers do not have the necessary experience or training required
- acts committed at the workplace by persons of a different ethnic group
- work is performed in an unhealthy environment (unheated, poorly, without access to sanitary facilities, etc.)
- employees do not possess work employment contracts, insurance data, etc.
- searching for illegal activities – against their will and even if threatened by punishment
- people who perform work show signs of exhaustion and neglect
- work is also performed by visibly ill and pregnant women
- unpaid overtime work is performed
- loosely defined or undefined working hours
- payment for work performed depends on work output
- workers get minimum wage while working overtime
- workers fear losing their jobs if working overtime is denied, if they insist they are put on a blacklist
- work is performed at unusual hours or on call (24 hours a day, 7 days a week)
- workers don't get breaks, rest or leisure time
- workers do not benefit from their labour rights, for example, paid leave of annual vacation

3.4.2.3 Recruitment indicators for forced labour or labour exploitation:

- person does not know which job waits for her/him, where or for whom she/he will work
- person has to pay for a job or to get a job
- person does not know how her/his job was approved in the target country
- person does not have an employment contract
- employment contract is written in a language not understood by the person
- person signed a new employment contract or an annex to the employment contract upon arrival at work



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3.4.2.4 Indicators of exploitation or forced labour:

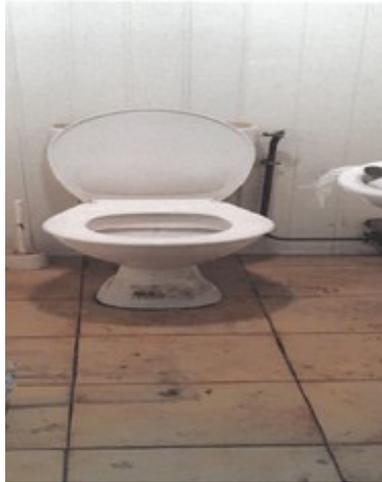
- workers live and work at the workplace
- workers do not know the address of the location where they work or are accommodated
- several workers use one bed
- workers do not have access to beverages or water
- worker do not have any privacy at their accommodation or privacy is restricted;
- accommodation is a common place and not suitable for living (warehouse, production hall, trailer, tent, without sanitary facilities...)
- workers have no choice of place where to work and no change to change to another workplace
- movement of workers is limited to the area in which work is performed or the area in which they live
- workers are locked up in working quarters or during their stay in living quarters
- facility in which the work is performed is protected by a fence or video surveillance (e.g. too high a fence or wrapped in barbed wire)
- place where work is carried out in a remote location (e.g. in rural areas, far from other facilities or communities) or difficult to access
- movement of workers is supervised or monitored by the persons loyal to the employer
- workers show visible injuries or signs of illness
- workers have limited or controlled access or lack of communication while at work or at the accommodation (e.g. telephone, post office, Internet)
- workers do not have access to media, or this access is limited and controlled (e.g. no TV, radio, magazines, newspapers)
- workers' contacts with other persons outside the working or living quarters is restricted, supervised or prohibited



<https://www.dnevnik.si/1042543014>



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3.4.2.5 Personal documents:

- employer keeps employee's personal documents
- employee does not possess her/his personal documents (passport, Identity document ID-card, Visa, work or residence permit) or does not have access to them
- workers do not have access to their personal documents which are kept by the employer or some other user, exceeding a reasonable period of time
- retention of personal documents of workers is used as a form of punishment
- employer or intermediary gives different reasons for retaining personal documents



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3.4.2.6 Payment for performed work:

- employer cannot provide evidence that the worker received his salary
- worker is paid according to his output and must perform overtime work in order to earn the legally prescribed minimum wage
- employment documentation and personal income compensation records are manipulated
- workers' salaries are below legal minimum wage
- workers do not have access to their salary and are not free to resign
- a large part of the salary is paid to the workers „as compensation“ in kind – services, food, accommodation
- payments are made irregularly and/or often delayed
- employees do not receive payslips or any other salary statements
- workers do not know how much he is entitled to
- employer provides the worker with food and other goods at inflated prices (e.g. their own shop is available at the work/accommodation premises)
- employer does not pay mandatory taxes or social security contributions for workers

3.4.2.7 Transport:

- person did not organise her/his own transport
- person does not know the travel plan to the destination
- person received a passport from a third party shortly before crossing the border
- passengers in the group are clearly unaware of circumstances
- a third person (e.g. driver) answers questions on behalf of one or several other passengers

3.4.2.8 Physical appearance and injuries:

- person has visible injuries (e.g. bruises, scars, cuts, stab wounds, mouth and tooth damage, cigarette burns)
- person has untreated injuries
- person shows signs of anxiety or fear (e.g. sweating, shivering, difficulty answering questions directly, avoiding eye contact)
- employer or supervisors behave aggressively towards the workers
- workers are exposed to unjustified, arbitrary disciplinary measures or threats
- persons show signs of fear and anxiety, especially in the presence of a supervisor or manager
- workers consume alcoholic beverages, sometimes excessively



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- men or women accompanying a person during transport, transfer or border crossing behave aggressively
- supervisors, principals, men or women accompanying a person at other occasions behave aggressively

3.4.2.9 Distrust of the police:

- the person is afraid to talk to the police / does not trust the government system / is afraid to surrender to the authorities / fears expulsion from the country
- the person does not want to cooperate with the police, does not want to provide any relevant information



<https://www.dnevnik.si/1042543014>



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4

Trafficking for Forced Begging



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Begging is widespread across Europe and is practiced by people who make all or part of their living from alms – charitable gifts from others. There are many reasons for this: unemployment, disability, old age or denied applications for social assistance in the home country. Life as a beggar can also be the choice of the individual in question. Many Western European countries are target countries of beggars from poorer countries, such as Romania, Bulgaria, Slovakia, Hungary, where most of the beggars belong to ethnic minorities (e.g. Roma, Sinti). As a result, and due to its increasing scope, begging has become a political, social, economic and policing core issue.

4.1 Analysis of the situation in Serbia, with references to national legislation, which affects the work of law enforcement agencies

Begging is regulated by the Law on Public Order and Peace in Article 12:

„Whoever, by begging, endangers the peace of citizens or disturbs public order and peace – will be fined from 5,000 to 10,000 dinars or imprisoned for up to 30 days.

Whoever commits the offense referred to in paragraph 1 of this Article in a group of three or more persons – shall be punished by a fine of 10,000 to 30,000 dinars or by imprisonment for a term not exceeding 30 days“

It is a minor offence, but begging defined in this way is one of the criminal offences of trafficking in human beings under Article 388 of the Criminal Code of Serbia, for which a sentence of three to twelve years in prison is threatened, and if the crime was committed against a minor, the perpetrator will be sentenced to not less than five years in prison.

4.2 Definitions

According to legal experts, begging is subsumed in the freedom of expression protected by Article 10 of the European Convention on Human Rights (ECHR). It is a freedom to speak one's thoughts loudly and publicly, understood as the subjective right to free speech, free expression and (public) dissemination of an opinion in writing, orally and graphically, as well as all other available means of transmission (begging for charitable gifts or alms = fundamental right).



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4.3 Best practices in Austria

„Silent begging“ is permitted in Austria, but laws at a provincial level prohibit intrusive, aggressive, professional and organized begging as well as begging with minors. Law enforcement authorities are in charge of enforcing provincial laws.

Legal definition of begging in Austria:

Anyone who in a public place

(a) begs for money or valuables in an intrusive, aggressive, or business-like manner or as a participant in an organized group, or

(b) in whatever form induces an underage child to beg or carries it with him while begging, commits an administrative offense and is fined or, in the case of uncollectibility, faces imprisonment of up to one week.

