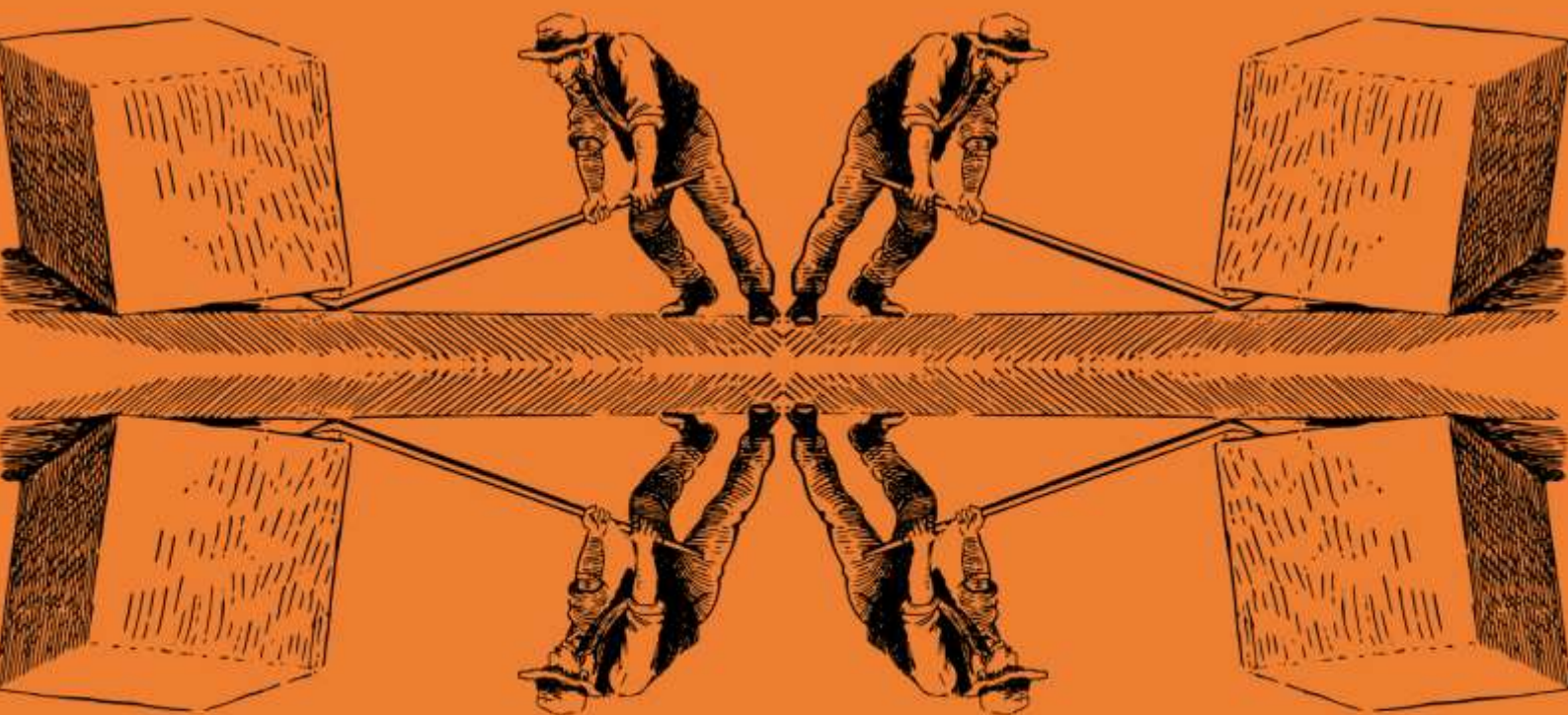


IDENTIFICATION OF VICTIMS OF LABOUR EXPLOITATION IN THE WESTERN BALKANS



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LIST OF ABBREVIATIONS

EA – Employment Agency
GIZ – The German Society for International Cooperation
SLI – State Labour Inspectorate
LLI - Law on Labour Inspection
CC- Criminal Code
MARRI - Migration, Asylum and Refugees Regional Initiative
MOI - Ministry of Interior
MoH - Ministry of Health
MYLA – Macedonian Young Lawyers Association
MoES - Ministry of Education and Science
ILO - International Labour Organisation
MLSP - Ministry of Labour and Social Policy
NCCTHBIM - National Commission for Combatting Trafficking in Human Beings and Illegal Migration
NRM- National Referral Mechanism for victims of trafficking in human beings
UNH – United Nations
SOP – Standard Operating Procedures



SUMMARY

Trafficking in human beings is changing its form every day. Traffickers have been increasingly using modern technology and social media to target and con victims of trafficking in human beings.

Although cases of human trafficking are still predominantly processed in the “traditional form” such as sexual exploitation, in the Western Balkans the second dominant form is labour exploitation, where mostly men appear as victims, but they are followed by also children and women.

Forced marriages are often linked to other forms of trafficking in human beings, including labour exploitation. Begging in practice is rarely considered as trafficking in human beings, which is undoubtedly a form of exploitation.

There is a need for a clear distinction between labour rights violations and human trafficking for the purpose of labour exploitation.

The administrations and systems of the Western Balkans operate in a similar manner and are composed of authorities with similar competences. Regional co-operation, a multidisciplinary approach and targeting the “hot spots” of human trafficking for the purpose of labour exploitation are the next necessary step.

