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**Gender aspects of combating human trafficking in Serbia
and recommendations for strengthening the inclusion of gender perspective in
the implementation of the Horizontal Facility action (HF26) “Preventing and
Combating Trafficking in Human Beings in Serbia”**

Summary

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Since 2016, the Council in Europe has been implementing the action “Preventing and Combating Trafficking in Human Beings in Serbia” within the Horizontal Facility for Western Balkans and Turkey. The Action is currently in the second phase (HF 26). Under both phases of the HF, gender was identified as a cross-cutting priority issue to be integrated in all projects in order to ensure that particular situation and gender-specific needs of women and men, girls and boys and other respective groups is taken into account.

Trafficking in human beings has very clear gender dimension. Both men and women, that is, boys and girls, are victims of trafficking in human beings, but they are not exploited in the same manner and their trafficking experience, however traumatic, is often quite different. Gender differences are present in all steps of the human trafficking chain, from the causes of vulnerability through inadequate responsiveness of the system to their experience of exploitation. The most common understanding of a gendered perspective on human trafficking leads to a conclusion that women are more likely than men to become trafficked. The majority of discussions about gender and trafficking in human beings are focused on trafficking in women for the purpose of sexual exploitation. Most of the current evidence on trafficking focuses exclusively on women. Although women and girls constitute the majority of trafficked persons globally, the intersection of men’s gendered experiences and trafficking remains a great gap in research, policy and action.

The Convention on Action against Trafficking in Human Beings, adopted by the Council of Ministers in 2005 and entered into force on 1 February 2008, is the main Council of Europe’s instrument for combating human trafficking, including victim assistance and protection, effective investigation and prosecution, promotion of international co-operation and awareness raising. The Republic of Serbia ratified the Convention in 2009. The Council of Europe Convention on Action against Trafficking in Human Beings requires a gender-sensitive approach. Already in the Preamble, the Convention on Action against Trafficking in Human Beings states that “all actions or initiatives against trafficking in human beings must be non-discriminatory, take gender equality into account as well as a child-rights approach”, while in Article 1 – Purposes of the Convention, “to prevent and combat trafficking in human beings while guaranteeing gender equality” is stated as the first purpose. Further, Article 17 – Gender equality provides that each party shall, in applying the measures to protect and promote the rights of victims, aim to promote gender equality and use gender mainstreaming in the development, implementation and assessment of the measures. It is interesting that in the translation of the Convention into Serbian back in 2008, gender equality was always translated as “equality between sexes”.

The aim of this report is to present the findings of gender analysis of the system of combating human trafficking in Serbia, in particular in respect of labour exploitation and child trafficking, and to provide recommendations for strengthening the inclusion of gender perspective in the implementation of the Horizontal Facility action (HF26) “Preventing and Combating Trafficking in Human Beings in Serbia”. The analysis is focused on the following: (1) gender perspective of the existing legal and policy frameworks



and initiatives; (2) situation of women and men, girls and boys victims of trafficking in human beings and differences with regard to identification, access to services, assistance and protection and access to justice; (3) perception of the key actors regarding gender-specific needs and gender-specific vulnerabilities of trafficked persons and the ability of the system to respond to such needs and vulnerabilities, including knowledge and skills of employees in the key agencies and organisations to apply gender sensitive approaches. As required, special attention is paid to the problem of labour exploitation and child trafficking. Since trafficking in human beings for the purpose of labour exploitation is quite rarely identified in Serbia, and when it is, the victims are mostly men – unlike other forms of exploitation, the analysis attempts to investigate what is the reason for such situation, as well. Further, children in Serbia are exploited in the same manner as adults, that is, they are exposed to the same forms of exploitation as adults, while the exploitation of many identified adult victims, regardless of their gender, started when they were children. For this reason, it is important to look at the overall figures and comprehensive data about trafficked persons in Serbia to obtain full picture of the phenomenon.

