



# **THE SAFETY OF TRAFFICKING VICTIMS AND SERVICE PROVIDERS AND THE RISK ASSESSMENT**



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## About the publication

The aim of the publication in front of you is to provide a summary of the risk assessment for the safety of victims of trafficking and for the safety of service providers. In other words, the aim is to shed light on ways to prevent compromising of the safety of trafficking victims and the victims' assistance providers, as well as to identify oversights in the implementation of current legislation and practice. The main driving force for producing this paper has been a long-standing non-recognition of the issue of safety of trafficking victims, as well as of aid providers.

This initial research should be a basic guideline for deeper and more detailed research on the safety of persons employed as trafficking victims' aids, and the safety of victims themselves. We hereby seek to point out to the decision-makers and stakeholders directly involved in the fight against trafficking in human beings, the need and importance of assessing security risks for victims of trafficking and service providers.

The significance of this publication is that it provides a summary of the safety of the most relevant stakeholders in the Republic of Serbia, i.e. a summary of recommendations that could contribute to improving the safety of victims and service providers. The publication is primarily intended for state bodies and civil society organisations that provide assistance to victims, but also to all those who need analysis or research based on reliable and relevant data.

## Abstract

*Victims of trafficking are at safety risk from the moment they come into contact with persons involved in trafficking. The safety risk for service providers is comparatively lower, but it is also present. Providing assistance to victims of trafficking is a very risky area, given that it directly confronts the trafficker. The very fact that this is a crime that mainly brings large financial profits to traffickers, complicates the vulnerability and the issue of safety of service providers. Decades of experience of victim assistance organisations show that traffickers can easily come into contact with victims in order to seek revenge or to threaten them. This increases the security risk for both the victim and the service providers. In addition, the security risk for service providers increases proportionately after their contact with the victim. This risk progressively increases if the assistance is provided to a larger number of beneficiaries who aim to free themselves from the exploiters.*

*Providing services to victims of trafficking is a responsible and stressful job, first because of a direct insight into the traumas that the victims go through, and then, because of a long and difficult processes of recovery and empowerment of the victims. On top of all that, service providers are indirectly at risk of human traffickers' reactions because they help the victims to no longer be an easy prey. The lack of clear criteria for assessing the safety risks of victims and service providers has been one of the main motives for this research. In order to take appropriate security measures when providing assistance to victims of trafficking, it is necessary to have uniform criteria for risk identification and safety assessment at each stage of the assistance process. Therefore, the main goal of this research is to consider security risks and propose security measures in order to more adequately manage security risks.*

## Introduction

Trafficking in human beings is a serious violation of human rights and a violation of human dignity with far-reaching consequences for almost all aspects of an individual's life. Besides drug and firearms trafficking, and money laundering, human trafficking is one of the major and most profitable global criminal activities, which unequivocally produces negative effects both on the individual (primarily the victim) and on society as a whole. According to some studies, viewed globally, Asia is the leading continent of origin of trafficking victims. However, European countries are also at the top when it comes to the number of victims. Namely, the largest number of victims, primarily women and children, originate from Eastern Europe and the former Yugoslav republics (Kelly, 2007). As it seems to be an endemic feature of almost all less developed parts of the world, human trafficking is viewed as “modern slavery” and a form of organised crime, and it is important to study social, economic and political causes relevant to a broader understanding of this phenomenon.

As a form of serious and organised crime, human trafficking is not limited to the territory of one country. This phenomenon, encompassing the stages of recruitment, transport and exploitation of victims, in its various forms, occurs in the territory of the countries of origin, transit and final destination. Women, children and men are subjected to various forms of abuse and exploitation that violate their basic rights, and trafficking is most often associated with sexual exploitation and labour exploitation (Williams, 2012: 573). While human trafficking is certainly one of the most direct threats to human security, its link with other forms of security threats, such as organised crime, should not be overlooked (Lalić, 2007). Therefore, it is very important to pay attention to this phenomenon both internationally and nationally. In addition, human trafficking does not exclusively affect the human rights of an individual, but endangers and disrupts the overall quality of life of the individual, with serious consequences for the personal, health, economic, social and political dimension of human security (Pajić, 2017: 25). Thus, this phenomenon should not be viewed exclusively as a direct threat to the life and physical integrity of an individual, but also as an issue that affects other spheres of life such as health, economic security, etc. Therefore, human trafficking, in addition to the direct impact on victims, affects their families and the immediate environment and, thus, represents a **problem of society as a whole**.

The literature often states that research on this phenomenon has both social and political significance, which is primarily reflected in the possibility of including a human-centred approach in the existing and future strategies and policies for the prevention of human trafficking, as well as victim assistance programs (Pajić, 2017: 6). However, while much

attention has been paid to victims of trafficking in numerous studies, as well as in the legislative and operational fields, little attention has been paid to the safety of those who provide (in)direct assistance to the victims. The complex nature of their work and the fact that they are in contact with victims and perpetrators, also make them vulnerable. It is, therefore, of primary importance to shed light on those aspects that make the victim assistance providers vulnerable in the context of trafficking, and to implement them in future assistance policies and programs.

## Definition of the term human trafficking

With the expansion of the range of security threats at the end of the 20th century, phenomena related to human security have come to the fore. For example, the UN Millennium Declaration, adopted in 2000, lists peace, security and disarmament as one of its eight goals, emphasizing the importance of stepping up efforts to combat trafficking in human beings. Trafficking in human beings has been recognized in the United Nations Agenda 2030 through the Sustainable Development Goals, 8 (Decent Work and Economic Growth), 16 (Peace, Justice and Strong Institutions) and 17 (Partnership for the Goals)).<sup>1</sup> In this sense, trafficking in human beings is becoming a priority for the international community and states, and the efforts to prevent and combat this threat highlight the need to provide assistance to victims. In this regard, the basis of the fight against trafficking in human beings is the normative framework, without which an adequate institutional or operational frameworks for action cannot be established.

In most developed countries, trafficking in human beings is a form of organised crime and, as such, it is incriminated by national legislation. Although it can be said that there is a conceptual consensus about what human trafficking represents, in the academia the most common debate is about the socio-economic factors that lead to victimization. However, the common determinant for all theorists, practitioners and researchers is the **Palermo Protocol**.<sup>2</sup> Namely, since the adoption of the Protocol, the largest number of theoretical and empirical papers dealing with human trafficking considers the definition included in this act (Pajić, 2019: 25).

Article 6 of Chapter II of the Palermo Protocol (Assistance to and protection of victims of trafficking in persons) sets out a complete list of measures to be taken by the state to protect victims of trafficking, such as: providing physical, psychological and social recovery of victims, notification of relevant judicial and administrative proceedings and assistance during their implementation, physical security of victims of trafficking while they are on its territory, the possibility of obtaining compensation for the damage suffered, etc. Particularly important is the second paragraph of the Article, which states that in appropriate cases and to the extent possible under domestic law, each State Party shall protect the privacy and identity of victims of trafficking, including, inter alia, the confidentiality of legal proceedings pertaining to this crime.