Labour inspectors are an important link in the identification of potential/victims of human trafficking for the purpose of labour exploitation. Therefore, they should have an appropriate mandate, a sufficient number of resources and a proactive role in combatting trafficking in human beings.

Seasonal work should be properly regulated in legislation, so that seasonal workers can enjoy their labour rights.

INTRODUCTORY REMARKS

Recent trends indicate that labour exploitation in the Western Balkans is the second largest form of human trafficking after sexual exploitation. Labour exploitation dominates among occupations that are also seasonally active such as construction, agriculture, tourism and industry. On the other hand, the number of recorded cases of begging has been increasing, yet there is a challenge for local (judicial) authorities to prosecute begging as a form of trafficking in human beings.

The administrations in the Western Balkans have been implementing reforms in order to create more jobs with better working conditions for their citizens. Most often due to financial problems, citizens resort to the option of working outside the borders of their country - the region or in one of the member states of the European Union, mostly for seasonal work. Migrating to a more distant destination, which appears as a traditional form of migration work, is also not excluded. Often, seasonal work is not registered and foreign seasonal workers enter and work as tourists in the region. In each of the states, anyone can stay as a tourist for a period of 90 days within 180 days. Hence, workers come to the countries as tourists, but also perform work that puts them at risk of becoming victims of human trafficking for the purpose of labour exploitation.

However, the assessment of whether a specific case is a labour rights violation or a potential victim of labour exploitation depends on the experience and knowledge of the authorities that perform the assessment. There is a lack of information about what constitutes labour exploitation in the general public (among workers), as well as low awareness of the consequences that may arise as a result of labour exploitation. The absence of a clear definition of what is meant by the term “exploitation” leads to a difficult distinction between labour rights violations and forced labour.

METHODOLOGY

This brief has the purpose of presenting the current situation in the Western Balkans related to human trafficking for the purpose of labour exploitation, as well as providing conclusions and recommendations. The proposed recommendations aim to contribute to the creation of measures and activities that will lead to a reduction in the degree of vulnerability of workers, improved regional co-operation and a reduction in the risks of human trafficking, in particular labour exploitation.

The methodological approach in the preparation of the brief includes the application of the following research methods:

DESK RESEARCH – Human trafficking for the purpose of labour exploitation in the Western Balkans was analysed through the desk research, by analysing relevant reports and analyses.

FINDINGS OF THE REGIONAL ROUND TABLE - In April 2023, MYLA, supported by GIZ, held a round table in Skopje on the topic: “Regional exchange and strengthening the resilience of workers in the region in the field of labour exploitation”.

The round table was attended by representatives of the Western Balkan countries, with the presence¹ of representatives of anti-trafficking co-ordinators and representatives of the Labour Inspectorates in the Western Balkans, as well as representatives of the international sector.

THE SITUATION OF LABOUR EXPLOITATION IN THE WESTERN BALKANS

Albania

Albania is a country of origin, transit and destination of trafficking in human beings. The majority of formally identified cases as victims of trafficking in human beings were women and girls trafficked for the purpose of sexual exploitation, forced labour, but also for the purpose of committing criminal activities both in the neighbouring countries of the Western Balkans and in the member states of the European Union.² The number of identified victims of trafficking in human beings has been increasing, particularly the identification of child victims who were subjected to the worst forms of child labour, their involvement in illegal activities, forced begging and exploitation of child labour in the fields of agriculture, services and industry. 37 potential victims of begging have been identified.³ According to labour legislation, it is forbidden for children under 18 to work. Children also perform dangerous jobs in the mining sector, including chromium mining. Children are mainly exploited in begging by their parents or close relatives, or trafficked for the purpose of committing criminal activities, including work on cannabis farms in Albania. Children from the Roma and Egyptian communities are particularly vulnerable to human trafficking and exploitation. There has been an increase in the number of Albanian children subjected to forced labour in Kosovo* and United

Kingdom. Some Albanian children who travelled with their parents to the Netherlands, France and Germany were reportedly left there unaccompanied and vulnerable to exploitation. Traffickers have been increasingly using social media, such as Facebook, Instagram or Snapchat, to recruit victims through fake job offers, abusing their position of vulnerability.⁴ Therefore, it is necessary to make efforts to amend the legislation regarding cyber trafficking according to GRECO's report on Tirana's progress.⁵

The procedure for the identification of victims of trafficking in human beings follows the SOPs for the identification and referral of victims and potential victims of trafficking in human beings, in force since December 2011. There are two phases of identification: initial identification of presumed victims, which may be carried out by the police, border police, social services, labour inspectorate, regional education directorates, regional health directorates, municipal child protection units and civil society organisations, and the second phase of formal identification carried out by a police officer and a social worker.⁶

Albania has established mobile units in several regions of the country (Tirana, Vlora, Elbasan, Shkodra, Kukes and Diber) in order to improve the

¹ There were no representatives from Montenegro at the round table, thus data on the situation with labour exploitation in Montenegro, as well as good practices and challenges they face, were obtained through the desk research.