Modus operandi:

International criminal groups recruit persons with physical disabilities, mostly singles and residents of homeless shelters, in their home countries. Then the perpetrators take them to the target country and introduce them to begging. They promise people that they can make several thousands of euros by begging, and that they only have to pay a small part of it to the organizers for transportation and accommodation. When entering Austria, the exploiters take the victims' documents away on the pretext of having to present them to border control, or they take their documents later in the accommodations pretending to keep them safe from theft or loss. In some cases, the beggars are given copies of their documents.

They are assigned a place to beg, they are shown how to beg and, if they have physical impairments, they are required to show them openly. These trafficked persons are under constant surveillance and all the collected money is taken from them at the begging location or in their accommodations under false pretexts (operating costs, rent increases, protection against theft). Therefore, the begging location is considered a crime scene.

During police checks on these trafficked persons at the begging locations, the exploiters in the immediate vicinity, who also appear to be beggars, immediately appear during the official act and pretend to be a relative of the person in question. They may show some documents, gesticulate and loudly attract officers' attention on themselves, thus preventing the trafficked persons from turning to police for help.



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If the beggars do not follow the instructions, they may face violence, threats or sleep and food deprivation. But they are also falsely threatened by their exploiters that they will be repatriated to their home country and that they will no longer be able to come here and beg.

Cooperation of the trafficked persons with the police and NGOs – case study:

An international criminal group recruited mentally and physically disabled „Isabell“ and „Viktor“ through deception (prospect of work, earning money for loan repayment) and introduced them to exploitative begging in Vienna. The facts became known to the police based on the investigations and statements made by the victims. As a result, the suspects were identified, arrested and sent to prison. The perpetrators already had relevant criminal records and were classified as generally dangerous persons. During the entire investigation and the care offered by victim protection institutions, the results of the investigation, projects, upcoming processes and procedures were communicated transparently and openly to the parties concerned (police, NGOs and trafficked persons) in accordance with legal provisions. This transparency fostered victims' trust in the police, which is an essential element in the challenging adversarial questioning in court as part of the criminal proceedings. The procedure, in particular the security measures (criminal police officers and possibly also officers of a special unit in case of increased risk) for the adversarial interrogations, were discussed in advance with the parties concerned and the NGOs. The trafficked persons were given the opportunity to ask questions, they were made to feel that they had the “actual main role”, and thanks to the help they were accepting and cooperation they were showing, they had the impression that nothing would happen against their will. Another important point was the cooperation and agreements with the public prosecutor and the court, which were fully involved in the process and the security measures of the police, and were informed about the identities of the trafficked persons.

Based on these preparations and the team work of the stakeholders, a smooth adversarial interrogation took place, in which the trafficked persons made their statements without interference and in a safe environment, and the accused were sentenced to several years in prison.



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4.4 Policing guidelines

4.4.1 Tactical concept and guidelines to combat organized and exploitative begging

Target

The guidelines are intended to assist in combating organized begging and prosecuting the criminal offence of human trafficking and exploitation by begging. They should be viewed as a best-practice manual for identifying suspects and victims of human trafficking.

Overview of operational measures:		
transport	Schengen Information System – SIS alerts, checks, surveillance	persons/vehicles
accommodations	checks, surveillance	residence/persons target and contact persons
begging locations	police patrols focused on the begging issue surveillance tracing of cash flow	uniformed and/or plain-clothes police officers daily routine of target and contact persons coin exchange/bank transfers
debriefing and interviews	establishing contact	talking with victims
data storage and analysis	databases	operational crime analysis
confidants and informants	recruitment	gathering information



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Transport

One way to detect entries into a country or travel movements is to issue an alert in the EKIS or SIS on a vehicle or person for discreet or specific checks.



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Checks and surveillance

This measure requires the planning of an operational deployment at the state and federal criminal police level. As part of a limited-time „focus operation“, relevant target vehicles can be indicated to the international offices (at border crossing points) and they can be requested to notify Criminal Intelligence Service Austria of the arrival of the target vehicle (TV) or the target person (TP). Subsequently, the TV/ TP can be placed under surveillance upon entry into the federal territory, with the aim of finding out new residential addresses (accommodations), assembly points, target and contact persons, etc.



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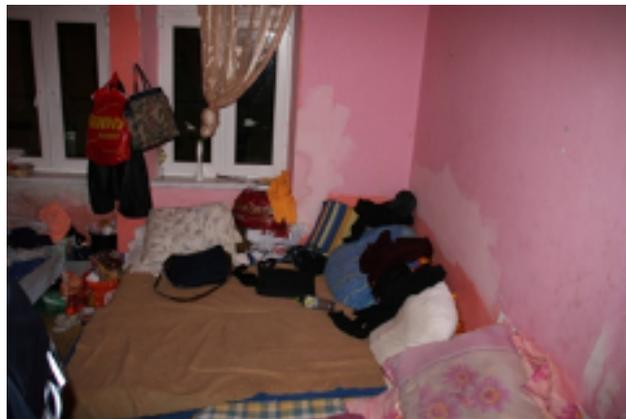
Accommodation:

Checks of residences and persons

Based on the knowledge acquired in the operational measure “transports”, the accommodations are attended. It is recommended to check accommodations in the early morning hours in order to identify possible groups that belong together. It has been shown that an exact localisation and documentation of the sleeping place is of great importance, since possible victims usually have to sleep separately from other beggars (corridors, kitchenettes, etc.) or directly on the ground at the feet of their exploiters.

It was also established that families were sleeping in the same home, therefore the family ties can be documented (note: parents and children rarely have the same name).

IMPORTANT! For identification, it is necessary to record all names of the persons (first and last name, father’s name), date and place of birth, number of the identity document.



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Surveillance

The prerequisite of this measure is the planning of an operational deployment with the Provincial Criminal Investigation Department (CID) or Criminal Intelligence Service Austria (CIS). During the planned inspection of the property (accommodation), the presence of target and contact persons is determined, among other things, followed by a surveillance of the respective person to discover their daily routine.

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Begging location

The begging location can be the place of exploitation, which would make it a crime scene.



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Begging patrol by uniformed police officers

Before patrol officers stop a beggar, they are advised to investigate the beggar's environment, look out for other beggars or conspicuous persons who might be perpetrators (watchers, cash collectors) or other victims. If another person appears during the stop, presents the beggar's identity documents or tries to attract attention to himself by arousing compassion or asserting that „everything is OK“, this is an indication that the other person might be a perpetrator.

Begging patrol by plain-clothes police officers

With this planned covert measure (e.g. surveillance), the focus should be on determining whether

- the beggars take care of themselves
- act independently
- move alone
- where they keep the money
- third parties visit them at intervals



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- beverages, food, cigarettes are handed to them while the collected money is covertly taken, or whether the beggars accompany the contact person so they can covertly hand over the money

If such circumstantial evidence is found, the Provincial CID must be informed promptly and encouraged to take over the operation.

Mixed begging patrols:

Checks by uniformed police officers

This measure can be implemented prior to planning as part of a police focus operation. Uniformed and plain-clothes officers should work together closely during begging patrols, as the uniformed patrol officers take the first step by establishing the identity of the beggar.

Surveillance by plain-clothes police officers

Surveilling plain-clothes officers document a beggar's daily routine.

When police intervene to identify a beggar, the plain-clothes officers also watch on. They survey the surroundings and look out for any third parties (target and contact persons) that may react to the check by joining the beggar and the officers or contacting the beggar immediately afterwards. Care should be taken if the beggar has to be taken to the nearest police station, as third parties may come to the station and show great interest in the person.

Cash flow

Once the perpetrator has taken the cash, he changes the coins into banknotes. The cash is either emptied into a coin counting machine at the bank and the amount is collected directly at the bank cashier's counter – minus the processing fee – or paid into an account and immediately withdrawn, thus avoiding fees. Money is transferred to the perpetrator's home country via Western Union, among others services.

Closed-circuit television (CCTV) footage of these processes as well as the transactions themselves can serve as (circumstantial) evidence.