According to the Protocol, “Trafficking in persons” shall mean the recruitment,

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<sup>1</sup> SDG Resource Centre - <https://sdgresources.relx.com/tags/human-trafficking> (accessed on 1/2/2021)

<sup>2</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, abbreviated Palermo Protocol.

transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (2000: Article 3a). As it can be noticed, the three basic elements (constitutive criteria) of this crime are: *action* (recruitment, transportation and transfer, harbouring or receipt of persons), *manner* (threat of force or use of force, coercion, abduction, fraud, deception, abuse of power or difficult position, giving or receiving money or benefits) and *purpose* (different types of exploitation).<sup>3</sup> The goal of human trafficking is to make money (or some other benefit) through exploitation, whether it is sexual exploitation, forced labour, forced begging, coercion to commit crimes, illegal adoption, forced marriages, organ trafficking, or another form. This phenomenon is defined as a criminal offense and represents the most direct type of human rights violation.

In addition, Article 7 of the Protocol provides for measures by State Parties that allow victims of trafficking in human beings to remain in its territory temporarily or permanently, in certain cases, while Article 8 deals with the repatriation of victims. Namely, the State Party of which a victim of trafficking in persons is a national or in which the person had the right of permanent residence at the time of entry into the territory of the receiving State Party shall facilitate and accept, with due regard for the safety of that person, the return of that person without undue or unreasonable delay.

The Council of Europe Convention, also, in Chapter III (Measures to protect and promote the rights of victims, guaranteeing gender equality), in Articles 10-17, sets out in detail the measures related to identification, protection of privacy, assistance to victims, reflection period, residence permit, damage claims and legal protection, repatriation and return of victims, as well as gender equality. In order to protect privacy, the Council of Europe Convention states that, *each Party shall protect the private life and identity of victims. Personal data regarding them shall be stored and used in conformity with the conditions provided for by the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)*. Article 16 pertaining to *Repatriation and return of victims*, paragraph 2 states that *when a Party returns a victim to another State, such return shall be with due regard for the rights, safety and dignity of that person and for the status of any legal proceedings related to the fact that the person is a victim, and shall preferably be voluntary*.

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<sup>3</sup> UNODC provides an overview of the basic elements of human trafficking: <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menuaside>

## Methodological framework of the research

For the purposes of the research on the safety of trafficking victims and assistance providers, an analysis of the existing literature and available material on this topic and the safety of relevant stakeholders was performed. Given the complexity of the research topic, it is surprising that there is a lack of research in the literature regarding the level and degree of safety of both victims and service providers. Therefore, this research seeks to bridge the gap. In that regard, as an additional methodological instrument in order to gain a deeper understanding of the researched phenomenon, a total of **five expert interviews** were conducted through online platforms, as well as **one focus group**. The first interview was conducted with a representative of the NGO ATINA. The second interview was conducted with a representative of the Centre for Human Trafficking Victims' Protection. Those were followed by interviews with representatives of the Republic Public Prosecutor's Office and the Higher Public Prosecutor's Office in Novi Sad, followed by interviews with representatives of the Ministry of the Interior (Office for Coordination of Activities in Combating Trafficking in Human Beings and the Criminal Police Directorate). At the end, the research process was completed by a focus group with participation of representatives of the non-governmental organisation ASTRA.

## Trafficking in human beings in the context of the Republic of Serbia

Considering that human trafficking results in multiple negative effects on the life of the victim, this security phenomenon, as previously mentioned, can be viewed from the perspective of human security. The perspective of human security seen through the *freedom from fear* and *freedom from deprivation* is often separated from what is considered to be a national security issue. In contrast, trafficking in human beings, as a global problem often with international implications and elements of organised crime, can undoubtedly be classified as a matter of national security. However, the Republic of Serbia has not identified human trafficking as a security threat to national security, except in the context of the security situation in Kosovo (National Security Strategy, 2019: 6-7).

However, in the document Serious and Organised Crime Threat Assessment (2019), prepared by the RS Ministry of the Interior (hereinafter: SOCTA), human trafficking is unequivocally recognized as a segment of organised crime. Even in the Assessment itself, it was stated that the changes in the organisational structure of the Ministry of the Interior have enabled the fight against human smuggling and trafficking to be under the jurisdiction of one organisational unit, which is in line with the *Strategy for the Prevention and Suppression of Trafficking in Human Beings, especially Women and Children for the period 2017-2022* and the accompanying Action Plan. In that sense, the National Office for Coordination of Activities in the Fight against Trafficking in Human Beings and the Multi-Departmental Working Group for the Implementation and Monitoring of the Strategy were established.

*In Serbia, internal human trafficking is dominant, victims of which are mostly domestic citizens (93%) exposed to various types of exploitation, among which sexual and labour exploitation and exploitation by forced begging and coercion to commit crimes are dominant.* - Assessment of serious and organised crime MIA 2019.

In addition to sexual exploitation, labour exploitation, forced begging and coercion to commit crimes were also mentioned. Multiple exploitation (dominated by sexual one) and forced marriage - as an introduction to other forms of exploitation, are dominant in cases where the victims of trafficking are minors. To a much lesser extent, Serbia remains a transit country and a destination for victims of trafficking from other countries. However, during 2017 and 2018, there was an increase in the number of victims from the territory of Serbia (by 33%) who were most often sexually exploited in France, Austria,

Sweden, Italy, Bosnia and Herzegovina, Germany, Denmark and Belgium. According to the data of the Centre for Human Trafficking Victims' Protection, during 2017 and 2018, a total of 119 victims of trafficking in human beings were identified, of which 111 were Serbian citizens (93%) (SOCTA, 2019: 58).

Interviewees in the research who come from the state bodies (representatives of the Ministry of the Interior, the Centre for Human Trafficking Victims' Protection, HPPO and RPPO) agree that, in practice, the trafficking in human beings is not necessarily related to organised crime. Namely, there are disagreements between them and other interviewees on whether trafficking in human beings can be considered a form of organised crime (which it *per se* is, according to normative regulations), since certain interviewees (primarily those who come from state bodies) view trafficking in human beings as sporadic cases that cannot be linked to organised crime.

There are objective indicators that may support the claim that human trafficking in Serbia is not linked to organised crime. In a research conducted in 2013, the authors Siniša Dostić and Saša Gosić provided an overview of available statistics for the previous three years and the first half of 2013, as well as practical analyses of certain detected cases of trafficking in the Republic of Serbia, pointing out the difference between its organised forms and those that were not. The research concluded that human trafficking in Serbia, according to statistical indicators, could not be reduced to organised crime. However, among the interviewees from the civil sector who have many years of direct experience as victim assistance providers, there is an opinion that the competent state authorities have not paid enough attention to this issue.

*If they haven't discovered it, that doesn't mean it doesn't exist. They cannot say that human trafficking is not an organised crime, when two or three most important cases have not been processed as organised crimes. Our agencies are not engaged enough to reveal everything that can be classified as organised crime. - ATINA*

According to the experience of civil society representatives, who provide services to victims of trafficking, there is insufficient interest in police directorates and stations to address the safety of trafficking victims and service providers. The impression is that the crime of human trafficking is less important than, for example, robbery and murder.