² Kosovo*, Greece, North Macedonia

³ Findings of a round table titled - Regional exchange and strengthening the resilience of workers in the region in the field of labor exploitation held on 27-28 April 2023 in Skopje

⁴ [Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings \(GRETA, Group of experts on Action against trafficking in Human beings, Third Evaluation Round, Albania, Access to justice and effective remedies for victims of trafficking in human Beings](#)

⁵ Supra note 3

⁶ Ibid.

proactive approach to the identification of victims of trafficking in human beings. Members of the mobile team units visit places where there is a risk of trafficking such as nightclubs. The mobile units are multidisciplinary and operate in accordance with the Standard Operating Procedures for the Protection of Victims and Potential Victims of Trafficking in Human Beings, as well as the specific standards for the operation of mobile team units.⁷

The MOI in Albania co-operates with the MoES, the MoH, the EA, the Professional Development Office, as well as with children and youth in terms of recognition and familiarisation with the term “human trafficking”, which has exploitation as its ultimate goal.

In terms of international co-operation, Albania has concluded bilateral agreements on combatting trafficking in human beings with neighboring countries including Greece, North Macedonia, Kosovo* and Montenegro.⁸

When talking about labour exploitation, the problem with identification of victims of labour exploitation has been noted. There is an agreement signed by the National Anti-Trafficking Co-ordinator, the Labour Inspectorate and the General Directorate of the State Police, which assigns the Labour Inspectorate a role in the proactive identification of victims of THB.⁹ Labour inspectors conduct regular and extraordinary inspections only within the formal economy. Labour inspectors have received a manual related to trafficking in human beings, which contains indicators for recognising whether a certain person is a victim of human trafficking or not. Labour inspectors are not competent to check the gray economy and there is a lack of human resources and training regarding trafficking in human beings noted.

If the labour inspector recognises indicators of human trafficking for the purpose of labour

exploitation, he or she only makes a finding on a suspicion that there is a victim of trafficking in human beings, after which a police member is notified for further investigation to ascertain whether there is a victim of trafficking in human beings or not.¹⁰ Labour inspectors have not identified victims of trafficking in human beings. In Albania, the Labour Law provides for a definition of forced labour as well as sanctions in case of violations.

Labour inspectors have the right to impose sanctions during field inspections when there is suspicion on forced labour, particularly in cases of absence of a work contract or work permit, non-registered employees or absence of social security, unpaid work, as well as in cases of children working without the necessary approval by the State Labour Inspectorate.¹¹

As a good practice, in terms of raising awareness about trafficking in human beings, the types of exploitation and the risks of trafficking, a Board of Victims has been established. This board includes survivors of trafficking in human beings who provide input in designing other awareness campaigns. Since 2019, Albania has been co-operating with MARRI to increase public awareness regarding human trafficking and the risks it carries.¹² In addition, a series of awareness-raising activities aimed at the general public have been organised through publication and distribution of manuals, leaflets and brochures, as well as television and radio advertisements and programmes have also been shown.¹³

⁷ Supra note 4

⁸ Supra note 3

⁹ The Memorandum of Co-operation was signed in 2014.

¹⁰ Supra note 3

¹¹ Supra note 4

¹² Supra note 3

¹³ Supra note 4

Bosnia and Herzegovina

Bosnia and Herzegovina is a country of origin, destination and transit of trafficked persons. Majority of the identified potential victims were children, nationals of Bosnia and Herzegovina, exploited in begging, primarily by family members. Most of the potential victims were those who have been heavily exploited in begging, primarily by family members. New forms of trafficking in human beings are emerging - organ trafficking. Due to their difficult socio-economic situation, members of the Roma community are particularly vulnerable to this form of exploitation. It is necessary to adopt the report of the National Commission for 2022. In 2022, 38 victims of trafficking in human beings were identified, of whom 30 were women and eight were men. In addition, five victims of labour exploitation were recorded, of whom three were male and two were female.¹⁴

In Bosnia and Herzegovina, there are local co-operation teams that include labour inspectors. Labour inspectors carry out inspections in various sectors, in particular at construction sites and in the catering industry. The inspections resulted in the identification of a considerable number of workers having been found working without the necessary work contracts, without work permits and without insurance. No victims of trafficking in human beings were detected during the inspections. What is particularly significant is that labour inspectors have also carried out inspections in private employment agencies and issued appropriate misdemeanour warrants, mainly due to the illegal practice of leasing workers to other employers on the basis of a co-operation agreement. Existing legislation does not regulate labour exploitation.¹⁵

The compulsory training programme for labour inspectors does not cover the field of trafficking in human beings and for that reason trainings have been organised by civil society and international

organisations. As a good practice that is worth pointing out is that the website of the EA in Bosnia and Herzegovina contains some information about legal and safe labour migration, working conditions and the protection of labour rights abroad, but this concerns only to some countries, in particular those with whom Bosnia and Herzegovina has concluded international employment agreements in order to facilitate safe labour migration (Germany, Serbia, Slovenia). Negotiations to conclude similar agreements with Croatia, Montenegro and Russia are ongoing.¹⁶

Most often, nationals of Bosnia and Herzegovina travel abroad to work without a work permit, and when they fall victims to labour exploitation, they rarely seek help from the authorities or the diplomatic missions of Bosnia and Herzegovina in the countries of destination as they work in the shadow economy and they fear criminal prosecution. Public calls on social network groups by individuals and agencies offering work abroad are observed daily and the number of citizens looking for job opportunities has increased. With the support of GIZ, in 2019 an Info Desk for potential EU migrants was set up in three locations (on the premises of the Day Centre for Children at Risk in Tuzla, in Kiseljak and in the Mihatovici refugee settlement).¹⁷

There is no authority monitoring job advertisements to take action or inform workers against fraudulent advertisements in the media and online. Only the non-governmental organisation “Novi Put”¹⁸ has a hotline¹⁹ providing information on safe and legal migration and checking suspicious advertisements for alleged employment abroad.