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Debriefing and interviews:

First contact with the victim

If there is any indication that the beggar may be a victim of human trafficking, the next step is to get in touch with the beggar. This initial contact should take the form of a „debriefing“ by trained officers, i.e. the beggar should be provided with the opportunity to freely tell his or her story, feelings and situation in a safe, neutral environment (café, NGO, social institution, and maybe police station). This requires sufficient time and patience. If this approach is successful, the victim will gradually open up and tell his or her story about the exploitation to a confidant. Then, care and protective measures should be arranged for the victim.

IMPORTANT! First contact with the beggars has to be very well prepared. Under no circumstances must beggars be under the control of their exploiters and the exploiters must not be nearby.

Data storage and analysis

Data storage is used by operational and strategic crime analysis in order to ward off criminal organisations and dangerous assaults (exploitation) because, depending on the type of assault, recurring perpetration is very likely. This also requires the processing of information on criminal acts, which provides a valuable basis for police investigations.

Informants

In principle, it is possible to hire informants during any police operation in connection with begging. Careful, open, and trustful contact with the informant is required to obtain information that can be used to combat crime. To initiate or establish such a relationship of trust, one-on-one interviews with the person will be required in an adequate setting (undisturbed, neutral location, plain clothes, etc.). Finally, you have to proceed based on personal experience, at one's own discretion and in accordance with national legislation.



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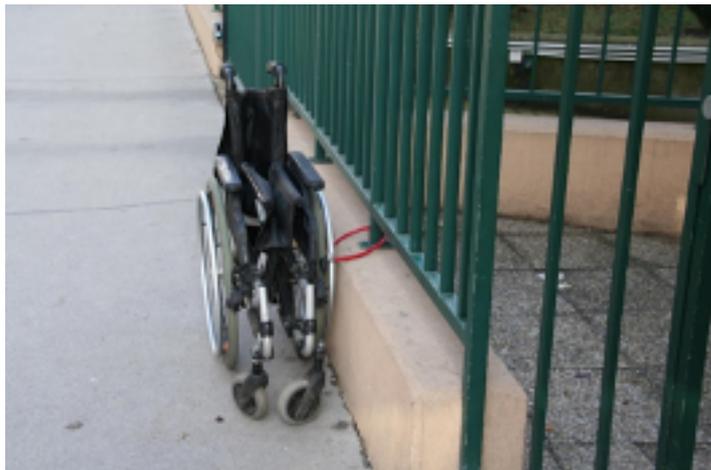
Information and findings in AT	
PERPETRATOR	VICTIM
recruitment of victims	in the home country through promises, purchase
target group	older people, persons with physical ailments
improper means	psychological and/or physical pressure, violence, induce alcohol addiction
structure of criminal groups	rather small groups (2-3 people in the target country)
transport	in small vehicles (cars, vans) or coaches (international bus services)
exploitation	begging, e.g. in the form of classic begging or newspaper sales
accommodation	in flats (mass accommodation), vehicles or in the open
place to sleep	mattress, floor, sofa, blankets, tents
begging location	in centres of larger cities, pedestrian zones, train stations, shopping streets
coercive circumstances	constant surveillance, no documents, removal of walking and driving aids, collection of money, violence, threats, etc.
begging income	70 to 100 euros per day
begging period	at least 10 to 12 hours per day or longer and in any weather
behaviour displayed in public	usually displaying physical impairments sitting on the floor, arousing pity
payment of administrative fines	exploiters quickly "put up bail" by paying the fine on behalf of the beggar held at the police detention centre so that the beggar is released and can keep working
recruitment	by the parents
alleged reasons	to maintain the family, high costs, many bills, responsibility
exploitation	begging and prostitution
financial targets	to make between 50 and 100 euros or more each day
begging period	10 to 12 hours

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4.4.2 Indicators of exploitative begging

The following indicators were developed by Austria in order to detect exploitative begging. They can be adapted to the respective national context and needs.

- beggars do not have their original documents or may only present copies
- documents are shown by third parties, so-called „watchers“ or „exploiters“
- third party is always nearby or constantly keeps watch
- third party joins police checks, pretends to be family with the beggar and speaks on his behalf
- persons with physical ailments/elderly persons
- wheelchair is locked nearby; keys kept by third party
- publicly displaying existing disability
- begging is practiced sitting on the ground in any weather



Begging by families:

- parents stay in the country with their children for long periods
- parents have no work, except for begging
- children do not attend school or get any vocational training
- children do not have any daily routine
- children are repeatedly found alone in urban public places (pedestrian zones, train stations, shopping centres, etc.)



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5 THB and pornography



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The pornography industry is global and highly developed. Demand for pornographic content is remarkably high, which makes it a very profitable business. It is estimated that this industry generates more than \$15 billion in the United States and more than \$20 billion in Japan. Today, pornography is shown in various forms, from print media to publications on websites. According to the largest online distributor of free pornography, „Pornhub“ <https://www.pornhub.com>, this website generated 42,000,000,115 views per day in 2019. However, it should be noted that pornography also raises certain issues that are not only relating to different concepts of moral values, but also to human rights violations and violations of workplace rights.

5.1 Analysis of the situation in Serbia, with references to national legislation, which affects the work of law enforcement agencies

Article 388 Trafficking in Human Being – Pornography

„Use for pornographic purposes“ as a form of EXPLOITATION of victims of trafficking in human beings is defined in paragraph I of Article 388 of the Criminal Code of the Republic of Serbia. It is necessary to understand that Exploitation of victims is only one of three elements that represent the crime of trafficking in human beings.

In order to facilitate the understanding and delineation of crimes of trafficking in human beings (THB) from other crimes, it is necessary to know that THB crimes consist of three elements:

- means used by perpetrators
- criminal acts performed by perpetrators
- exploiting victims of trafficking in human beings

These elements of the crime of trafficking in human beings are specifically defined in the provisions of Article 388 of the Criminal Code of the Republic of Serbia.



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The protection of Juvenile is specially defined in the Criminal Code of the Republic of Serbia in Article 185:

Showing, procuring and possession of Pornographic Material and exploitation of Juvenile for Pornography

(1) Whoever sells, shows or publicly displays or otherwise makes available texts, pictures, audio-visual or other items of pornographic content to a minor or shows to a child a pornographic performance, shall be punished with a fine or imprisonment up to six months.

(2) Whoever uses a minor to produce photographs, audio-visual or other items of pornographic content or for a pornographic show, shall be punished with imprisonment from six months to five years.

(3) If the offence referred to in paragraphs 1 and 2 hereof has been perpetrated against a child, the offender shall be punished with imprisonment of six months to three years for the offence from paragraph 1 and with imprisonment of one year to eight years for the offence from paragraph 2.

(4) Whoever obtains for himself or another, possesses, sells, shows, publicly exhibits or electronically or otherwise makes available pictures, audio-visual or other items of pornographic content resulting abuse of a juvenile, shall be punished with Imprisonment from three months to three years.

(5) Whoever, by means of information technology, knowingly accesses images, audio-visual or other objects of pornographic content created by the exploitation of a minor, shall be punished by a fine or imprisonment for a term not exceeding six months.

(6) Subjects of pornographic content resulting from the exploitation of a minor (child pornography) are considered to be any material that visually depicts a minor engaged in actual or simulated sexually explicit behavior, as well as any display of a child's sexual organs for sexual purposes.

(7) Items specified in paragraphs 1 through 4 of this Article shall be confiscated.



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5.2 Definitions

Pornography, based on the United Nations Office on Drugs and Crime (UNODC) definition, can be defined as one of the forms of sexual exploitation. Thus, “sexual exploitation” is defined as “gaining financial or other benefits by involving another person in prostitution, sexual slavery or other forms of sexual servitude, including pornography or the creation of pornography”.