The methodology used in the study included a desk research on qualitative and quantitative data, a desk analysis of relevant laws and policies, and interviews with representatives of key agencies and organisations, as well as with independent experts with vast experience in providing assistance to trafficked persons. This includes the National Anti-Trafficking Coordinator, representatives of the Counter-Organised Crime Agency, the representatives of one local anti-trafficking team (Novi Sad), the representatives of the Centre for Trafficking Victims' Protection and the Social Welfare Centre Novi Sad, the representatives of the Republican Prosecutor's Office and the Novi Sad Higher Prosecutor's Office, the representative of the Labour Inspectorate, the representatives of CSOs ASTRA and Atina. Also, for the purpose of comparison and observing the broader practical context of gender equality, among the interviewees were persons specialized in the issue of domestic violence and violence against women and street-involved children.

Although gender is officially accepted as an important concept, especially in the context of gender equality, and it is not always replaced with term "sex" in official language any longer, the findings of this analysis show that the meaning of gender, gender (in)equality, gender mainstreaming or gender differences is not completely understood in Serbia, except for some of the women's civil society organisations.

All relevant documents of significance for combating human trafficking and protecting its victims are gender-neutral, which sometimes result in gender-blindness. Fortunately, the anti-trafficking system in Serbia is relatively young and still developing, while many important strategic and policy documents are still in the making or under review, there is plenty of room to incorporate gender dimension in them.

The assessment of victims' needs is burdened with gender stereotypes, not taking into account that women and men have different roles in the society and often assuming what their needs should and could be. Also, the needs are assessed and services are offered more based on the type of exploitation survived than on the individual needs of women and men, while genuine participation is at rather low level and victims' rights are rarely mentioned in discussions about needs, assistance, support and protection. In addition to stereotypes, victims are offered with what is available. Namely, specialised services are underdeveloped, especially when it comes to adult men who are less recognised as victims, and when

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they are recognised, this is only in the context of labour exploitation. It is traditionally said that services for male victims do not exist, but it turns out that specialist services do not exist at all for both women and men to the extent and with the quality which anti-trafficking professionals, both state and non-state, wish to have. The main challenge for developing appropriate and gender-sensitive services, and even for the analysis of needs, is the absence of funding and serious lack of staff at all levels, in spite of personal good will and enthusiasm.

The majority of identified victims of trafficking in Serbia are women and girls who survived sexual exploitation. For this reason, the majority of existing services and approaches in general have been built to respond to it.

Anti-trafficking professionals mostly recognise their lack of knowledge with regard to gender inequalities and gender-sensitive approaches to victims of human trafficking and are ready to learn. As especially important they stress trainings on how to communicate with different categories of victims. Generally, all agencies and organisations claim to be open for learning and co-operation, but binding instructions, guidelines and protocols are necessary for applying approaches that do not depend on personal views and personal sensibilities of individuals involved.

For many challenges that victims face, it is believed that they cannot be solved outside the broader reforms of the social protection system, the judiciary etc. The starting point should be to build really victim-centred and rights-centred systems, for any gender dimension to make sense.

Recommendations

The list of recommendations summarises all the findings of the analysis and recommendations given by professionals interviewed for the purpose of the analysis that may fit into the existing design of the Council of Europe HF26 action.

Legislative and policy framework and procedures

- The **National Action Plan for the implementation of the Strategy for Preventing and Combating Trafficking in Human Beings, especially Women and Children** and the **Standard Operating Procedures** are gender-neutral. Since they are in the process of revision, they should be gender mainstreamed. Since these documents will be revised in a participative process, Council of Europe's involvement will certainly be welcomed.
- The **Instruction for the acting of police officers in human trafficking cases** (IPA TWINNING) and **Indicators for the final identification of victims of trafficking in human beings for the Centre for Trafficking Victims' Protection** (OSCE support) are currently in the development stage and this opportunity should be taken to incorporate gender dimension from the beginning. Since the Council of Europe is an important partner in the Serbian anti-trafficking system, the synergy inputs would probably be welcome. Further, Serbia does not have clear **principles and procedures for conducting interviews**

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with the victims of violence, including victims of human trafficking, but the treatment of victims depends on personal sensitivity of persons conducting the interview. It is recommended that such rules and standards are incorporated in relevant official documents, maybe presented in the form of a checklist, which are gender sensitive, and which would make the work of state officers easier and protection and respect of victims' rights and needs more effective.