Activities to raise awareness of the risks of labour exploitation, which are mostly aimed at the most vulnerable categories of persons - persons of Roma ethnicity as well as children, have been undertaken

¹⁴ Supra note 3

¹⁵ Ibid.

¹⁶ Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA, Group of experts on Action against trafficking in Human beings, Third Evaluation Round, Bosnia and Herzegovina, [Access to justice and effective remedies for victims of trafficking in human Beings](#)

¹⁷ Ibid.

¹⁸ The organisation is a member of the La Strada International NGO Platform and European NGOs Platform Against Trafficking, Exploitation and Slavery, (ENPATES).

¹⁹ <https://documentation.lastradainternational.org/lsidocs/3447-LSI%20Flyer%20members%20hotlines%20and%20contact%20data%20-%20April%202022.pdf>

through public debates, street actions, video conferences, social media campaigns and distribution of promotional materials. The creation of a digital tool - a mobile application for the promotion of assessment and proactive identification of victims of trafficking in human beings titled “Procena Ranljivije - Vulnerability Assessment” is significant.²⁰

Kosovo*

Kosovo* used to be major destination territory for victims of trafficking in human beings, not excluding cases of transit and origin. Kosovo* still remains the country of origin (victims from Kosovo* are exploited in Kosovo*), but cases of destination and transit have also been noted. The most common form is sexual exploitation, which takes place in private homes, nightclubs, and massage parlours, but labour exploitation and forced labour, slavery, begging, forced marriage, as well as organ trafficking are not left out.²²

SOPs with detailed measures were first developed in 2004. According to the SOPs, all professionals who come into contact with presumed victims of trafficking in human beings must refer such persons to the specialised Police Directorate against Trafficking in Human Beings (DITHB).²³

Co-operation agreements were concluded with Albania and Montenegro in 2016. Co-operation protocols with neighboring countries and unified SOPs are used to ensure protection and return of victims.

In the course of 2022, Kosovo* adopted a National Strategy against Trafficking in Human Beings for the period of 2022-2026 together with an Action Plan for the implementation of the National

In accordance with the Strategy for Combatting Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023, it is necessary to make amendments to the CC of Bosnia and Herzegovina that will introduce forced begging as a form of exploitation, which is not currently a recognised form.²¹

Strategy against Trafficking in Human Beings for the period of 2022-2024.²⁴

Several campaigns to raise public awareness have been implemented both by state institutions, local self-government units and by civil society and international organisations. A partnership was concluded with a local mobile operator to send text messages (SMS) to all its subscribers with the text “Open your eyes, fight human trafficking” and the number of the National Helpline. Leaflets with information on how to seek assistance were distributed at border posts with Albania, a video on reducing the demand for forced labour was broadcast, a film on how traffickers recruit victims was shown.²⁵

The Labour Inspectorate in Kosovo* is competent to conduct inspections regarding labour relations and safety at work. Based on their competences under the Law on Labour Inspectorate, inspectors can impose sanctions for violations of labour relations and safety at work. According to the authorities, there is a total of 35 labour inspectors, located in seven regions²⁶. Labour inspectors have the authority to conduct inspections in all formal sectors of economy, as well as in informal economy, in relation to the implementation of

²⁰ <https://bih.iom.int/news/predstavljanje-digitalnog-alata-mobilne-aplikacije-za-unapređivanje-procjena-i-proaktivnije-identifikacije-zrtava-trgovine-ljudima>

²¹ Supra note 16

²² [Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings \(GRETA, Group of experts on Action against trafficking in Human beings, Second report on the compliance](#)

[of Kosovo* with the standards of COE Convention on Action against trafficking in human beings](#)

²³ Ibid.

²⁴ <https://mpb.rks.gov.net/Uploads/Documents/Pdf/AL/2472/Strategija%20TQNJ%2022-2026.pdf>

²⁵ Supra note 22

²⁶ In Pristina, Peja, Mitrovica, Gjakova, Gjiilan, Prizren and Ferizaj.

labour relations, occupational safety, health legislation and the protection of workers in general.

According to the authorities, the Labour Inspectorate regularly conducts joint inspections with the specialised police Directorate against Trafficking in Human Beings and the Unit for Employment of Foreign Citizens of the Kosovo Police. These inspections are carried out in accordance with the planning done by the Kosovo Police, since the Labour Inspectorate has only a supporting role. In the joint inspections conducted in the period from 2016-2019, 10 legal entities-businesses were closed due to their involvement in and/or enabling of trafficking in human beings.

Labour inspectors receive initial training, but that training does not cover the topic of prevention,

North Macedonia

North Macedonia is a country of origin, transit and destination of victims of trafficking in human beings. Majority of the formally identified cases of victims of trafficking in human beings refer to labour exploitation, sexual exploitation, forced marriage, forced begging and a combination of forced marriage and sexual and/or labour exploitation. The number of formally identified victims of trafficking in human beings is low (between two and nine per year), except in 2021 when 39 victims from Taiwan were identified. There is an increase in the number of male victims and a shift towards labour exploitation as the dominant form of exploitation. Most of the victims were nationals of North Macedonia who were trafficked abroad, but also within our territory. In North Macedonia, a new form of human trafficking has been observed - organ trafficking, where the victim of organ trafficking is a foreigner.²⁸

To date, North Macedonia has signed Protocols on Co-operation in the field of combatting THB with Bulgaria, Serbia and Montenegro. Such Protocols

suppression and combatting trafficking in human beings. However, the Labour Inspectorate relies on donor support to conduct training on the prevention and suppression of trafficking in human beings.