5.2.1 What is pornography?

„Pornography“ (or „porn“) usually refers to representations designed to arouse and give sexual pleasure to those who read, see, hear, or handle them.⁽²⁾

“Pornography” comes from the Greek words *porne*, meaning “prostituted woman” or “prostitution,” and the word *graphos*, meaning “writings.” Under this definition, pornography is not the graphic portrayal of sex or sexuality broadly, but commercial sex specifically.⁽²⁾

Pornography is not prostitution because those being filmed are not paid for a “sex act,” but rather they are being paid as an actor or actress.⁽²⁾

5.2.2 Is pornography a form of human trafficking?

Many former porn actresses have shared their horrific stories of how they were victims of “**force, fraud or coercion**” in the production of the photos and films in which they participated .

Ex-porn star Linda Lovelace Boreman: “Every time someone watches that film, they are watching me being raped”.⁽²⁾

As with all prostitution, the women and children in pornography are, in the main, not there by choice but because of a lack of choices. “They usually ‘consent’ only in a degraded and demented sense of the word (common also to the law of rape) in which a person who despairs at stopping what is happening, sees no escape, has no real alternative, was often sexually abused before as a child, may be addicted to drugs,

⁽²⁾ <https://www.pbs.org/>



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is homeless, hopeless, is often trying to avoid being beaten or killed, is almost always economically desperate, acquiesces in being sexually abused for payment, even if, in most instances, the payment is made to someone else”.⁽²⁾



Legal distinctions aside, even if one deems pornography a potentially legitimate business enterprise, the actual recruitment, procurement or employment of pornographic actors and actresses may routinely involve false promises, threats, verbal abuse and heavy drug use.⁽²⁾

<https://www.youtube.com/watch?v=o5hcvd3TrHc>

Regardless of the legally protected status of pornography as media, employers who physically, emotionally and sexually abuse their employees are breaking the law – no matter how cleverly edited the final product is.

5.2.3 What is child pornography⁽³⁾?

Child pornography is defined in Directive 2011/92/EU⁽⁴⁾ as:

- any material that visually depicts a child in a real or simulated sexual act
- any description of the child's genital organs primarily for sexual purposes
- any material that visually depicts any person resembling a child, in real or simulated sexual action, or any description of the sexual organs of a person who looks like a child, especially for sexual purposes, or
- realistic images of a child in a sexual act or a realistic image of the child's sexual organ primarily for sexual purposes

The Directive also defines the term „pornography“, which means that it is shown to the public, including the use of information and communication technologies:

- child involved in actual or simulated sexual intercourse, or
- child's sexual organs primarily for sexual purposes

⁽³⁾ The term „child pornography“ used in this manual refers to the abuse of children for pornographic purposes.

⁽⁴⁾ Directive 2011/92/EU of the European Parliament and of the Council dated 13th December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography and replacing Council Framework Decision 2004/68/JHA;

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Child pornography is also prohibited as a criminal offense defined in Article 185 of the Criminal Code of Serbia.

Commercial sexual exploitation of children includes „Use of girls and boys in sexual acts paid in cash or in kind; trafficking in girls, boys and adolescents for the sex industry; sex tourism; creation, promotion and distribution of pornography involving children; use of children in sex shows (public or private).⁽⁵⁾

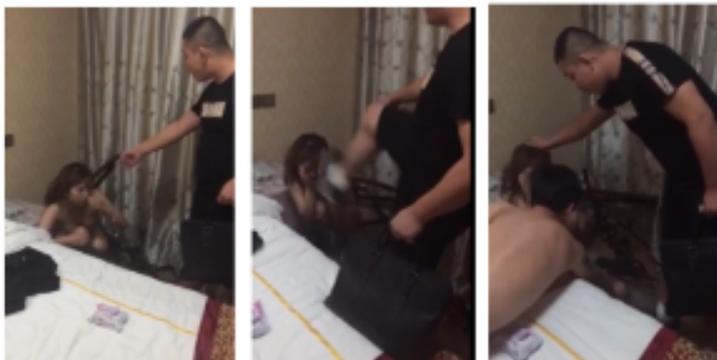
5.2.4 Who is the victim?

Victims of trafficking in human beings are any natural persons involved in trafficking in human beings, as set out in the Council of Europe Convention on Action against Trafficking in Human Beings.

Victims can be people who are:

- engaged in prostitution
- work in the sex industry
- mentally handicapped
- come from a poor social and economic background
- addicts (illicit drugs, alcohol, etc.)
- children living on the streets, unaccompanied minors, children without parents or guardians, children from children's homes and institutions

A child, a victim of trafficking in human beings, shall mean any person under eighteen years of age.⁽⁶⁾



Original photographs
© UKP GPU

⁽⁵⁾ ILO/IPEC, Commercial Sexual Exploitation of Children and Adolescents – International Labor Organization Response, www.ilo.org/ipeinfo

⁽⁶⁾ Council of Europe Convention on Action against Trafficking in Human Beings, Article 4;



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5.3 Best practices in Slovenia

Overview of the process and coordination of trafficking in human beings in Slovenia.

5.3.1 Victim recognition and notification of the competent authority

The process of recognition of THB victims is carried out on the basis of the manual on recognition, assistance and protection of THB victims (manual), which is based on the decision of the Government of the Republic of Slovenia (no. 02402-2/2016/5 of 5th May 2016), adopted by inter-ministerial working group for combatting trafficking in human beings.

The victim is identified on the basis of the activities of criminal and uniformed police, labour inspectorates, inspectors of the financial administration of the Republic of Slovenia, non-governmental organizations, trade unions, social work centres and other government bodies, and NGOs, which may come into contact with trafficking victims.

Everyone, especially professional or health workers and staff in educational and training institutions, must immediately inform the police, the public prosecutor's office or the social work centre when they suspect that a child is a victim of trafficking in human beings.

5.3.2 Process management by competent authorities

The investigation into the criminal offense of trafficking in human beings, in pre-trial proceedings, is conducted by qualified criminal inspectors from all eight sectors of the criminal police, police administrations and the national investigation office, the Criminal Police Directorate, the General Police Administration.

Investigations are mainly conducted using special covert investigative measures, as a result of a proactive investigation conducted by the police in cooperation with relevant NGOs, labour inspectors, inspectors of the Financial Administration of the Republic of Slovenia, Cooperation with competent financial administration services, the Labour Inspectorate of Slovenia and the Office for the Prevention of Money Laundering are based on agreements concluded between them. The police also concluded a cooperation agreement with the non-governmental organization Centre for Combating Trafficking in Human Beings. The agreement defines protocols of mutual cooperation, information, exchange of information, training, etc.

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All procedures related to the recognition of victims and further procedures with identified THB victims, programmes providing protection and assistance to THB victims and the roles of police, prosecutors, other government bodies and NGOs are defined in the Manual for recognition, assistance and protection of victims of trafficking in human beings.



<https://www.gov.si/zbirke/projekti-in-programi/boj-proti-trgovini-z-ljudmi/>

5.3.3 Notification of additional authorities

- When a crime or recognition of a victim or potential victim of THB is detected, the relevant criminal police sector will be immediately notified, following the protocol, and shall take over all further proceedings with the victims and conduct pre-trial proceedings
- In carrying out procedures with victims, the protocol will include representatives of non-governmental organizations that provide assistance and protection programs for THB victims. The role of NGOs is to inform victims about the rights of THB victims
- In case of recognition of a child, representatives of the competent centre for social work will be involved in the procedures



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- Detection of criminal offenses by the criminal police shall be notified to the competent specialized state prosecutor's office of the Republic of Slovenia, which additionally directs the execution of pre-trial proceedings
- Competent Inspectorate of the Republic of Slovenia – implementation of the authorizations from their area of competence – protocol on cooperation
- Financial Administration of the Republic of Slovenia – implementation of the authorizations from their area of competence – protocol on cooperation



Original photographs
© UKP GPU

<https://www.gov.si/assets/vladne-sluzbe/UKOM/Boj-proti-trgovini-z-ljudmi/Dokumenti/Prirocnik-o-identifikaciji-pomoci-in-zasciti-zrtev-trgovine-z-ljudmi.pdf>

5.4 Recognition of victims of trafficking in human beings – reactive police action

Criminal offenses of trafficking in human beings are most often witnessed by police officers, non-governmental organizations that work in the fight against trafficking in human beings, members of other institutions (inspectors, customs, social centres, centre for protection of victims of trafficking in human beings ...). Such crimes are rarely reported. In the case of perception and treatment of the victim, it is important to understand that police activities must be aimed at:

- protecting and assisting victims of trafficking in human beings
- investigating a crime that is largely based on the victim's participation



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It is necessary to know that the main source of information about the crime and any other evidence are the testimonies of the victims of trafficking in human beings.

