



**WOULD YOU
REALLY
BUY THIS?**

The mass case of trafficking in human beings for the purpose of labour exploitation in Serbia:

Reinventing Slavery in the 21st century

PAST, PRESENT AND THE GRIM FUTURE OF THE MIGRANT WORKFORCE EXPLOITATION (not only) in SERBIA

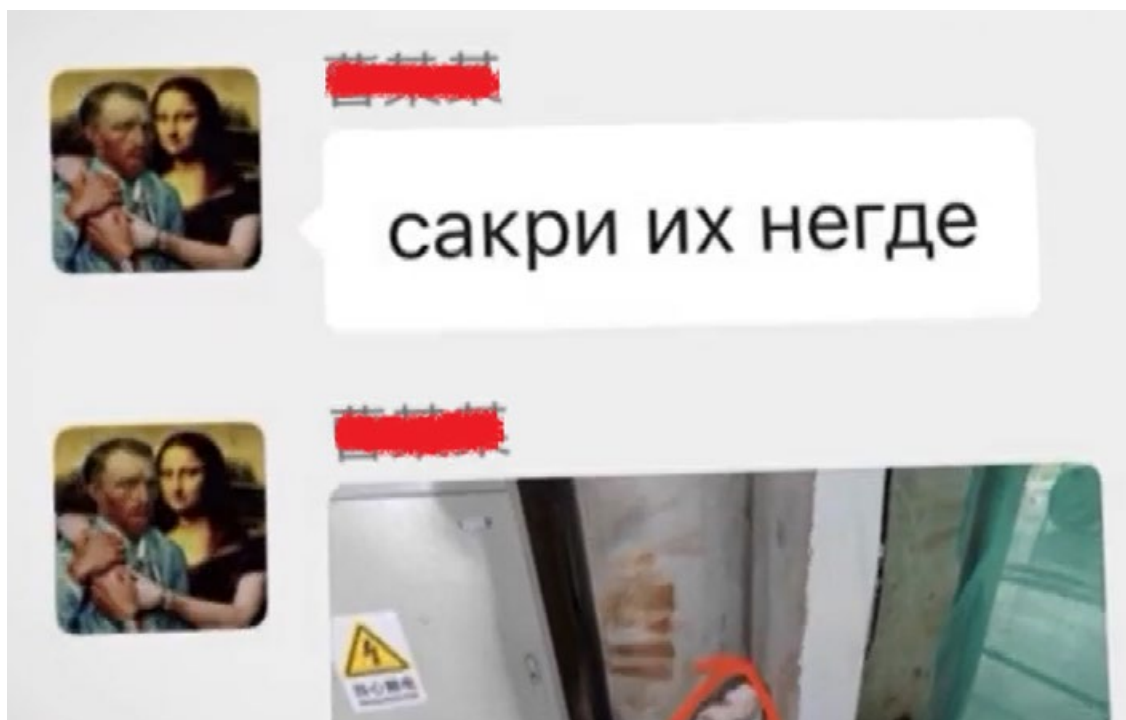


Photo credits:

Screenshot of the communication from Chinese manager toward Serbian workers in Linglong construction site in Zrenjanin, published by N1 TV station¹. The instruction is saying **“Hide them somewhere”** and it actually refers to the parts of equipment and boxes on the site. However, it also describes the overall attitude of Serbian government and many other actors involved in this, and similar cases of presumed trafficking in human beings for the purpose of labour exploitation in Serbia.

¹ [Linglong worker for N1: They make us do everything, the atmosphere is on the verge of conflict \(n1info.com\)](https://n1info.com)

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Introduction

This report has been made by ASTRA – Anti-trafficking Action, in an attempt to collect and compile all of the relevant data and findings, regarding the **case of labour exploitation of the Vietnamese workers** contracted to work in the Linglong tire factory in Zrenjanin, Serbia.