The Labour Inspectorate follows the ILO directives regarding safety conditions and protection at work. GRETA notes with concern the growing trend of employing girls under the age of 18 in massage parlours in Kosovo*. According to the authorities, exploitation mostly takes place in massage parlours which are legally registered with the Business Registration Agency and are subject to labour inspection. The girls are employed unofficially due to the fact that it is illegal to employ persons under the age of 18.²⁷

are planned to be also concluded with Greece and Slovenia. The established mobile teams also contribute to the identification of potential/victims of trafficking in human beings and operate with the help and support by IOM. The five mobile teams are active in implementing programme activities including regular meetings, field visits, making contacts, referrals and assistance to vulnerable groups of citizens, as well as identification of victims and potential victims of trafficking in human beings.²⁹

According to the SOPs for Treatment of Victims of Trafficking in Human Beings, SLI, when suspecting the existence of a potential victim of trafficking in human beings, notifies the NRM of victims of trafficking in human beings at the MLSP and the Unit against Trafficking in Human Beings and Smuggling of Migrants at the Ministry of Interior, which are the competent authorities for the identification of victims of trafficking in human

²⁷ Supra note 22

²⁸ [Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings \(GRETA, Group of experts on Action against trafficking in human beings, Third Evaluation Round, North Macedonia, Access to justice and effective remedies for victims of trafficking in human Beings](#)

²⁹ The work of the mobile teams is determined in the Memorandum of Co-operation signed between the MLSP and the MOI in January 2018, including also the participation of citizens' associations (CA Open Gate and MYLA, having representatives in Tetovo, Kumanovo, Bitola and Gevgelija and provides legal assistance and information).

beings and conducting criminal proceedings.³⁰ Upon the initiative of NCCTHBIM with the support of the Council of Europe Office, MYLA produced a Memorandum of Co-operation between the Ministry of Interior and the SLI. The Memorandum was signed in 2023, having the purpose of improving mutual co-operation between the signatory parties with a focus on strengthening co-operation in preventing, detecting and suppressing human trafficking for the purpose of labour exploitation as well as ensuring timely protection of victims and child victims from all forms of exploitation.

The State Labour Inspectorate currently performs its work with limited human resources. According to the LLI,³¹ inspectors have the authority to enter the employer's premises at any time of the day or night, without prior notice and regardless of the employer's working hours. If the violation of the regulation constitutes a misdemeanor or a criminal act, the inspector is obliged to submit a request to the competent authority, that is, a report for the initiation of an appropriate procedure (misdemeanor/criminal). SLI carries out inspections in risk sectors based on an annual work plan. For the last three years, during inspections in the field of labour relations and safety and health at work, SLI has not found any potential victims of trafficking in human beings.³² Labour inspectors have a mandate to inspect all economic sectors and enter business premises at any moment. However, the SLI's mandate covers only breaches of the Labour Relations Law and there are no clear protocols on how to officially report cases of Trafficking in Human Beings to the Police or Public Prosecutor's Office. The Labour Relations Law does not provide for a regulation of labour exploitation.³³

The current position of the SLI in correlation with trafficking in human beings provides for a limited possibility of action by labour inspectors. The present practice of informing the competent authorities is done only by ordinary notification. The competences of SLI are regulated by the Law on Labour Inspection³⁴ and the Law on Inspection Supervision³⁵, which do not contain provisions that would mean direct competence on the basis of which the inspectors would be more active actors in the process of detecting and suppressing human trafficking for the purpose of labour exploitation.

Additionally, the insufficient communication of the local and border police in North Macedonia with the National Unit for Suppression of Smuggling of Migrant and Human Trafficking has been pointed out as a problem. Therefore, the National Unit independently examines cases from the Daily Bulletin of the Ministry of Interior and engages in a more detailed examination of the reported cases in the local police stations.³⁶

The civil society in North Macedonia, undertakes activities to raise public awareness about the risks of human trafficking, more specifically labour exploitation, which is becoming an increasingly dominant form of exploitation.

Despite the high unemployment rate in the country, there is a shortage of workers in some sectors, in particular agriculture and construction, which results in recruiting migrants, including workers without residence and work permits. In the period 2017-2021, the police and the inspectorate detected numerous workers without a work permit, mostly working in the construction sector, but also in the agricultural sector, originating from Turkey, Albania and Kosovo*. These persons were immediately deported without attempts to identify victims of THB amongst them and without the Police

³⁰ Government of RM, National Commission for Combatting Trafficking in Human Beings and Illegal Migration, Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings, 2018

³¹ Law on Labour Inspection ("Official Gazette of the Republic of Macedonia" no. 35/1997, 29/2002, 36/2011, 164/2013, 44/2014, 33/2015, 147/2015 and 21/2018 and "Official Gazette of the Republic of North Macedonia" no. 317/2020).

³² Response of the State Labour Inspectorate upon a submitted request for free access to public information

³³ Dishlijovska, Vesna, Bечна "Seasonal work – fertile ground for labour exploitation", policy brief, Macedonian Young Lawyers Association, 2022

³⁴ Law on Labour Inspection ("Official Gazette of the Republic of Macedonia" no. 35/1997, 29/2002, 36/2011, 164/2013, 44/2014, 33/2015, 147/2015 and 21/2018 and "Official Gazette of the Republic of North Macedonia" no. 317/2020).