5.4.1 Recognition of victims of trafficking – proactive action

It is rare for victims of trafficking in human being to decide on their own to talk about their exploitation. On the other hand, exploitation of victims in the field of pornography is visible and the police can detect it by carrying out targeted activities and in cooperation with other national authorities (Inspectorate) and non-governmental organizations.

Activities aimed at reporting crimes and identifying victims are:

- collection of information on trafficking in human beings, perpetrators, modus operandi, criminal organizations
- criminal intelligence activities
- implementation of financial investigations
- investigations that use covert investigative measures



<https://www.pinterest.com/pin/684336105857295387/?d=t&mt=login>



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Evidence and information obtained through proactive policing do not depend on the victim's cooperation.

5.4.2 Indicators for the preliminary recognition of trafficking victims

Who can be victims of trafficking in human beings for pornographic purposes?

5.4.2.1 Vulnerability indicators

- Repayment of debts related to the acquisition of work
- Repayment of debts by working
- Dependence on the employer: financial, board and lodging
- Poor social and economic background, the family of the victim depends entirely on his or her earnings
- Ignorance of language, labour rights
- Low level of education or illiteracy
- Illegal status in the target country
- Addiction to alcohol, illicit drugs, etc.

5.4.2.2 Indicators of sexual exploitation, i.e. exploitation for pornographic purposes

- The person is forced into sexual intercourse without a condom or adequate protection
- The person must engage in various sexual, immoral or degrading activities against his/her will
- The person is not allowed to reject parties or partners in the production of pornographic material
- The person may not discontinue or leave, and has no free time
- The person looks tired and exhausted
- The person is untreated against sexually transmitted diseases
- The person works on call or must be available (24 hours a day, 7 days a week)
- The person is required to lie when law enforcement agencies conduct inspections
- The working environment is harmful, poorly lit and ventilated, uninhabitable and without access to sanitary facilities



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- The other „actresses“ and „players“ seem exhausted and neglected
- The person is required to participate in sexual intercourse even when he/she is ill or pregnant
- The person is always accompanied and his/her movement is restricted
- The person has tattoos
- The person does not have cash or any other means of payment
- The person must hand over the earned money to someone else

5.4.2.3 Indicators related to personal documents

- The person does not have his/her personal documents (passport, ID card, visa, work or residence permit) or other valuable personal items (return ticket) or does not have access to them
- Personal documents or other useful personal belongings are retained by the employer or intermediary
- Within a reasonable time, the person cannot get hold of his/her personal documents or other valuable personal belongings kept by the employer or intermediary

5.4.2.4 Indicators related to payments

- The person does not have an employment contract and the terms and conditions are poorly defined;
- The person does not have direct access to his earnings
- The denial of a person's earnings is excessive and illegal
- The employer does not pay mandatory taxes or social security contributions
- Working conditions are different from those promised orally or in writing
- The person has paid his or her debt (incurred by purchase of employment, travel from the country of origin, regulation of employment documentation, etc.)

5.4.2.5 Physical appearance and injuries

- The person has visible injuries (e.g. bruises, scars, cuts, stab wounds, mouth and tooth damage, cigarette burns)
- The person has not been treated for the injury
- The person shows signs of anxiety or fear (e.g. sweating, trembling, difficulty answering questions directly, avoiding eye contact)
- The person is exposed to unjustified, arbitrary disciplinary measures or threats



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- The person appears injured and with unfulfilled basic living necessities (food, water, accommodation and sleep)
- The employer or others behave aggressively against the person
- The person is locked up in the workplace or in the living quarters
- Rooms are equipped with surveillance cameras
- When a person leaves the premises, he/she is always accompanied
- The person is untreated for severe bodily harm or illness
- The face shows signs that its movement is controlled
- The person was using drugs, alcohol or other intoxicating substances

5.4.2.6 Distrust of the police

- The person is afraid to talk to the police / does not trust the government system / is afraid to surrender to the authorities / fears expulsion from the country
- The person does not want to cooperate with the police, does not want to provide any relevant information



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6 Guidelines for police work



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The crime of trafficking in human beings is, from the point of view of the criminal investigation and the tasks that need to be carried out, one of the more complex crimes.

THB is a type of crime that has to be encountered by proactive police work. Without the recognition of victims of trafficking, it is hardly visible. Therefore, the knowledge of police entities about identifying victims, and how to interview them, is essential. All information and evidence that can be gathered additionally to the testimony of the victim is essential and any kind of indicator can be supportive for practitioners in the field.

Identifying victims is a major challenge and requires sensitivity on the part of the investigating officers. Many of the affected persons do not perceive themselves as victims and therefore do not complain to the police. The perspective and the psychological state of the victim during cooperation and communication must be taken into account (anxiety, especially fear of deportation, prison sentences for e.g. illegal prostitution, trauma, possibly aggression or passivity).

Also, it has to take into account that victims may suppress, push aside, even deny their unpleasant experiences and do not want to admit their role as a victim to others. Especially in crimes related to the red-light environment, distinguishing victims from perpetrators is very difficult, since the victims of trafficking in human beings find themselves mostly in situations and environments where they are unable to disclose their victim role due to personal or external vulnerabilities. (They themselves or their closely related persons are usually under control or dependent on the perpetrator/s or their confidants).

Victims often are not ready to cooperate with law enforcement, even if only as witnesses or third parties. Illegal employment and illegal residence are also factors against contact to the police.

A victim is often a frightened, insecure person who, due to his/her (unvoluntary) situation is in a combined state of confusion, bewilderment, fear, overstraining, doubt, despair and the like. A victim usually is a person with low self-esteem and low self-confidence and often blames herself or himself for the situation.

Therefore, in the conduct of pre-trial investigations, it is important to:

- collect evidence that does not depend on the testimony of the victim
- collect evidence by reviewing business documentation, conducting covert investigative measures and conducting financial investigations
- collect evidence by browsing publicly available Internet sites
- collect information from the victim – finding susceptibility / vulnerability of the victim



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- when conducting an investigation, a plan for co-operation with the inspection services must be made; these can, within their competence, gather certain elements of information and evidence for the investigation (such as violation of labour legislation, elements of exploitation, etc.)
- co-operation with the Centre for the Protection of Victims of Trafficking in Human Beings – implementation of the victim recognition procedure and provision of additional assistance and protection of victims

6.1 Checklist for first responders

Initial measures and interventions

Registering abnormalities on arrival at the crime scene like suspicious persons and / or vehicles.

Prevention of escape options (consideration of additional exits)

Collection all relevant information: personal data/statements of all people involved and / or present at the crime scene, time/place of crime, etc.

Separation of suspicious persons from potential victims

Taking in of facts: what happened, perpetrator present, victim in threatened situation, imminent danger, etc.

Sexual exploitation: where, which form of prostitution (street prostitution, escort service, prostitution in flats/houses, porn industry, etc.)

Notification of other important authorities: emergency, victim protection center, child and youth welfare, etc.