- A lacking gender dimension should be incorporated into the **Operational Guidelines (instructions) for the identification of victims of trafficking in human beings for the Centre for Trafficking Victims' Protection**. Since the Council of Europe already supports the Centre within its action and the Centre itself recognises that this document is not gender sensitive, the intervention should certainly be welcome.
- In the line of work of the Labour Inspectorate, the **Checklists for inspection oversight in the area of labour relations and for integrated inspection oversight in the area of labour relations and occupational safety and health** shall be supplemented with questions/indicators that could estimate the presence of exploitative practices that may have elements of or lead to trafficking in human beings, as it is agreed that another specific checklist that would deal with labour exploitation only would be excessive. Further, sex-disaggregated data should be added for persons engaged on the basis of work engagement modalities other than employment and undeclared workers found during oversight. It is recommended to supplement **Checklist for the assignment of employees to temporary work abroad and their protection** with questions that may indicate to the abuse of the law in terms of labour exploitation, including in the context of trafficking in human beings. The Council of Europe already supports the capacity building of the Labour Inspectorate for better response to trafficking in human beings for the purpose of labour exploitation. The Checklist for inspection oversight in the area of child labour should serve as an example of good practice.
- The CLEAR project is currently finalising the **proposal of indicators of child labour for the social protection system**. It is recommended that these indicators should be gender sensitive.
- Although outside the scope of the Council of Europe's action, but closely related to (and essential for the effectiveness of) a recommendation given below, the **Law on Court Expert Witnesses** should be amended as to provide specialisation of expert witnesses invited to give their opinions in court, as their lack of specialisation and consequently of sensitivity and awareness of specific consequences of trauma of human trafficking, especially of sexual exploitation (and sexual violence in general) increase the vulnerability of women and girls who survived this type of exploitation.

Professional development and training

- All actors agree that they need **training in the area of gender equality and gender aspects of trafficking in human beings**. This should include the issue of the psychology of victims and, most importantly, practical trainings on **how to communicate with different categories of victims depending on their gender and the type of exploitation they survived**. The trainings should be organised for and adjusted to the practical needs of **police officers, judges, prosecutors, labour inspectors and court expert witnesses**. Capacity building of all those professionals is included in the Council of Europe's action. Also, trainings for the identification of labour exploitation, including

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domestic servitude – currently done at the basic level for labour inspectors – should be organised for other primary identification actors in order to bridge the gaps regarding generally small number of labour exploitation cases identified and especially under-representation of female victims of labour exploitation.

- For all these groups of professionals, in addition to trainings that are usually organised as one-off events, it is recommended to organise mentor and/or peer support after the training so that they have a real opportunity and encouragement to apply what they learned in their work and find answers to their dilemmas. The absence of such support in capacity building programmes so far resulted in enormous resources and energy having been spent on trainings with very little impact and change.

Victim protection

- The analysis of needs of victims of human trafficking identified so far should be conducted in order to find out what programmes and services are lacking. Since the majority of interviewees agree that Serbia does not have adequate services to offer victims of human trafficking in general, such services should be developed in accordance with the findings of the analysis of needs. Special attention should be paid to less visible or less recognised types of exploitation and to the needs of men victims of human trafficking. The services should be rights-centred and gender sensitive. Further, higher level of victim participation should be ensured with regard to access to protection and services.
- Alternative accommodation options for male victims should be designed as a systematic and not *ad hoc* solution, especially having in mind the possibility of detecting cases that involve larger number of foreigners exposed to labour exploitation in the current wave of big infrastructure projects in Serbia.

Prevention

- Prevention activities should be developed and implemented, including human capacities for their development and implementation, that would **not aim only** at teaching people how to recognise the risks of **human trafficking** and avoid them, but also **at broader issues of gender inequality, gender stereotypes and gender-based violence**, as gender-based violence is a significant push factor for trafficking in women and children. To be effective, these activities must be modern, free of prejudice and realistic and enable participation of people they target.

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