³⁵ Law on Inspection Supervision ("Official Gazette of the Republic of North Macedonia" no. 102/2019 as of 22 May 2019

³⁶ Supra note 3

Unit against Trafficking in Human Beings being informed of the case, which deprives potential victims of assistance and protection, including from re-trafficking. Since fines for non-registered employment are very low (€175 for a small employer) and there is a shortage of workers, the employers continue to recruit irregular migrants. The 2021-2025 Anti-Trafficking National Strategy and National Action Plan envisage information sessions with the Chambers of Commerce, the Employers' Organisation and the Managers-Entrepreneurs' Club to raise their awareness of human trafficking and the development with the Chambers of Commerce of a Code of Ethics to be

Serbia

Serbia remains primarily a country of origin of victims of trafficking in human beings and is significantly affected by internal trafficking. There is an increase noted in the cases of labour exploitation in which the victims are mostly male. Other cases of trafficking in human beings refer to begging, forced criminality, sexual exploitation, forced marriage. The great majority of the identified victims were Serbian nationals. Traffickers exploit the difficult economic circumstances and vulnerability of victims, including addiction to narcotic drugs, and increasingly resort to the Internet and social networks to recruit victims. In 2020, 38 victims of trafficking in human beings were recorded, of which 11 were victims of labour exploitation.⁴⁰

The Labour Inspectorate was given the authority to inspect registered and non-registered employers in any sector of the economy in Serbia. However, private households which may employ domestic workers are not covered. Regular inspection visits should be announced three days in advance, but may also take place without prior announcement if the inspectorate receives information about illegal

signed by companies to ensure a full prohibition of the use of services provided by victims of trafficking in human beings.³⁷

Within the MOI, the Department for Reporting and Coordination of Situations has operated the "Red Button"³⁸ application, which enables citizens to electronically report a certain crime, knowledge or information related to child abuse, human trafficking and hate crime. In 2022, through the application, there were no registered cases with indications of human trafficking, and there was no record of whether such a tool is functional.³⁹

employment. According to the information received, the inspections resulted in detecting a large number of workers who violated the legislation regulating labour relations, but none was referred for identification as a victim of trafficking in human beings.⁴¹

The Market Inspection inspects EAs and job intermediaries offering employment abroad. All such agencies must be registered with the Ministry of Labour, Employment, Veterans and Social Affairs. Amendments to the Law on Employment and Unemployment Insurance, adopted in 2015, make employment agencies responsible for ensuring that the advertised employment abroad is legal and the working conditions are in conformity with the legislation of the country of employment. Despite this authority of the Market Inspectorate, it is still concluded that the Market Inspectorate needs a long time to react and check the allegations (up to two months) concerning fake employment offers, and in the rare cases when companies were dissolved following an infringement, the managers

³⁷ Supra note 28

³⁸ <http://redbutton.mvr.gov.mk/>

³⁹ 2022 Annual Report of the National Commission for Combatting Trafficking in Human Beings and Illegal Migration, Findings of the round table held on 27-28 April 2023 in Skopje

⁴⁰ [Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings \(GRETA, Group of experts on Action against trafficking in Human beings, Questionnaire for the evaluation of the implementation of the COE Convention on Action against trafficking in human beings by the parties, Third evaluation round](#)

⁴¹ Supra note 3

open another company with a different name, but a similar activity.

The capacity of labour inspectors to detect cases of trafficking in human beings in Serbia remains limited. The number of labour inspectors is not proportional to the number of businesses to be inspected.⁴²

In 2019 and 2020, the Trade Union of Workers in the Construction and Building Materials Industry of Serbia, in co-operation with the Labour Inspectorate, detected and filed reports on construction sites where, contrary to legal regulations, migrant workers, mostly citizens of Albania, Turkey and India, were working. Also, the co-operation with trade unions was particularly strengthened in 2021 by connecting representatives of state authorities with trade union members at the hybrid conference “Towards Fair Labour Mobility. Social and labour issues concerning migrant workers in the construction industry in the Western Balkans and the European Union” organised by the Trade Union of Workers in the Construction and Building Materials Industry of Serbia in partnership with the European Centre for Workers' Questions, the Construction and Energy Workers' Union of Belgium and the Dutch Construction Union of the Netherlands, held on 25 - 26 May 2021.⁴³

A majority of the labour inspectors had a training on human trafficking for the purpose of labour exploitation, and the labour and market inspectors were provided with pocket guides for the detection and preliminary identification of victims of human trafficking for the purpose of labour exploitation.⁴⁴ After the training of the labour inspectors as well as market inspectors, an increased number of detected and formally identified victims of human trafficking for the purpose of labour exploitation who were provided assistance can be noted.