Initiating search measures (suspects)

Searching the crime scene and securing evidence: written records, notebooks, cell phones, cash, rental contracts, etc.



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Victim documentation/information: condition, clothing, injuries – photographs; no accusations, even if person is involved in the crime; providing information to the victim about the legal situation, rights and possible legal consequences, **provide information about support services (NGO, victim protection center)**

**Strengthen victim's self-confidence! Offer help! Reduce/take away fear!
Building up trust! Give, build-up and guarantee safety!**

6.2 Checklist on basic information for questioning

Separate persons in order to prevent consultations between accused/victim;

Checks in national and international databases;

Basics:

Write down the victim's wording (no rewording of formulation by officers).

Let victim speak freely; in the first phase no narrowing-down questions, allow for tears/crying, possibly even encourage.

Do not urge to testify, do not force any answers.

Do not make unsafe/unwarranted promises.

If needed, select interpreters consciously (e.g. impartial towards prostitutes, etc.); interpreter has to use same expressions as victim;

Legal instructions

The legal instructions have to be carried out in accordance with the provisions of the Code of Criminal Procedure for accused persons, witnesses and victims.



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Personal particulars/facts

Questions about the person: economic situation of her/his family, school education, vocational training, caring responsibilities, last occupation or employment, etc., address in home country, names, addresses of family members, accessibility, are family members informed about the kind of work that is performed by the victim in Serbia;

General questions:

How is the victim currently doing? (mental and physical state)

Is or was the victim under medical treatment?

Are drinks or food needed?

Does person understand the conversation?

Questions about the subject matter:

Recruiting (personal/advertisement/agency/social media and the like)

Nature of activities / living conditions / income opportunities (what was promised / agreed, etc.)

Pressure / threats / exploitation of an emergency situation (form of pressure / threats, bad economic situation, debts, etc.)

Journey / trip (itinerary, organizer/s, travel expenses – who took over the costs / did debts incur / repayment modalities, use of real / false documents, etc.)

Accommodation / working place (description, key available / locked up, access to personal items, etc.)

Daily routine / workflow (chronologically for 24 hours)

Violence / injuries (form of violence – physical / psychological, type of injury / injuries – precise information)

Instructions (about working methods, clothes, prices, etc.)

Description of suspects, accomplices, watchdog, other victims (as accurately as possible, if no names are known, description of persons)



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7

THB and victim protection



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7.1 Analysis of the situation in Serbia, with references to national legislation, which affects the work of law enforcement agencies

Combating trafficking in human beings is recognized as a key priority in Serbia. From the early 2000s, Serbia's authorities have been working in particular on the prevention and protection of victims on both the policy-making and implementation level with the support of the EU as well as in cooperation with international organisations and civil society organizations.

In August 2017, Serbia adopted a new Strategy for the Prevention and Suppression of Human Trafficking, especially Women and Children and the Protection of Victims, for the period 2017 – 2022 together with an 2017-2018 Action Plan for implementation. The Strategy aims to align efforts with the EU's human trafficking strategy and to follow a human-rights-based approach.

Early 2019, Standard Operating Procedures for the Treatment of Victims of Trafficking (SOP) were adopted to guide the actual implementation of the Strategy and its Action Plans in terms of recognition, assistance and protection of trafficked persons, with particular emphasis on the role of the Centre for Human Trafficking Victims Protection.

The state-run Centre for Human Trafficking Victims Protection – under the Ministry of Labour, Employment, Veterans' and Social Affairs – is responsible for formal victim recognition, as well as for offering assistance through a shelter for trafficked persons opened in February 2019, complemented by assistance provided by NGOs, such as Anti Trafficking Action and Citizens Association for Combating Trafficking in Human Beings and All Forms of Gender – Based Violence (ATINA).

In addition, the law on Prevention of Domestic Violence (RS Official Gazette No. 94/2016) stipulates that, in addition to cooperation aimed at preventing domestic violence, this law also applies to the cooperation of state authorities and institutions in criminal proceedings for other criminal offences, exhaustively listed in Article 4 among which the criminal offence of trafficking in human beings.

At the operational level, the Criminal Police Directorate, namely, organizational capacities of the Criminal Investigations Directorate have been enhanced to tackle human trafficking.

The Border Police Administration as an organizational unit of the Police Directorate is involved in the protection of foreign victims of trafficking and vulnerable categories of refugees and migrants (Standard Operating Procedures for Border Police – Humanitarian Border Management).



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Aliens Police Act („Official Gazette RS“, no. 24/2018)

Since 2018, the Law on Foreigners provides for the protection of persons suspected of being victims of human trafficking. The new article 62 (“Temporary Residence of a Foreigner Who is a Presumed Victim of Trafficking in Human Beings”) provides for “a period for recovery and elimination of any further influence from the perpetrator of the criminal offence on the victim” (para 4), which should allow the victim to “make an independent decision” on whether to cooperate with police, prosecutor, court and the “competent state authority for recognition and coordination of human trafficking victims protection” (the Centre for Human Trafficking Victims Protection). This period is enabled “during temporary residence”, which, according to para. 3, is granted for 90 days, and during which period, “a decision on return cannot be issued” (para 5) – effectively addressing the main elements and purposes of a recovery and reflection period, as described under EU and Council of Europe standards.

Article 62 provides for a set of assistance measures during such temporary residence as well as for the appointment of a legal guardian in case of unaccompanied children, tracing of the family and eventual family reunification, as long as a prior risk assessment would not lead to a determination that such reunification would be against the child’s best interest (paras 8-10).

If the foreigner, then, is determined to be victim of trafficking and decides to cooperate with authorities, the Centre for Human Trafficking Victims Protection informs the Ministry of the Interior about this “fact”, and the victim (including children) shall be granted a (renewable) “Temporary Residence for Victims of Trafficking in Human Beings” under Article 63 of the Law on Foreigners, valid for one year; such decision shall be based on an assessment by the Centre for Human Trafficking Victims Protection that the victim’s stay is “necessary for their own protection, recovery and safety” or “if the court, prosecutor’s office or the police deem their presence necessary for cooperation in the criminal proceedings” (para 3).

Article 63 aims at implementing Group of Experts on Action against Trafficking in Human Beings (GRETA) recommendation to establish a residence permit not only for victims cooperating with police, but also for those not cooperating, but in need of stabilizing stay due to their personal situation. The whole procedure leading to residence titles under Articles 62 and 63 is based on an assessment by the Centre for Human Trafficking Victims Protection, initiating recognition proceedings (Article 62(1)).

Standard operating procedures for the treatment of victims of trafficking (SOPs)

According to the SOPs signed in 2019, the Centre for Human Trafficking Victims Protection has a major role in the protection and assistance of victims and therefore, it would be important to strengthen the close cooperation between the Centre and the Criminal Police.



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The SOPs detail the standards and procedures for action as well as steps to be taken in relation to five key areas:

- preliminary recognition and referral
- formal recognition
- general support and assistance to victims
- assistance in criminal proceedings, including in claiming compensation
- voluntary return of victims (of Serbian nationals and of foreign nationals, respectively)

The SOPs adopt a pro-active, multi-agency approach for detection of situations of presumed victims of trafficking, which brings together a variety of state and non-state, national and international partners. They also aim at “mainstreaming the principle of victims’ human rights protection through assistance, support and protection programmes”.⁽⁷⁾

They also follow the recommendations from international organizations and respond to the concerns made by the United Nations (UN) Committee on the Rights of the Child (in relation to fair and efficient asylum procedures especially for unaccompanied children) and the UN Human Rights Committee (concerning prevention and combating THB, sufficient resources for coordination and training, and prevention of child labour).⁽⁸⁾

The Annexes give an extensive overview of the legal framework which includes relevant legal texts (including international and regional conventions ratified by the Republic of Serbia, domestic legislation, such as the Criminal Code and the definition of trafficking as a criminal offence in Article 388), relevant strategic documents (such as the Strategy for the Prevention and Suppression of Trafficking in Human Beings 2017-2022, including its Action Plan 2017/18), as well as operational instruments, ranging from further SOPs (e.g. on Protection of Refugee and Migrant Children), Memoranda of Understanding and Protocols for Cooperation (e.g. in relation to cooperation with civil society organizations, such as ASTRA and ATINA), and sets of indicators for victim recognition (for police, for social care/children and adults, for education).⁽⁹⁾

7.2 Definitions

LEFÖ’s official mandate and practice

In Austria, victim protection and related standards were developed before the EU Directive 2011/36/EU and further updated to comply with the 2011 EU Directive and 2005 Council of Europe Convention on Action against Trafficking in Human Beings.

