

Speech of Jelena Hrnjak, representative of NGO Atina at National Assembly of the Republic of Serbia at the international workshop “COOPERATION OF EUROPEAN PARLIAMENTARIANS IN THE FIGHT AGAINST HUMAN TRAFFICKING IN THE WESTERN BALKANS”

Honorable members of the National Assembly of the Republic of Serbia,

Your Excellency, Mr Ambassador,

Dear colleagues and guests,

Allow me to address you on behalf of Citizens' Association “Atina” and on my own behalf, and above all greet Mr Anthony Steen and John Randall, whose initiative has gathered us here today. We, from the organization “Atina” have had the pleasure to meet them before, and during one of those meetings we discussed key values and principles which are connecting activists in the fight against human trafficking - initiative, cooperation, courage, and responsibility. The best example of this was given to us by Mr Randall, who shared his experience during one of those meetings regarding a case of a woman who was subjected to sexual exploitation in his street, close to the house he lived in. Mr Randall did not wait for a moment, but reported this case, and then as a member of the British Parliament, took part in launching an initiative to establish a parliamentary committee to combat human trafficking, which still exists and operates in this oldest parliament in the world (if we exclude the one in Iceland). We saw the solution in this - an individual has initiated a change in one society, worked on the establishment of a system of cooperation, displayed bravery and assumed responsibility to persevere in that struggle, and to share the idea further, which is, among other things, the reason we are here today. Such approach should, thus, be a guideline for all of us, and for the state and different systems within it in particular, to assume their share of responsibilities and actively influence the suppression of human trafficking. This true life story which speaks of a need for a different, more proactive approach of the state and other relevant actors, and all of us as citizens and individuals in our own domains, gives a special note of importance to the suppression of this issue in all the societies. Therefore, on behalf of the organization Atina, I would like to welcome and strongly support the initiative to establish a parliamentary committee to combat human trafficking, both at the National Assembly of the Republic of Serbia and at the highest representative bodies in all the countries of the region.

Above all, as a civil society organization, we are grateful for the initiative that was launched by the members of the British Parliament, and for the experience of Great Britain which can be of invaluable benefit to both Serbia and other countries. We also believe that this initiative came at the right time for Serbia, to strengthen the system for the protection of victims of human trafficking, which is facing its biggest challenges currently. Today, in Serbia, we are faced with the fact that, 17 years after we have self-organized in this area, we entered the regression phase, and in order to move forward we need strong will and support of our state to combat this issue together. It is necessary to urgently adopt an umbrella document in this area, National Strategy for Combating Trafficking in Human Beings, without which we

cannot plan, nor conduct, joint activities. Four years have passed since this document has been drafted, and since we have been waiting for it to be adopted. It is also necessary to have the National Coordinator for Combating Trafficking in Human Beings finally appointed. Today, despite all the indicators in our society, poverty, social exclusion, we have a decreasing number of sentences for this criminal offense, and also, despite the institutionalization of identification mechanisms, the number of identified victims has been reduced by half compared to the previous period, which in no way reflects the real situation in the field, nor the challenges that Serbian society faces today. These challenges are also cited in annual reports of the US State Department on Trafficking in Persons, as well as in the European Commission's Progress Report on Serbia, which in recent years contain critical assessments, warn of these challenges, call for the improvement of the victim identification and protection system, as well as the improvement of the cooperation between the state and other relevant actors, especially civil society organizations. We are witnesses of many of these challenges, or issues. In this regard, civil society organizations have invested all their resources to help exit the vicious circle of assessment which reflects reports on our performance in this area over the past several years, and that assessment is already quite familiar, "The Government of Serbia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so."

