

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Serbia - 2023

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations?,b) The most representative workers organizations?,c) The competent authorities?

92. To which employers organizations was the report sent? [12] Please provide the list

-Serbian Association of Employers -Confederation of Autonomous Trade Unions of Serbia -Trade Union Confederation "Nezavisnost"

93. To which workers organizations was the report sent? [13] Please provide the list

The report was submitted to the mentioned representative social partners, and we will submit their answers and possible comments to the ILO at a later date, upon receiving them.

94. Please describe the consultation process(es). [10.2]

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	The report was submitted to the representative social partners and we will submit their answers and possible comments to the ILO at a later date, upon receiving them.
95. Did employers organizations comment on the report? [11a]	Yes
96. Did workers organizations comment on the report? [11b]	Yes
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	We have not received any comments, yet. We will submit the comments as soon as we receive them.

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	The report was submitted to the representative social partners and we will submit their answers and possible comments to the ILO at a later date, upon receiving them.
95. Did employers organizations comment on the report? [11a]	Yes
96. Did workers organizations comment on the report? [11b]	Yes
97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them	We have not received any comments, yet. We will submit the comments as soon as we receive them,

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?

Likely

62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?

It is necessary to carry out the analysis of the relevant Serbian legislation in relation to the requirements of the 2014 Protocol. The drafting of a strategic document and an action plan for combating human trafficking is underway and it will also cover the topic of forced labour.

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]

Yes

65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]

Before adoption, all laws are submitted to the Social and Economic Council for their opinion. Representatives of the social partners participate in working groups for drafting regulations. This report was submitted to them for their opinion.

66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?

67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]

68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]

Yes

69. Please describe these measures. [1.5]

In the Republic of Serbia, the Strategy for the Prevention of Trafficking in Human Beings, especially women and children, was adopted, with the accompanying Action plan for the period of 2017-2022. A new Strategy is currently being developed. The Government established the Council for Combating Human Trafficking and the National coordinator for Combating Human Trafficking.

70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]	Yes
71. Please describe these data. [1.6.1]	Yes, the Centre for the Protection of Victims of Human Trafficking, as a social protection institution, is responsible for keeping official statistics on human trafficking through labour exploitation - The Supreme Public Prosecutor's Office, as part of the preparation of the Annual Report on the work of public prosecutors' offices, among other things, collects aggregated annual data on the work of public prosecutors' offices in the prosecution of the criminal offense of human trafficking, but these statistics are not kept specifically for human trafficking for the purpose of labour exploitation and forced labour. The data refer to the number of identified victims, form of exploitation, age, duration of exploitation, relationship with the exploiter, protection services provided, socio-economic status of the victim, citizenship, country of exploitation
72. Does the Government envisage collecting data on forced or compulsory labour? [1.6.2]	

Measures taken or envisaged for systematic and coordinated action

64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]	Forced labor is prohibited by the Constitution of the Republic of Serbia, the Criminal Code of the Republic of Serbia and all other regulations that regulate the field of work and employment. In addition to the above, Serbia has ratified a large number of international documents that prohibit forced labour.
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Measures taken or envisaged to prevent forms of forced labour

66. Does the Government envisage adopting a national policy and/or plan of action in this regard? [1.4]?	
74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]	Yes
75. If so, please indicate the type of measures, [2.2]	a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,e) Addressing the root causes that perpetuate forced labour,f) Promotion of safe and regular migration,g) Education/vocational training,h) Capacity building for the competent authorities,i) Promotion of freedom of association and collective bargaining to enable

	at-risk workers to join workers' organizations,j) Basic social security guarantees,k) Other
75.a. Please provide a description of measures taken or envisaged:	As part of the project "Strengthening the fight against human trafficking in Serbia", the Council of Europe organized a seminar on the prevention and fight against human trafficking for the purpose of labour exploitation in the period 10-12 May 2023 in Vrdnik, in which 22 newly recruited labour inspectors participated.
Measures taken or envisaged to protect victims of forced labour	
76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]	Yes
77. If so, please indicate the type of measures [3.2]	j) Other
Measures taken or envisaged to facilitate access to remedies	
78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Yes
79. If so, please indicate the type of measures, [4.2]	i) Other
80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Yes
Non-prosecution of victims for unlawful acts that they would have been forced to carry out	
79.g. Please provide a description of measures taken or envisaged:	
79.g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:	

Cooperation with other Member States, international / regional organizations or NGOs

81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]

Yes

82. Please briefly describe the modalities of this cooperation. [5.2]

The Supreme Public Prosecutor's Office cooperates with other states and international organizations in the fight against crime, including human trafficking. This cooperation is achieved both within international judicial networks, such as Eurojust and the European Judicial Network, and through bilateral memoranda of cooperation (30 in total, mostly with European countries). Memoranda on cooperation with domestic non-governmental organizations were also signed: ASTRA (2012), ATINA (2013) and Victimology Society of Serbia (2015), as well as a Protocol on cooperation between the Ministry of the Interior, the Ministry of Labour, Employment, Veteran and Social Affairs and Republic Public Prosecutor's Office (2018). In strengthening the capacity of the Public Prosecutor's Office for criminal prosecution of human trafficking, as well as in the area of support for victims of criminal acts, the Supreme Public Prosecutor's Office has special cooperation with the OSCE Mission and the Office of the Council of Europe in the Republic of Serbia.

Promotional activities

90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]

Special initiatives or Progress

85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]

In the period from 1 January to 31 December 2022, the labour inspection found a total of 13 minors at work, of whom 6 were 17 years old, 4 were 16 years old, and 1 was 15 years old, as well as 2 persons aged 14. Minors were found with a total of 12 different employers.

90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory

labour through prevention, victim protection and access to remedies. [14]

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners

Employers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

m) Other

Workers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

m) Other

According to the Government

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

m) Other

TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

Yes

88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]	b) Awareness-raising and mobilization activities => Important c) Collection and analysis of data and information => Important d) Guidance on the development of the national policy and plan of action => Important e) Strengthening the legal framework => Important f) Capacity building for the competent authorities => Important g) Inter-institutional coordination => Important h) Promotion of fair recruitment and placement practices => Important i) Promotion of fair migration policies => Important j) Vocational training, job-creation and income-generation programmes for at-risk populations => Important k) Basic social security guarantees => Important l) Guidance on supporting due diligence => Important m) Capacity building for employers' and workers' organizations => Important n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Important o) Exchange of experiences between countries or regions; international cooperation => Important p) Other => Important
89. Please provide additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.	