⁽⁷⁾ Office for Coordination, SOP 2018, 7

⁽⁸⁾ Office for Coordination, SOP 2018, 6, with further references

⁽⁹⁾ Office for Coordination, SOP 2018, Part IV – Annexes



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Security Police Act (SPG 2012) and Code of Criminal Procedure (StPO 1975)

The Security Police Act and the Code of Criminal Procedure (StPO 1975) play a very important role to fulfil the NRM. They give a legal basis for the implementation and entail regulatory procedures for the police and judiciary which apply to the whole country.

The Security Police Act (SPG 2012) recognizes LEFÖ-IBF as a victim protection facility for trafficked women and girls (Art. 25 (3)). Intervention Center for Trafficked Women (LEFÖ-IBF) operates nationwide on behalf of the Federal Ministry of Interior and the Federal Chancellery – Women and Equality Section. In addition, standards in victim protection are reflected in a formal agreement between LEFÖ-IBF and the contracting authorities (Ministry of Interior and Federal Chancellery – Section Women and Equality). The agreement became a permanent contract in 2014. It defines the role and tasks of LEFÖ and the basic mechanisms for the functioning of the NRM. For instance, article 56 (1) and (3) of the Security Police Act allow for the transmission of victims' data to competent victim protection facilities for the protection of the person at risk.

According to article 66a of the Code of Criminal Procedure (StPO 1975), victims of human trafficking, particularly vulnerable victims, have to be informed about their rights and assistance requirements for psychosocial and legal support services that they are entitled to before their first questioning. Psychosocial assistance services cover a comprehensive preparation of emotionally distressed victims for court procedures, accompaniment for the investigation and the trial. Legal assistance services include legal counselling and representation by a lawyer. LEFÖ-IBF and the Men's Health Center (MEN VIA) both offer psychosocial and legal victim assistance services for trafficked persons on behalf of the Ministry of Justice.

Role of NGOs

LEFÖ-IBF offers unconditional support for trafficked women and girls. This is ensured by LEFÖ-IBF's confidentiality and through rights-based and psychosocial counselling, so the woman/girl makes an informed decision. The organisation is 24-hour available for the police and client via a hotline. If LEFÖ-IBF is notified, the woman/girl has to be contacted within 48 hours. Moreover, LEFÖ-IBF is involved in police training to provide knowledge about victim recognition and professional referral.

Since 2013, Men Via has been offering support for male victims of human trafficking on behalf of the Ministry of Interior and the Ministry of Labour, Social Affairs, Health and Consumer Protection, although Men Via is not a recognized under the Security Police Act as a victim protection facility. Since LEFÖ-IBF and Men Via offer victim assistance services, the competent authorities have to inform human trafficking victims on their rights and on the two protection facilities that offer psychosocial and legal assistance.



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In November 2018, the Federal Ministry of Interior initiated a general NRM set out in an Order (operational guidelines for governmental authorities). The general NRM is an internal document of Criminal Intelligence Service Austria and includes a description of the referral to Men Via and LEFÖ-IBF.

Role of Labour Inspector

Regarding trafficking for labour exploitation, the Ministry of Labour, Social Affairs, Health and Consumer Protection issued an order on labour exploitation and procedures for labour inspectors on 13 February 2017. The order describes human trafficking for the purpose of labour exploitation, provides a list of indicators, and stresses the need to report the crime ex officio. The order includes the reporting via 24-Hour Trafficking Hotline of the Criminal Intelligence Service, public prosecutor's office and information as well as contact details of LEFÖ-IBF and Men Via.

7.3 Best practices in Austria

A National Referral Mechanism (NRM) is a co-operative framework through which state actors, in particular the frontline responders like the Police, fulfil their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with NGOs and other relevant actors.

Adopting a human-rights-based approach to victims is a critical step in ending the crime of human trafficking. The National Referral Mechanism (NRM) as conceived by the OSCE/ODIHR aims at applying a human-rights-based approach which recognizes that human trafficking is a criminal activity that has profound human-rights implications both for victims and for State authorities. An effective NRM is key for ensuring a proper criminal justice response and for recognizing, protecting and assisting trafficked persons while respecting their rights as victims of crime.

The primary responsibility for combating and preventing trafficking in human beings rests with the State authorities but the link and the support to victims, regardless of the form of exploitation, requires cooperation at the local and national level. Therefore, only multidisciplinary and inclusive partnerships that involve all relevant actors, including local authorities as well as civil society, can enhance the coherence of anti-trafficking efforts and strengthen co-operation at local and national levels.

Austria has adopted this approach and started the NRM with the 1998 Security Police Act (SPG).

Austria offers comprehensive assistance services through the formalised cooperation agreement with several non-governmental institutions. The support services to trafficked persons are performed by the



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NGOs LEFÖ-IBF, Men Via as well as the Child and Youth Welfare Service of the competent province. The City of Vienna has a centre, called “Drehscheibe Wien”, which also assists child victims of trafficking.

National Action Plans of the National Task Force on Combating Human Trafficking

Based on the 2015-2017 Austrian National Action Plan against Trafficking, the Working Group on Child Trafficking of the National Task Force on Combating Human Trafficking has developed guidelines on identifying and working with potential child victims. The guidelines describe recognition, protection and referral, including all actors that are potentially involved, including victims' protection organizations, law enforcement authorities, child and youth welfare services and provincial governments. According to article 37 of the Federal Child and Youth Welfare Act (BKJHG 2013), child and youth welfare services of the competent provinces are responsible for the protection of children and their care. However, LEFÖ-IBF offers support to girls from the age of 15. Additionally, “Drehscheibe Wien”, which is a specific department of the Vienna child and youth welfare service, offers specialized support to child victims of human trafficking.