In relation to the latter, we must also mention dominant risks of exploitation today, that is, the circumstances which lead to human trafficking. Human trafficking in Serbia, and I will dare say in the surrounding countries as well, is not simply a consequence of the activities of criminal groups, or individuals with bad intentions, but is more and more often a product of the economic situation in the country, chronic and deprived poverty, and the inability to provide basic living conditions. Having no alternative, a girl in Serbia who is alone in the world, has no one close, no family support, no primary school diploma, enters into a cycle of helplessness and sexual violence which she has no chance or strength to exit by herself. The unbearable existential pressure forced one mother of three children in Serbia, because of the electricity bill and inability to pay it, and out of fear that her children will be left without heating, to go to one of the EU countries where she ended up at the mercy of labor exploiters. Thus, one of the main issues became a question of consent and voluntariness in circumstances in which the life of certain citizens in our society hangs by a thread on a daily basis. There is an increasing occurrence of labor exploitation, both of individuals and entire groups, construction and other workers, in the country and abroad, and the state should not turn a blind eye, nor relativize labor exploitation, but become actively engaged in solving this issue, as it is potentially the largest generator of human trafficking today. In support of this, we have the well-known "Azerbaijan case", which includes hundreds of labor-exploited construction workers from the region, led by the prosecutor Sena Uzunovic to the courts in Bosnia and Herzegovina, and it represents an example of good practice in investigation, collection of information, and cooperation with civil society organizations.

Since 2000, the Republic of Serbia has made several important steps that have led to recognizing human trafficking as a social issue, which is above all incriminated, and to the amendments to the Criminal Code that now in the Article 388 sanctions this criminal offense, along with other legal solutions with the aim to suppress it, as you have already heard. I feel

obliged to mention that, in all this, civil society organizations specializing in this area played a significant, if not crucial, role, that many of the advocacy models established and tested by civil society have later been taken over as examples of good practice by the state. I will remind that the organization I come from, “Atina”, has launched an avalanche of local organizing through encouragement to establish city networks all over Serbia, with the aim to prevent and suppress human trafficking, and that this model was later taken over by the state and continued to empower local governments to take over a greater role and responsibility in this area. The ultimate goal of this initiative was for each city in Serbia to have its own functional local network for the prevention and protection of the victims of human trafficking. Now it would be most useful to advocate for local governments to formally recognize the work of these networks and help them in every possible way. In that same period, five years ago, we introduced, at that time, a rather disputed concept and term ‘children on the move’, and announced the coming phenomenon which today, after the refugee and migrant crisis, is generally accepted in public discourse.

The refugee crisis is still not abating and represents a great test for Serbia and all available support and assistance systems. The organization “Atina” is significantly present in providing safe accommodation for potential victims of human trafficking and gender-based violence, primarily violence against women, who were affected before or during their journey. “Atina” has, furthermore, trained and engaged cultural mediators, with the idea for the state to recognize cultural mediation as a service, just as it was previously done with medical and Roma mediators. Recognizing violence and exploitation among the refugee population was particularly difficult and challenging, as was making a distinction between human trafficking and smuggling; smuggling has been a widely spread phenomenon in this refugee crisis, and at the same time revealed a number of new and less known risks and forms of abuse, such as survival sex, attempted honor killings, revenge marriages, and other. Daily work with state authorities in and outside of the camps in Serbia where refugees and migrants are accommodated, brought to light a number of recommendations, majority of which is related to monitoring the implementation of legal solutions. For example, civil society organizations welcomed the adoption of amendments to the Criminal Code, Articles 187a and 192, which will enter into force on June 1 this year, and refer to the fact that Article 388 did not, in its essence, contain forced marriages as an element of the criminal offense of human trafficking, while these amendments will open up a space for better protection of those who are particularly affected by this issue, mostly girls.

It is certainly important to note another fact: in order to be successful in this fight, we cannot expect it to be led exclusively by the police, judiciary or certain specialized institutions, but also the education system, social protection system, health care system, and other systems; it is essential for all of them, in cooperation and with the support of civil society organizations, to recognize this issue and its causes and consequences, as well as various risks of exploitation, because the early detection of the circumstances of human trafficking, as well as potential victims, is a key element in the successful fight against this phenomenon. It is important to point out the need for the decriminalization of persons in prostitution through the change in the Law on Public Peace and Order, as it happens that the state prosecutes a person for being in prostitution, and the next day that same person can, due to specific indicators, be

recognized as a victims of human trafficking not the perpetrator of an offense, if a sensitized police inspector happens to be involved in the case.