*Regardless our cooperation and memoranda of understanding and ad hoc connections and personal acquaintances, no one in the police asked us what we had in terms of technical protection systems, nor did anyone tell us whether the space where we work was safe or not. There is no de facto cooperation on security. We may not be aware enough, because nothing has happened yet. We will no longer wait for something to happen! - Focus group ASTRA*

## Normative framework for combating human trafficking in the Republic of Serbia

Basic standards of legal protection, exercise of rights and assistance to victims of trafficking are provided by the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime of 2000 (Palermo Protocol)* and the *Council of Europe Convention on Action against Trafficking in Human Beings (2005)*. In addition, it can be said that these acts represent the basis for thematising this phenomenon since their definition of trafficking is used by almost all stakeholders as a starting point, either in academic research, or at the operational level in combating this problem.<sup>4</sup>

However, by placing the crime of human trafficking in the chapter which incriminates crimes against humanity, together with war crimes and other acts, the Republic of Serbia has shown that it understands the seriousness and danger of trafficking in human beings. A more detailed overview of strategies, laws and bylaws that together form the normative framework for combating trafficking in human beings in the RS, is provided in Annex 1.

## Institutional framework for combating human trafficking in the Republic of Serbia

Regarding the experiences of the Republic of Serbia in the institutionalisation of the fight against trafficking in human beings, it is important to mention that, in the period from 2001 to 2004, the National mechanism for coordination of activities and policy making against human trafficking was formed, including central-strategic and operational level.<sup>5</sup> According to the Anti-Trafficking Strategy of 2006, the central-strategic level consists of the following entities: Anti-Trafficking Council, Anti-Trafficking Coordinator, Republic Anti-Trafficking Team and Anti-Trafficking Advisory Body. The institutional

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<sup>4</sup> In addition to these two acts, other international documents that form the basis for combating trafficking in human beings are: Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966); Convention on the Elimination of All Forms of Discrimination against Women (1979); Convention on the Rights of the Child (1989); ILO Convention, no. 182 on the Worst Forms of Child Labour (1999); Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000); Ethical and safety recommendations for interviewing trafficked women by the World Health Organisation (2003); European Convention for the Protection of Human Rights (1950) and Fundamental Freedoms with Additional Protocols (1952, 1963, 1983, 1984, 2000 and 2002) and standards of the European Court of Human Rights; Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007); Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation (2007).

<sup>5</sup> Strategy to combat trafficking in human beings in the Republic of Serbia (Official Gazette of RS, No. 111/2006).

form of this fight includes the National Mechanism for Identification, Assistance and Protection of Victims (better known as the National Referral Mechanism of Victims of Human Trafficking). The operational level of the fight against trafficking in human beings consists of: the judicial authorities, the police and the Office for Coordination of the Protection of Trafficking Victims, as well as non-governmental and international organisations.

During 2011, an analysis of the functioning of the Office for Coordination of the Protection of Trafficking Victims was conducted. The main recommendations of this analysis were that the Republic of Serbia should establish a new Centre as an independent entity with stable funding from the budget. With the adoption of the new Law on Social Protection, in April 2011, certain conditions were met for the establishment of a special institution in the Republic of Serbia that would deal exclusively with the provision of assistance and protection of trafficking victims. In addition, Article 41 of this Law stipulates for the first time that victims of trafficking are also beneficiaries of social protection rights or services. In April 2012, the RS Government issued a decree establishing the Centre for Human Trafficking Victims' Protection, which consists of the Office for Coordination of the Protection of Trafficking Victims and the Shelter for Trafficking Victims. Among the most important tasks performed by the Office, as an organisational unit of the Centre are the following: final identification of victims of trafficking, preparation of the victim's risk assessment, condition, needs, strength of victims and assessment of other significant persons in their environment, development of individual plans for service provision and protection of victims, coordination of protection of victims with the aim of their reintegration, as well as voluntary return process to the country of origin and so on.

Centre for Human Trafficking Victims' Protection (hereafter: Centre), as a body responsible for the identification of victims and coordination of their protection is under the direct responsibility of the Ministry of Labor, Employment, Veteran and Social Affairs and performs assessment of the situation, needs, strengths and risks of trafficking victims, identification of victims and provision of adequate assistance and support to trafficking victims, aiming at their recovery and reintegration.<sup>6</sup>

According to data from the Questionnaire sent to the Centre for Human Trafficking Victims' Protection for 2018, the Centre employs 16 people (13 positions planned), and the Shelter 7 (5 positions planned). The Office for Coordination of the Protection of Trafficking Victims employs four professionals (plus a secretary, who is occasionally involved as a lawyer), while the Shelter employs 5 professionals. The Shelter facility is owned by the Republic of Serbia and meets all the conditions and standards for providing this service, according to the annual report of the Centre. It is envisaged that the Shelter receives trafficked women and girls over the age of 16, i.e. urgently

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<sup>6</sup> Listed according to the official website of the Centre: <http://www.centarzztlj.rs/index.php/o-nama/o-centru> (accessed on 12/1/2021)

accepts victims, regardless of the state of traumatization in which the victim is at the time of discovery and placement. It is envisaged that women with children are also accepted (male children up to a certain age, which will be specified during the licensing) (Institutional Barometer 2.0, 2019: 83). During the first half of 2020, the mentioned Shelter ceased to operate and it is still not functioning.

According to the answers received from the Centre, during 2018, one professional employee at the Office processed an average of 47.5 applications, while the number of cases was almost twice as high - 83. The reason why there are more cases than reports per an employee is that the cases are carried over from year to year. The average number of 83 victims per a professional employee is the sum of the number of supported victims identified in the previous years and the number of victims identified in the reporting year (Institutional Barometer 2.0, 2019: 83).

Vulnerability of the victim should not necessarily be associated with court proceedings. There may or may not be a court proceeding, and that does not necessarily mean that one is not a victim. Due to the lack of evidence, criminal proceedings are sometimes not initiated, which means that there is a need to provide adequate protection outside the criminal proceedings, which is provided by the Centre and / or civil society organisations. However, the Centre is the leading state institution responsible for the risk assessment. The research confirms the findings of the existing analyses of the work of the Centre, where one of the main problems is the lack of capacity, which to a great extent affects the quality and efficiency of work. Assessments and protection plans are not made for all the victims with whom the Centre gets in touch. Also, in practice, there are no evaluations of the assessments and plans that could indicate omissions or good practice.

In the Centre's view, the lack of capacity is reported as the main aggravating circumstance for the efficient management of all identified cases. Available data show that in 2017, the Centre identified 119 victims of human trafficking, while in 2019 that number was only 39.<sup>7</sup> Over the last three years, the Centre has worked with exactly the same capacities, not using the available capacities of civil society organisations that could compensate for this lack of resources.

*Due to the insufficient number of employees, the Centre does not manage to adequately deal with everyone. – Centre.*

The analysis of the institutional framework has showed that in the Republic of Serbia there are no mechanisms for the risk assessment pertaining to the safety of service providers.