The case of Vietnamese workers working in the Linglong tire company in Zrenjanin, Serbia, came into focus of the national and international public in early November 2021, after an [article](#) had been published by the VOICE². A group of NGOs conducted a field³ visit shortly after the first media reports, and produced a joint *Initial report* calling for accountability of all state actors. In the past seven months (November 2021 – June 2022), ASTRA has conducted a number of activities: direct support to the workers, field visits, coordination with the activists on the field, as well as the intensive correspondence with the state institutions, calling them for accountability, putting a pressure on the National Referral System for the victims of trafficking in human beings, proceeding in accordance with the Standard Operative Procedure for the victims of trafficking in human beings, participating in numerous meetings (on-line and in person), and writing inputs for national and international actors.

Some of the key events that we believe ASTRA has contributed to, in regards to this case, include:

- **European Parliament resolution**⁴ on forced labour in the Linglong factory and environmental protests in Serbia (December 2021),
- **Joint statement of UN experts**⁵ (January 2022) expressing their deep concern because of the alleged trafficking of Vietnamese migrant workers to Serbia, and
- **UN Committee on Economic, Social and Cultural Rights, Concluding Observations**⁶ regarding trafficking in human beings, improving the position and respecting the rights of victims, and the specific case of potential trafficking in human beings for the purpose of labour exploitation of Vietnamese workers engaged in the construction of the Linglong tire factory.

In more than seven months since the case got into the public focus, the state of Serbia has shown no clear intention of implementing its own legal framework in this case, or providing adequate protection and support to the presumed victims of trafficking in human beings. The majority of the reactions, besides the ones from Serbian CSOs, activists, academia and independent media, actually came from outside the country – from international actors, organizations and bodies.

² VOICE - Vojvodina Research and Analytical Center, <https://voice.org.rs/>

³ ASTRA organized regular field visits, both independently and with other organizations and activists. The report describes only those when we came to certain findings.

⁴ https://www.europarl.europa.eu/doceo/document/RC-9-2021-0600_EN.html

⁵ <https://www.ohchr.org/en/2022/01/un-experts-deeply-concerned-alleged-trafficking-vietnamese-migrant-workers-serbia>

⁶ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSRB%2fCO%2f3&Lang=en

The case of Vietnamese workers in Linglong factory in Zrenjanin, poses a complex test for many international and national actors:

- Serbian institutions are yet to show their willingness and decisiveness to act in accordance to the legal framework;
- EU Commission, its competent bodies, as well as the EU member states – home countries of the companies who already have contracts with Linglong to purchase the tires produced in Zrenjanin factory – to comply and fully implement the existing national, but also upcoming regulations on the forced labour and labour exploitation, i.e. Decent work worldwide for a global just transition and a sustainable recovery⁷. There is also a promising resolution adopted by the EU Parliament on 9 June 2022, on a new trade instrument to **ban products made by forced labour** (2022/2611(RSP))⁸.
- Relevant international bodies monitoring the implementation of international conventions ratified by Serbia, appealing to the Serbia and its' institutions to respect and fully implement such conventions.

Having in mind the above, this report should serve as a **source of valuable data and information**, for any further action in any of the proceedings related to provision of the protection and support to the workers, in line with the national legal framework of Serbia, but also with international standards and conventions.

In Belgrade, June 13, 2022.

IMPORTANT NOTES:

- Each of the facts, events, exchanges mentioned in this report, are supported with a source links, documents, photos, videos, screenshots, etc. compiled and filed by ASTRA.
- ASTRA would like to extend a **special gratitude** to the labour law expert prof. Mario Reljanović and investigative journalists, Saša Dragojlo and Aleksandar Matković for valuable contribution and insights shared with us in the process of the preparation of this report. ASTRA would also like to thank to local activists, Zrenjanin CSOs, national and international media for the intensive reporting and acting in regards to this case. By doing so, they contributed to the collection of vast amount of evidence, and continuously called for the Serbian authorities accountability. Hopefully, all of this will lead to the proper response of the authorities. ASTRA also highly appreciate the support coming from **Vietnamese partners, human rights activists, and CSOs** who shared enormous knowledge on context, previous experience and and provided emotional support to ASTRA staff during intensive work on the case.