In the Republic of Serbia, a total of 17 local anti-trafficking teams have been established (in

Pancevo, Kikinda, Sombor, Novi Pazar, Shabac, Smederevo, Pozharevac, Leskovac, Pirot, Prokuplje, Nis, Novi Sad, Sremska Mitrovica, Kraljevo, Kragujevac, Vran, and Subotica).⁴⁵

When talking about good practices, it is also good to point out that the Republic of Serbia, facing the dark figure of seasonal workers in 2018, adopted a special law for the regulation of seasonal work known as the Law on Simplified Work Engagement on Seasonal Jobs in Certain Activities.⁴⁶ This law regulates the activities in which seasonal workers can be engaged under simplified conditions, simplifies the procedure for registration and deregistration of seasonal workers, regulates the method of paying taxes and contributions, the rights and obligations of the employee and the employer, and facilitates the conditions for work engagement of foreigners as seasonal workers. By simplifying the conditions for work engagement of seasonal workers, the number of legally engaged seasonal workers increased by more than ten times, the rate of work of seasonal workers in the informal economy decreased by 37%, and budget revenues increased to 4 million euros.⁴⁷

Co-operation with the countries of the region in the field of combatting trafficking in human beings is continuously realised through the Network of Anti-Trafficking Co-ordinators of South-Eastern Europe – “Brdo Process”, which includes the National Anti-Trafficking Co-ordinators from Bulgaria, Serbia, Bosnia and Herzegovina, Montenegro, Croatia, Albania, Macedonia, Moldova, Romania and Slovenia, where the International Centre for Migration Policy Development (ICMPD) has the role of Network Secretariat. Co-operation in the region is also realised through MARRI - Co-operation Network of Anti-Trafficking Co-ordinators (Serbia, Bosnia and Herzegovina, Montenegro, North Macedonia and Albania and Kosovo*). Through the co-operation of the Anti-Trafficking Co-ordinators in the region, information and examples of good practices in

⁴² Supra note 40

⁴³ Ibid.

⁴⁴ <https://www.minrzs.gov.rs/sr/dokumenti/ostalo/vodic-za-inspektore-rada-o-detekciji-i-preliminarnoj-identifikaciji-zrtava-trgovine-ljudima>

⁴⁵ Supra note 40

⁴⁶ ЗАКОН о поједностављеном радном ангажовању на сезонским пословима у одређеним делатностима “Службени гласник РС”, број 50 од 29. 06. 2018.

⁴⁷ NALED, 2019, Vodic za elektronsku prijavu sezonskih radnika u poljoprivredi

prevention and fight against human trafficking, as well as the protection of victims, are exchanged.⁴⁸

In order to raise awareness about trafficking in human beings, the Serbian authorities organise activities every year on the occasion of the World Day against Trafficking in Persons (July 30) and the European Day against Trafficking in Persons

Montenegro

Montenegro is simultaneously a country of origin, destination and transit of trafficked persons. The majority of the identified victims were subjected to sexual exploitation, and there was also a growing number of victims of trafficking for forced begging and forced marriage. Majority of the victims were Montenegrin nationals, but some foreign victims originating from Serbia, Albania and Kosovo have also been identified.

Montenegro has adopted the Strategy for Combatting Trafficking in Human Beings, covering the period 2019-2024, as well as new SOPs for the identification of victims of trafficking in human beings. In order to strengthen the investigation and prosecution of cases of trafficking in human beings, an Operational Team for Combatting Trafficking in Human Beings was established in 2018 in order to formally identify victims of trafficking in human beings.

As it is evident from the work of the Operational Team, it can be noted that in addition to a significant increase in the number of identified victims, there is also an increasing trend in the number of female victims of labour exploitation.⁵⁰

Montenegro has concluded a Co-operation Agreement on Combatting Trafficking in Human Beings with North Macedonia, which regulates issues of co-operation related to identification, referral, protection and assistance in the voluntary

(October 18). Activities include press conferences and round table meetings attended by Serbian and international experts, journalists and specialised NGOs. A film titled “Observers”, which is based on the true stories of three young people who became victims of trafficking in human beings and encourages viewers to seek help from specialised institutions, was also produced.⁴⁹

return of victims and potential victims of trafficking in human beings. Protocols on Co-operation in the field of combatting trafficking in human beings have also been signed with Albania and Kosovo*.

Civil society organisations were also involved in the work of the co-ordinating body for monitoring the implementation of the Strategy for Combatting Trafficking in Human Beings and in the team for identification of victims, which is in charge of identification, referral and initial assistance to victims. In 2021, this team identified five victims, all minors, four of them girls. The authorities continued to co-operate with neighboring countries. In December 2021, a Protocol on Co-operation on combatting trafficking in human beings was signed between the Ministers of Interior of Montenegro and Slovenia.

In 2020, labour exploitation was the dominant form of exploitation in Montenegro. A significant number of migrant workers come to Montenegro from neighboring countries (Serbia, Bosnia and Herzegovina, North Macedonia, Albania), for seasonal work during the summer, particularly in the hospitality and catering sector at the seaside, as well as in the construction industry, and they have to be in a possession of work permit. Some of them have an irregular employment status and do not have social protection, and their salaries are withheld by the so-called employers. In

⁴⁸ Supra note 40

⁴⁹ The film is co-produced by the non-governmental organisation Unitas Fund, Mikser House, Radio and Television of Serbia and the Ministry of Education, Science and Technological Development

⁵⁰ [Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings \(GRETA, Group of experts on Action against trafficking in Human beings, Third Evaluation Round, Montenegro, Access to justice and effective remedies for victims of trafficking in human Beings](#)

Montenegro, there is a potential overlap between forced marriage and human trafficking to the extent that forced marriage may be linked to sexual exploitation, labour exploitation, and financial and other benefits to the extended family.