<sup>7</sup> The basic statistical reports of the Centre for Human Trafficking Victims' Protection are available on the Centre's website: <http://www.centarzztlj.rs/index.php/o-nama-2/statistika> (accessed on 28/12/2020)

# Security of trafficking victims and service providers in Serbia

## What is security?

There is no consensus among representatives of state institutions and civil society on what security is. On the other hand, there is no consensus among security theorists on this notion. According to Arnold Wolfers, security, in the objective sense, is measured by the absence of threats from the adopted values, while in the subjective sense, it represents the absence of fear that the given values will be endangered. (Wolfers, 1962: 485).

*Whether one feels threatened is a question of the one's personal condition, and whether that threat objectively has elements of a crime, that is something that the competent public prosecutor's office assesses.* - Republic Public Prosecutor's Office

The literature also mentions the *intersubjective* understanding of security, which is perhaps the closest to our research problem, and according to which the security is a *verbal act by which representatives of the state declare a state of threat and on that basis gain legitimacy to take measures that would not otherwise be legitimate* (Ejdus, 2012: 34). In order to better understand the problem of different interpretations of security, we will use the questions used in the conceptual analysis of security, which determine the characteristics of different concepts of security. Thus, the sets of questions that need to be answered in order to answer the basic question are listed – *What is security?*<sup>8</sup>

Question	Explanation
<b>What is a security reference object?</b>	In our research, the reference object of security would be an individual, i.e. the victim, i.e. the service providers, and then the state, and even the social community (when it comes to organised crime).
<b>Which values are protected?</b>	The life and body of the victim of trafficking; human freedoms and rights; health, etc.
<b>What are the security threats?</b>	Anything that can realistically jeopardize the security reference object.
<b>Who are the security providers?</b>	State actors (police, prosecutor's office, court, Centre for Human Trafficking Victims' Protection, centres for social work) and providers of assistance from the civil sector (ASTRA, ATINA)
<b>What are the means to achieve security?</b>	All resources available to security providers, as well as measures and actions taken to protect the values (e.g. by providing basic protection in accordance with Article 102 of the Criminal Procedure Code, which stipulates that <i>the authority in the procedure is obliged to protect the injured party or witness from an insult, threat and any other attack.</i> )

<sup>8</sup> For the purpose of this research, a set of questions by the author Milan Lipovac is presented, which seems to be the most suitable for understanding this concept. For more see (Lipovac & Živojinović, 2014: 67).

One of the main reasons for the inconsistent observation of security threats is the fact that the state authorities and institutions approach this issue mainly from the perspective of their competence and scope of work. Thus, for the Ministry of the Interior, the psychological aspect of jeopardising security is irrelevant, while for the service providers it is very important.

*We have an Emergency Plan because they were coming to our door. We also had a lot of pressure during the court proceedings, and once a criminal complaint was filed against the director of the organisation as the responsible person and me as someone who followed the proceedings for obstructing the court proceedings. Somehow your safety is not physically compromised, but we felt threatened in terms of that finger pointing. - ATINA*

In 2017, one of the victims in the proceedings before the High Court for the crime of human trafficking was offered money to change her statement by the defendant's lawyer a few days before the hearing. When the victim, the mother of a minor, refused, the lawyer continued to persuade her, threatening to pay unknown girls to tell in the court that she was lying, and that she had been abroad and engaged in prostitution of her own free will.

On the day of the hearing, the defence lawyer showed the money so that the victim could see that the offer was serious, and tried to give her the money, but she refused.

The victim's lawyer warned the victim that the defendants could use any contact with her and say that the victim asked them for money, and that she should report immediately if the defence tried to get in touch, so that the lawyer could inform the judge and the prosecutor.

Shortly after these events, the victim revoked the power of attorney of her legal representative, refused further cooperation and changed her statement. The fact is that the change of testimony took place under the influence of the defendant's lawyer, due to blackmail, threats and offer of a larger amount of money (5000€). Although she was offered various options, as well as further help and support, the client chose the option she considered the best and safest at the time.

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However, everyone agrees that the minimum standard of safety implies the absence of threats to the life and body of the victim, i.e. service providers.

*Well, I am trying to remember... I don't remember that we have had any serious threats to service providers since around 2002-2003. There may have been some psychological pressure if a large number of people gathered at the trial, for example, but this could not be called a crime of endangering security. - Ministry of the Interior*

*ASTRA provided legal support to victims of trafficking in the Zarubica case. Two of us, an OSCE representative, and an UN agency representative during the sentencing, were sitting behind the injured witnesses, and the other half of the largest courtroom in the Palace of Justice was filled with relatives, friends and "admirers" of Milivoj Zarubica. Throughout the trial, we suffered pressure and insults as well as the girls who testified. It was like at a football match. One of the four defence lawyers wore a T-shirt with the image of Radovan Karadžić under his jacket. He thought that we were journalists, so he approached us during the break and persuaded us to write nicely about his client who is a true patriot, and not like "these foreign payees and domestic traitors" from non-governmental organisations. We admired the women who managed to answer questions in such an atmosphere, while a group of defendants from the front bench laughed mockingly at them, and their "fans" shouted. The judge maintained the order with difficulty, one member of the court security could not do anything about it... After the judge said, during the sentencing, that the defendants were released until the verdict became final because "it was a state of emergency, so we were all hiding at the time", and that this could not be a reason for detention, an "overall joy" filled the courtroom, which we used to go out unnoticed. A month after this event, I called a taxi to take me to the airport. I noticed that the taxi driver was constantly looking at me in the rear-view mirror. He was familiar to me, but I couldn't remember where from. He, then, told me that he recognized me from the courtroom and that he was one of the accused, but got away with a suspended sentence. While I was sending an SMS with the number of the taxi vehicle to the police officer who worked on the Zarubica's case, he swore to his child, whose picture he kept next to the steering wheel, that he had been set up and that "the whores were lying". Otherwise, he was in charge of the victims' transport and confiscation of personal documents in the trafficking chain. These are the situations that we could not have foreseen even if we had a security assessment, however, it was not thought about at the time, nor it is now. - ASTRA*

Bearing in mind that security is a controversial concept, in the context of human trafficking, we talk about security from the perspective of human security, since human trafficking primarily produces negative effects on several dimensions - individual / personal, economic, health security, etc. Thus, for example, the Protection Plans and Risk Assessments developed by the Centre include several dimensions of security:

physical security, social contacts, personal characteristics of the victim, her behaviour, health condition, etc.<sup>9</sup>

From the legal aspect, security is incorporated in the criminal law provisions exclusively through reactive action, in terms of protection from threats, attacks on authorized officials in the performance of official duties, etc. Preventive aspects of protection have not been recognized.

*As far as preventive protection is concerned, it is essentially non-existent. Except for the guards.* – Higher Public Prosecutor’s Office in Novi Sad

*We at ASTRA are aware that victims are physically endangered from the moment a trafficker wants to recruit them, and we, who provide support, from the moment the victim comes in contact with us. But in practice, we are most often threatened by the trafficker or their lawyers immediately before and during the trial, because their biggest fear is what the victim will say in court. They have come to the office door, knocked and threatened, or called on the phone thinking that we were keeping the victims in the office and as they say “were instructing them what to say in court”.- ASTRA*

However, based on the interviews, a broader picture of the complexity of the security issue was considered. When it comes to human trafficking, one gets the impression that the safety of those who provide assistance to victims is not recognized. Furthermore, the existence of diametrically opposed views on vulnerability complicates the problem of risk assessment and identification of real danger to aid providers.