It is important to emphasize that civil society organizations continue to play an important role in the victim protection system, and the state should perceive them as necessary and constructive partners; at the same time, the state should support them financially, logistically, and in other ways as well. The civil sector does not represent the state's counterpart, nor is it its opponent, but rather a corrective factor, and only through honest and constructive cooperation between the state and civil society we can expect an effective fight against human trafficking, and sustainable solutions. I must, once again, point out that over the past 15 years, civil sector took over most of the burden of combating this phenomenon, and without it there would be no direct work with victims, nor numerous programs of support and social inclusion. An example is that, since 2011, Serbia has been announcing the opening of the Shelter for victims of human trafficking, and during all that time the only Shelter that exists is still the one run by the organization "Atina". Six years is a long period of time in the lives of girls and women, but also boys and men, who have survived the experience of human trafficking. For this reason, the state must not relativize the experience of civil sector, but rely on it, and firmly support and facilitate its work. Civil society organizations are slowly entering into the licensing system, and they are alone in this process, as they have to take care of the long-term financial sustainability of their future licensed programs, which is quite difficult if we take into account the uncertainty of project and short-term funds currently available to civil society organizations in Serbia. In order to enable the sustainability of its programs and, at the same time, economically empower its beneficiaries and hire difficult-to-employ categories of women in higher need, two years ago organization "Atina" founded the social enterprise "Bagel Bejgl shop" which represents another example of proactive and innovative approach to the socio-economic empowerment of victims of human trafficking. In this regard, the state should also pay more attention to social entrepreneurship, as a model that has already been tested by civil society organizations, and one which has produced results, not only in relation to combating human trafficking and supporting victims, but also in the support to wider population, bearing in mind the unfavorable socio-economic situation in Serbia, as well as a worryingly high level of poverty. The area of social entrepreneurship lacks the legislative framework and incentive environment through affirmative actions, such as the one adopted several months ago, according to which those employers who hire women with the experience of violence shall be temporarily exempt from paying part of the tax.

The cooperation of all actors dealing with the suppression of human trafficking must be strengthened and improved. It is necessary for the signed memorandums of cooperation to become operational, to establish unified databases, create and standardize the missing procedures for identification and referral of victims of human trafficking. On the other hand, I have to mention and commend the cooperation "Atina" already has with the police and prosecutors in Serbia, as well as with different organizations in the region and in Europe; that cooperation is based on mutual trust and respect, which we are particularly proud of.

I would like to remind you of the introductory part of my speech, for an instant, where I mentioned that several individuals succeeded in making a change, which is the reason why

we are here today. They have managed to summarize the principles of initiating a change through brave approach, encouraging cooperation and taking responsibility in one act that has resulted in a domino effect, and in unification of the approach which leads to the improvement and facilitation of the position of the most vulnerable persons in our societies. The message that we certainly wish to give is an invitation to act together on this issue, regardless of party affiliations, or the country you are coming from, because this problem is certainly equally important to all of us, and equally endangers all of us, and as such requires us to be together and to be ready to influence the reduction of supply and demand, and by our personal example influence the change of attitude and the eradication of modern slavery.

I would like to remind everyone present that Serbia has begun the negotiation process with the European Union, and that it has opened two of the most important Chapters - 23 and 24, which, among other things, refer to respect for basic rights and fight against human trafficking. In this process, Serbia has committed itself to establishing appropriate standards, harmonizing its legislation with the EU, and taking a number of other steps in order to preserve and promote democratic society and the rule of law. The respect for human rights, timely and indiscriminate punishment of their endangerment and violation, is the foundation of any democratic society. To achieve this, a clear division of responsibilities is needed, as well as a clear and effective mutual control of various branches of government. The National Assembly, as the highest body of legislative power in the Republic of Serbia, was and still is in the shadow of the executive authority, and this initiative is welcomed as it opens the possibility for the role and reputation of the parliament to be restored. I do hope that this parliamentary committee will continue its operations, that it will become an example of good practice, a model for other highest representative bodies in the region, and that it will affirmatively influence the fight against modern slavery in Serbia and beyond. I thank you all for your attention, and I hope that we will have the opportunity to meet here again, as guests of the Committee to Combat Human Trafficking of the National Assembly of the Republic of Serbia.

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For the Association Atina, Jelena Hrnjak, programme manager