⁷ <https://ec.europa.eu/social/BlobServlet?docId=25260&langId=en>

⁸ Texts adopted - A new trade instrument to ban products made by forced labour - Thursday, 9 June 2022 (europa.eu)

The guiding light: European Court of Human Rights and EU Parliament

October, 2021.

The European Court of Human Rights announced a long-awaited [verdict](#) in the case of *Zoletic and Others v. Azerbaijan - 20116/12*.

The verdict is in favour of 33 citizens of Bosnia and Herzegovina, who were recruited in 2009 and taken to Azerbaijan where they were forced to work.

The court ruled that the respondent State failed to comply with its procedural obligation to institute and conduct an effective investigation of the applicants' claims concerning the alleged forced labour and human trafficking.

“...206. It does not follow from the above-mentioned letter that **any investigation or preliminary investigation was formally instituted** by the Anti-Trafficking Department, or that **any effective investigative steps have been taken**. As to workers who had been questioned, they were unnamed in the letter and it was not mentioned when and how many of them were questioned. It does not appear that **any potential victims, including the applicants, were informed of the “examination”** conducted by the AntiTrafficking Department. There is no information as to **any attempts to identify and question any potential or already-identified alleged victims, including the applicants**. The Court notes that, in so far as the AntiTrafficking Department knew that many alleged victims had been sent back to Bosnia and Herzegovina and was informed about the criminal proceedings instituted in Bosnia and Herzegovina, it **could have sent a formal legal-assistance request to the authorities** of that country under the Mutual Assistance Convention, requesting the latter to identify and question such potential victims and to provide copies of their statements to the Azerbaijani law-enforcement authorities.

207. Furthermore, it **has not been demonstrated that any attempts were made to identify and question any of the allegedly implicated persons** who were nationals or residents of Azerbaijan. Despite a specific request in this regard by the authorities of Bosnia and Herzegovina, it appears that no steps were taken to identify the person named S. Similarly, no information is available as to **any steps taken to identify** at least two other Azerbaijani nationals mentioned in the ASTRA Report (see paragraph 104 above).

208. In sum, it does not follow from the parties' submissions or any other material in the case file that **there has been any effective criminal investigation concerning the allegations of forced labour and human trafficking** made by the applicants.

(iii) Conclusion

209. Having regard to the fact that **there has not been an effective investigation** although the matter had been **sufficiently drawn to the attention of the domestic authorities**, the Court rejects the Government's objection concerning the exhaustion of domestic remedies and finds that the respondent **State has failed to comply with its procedural obligation to institute and conduct an effective investigation** of the applicants' claims concerning the **alleged forced labour and human trafficking.**"

*The European Court of Human Rights (Fifth Section),
The case of Zoletic and Others v. Azerbaijan⁹*

Paragraph 10 of the verdict says that in support of their submissions made to the Court, the applicants submitted a copy of a report prepared by three NGOs from different countries named ASTRA (Serbia), La Strada (Bosnia and Herzegovina) and Cooperation for Social Development (Croatia), in cooperation with an Azerbaijani NGO named the Azerbaijan Migration Centre (Azərbaycan Miqrasiya Mərkəzi - "AMC"), published on 27 November 2009 ("the ASTRA Report"). The contents of the ASTRA Report are summarised in paragraphs 101-117 of the verdict.

June 9, 2022.

EU Parliament adopts resolution to ban on products made with forced labour¹⁰

EU Parliament presented its recommendations in a resolution intended to feed into the ongoing drafting of new EU rules on products created or transported by forced labour, recommending that **such products be banned** on the basis of production site, importer, company, transporter, or the particular region in case of state-sponsored forced labour.

The importer should have the burden of proof to show the absence of forced labour for the release of the cargo. To help importers, a public list of sanctioned companies, regions and producers should be established, says the Parliament, arguing for assistance to SMEs to cope with the new rules.

According to the EU Parliament press release, MEPs underlined that for the determination of what counts as a product of forced labour, the items should be measured against International Labour Organisation (ILO) **indicators** which include abuse of vulnerability, restriction of movement, withholding identity documents and debt bondage.