However, the prosecution rarely treats such cases as trafficking in human beings (even though Article 444 of the Criminal Code, which criminalises THB, also includes “concluding an unlawful marriage” among the forms of exploitation). The Labour Inspectorate in Montenegro is currently facing a shortage of human resources - inspectors who deal with labour relations and employment issues as well as safety and health at work are needed. A representative from the Labour Inspectorate is a member of the co-ordinating body for monitoring the implementation of the Strategy for Combatting Trafficking in Human Beings. All labour inspectors have received training on detecting trafficking in human beings as part of their initial training and have been provided with indicators and familiarised with the Standard Operating Procedures for the identification of victims of trafficking in human beings.⁵¹

When it comes to children as a vulnerable category, street begging is the form of exploitation most prevalent in Montenegro. To this end, planned activities under the police action Prosjak (Beggar) have been carried out, with the aim of detecting and protecting adults and children caught up in begging. Only a few cases of children who were exploited for begging have been processed.

Montenegro has not ratified the ILO Protocol of 2014 to Forced Labour Convention no. 29.⁵²

Labour inspectors co-operate closely with immigration police officers and the Department of Public Revenue, carrying out joint inspections of high-risk business premises (e.g. construction sites, restaurants, nightclubs).⁵³ As a result of the inspections that were carried out, labour inspectors have detected workers without work permits. The data on the detected workers in the form of a notification was submitted to the police and information about the employers who have been found to be in violation with the Law on Foreigners by not registering foreign workers was disseminated. However, no cases where there was a presence of indicators of human trafficking have been detected by labour inspectors.

According to the above-mentioned, the focus of the inspections is on suppressing illegal work and dealing with illegal work in the gray economy. Employers are sanctioned when workers are employed without proper documentation (residence permit and work permit). Although there are joint inspections with the police and the Department of Public Revenue, there are still no joint inspections with the specialised police unit for combatting trafficking in human beings.⁵⁴

Non-governmental organisations play a key role in the action against trafficking in human beings in Montenegro, through carrying out awareness-raising activities, training and research, running helplines, providing assistance to victims and participating in international projects.⁵⁵

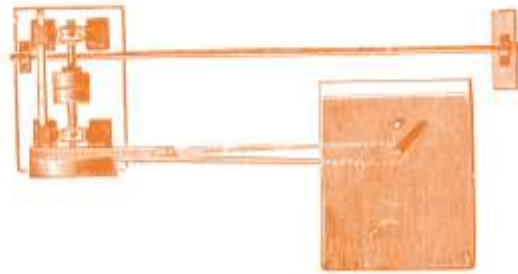
⁵¹ Ibid.

⁵² Ibid.

⁵³ [European Commission, Commission staff working document, Montenegro, 2022 report, Brussels 2022](#)

⁵⁴ Supra note 50

⁵⁵ Ibid.



CONCLUSIONS AND RECOMMENDATIONS

- Labour inspectors are an important link in the identification of potential/victims of human trafficking for the purpose of labour exploitation. It is necessary to ensure a proactive role of labour inspectors when conducting regular and extraordinary inspections for the identification of potential/victims of human trafficking for the purpose of labour exploitation;
- It is necessary to include the specialised police department for combatting trafficking in human beings in joint inspections with the Labour Inspectorate in all countries;
- Labour inspectorates should have a clear legal mandate regarding the identification and treatment of identified victims of trafficking in human beings, so that they can act promptly and in the best interest of the victim. Therefore, a mechanism for direct reporting by the labour inspector to the competent authority in charge of acting should be provided;
- It is necessary to extend the mandate of labour inspectors to a wider range of registered legal entities and they should be able to inspect the gray economy.
- It is necessary for labour inspectors to increase their work in the field in order to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to risk sectors, such as construction, catering and agriculture.
- It is necessary to provide a greater number of human resources in the inspectorates.
- It is necessary to conduct regular trainings on the indicators of human trafficking and the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings to labour inspectors and all those who participate in the identification or could come into contact with victims of trafficking in human beings (police, prosecutors, judges, social workers, health workers, etc.)

- At the same time, it is necessary to work on active co-operation among law enforcement officers, labour inspectors, municipal bodies that carry out other types of inspection, the police, the financial police, tax authorities, trade unions, the chamber of commerce, mobile teams, and other actors of the civil society for the purpose of gathering evidence necessary for the successful prosecution of those cases.
- It is of particular importance to continuously conduct campaigns, as well as to create available materials for informing about the various forms of trafficking in human beings and raising public awareness about human trafficking for the purpose of labour exploitation. Future awareness-raising measures should be designed and focused on identified needs, including trafficking in human beings in migration movements. Labour exploitation prevention materials should be displayed in employment agencies, state borders, migration centres, schools, etc.
- It is necessary to adopt and apply best practices from the region in all countries, including digital tools in each country. Already available tools such as registration numbers, online forms, sites and applications should be functional and usable.
- The detailed legal regulation of seasonal work will contribute to strengthening the protection of seasonal workers against labour exploitation.
- Strengthening the monitoring of temporary employment agencies is a key aspect that needs to be worked on. It is important that relevant human trafficking officers are sensitised to labour exploitation and the rights of victims. Efforts to prevent fraudulent job offers spread over the Internet should also be strengthened and close co-operation with trade unions, civil society and the business sector should be established.
- It is necessary to have strengthened regional co-operation and meetings for regular exchange of information on so-called hot spots where cases of illegal migration and labour exploitation with neighboring countries due to continuous movement of workers in the Western Balkans could be identified.