*The threats that victims receive when they dare to report a crime are not just verbal. At night, stones were thrown at the window of our client, who was alone in the apartment with the child. Not to mention the threats that the victims’ compromising photos will be sent to the their parents and posted on social networks.* – ASTRA

When it comes to the security of service providers, according to the interviewees from the Ministry of the Interior, so far there have been no direct threats to them, but that does not mean that there are no objective circumstances that could lead to such a threat. Related, they state that the security should always be thought about, regardless of whether it is an organised crime or not.

<sup>9</sup> Interview with the head of the Office for Coordination of the Centre for Human Trafficking Victims’ Protection (interview took place on July 23, 2020).

*We have a lot of cases of human trafficking among the Roma population, where the family ties are strong, and the family attempts to protect its members as much as possible. Some of them openly show aggressive behaviour, and we can have a physical threat to security. If we talk about organised crime, I do not believe that there would be a direct physical threat.* – Ministry of the Interior

## Security of aid providers: international practice

Having reviewed numerous materials published by the most relevant international organisations, we can establish that the issue of security of providers is not a very recent issue. Namely, back in 2005, UNODC published *Anti-human trafficking Manual for Criminal Justice practitioners (Module 5)*, as well as *The IOM Handbook on Direct Assistance for Victims of Trafficking*, two years later (2007).

The following is a summary of the long-standing experiences and practices of international organisations such as IOM and UNODC regarding the development and implementation of security procedures and personal safety while providing assistance to victims of trafficking, with the aim of minimizing and managing risks.

*The publication *Anti-human trafficking Manual for Criminal Justice practitioners* states that employees in the NGO sector who provide assistance to victims of human trafficking may be exposed to attacks and intimidations by “traffickers”.*

This finding is also illustrated by the representatives of the Ministry of the Interior who participated in the research. When it comes to organised criminal groups, in practice it rarely happens that traffickers directly endanger the safety of the victim, but a *soft touch* approach is applied, i.e. associates and lawyers put pressure on the victim. Direct security jeopardising is more common in cases of trafficking in human beings, in which the closest relatives or acquaintances are involved, i.e. when there is no element of organised crime.<sup>10</sup>

In order to adequately assess the risk of victims and aid providers, it is necessary to establish a **minimum of safety indicators and follow security standards and procedures**. Often, no attention is paid to aid providers at all, i.e. the risk assessment is mostly reserved only for victims. According to the IOM manual, the basic safety principles imply that the risk of each individual case is equally assessed, bearing in mind that each case carries specific details.

<sup>10</sup> Interview with the Ministry of the Interior representatives.

*If we talk about organised crime, the security risk is higher, but that does not mean that the risk would be lower if it were not organised crime. This must be assessed on a case-to-case basis.* – Higher Public Prosecutor's Office Novi Sad

In terms of the competence of the police, the perception of security and endangerment of the victim and service providers is reduced only to endangerment of the physical security and the existence of an immediate threat to the property, life and body of the individual. For victims of trafficking and service providers, the perception of security is somewhat broader. It also includes economic, health and psychological security.

However, a review of previous studies and the normative framework for combating trafficking in human beings in the Republic of Serbia pointed to the fact stated in the introductory part of the text - little, almost no attention is paid to the safety of those who provide (in)direct assistance to victims.

## Risk assessment: a tool to improve the safety of service providers

The risk is a category that varies and is not constant, and therefore it should be assessed regularly and in a timely manner. Providing assistance to victims of trafficking is a risky activity, so there is no security system or mechanism that would completely eliminate the risk. The findings of this research show that risk assessments for victims are conducted *ad hoc*, without constant criteria and indicators, although there is certain normative regulation of this area. The Office as an organisational unit of the Centre for Human Trafficking Victims' Protection deals with the identification of victims of trafficking in human beings, the **preparation of risk assessments for the victim**, then the assessment of the condition, needs, strengths of victims and the assessment of other significant persons in their environment, development of individual plans for the provision of services and protection of victims, coordination of protection of victims with the aim of their reintegration, as well as the process of voluntary return of victims to the country of origin and so on.<sup>11</sup> (Article 9 of the Centre's Statute).

In that sense, the Centre coordinates the activities of providing social protection services to victims of human trafficking, cooperates with centres for social work, institutions for accommodation of beneficiaries, the Ministry of the Interior, public prosecutor's offices, courts, citizens' associations and other services and organisations, with the aim of ensuring the best interests and safety of victims of trafficking. Cooperation with the Ministry of the Interior is defined, among else, by the Standard Operating Procedures (SOPs), where it is stated that the Centre shall, immediately after receiving an application for the preliminary identification, start working on the application, and in the event that the victim's condition and interests so require, the establishment of the first contact with the victim for identification may be delayed, based on **individual assessment of the condition and risk of the victim**. Based on the above, we can conclude that the Centre has a mandate, but also a responsibility, to determine and assess the risks to the safety of a particular trafficking victim.

In contrast, given that there is no agreement on the notion of security, i.e. the form of endangering the victim / service provider, the risk assessment is further questioned. When the risk is assessed, the work is done with insufficient capacities and not for each case individually.<sup>12</sup> Research has shown that risk assessment is reserved exclusively for victims of trafficking, while not enough attention is paid to service providers. However,

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<sup>11</sup> Article 9 of the Statute of the Centre for Human Trafficking Victims' Protection - Available at: [http://www.centarzztlj.rs/images/Akti/1\\_Statut\\_CZZTLJ.pdf](http://www.centarzztlj.rs/images/Akti/1_Statut_CZZTLJ.pdf) (accessed on: 1/2/2021)

<sup>12</sup> Interview with the Centre.

not all service providers are completely marginalized in terms of security. At the moment of writing this paper, the Republic of Serbia has prepared a Draft Law on Amendments to the Law on Social Protection.<sup>13</sup> According to the provisions of this draft, the need to introduce the status of “persons with identification” in the centres for social work has been recognised, while the status of service providers from the NGO sector has not been acknowledged, which has certain security connotations for both categories. Thus, it is important to note that risk assessment should be considered on a case-by-case basis. When it comes to the risk assessment conducted by competent institutions, the research has shown that there is no single methodology for the risk assessment.

*The only time when we asked the Vranje Police Department for a security assessment, we received a written answer that, according to their assessment, the victim should be automatically placed in a shelter (closed and locked)<sup>14</sup> and that this way she would be the safest. That’s all the security assessment we got.*  
-ASTRA’s focus group.

### **SerbAz case**

In the case of labour exploitation of citizens of the Republic of Serbia, the Republic of Bosnia and Herzegovina and the Republic of Macedonia in the Republic of Azerbaijan, according to ASTRA, the state authorities of Azerbaijan did not make any assessment of the safety related to the stay or return of the workers. Also, the competent authorities in the country of origin (Serbia, Bosnia and Herzegovina and Macedonia) did not assess the safety of the returned workers. (ASTRA, 2009).