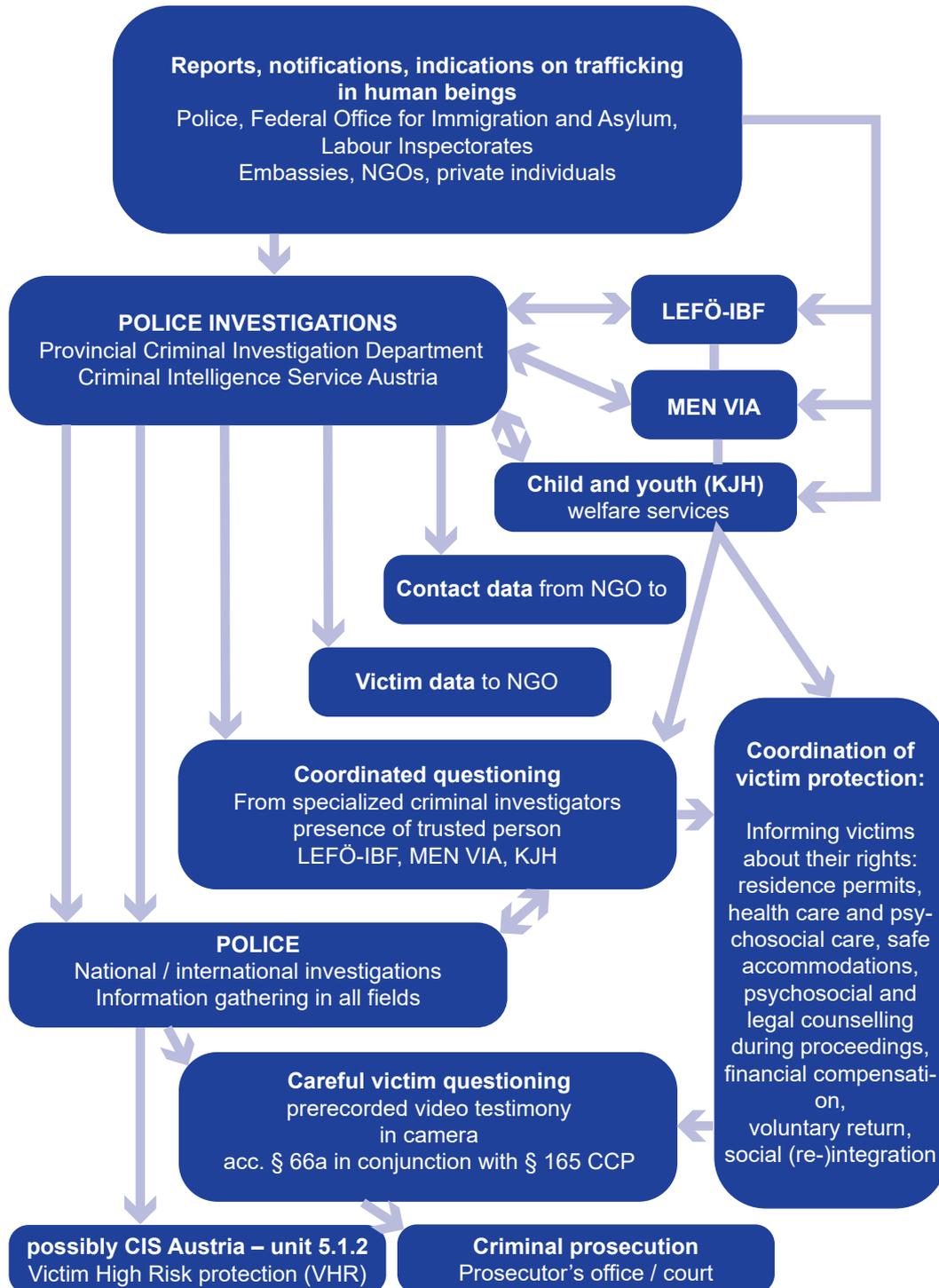
The fifth 2018-2020 National Action Plan of the National Task Force on Combating Human Trafficking defines objectives that ensure the effective implementation of the NRM. This includes the continuation of the Task Force as well as its various working groups. Chapter I.3 of the National Action Plan to Combat Trafficking in Human Beings aims to strengthen cooperation and coordination in the bilateral, EU and international fields. Chapter II.2 envisages training for various professions, involving specialized organisations. Chapter III focuses on the operational aspect of the NRM. Objective 1 of Chapter III explicitly evaluates the recognition of trafficked persons for the purpose of labour exploitation and begging. Objective 2 deals with improved social integration of human trafficking victims which includes the continuation of the two specialized organisations LEFÖ-IBF and Men Via. Objective 3 targets the implementation of specific measures in the field of victim protection for children.



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7.3.1 Austrian National Referral Mechanism Chart

Graphic: Overview of the process and coordination in THB





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7.4 Policing guidelines

7.4.1 Cooperation: prerequisite for combating human trafficking

Cooperation between State authorities and other actors is the basic precondition for effectively combating human trafficking and optimally caring for victims. International experience shows that the development of structured NRMs are helpful in these regards. An NRM should formalise and unify the strategic cooperation of involved authorities.

Implementation guidelines are the central element of an NRM (e.g. quality standards for care), as well as a cooperation concept, to refer victims of human trafficking to support providers (including medical, social, psychological and legal care as well as support to voluntarily return to the home country under safe conditions).

The Serbian 2018 SOPs recognizes “the decades-long commitment and expertise developed by civil society organizations in upholding, promoting and protecting human rights and, specifically human rights of victims of trafficking” as a basis for partnership and multidisciplinary response to trafficking. Such cooperation with NGOs is essential for successful detection of human trafficking situations, since many victims for a variety of reasons hesitate to engage in self-reporting to state institutions. In Serbia, several Memoranda of Understanding between key state and non-state actors have been concluded like the Memorandum of Understanding (MoU) between the Association ATINA and Serbia’s Public Prosecutor’s Office (2013) and MoU between the Association ASTRA and Serbia’s Public Prosecutor’s Office (2012).

It is crucial that roles and responsibilities of the different actors in providing protection and assistance before and during criminal proceedings are set out explicitly, especially concerning division of tasks and cooperation between the police and services provided by NGOs. Particular attention should also be paid to responsibilities and services in relation to minors.

7.4.2 Interaction with victims

When interacting with a victim any kind of emotion can arise (scared, intimidated, aggressive, uncooperative, etc.).



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Pay attention to the following elements:

In general

- handle the person with care
- no pressure or coercion
- combination of administrative offenses and human trafficking: primacy of victims interest (e.g. not the offense of illegal prostitution)
- choose the most appropriate police officer for the interaction with the victim (e.g. not everyone feel comfortable to speak with a person with the same gender)
- separate suspicious persons from potential victims
- be careful when a third party offer any kind of support during a police control (e.g. to translate)
- if necessary, referral for medical examination
- interpreters should be selected based on the specific situation (experienced in interacting with victims of crime, without any kind of prejudice e.g. against minorities or prostitutes)

During questioning

- avoid places where you will be disturbed (e.g. by other colleagues, telephone, etc.)
- prefer a friendly and safe environment, if possible
- build trust
- take your time
- offer food and water
- allow the possibility to smoke, when appropriate
- no false promises
- request to put the mobile on silent mode, when appropriate (avoid threats from exploiter)

Additional consideration for children:

- adapt the language and communication to the age of the child
- choose a child-friendly, protective environment for the questioning
- interpreters should be selected based on the specific situation (experienced in interacting with children and adolescents)
- Female children and adolescents – female interpreter
- Male children and adolescents – male interpreter
- for boys up to ten years of age – female interpreter



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Conclusion

This manual has been prepared by experts of the Criminal Police Directorate Slovenia and Criminal Intelligence Service Austria, with regard to the needs and based on the experience gained during the project implementation. The experts who worked on the project and prepared this manual are grateful to all participants and experts of the beneficiary country of this project for their engagement in the implementation of the project at a professional and high level of cooperation. We believe that without this kind of attitude and engagement in providing answers to each of the questions and the active participation in the implementation of activities, the goals and development of this manual would not have been achieved.

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Impressions





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Acronyms

ASTRA	Anti Trafficking Action
ATINA	Citizens Association for Combating Trafficking in Human Beings and All Forms of Gender – Based Violence
BKJHG	Federal Child and Youth Welfare Act
CCTV	Closed-Circuit Television
CID	Criminal Investigation Department
CIS	Criminal Intelligence Service
ECHR	European Convention on Human Rights
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings
ID	Identity Document
ILO	International Labour Organization
IPA	Instrument for Pre-accession Assistance
IT	Information Technology
KJH	Child an youth welfare services
LEFÖ-IBF	Intervention Center for Trafficked Women
MEN VIA	Men's Health Center
NGO	Non Governmental Organization
NRM	National Referral Mechanism
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSINT	Open Source Intelligence
SBPOK	Service for Combating Organized Crime (in Criminal Police Department)
SIS	Schengen Information System
SOP	Standard Operating Procedure
SPG	Security Police Act
STPO	Code of criminal procedure
THB	Trafficking in Human Beings
TP	Target Person
TV	Target Vehicle
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
VHR	Victim High Risk



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