*In the SerbAz case, a huge number of workers arrived at Belgrade airport. Apart from the Victims Protection Service, which briefly stayed with them, other state authorities were not very interested in the case, as if they were waiting for the workers to disperse and everything to be forgotten. One of the workers, who was a victim of labour exploitation in this case, in an earlier case, in which ASTRA had provided support to victims of sexual exploitation, had been a trafficker and abuser who was tried in absentia because he was at large. We didn’t know what he looked like. He also used two different names. An arrest warrant was allegedly issued for him ... We are aware that we were just lucky that the same inspector who worked on both cases recognized and arrested him. Apart from marginal talks among certain domestic and international authorities, how “ASTRA supported the trafficker”, we never received an explanation of how it was possible for someone*

<sup>13</sup> The draft Law on Amendments to the Law on Social Protection is available at the following link: <https://www.paragraf.rs/dnevne-vesti/100718/100718-vest15.html>

<sup>14</sup> At that time, the shelter was of a closed type.

*with an arrest warrant to pass through our airport twice, without anyone stopping him. We could only dream of an assessment of our safety in this case. Today, after so many years, this case received an epilogue before the Federal Court for Organized Crime of Bosnia and Herzegovina, among else, thanks to the report written by ASTRA. -ASTRA's focus group.*

In terms of the risk assessment, a distinction should be made between the risk assessment of victims of trafficking (conducted by the Centre) and the risk assessment of victim aid providers, which should be done either by the Ministry of the Interior, or which should be based on self-assessment tools, i.e. self-evaluation. Certain specifics exist in both cases. When it comes to assessing the risk to the safety of the victim, we can say that it varies from case to case and it is necessary to work on a case-by-case basis. However, the nature of the work of service providers is a risky activity *per se*, and the risk assessment, accordingly, should be viewed from two aspects: according to the type of activity and work procedures (general assessment) and according to the severity category of specific cases.

*In the process of signing the Memorandum of Cooperation with the Ministry of the Interior, one of the points, whose wording required the most time, was the issue of security assessment. ASTRA and ATINA insisted that this issue was specified in more detail in that document. The Ministry of the Interior held that in such an act, something that was already an obligation of the Ministry of the Interior according to the Law, could not be specified. - ASTRA*

Some of the general indicators of risk assessment include an assessment of the extent and impact of trafficking in the country, the involvement of an organised criminal group, the ability of state authorities to enforce regulations and the level of their commitment and support in combating human trafficking. Risk assessment and creation of a risk management plan should be an obligation and responsibility of service providers (IOM, 2005).

The risk assessment should include an assessment of the possibility of retaliation by traffickers, risks involving the victim's exposure due to visits to hospitals or social work centres, court buildings, and especially during court proceedings when there is a high probability of contact with the defendant, or attempts to intimidate the victim or aid providers.

## Security measures during the trial

It is necessary to implement the proposals of the study “Guidelines for defining the model of a typical court” (Abadić et al., 2014) which defines the standards for court buildings and the organisation of basic and higher courts in the Republic of Serbia. This study specifically defines the standards related to the security of participants in court proceedings (such as the particularly sensitive witness category). Introduction of security standards during the reconstruction or construction of new court facilities is especially important when it comes to the protection of particularly sensitive witnesses, bearing in mind that the main goal of the protection is to prevent secondary victimization. The experience of ASTRA shows that the mere granting of the status of a particularly sensitive witness has so far been mostly formal, without providing conditions for giving a statement from a special room, via a video link, etc. Thus, the injured witness in the courtroom was physically very close to the exploiter, and when giving a statement, his/her back was turned to the perpetrator, only half a meter away, which for him/her was very threatening, i.e. the basic principle of this legal instrument - prevention of secondary victimization was pointless.

Risk assessment is a continuous activity that is regularly evaluated and updated. The time period of the evaluation and updating depends on the specific circumstances and activities of the organisation. IOM recommends that a risk assessment is conducted at least once a month, and if the organisation is working on a high-risk case, then on a weekly or daily basis (2007: 5).

Although there are no criteria that could be considered when assessing the vulnerability of service providers, some of the general indicators should be considered, such as:

- representation and consequences of internal trafficking in human beings;
- country status (whether it is a country of origin, transit or destination, or a combination);
- average number of victims seeking the organisation’s assistance on a monthly / annual basis;
- links between trafficking in human beings and organised criminal groups;
- capacity of the criminal group to endanger the safety of the victim or aid provider;
- capacity of state bodies to react in case of endangering the safety of service providers (memoranda of cooperation, *ad hoc* connections, manner of communication, etc.);
- degree of the perception of corruption;
- levels of state commitment and support in the fight against human trafficking.

## What after the risk assessment?

Risk assessment is not a stand-alone activity. The main goal of risk assessment is to create mechanisms and procedures for reducing, managing or decreasing specific risk, i.e. developing a (institutional) risk management framework.

Risk assessment should be made in the form of a document with defined security measures that need to be taken to effectively manage specific risk.

Conducting risk assessment and developing risk management plans are necessary so that trafficking victim aid providers can safely carry out their primary activities. All data contained in either the response plan, or the risk assessment should be confidential and stored in accordance with the Law on Personal Data Protection (Official Gazette of RS, No. 87/2018).

It often happens that the assistance to victims does not only include a meeting at the organisation's premises, but also a meeting at the airport, transportation to a safe place, etc. Therefore, the aid providers are at constant risk because they are not in a known and safe location. ASTRA's long-standing experience show that exposure to perpetrators is very common.<sup>15</sup>

In 2005, a court procedure was initiated in Sremska Mitrovica for the criminal offense of illegal crossing of the state border and smuggling of persons committed against the victim when she was a minor (at the time of the crime, human trafficking was not provided as a criminal offense in Serbian law). During 2005 and 2006, just before the hearing, the trafficker contacted a representative of the Office for Coordination of the Protection of Trafficking Victims by telephone in an attempt to reach the victim and find out her and her child's location. Due to his constant attempts to make contact and extremely aggressive threats related to the safety of the victim, and indications of his plan for possible abduction of the child, the victim was forced to change her place of residence frequently, and was twice placed with the child in the Shelter for Trafficking Victims. At the time of her second visit to the Shelter in 2007, she came to Belgrade, where, as agreed, she was met by ASTRA representatives. Already at the bus station, she noticed the trafficker in a car, parked on the other side of the street, which started to closely follow them after they left the bus station. ASTRA representatives tried to use the city crowd to escape, and

<sup>15</sup> Although the addresses of the organisations which provide assistance should not be public, due to inadequate data protection, the addresses can be found on the websites of some state institutions.

at one point they thought they had succeeded. However, having realised that he had been spotted, the trafficker left the passenger seat in the car in which he had been seen earlier, and stopped a taxi, trying to hide in it in the back seat, so as not to be noticed again. Fearing that the location of the Shelter for Trafficking Victims would not be revealed, as well as fearing for the safety of the client and her child, ASTRA representatives went to the City Police Department, where the police transferred the girl and her child to the Shelter under special precaution and protection measures. It remains unclear how the trafficker obtained information about the whereabouts of the victim and her child, and their arrival in Belgrade, considering that, apart from ASTRA and the employees of the Shelter, only two other police representatives in Sremska Mitrovica had this information, and there had been extremely good cooperation with them..

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## Conclusion

Although the trafficking victims' aid providers have extensive experience in cooperating with the victims, law enforcement and prosecution, i.e. the experience in identifying trafficking risks, providing specific assistance to victims and preventive security measures, it is necessary to work on creating a safer environment for victims of trafficking and the providers themselves.

A number of normative acts (strategies, laws, action plans, etc.) deal with the issue of human trafficking, protection of victims and models for improving their position and their safety. The issue of safety is one of the basic rights regulated by international conventions and domestic legislation. However, this right applies exclusively to the witnesses and victims of trafficking, while the aid providers are not recognized as a relevant category.

As the service providers are a crucial mechanism in assisting victims, and often supplement the capacity of the state bodies, the issue of their safety should be approached in a timely and systematic manner.

## Recommendations

- › The proposed recommendations resulted from summarising the research findings, suggestions by the interviewees and the identification of mistakes and the areas for improvement related to the safety of victims / service providers.
- › Risk assessment and security procedures in trafficking cases should be established without delay, with clear roles and responsibilities of all stakeholders involved, as well as a clear line of communication.
- › We should advocate for the establishment of an anti-trafficking team through multi-sectoral cooperation with the involvement of civil society organisations, which would work on the development of risk assessment methodology and indicators.
- › Existing memoranda of cooperation between the state institutions and CSOs need to be consistently implemented, especially in the area of direct victim assistance.
- › Work with trafficking victims involves exposing oneself to the risk of organised crime, as providing assistance to the victims directly endangers the interests of the exploiters. People working in shelters are exposed to additional risk. In this regard, it is necessary to implement trainings related to the personal safety of employees and raising the level of security culture (primarily through being trained to identify potential dangers and report them to the law enforcement). *Ad hoc* security training is not recommended, but security planning and development of security protocols for the trafficking victims' service providers.
- › Encourage research on the safety of trafficking victims' service providers.
- › Support and information services should be established at the level of a building, i.e. the existing services should be united to serve both the court and the prosecutor's office, which is also envisaged by the National Strategy for Exercising the Rights of Victims and Witnesses of Crimes in the Republic of Serbia for 2020-2025, which was adopted on July 31, 2020.
- › A network of technical possibilities should be developed that enables the victim to be interrogated through the means of video and audio transmission. At the level of a building, it is necessary to provide one room that can be used by all authorities in the building.
- › Develop procedures for summoning and bringing victims to testify, which would prevent contacts in hallways.
- › In order to ensure privacy and reduce additional victimization, the exclusion of the public should always be proposed.
- › Strengthen cooperation among all state stakeholders and civil society organisations that provide support to victims.

- › Provide regular supervisory (psychological) support to the trafficking victims' aid providers.
- › It is necessary that each organisation / institution has a plan of procedures (step by step guidelines) in case of endangered safety of the employees by traffickers, etc, with measures to support the person / organisation to overcome the consequences of the traumatic experience.
- › State stakeholders should take proactive steps and support civil society efforts to assist trafficking victims.

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## **Interview list**

ATINA (interview conducted on July 6, 2020 via the Zoom platform);

Centre for Human Trafficking Victims' Protection (interview conducted on July 23, 2020 over telephone);

Republic Public Prosecutor's Office (interview conducted on July 29, 2020 via the Zoom platform);

Higher Public Prosecutor's Office in Novi Sad (interview conducted on July 30, 2020 via the Zoom platform);

Office for Coordination of Activities in Combating Trafficking in Human Beings and the Criminal Police Directorate (a joint interview conducted on September 7, 2020 via the Zoom platform);

Focus group with three representatives of ASTRA (it was held at the premises of ASTRA on September 15, 2020).

# Annexes

## Annex 1

As the highest legal act of a state, the Constitution of the Republic of Serbia (Official Gazette of RS, No. 98/06) explicitly prohibits slavery, a position similar to slavery and forced labour, or any form of trafficking in human beings. In its criminal legislation in 2003, the Republic of Serbia provided for trafficking in human beings as a separate criminal offense. Unlike the crime of trafficking in human beings, which was included in the group of criminal offenses against the dignity of person and morals in the Criminal Code in 2003, in 2005 this crime was classified as a crime against humanity and other goods protected by international law. Determination of the state bodies of the Republic of Serbia to confront the human trafficking, as efficiently as possible, has been confirmed by the amendments to the Criminal Code (by tightening the stipulated penalties, but also by regulating new forms of the crime) which were adopted by the National Assembly of the Republic of Serbia on August 31, 2009.<sup>16</sup>

In addition to the Criminal Code of RS, it is necessary to mention a number of normative solutions which, also, in some of their provisions, represent the basis in the fight against human trafficking:

- › Criminal Procedure Code (Official Gazette of RS, No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019),
- › Law on Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings (Official Gazette of RS - International Agreements, No. 19/2009),
- › Law on Confiscation of Property Derived from the Criminal Offense in the Fight against Trafficking in Human Beings (Official Gazette of RS, No. 32/2013, 94/2016 and 35/2019),
- › Law on Organization and Competences of State Bodies in the Suppression of Organised Crime, Terrorism and Corruption (Official Gazette of RS, No. 94/16 and 87/18),
- › Law on Prevention of Money Laundering and Terrorist Financing (Official Gazette of RS, No. 113/2017 and 91/2019),
- › Law on Social Protection (Official Gazette of RS, No. 24/2011),
- › Law on Health Care (Official Gazette of RS, No. 25/2019),
- › Labour Law (Official Gazette of RS, No. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017 - decision US, 113/2017 and 95/2018 - authentic interpretation),

<sup>16</sup> The provision of Art. 388 of the Criminal Code (Official Gazette of RS, No. 85/2005, 88/2005 - corr, 107/2005 - corr, 72/2009, 111/2009, 121/2012, 104/2013, 108 / 2014, 94/2016 and 35/2019) the crime of trafficking in human beings has a basic, a special and four more serious forms.

- › Law on Juvenile Delinquents and Criminal Protection of Juveniles (Official Gazette of RS, No. 85/2005),
- › Law on Foreigners (Official Gazette of RS, No. 24/2018 and 31/2019),
- › Law on Asylum and Temporary Protection (Official Gazette of RS, No. 24/2018),
- › Law on Republic Administrative Fees (Official Gazette of RS, No. 43/2003, 51/2003 - corr., 61/2005, 101/2005 - other law, 5/2009, 54/2009, 50/2011, 70/2011 - adjusted RSD amount, 55/2012 - adjusted RSD amount, 93/2012, 47/2013 - adjusted RSD amount, 65/2013 - other law, 57/2014 - adjusted RSD amount, 45/2015 - adjusted RSD amount, 83/2015, 112/2015, 50/2016 - adjusted RSD amount, 61/2017 - adjusted RSD amount, 113/2017, 3/2018 - corr., 50/2018 - adjusted RSD amount, 95/2018, 38/2019 - adjusted RSD amount, 86/2019 and 90/2019 - corr.) and other laws.<sup>17</sup>

### **By-laws:**

- › Rulebook on the organisation of norms and standards of work of the Centre for Social Work (Official Gazette of RS, No. 59/08, 37/10, 39/11 - other rulebook and 1/12 - other rulebook),
- › Rulebook on professional jobs in social protection (Official Gazette of RS, No. 1/12 and 42/13),
- › Rulebook on the manner of conducting the procedure and compiling the record on finding the child (Official Gazette of RS, No. 12/11),
- › Rulebook on licensing of social protection organisations (Official Gazette of RS, No. 42/13),
- › Rulebook on detailed conditions and standards for the provision of social protection services (Official Gazette of RS, No. 42/2013, 89/2018 and 73/2019),
- › Decree on the network of social protection institutions (Official Gazette of RS, No. 16/12 and 12/13),
- › Decision on creating the Council for the Fight against Trafficking in Human Beings (Official Gazette of the RS, No. 92/17),
- › Special Protocol on the Conduct of Police Officers in the Protection of Minors from Abuse and Neglect, March 2012, available at <http://mup.gov.rs/wps/wcm/connect/2ad89ffc-1c71-46ba-bdcd-48d33aff03e2/protokol1-cir.pdf?MOD=AJPERES&CVID=mtrtzeo>,
- › Instructions for dealing with minors and young adults, MIA RS, 2006, available at <http://mup.gov.rs/wps/wcm/connect/9ad6e76b-b57b-4900-8750-65d4dc37e218/prdeca-cir.pdf?MOD=AJPERES&CVID=IOzjVd9>

<sup>17</sup> A more detailed list of all laws could be found in ASTRA's Study on compatibility of the law of the Republic of Serbia with EU *acquis communautaire* in the area of combating trafficking in human beings (2019). <https://drive.google.com/file/d/18rGsGZaFR7IIFoCPI70uY6-fuZgqpVyX/view>

## Strategies:

- › Strategy for Combating Trafficking in Human Beings in RS (Official Gazette of RS, No. 111/2006) - the first strategy,
- › Strategy for the Prevention and Suppression of Trafficking in Human Beings, especially Women and Children for the period 2017-2022 (Official Gazette of RS, No. 77/2017) - the second strategy,
- › National Security Strategy in the Republic of Serbia (Official Gazette of RS, No. 94/19),
- › Strategy of Integrated Border Management in the Republic of Serbia (Official Gazette of RS, No. 9/17),
- › National Strategy for Prevention and Protection of Children from Violence (Official Gazette of RS, No. 122/08),
- › Strategy for Social Inclusion of Roma Men and Women in the Republic of Serbia for the period 2016-2025 (Official Gazette of the RS, No. 26/16),
- › Strategy for Managing Migrations (Official Gazette of RS, No. 59/09),
- › National Strategy for Gender Equality for the period 2016-2020 with the Action Plan for the period 2016-2018 (Official Gazette of RS, No. 4/16),
- › National Employment Strategy for the period 2011-2020 (Official Gazette of RS, No. 37/11),
- › National Strategy for Youth for the period 2015-2025 (Official Gazette of RS, No. 22/15).

## Annex 2 – Questionnaire

- Q1.** What does THB consist of, and on the basis of which parameters is the THB risk assessment made?
- SQ1.1.** [There is a content of an individual plan for the protection of THB victims, but no information on how the risk assessment is performed. – Can you specify in more detail how it is implemented and who is responsible for the assessment?]
- SQ1.2.** [Is the assessment updated and what is the purpose of the assessment (is it a guideline for taking certain measures)? If yes, please give an example.]
- SQ1.3.** [Are NGOs contacted during the risk assessment, if they provided services to the victim, primarily with the aim of determining the victim’s history, gaining additional knowledge, which could help in creating an individual plan and creating potential security scenarios?]
- SQ1.4.** [Can you list any measures taken based on the assessed risk?]
- SQ1.5.** [How effective do you think those plans are?]
- Q2.** Have individual plans been developed for each identified victim so far?
- SQ2.1.** [How long does it take to make a plan and when is the plan made?]
- SQ2.2.** [Does the Office for Coordination of the Protection of Trafficking Victims have sufficient capacity to develop all plans or assessments?]
- SQ2.3.** [Have there been any cases of introduction / tightening of security measures based on the plan so far? Please explain.]
- Q3.** Have evaluations of previous assessments ever been made in the context of victim safety and individual plans?
- SQ3.1.** [If so, what did the evaluations show?]
- SQ3.2.** [In case no evaluation is done, have any revisions of assessments been made in the context of safety and what has been changed in the assessments?]
- Q4.** How are the victims’ and service providers’ data protected in accordance with the new Law on Personal Data Protection, i.e. item 5 of the *Standard Operating Procedures* of December 2018?
- Q5.** Are the individual plans or risk assessments based on the UN Document - The Recommended Principles and Guidelines on Human Rights and Human Trafficking (E / 2002/68) and the EU Directive, developed by the UN High Commissioner for Human Rights?
- Q6.** What security measures are taken to protect the victim after identification?
- SQ6.1.** [Are there defined response procedures and who prescribes them?]
- SQ6.2.** [Do the procedures envisage a change of residence and identity, as well

as the provision of accommodation, regular notification of the victim about the investigation or the status of the perpetrator?]

**SQ6.3.** [Do the procedures define cooperation with non-governmental service providing organisations and exchange of information with them?]

**Q7.** In your opinion, are the trafficking victims' service providers safe, bearing in mind that they are directly confronted with organised crime?

**SQ7.1.** [What needs to be done in order to increase their security and who is responsible or competent for that?]

**SQ7.2.** [Has the Ministry of the Interior ever conducted a vulnerability assessment for the service providers?]

**SQ7.3.** [Has the Ministry of the Interior ever granted police protection to service providers?]

**SQ7.4.** [Has the Ministry of the Interior ever conducted trainings aimed at raising the level of security culture of the employees who provide services to THB victims, or has it developed security instructions and procedures?]

**Q8.** How would you access the cooperation of service providers (with the Ministry of the Interior, the Centre for Human Trafficking Victims' Protection, the Office) related to the security?

**Q9.** Has your organisation so far received an inquiry from the Ministry of the Interior, i.e. the Office for Coordination of Activities in the Fight against THB, with three questions regarding the update of the Standard Operating Procedures?

**Q10.** Has your organisation received a security assessment from the Ministry of the Interior or the Centre for Human Trafficking Victims' Protection based on a Memorandum of Cooperation or some other relevant bilateral document?

**Q11.** How safe are the trafficking victims before, during and after the trial?

**SQ11.1.** [In your opinion, is the safety of the victim, but also of the service provider, endangered in case of release of the perpetrator from the detention?]

**SQ11.2.** [Have there been similar incidents in the past? If so, please list them briefly.]

**Q12.** How often, in your opinion, do the data from the investigation "leak"?

**SQ12.1.** [Why does that happen?]

**SQ12.1.** [What are the mechanisms to stop that?]

**Q13.** To what extent are the service providers and trafficking victims vulnerable during meetings and interviews in the field, especially when a quick and discreet reaction is needed?

**Q14.** To what extent is the safety of THB victims endangered during other activities, such as meetings at the Centre for Social Work, when visiting doctors etc.?