"The EU has to do more to combat the vicious practice of forced labour systematically, and should do so in alliance with other countries. There can be no room for exploitation-based products or transport. With the vote today,

⁹ <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-212040%22%5D%7D>

¹⁰ [Ban on products made with forced labour: EP presents its recommendations | News | European Parliament \(europa.eu\)](#)

Parliament laid down the principles along which a ban on such inhumane practices should be constructed: now it is time for the Commission to deliver,” said the International Trade Committee Chair [Bernd Lange](#) (S&D, DE).

The resolution was adopted by 503 votes, with six votes against and four abstentions.

Summary of the report

Global and, consequently, local trends are characterized by constant changes. Changes are also visible in the fight against human trafficking - the circumstances, methods and characteristics of human trafficking cases are in constant transformation. ASTRA has existed for 20 years and the first projects as well as the conference dedicated to the prevention of labor exploitation (then a relatively unknown trend) ASTRA had exactly 10 years ago. In addition to individual cases of trafficking in human beings in the form of labor exploitation, mostly of Serbian citizens abroad, the first major case of this type that ASTRA encountered was so called **SerbAz case**.

We begin this report with a sort of **a guiding light**; details from the judgment of the European Court of Human Rights in the Serbaz case, because we believe that it is crucial and largely reflects the trends that have prevailed for a long time when it comes to labor exploitation. The case of Vietnamese workers at the Linglong factory in Zrenjanin, covered in this report, testifies to the fact that the circumstances are not improving. On the contrary, labor migration is becoming more intensive, while human and labor rights are becoming more unprotected, and they are being violated more and more rudely and unscrupulously (not only in Serbia). As a promising initiative, we included a recent EU Parliament resolution calling for a ban of products made by forced labour.

Despite constant learning from previous cases, application of knowledge and skills accumulated over 20 years, intensive exchanges and networking with similar organizations from the region and the world - the case of Vietnamese workers at the Linglong factory in Zrenjanin, presented ASTRA with a handful of new challenges. A large number of workers coming from a country for whose language (and dialects) it is almost impossible to find a reliable translator in Serbia, the degree of cultural diversity they come from and the level of (mis) information of workers about the destination country, the intensity of the workers intimidation due to the debts they incurred in order to come to Serbia, and then the conditions in which they found themselves - are just some of the challenges ASTRA faced trying to help workers who sent appeals for help Vietnamese or in bad English, translated using online applications. The language barrier, fear for one's own and family's lives in Vietnam, depression and loss of faith in anyone's help, limited opportunities for workers to establish unsupervised contact with anyone outside the factory and accommodation, all contribute to the fact that names, roles and the degree of responsibility of the persons involved in this case (in Zrenjanin, and beyond) are not included in the report. This is a huge difference compared to the Serbaz case, where workers knew and clearly communicated a large amount of information about those who put them in a situation of being exploited (names and surnames, personal description), and their role in the chain of exploitation.

Vietnamese workers in Zrenjanin live in a country they know very little about (and mostly incorrectly), in conditions slightly better than those that stunned the domestic and world public in November 2021, when the first reports about them was published. Their movement as well as the freedom of choice to react, take steps to improve their

position, leave or stay, are very limited. All of these, and many other challenges, have been exacerbated by the lack of strong response from government agencies whose obligation to respond is described in the **Overview of Challenges, Restrictions and Obstacles** section of this report.

The report contains a section **Prelude of the case**, as a sort of an introduction to the case. It is important to list all of the actions, reaction and warnings issued by local CSOs, activists and media, even before the case become widely known, starting more than two years prior to November 2021. Just by comprehending this section as well as the section **In a nutshell**, an overall trend of Serbian institutions can be anticipated. Despite numerous warnings and actions, the Serbian authorities did nothing to prevent the situation from the escalation.

A more detailed description of the case of Vietnamese workers, exploited in the Linglong tire factory in Zrenjanin, is presented in the part **The case of Vietnamese workers - In details**. How the workers found job advertisements in this factory in Serbia, the role of employment agencies and the collection of compensation for workers for mediation services, the nature of contracts, misinformation about life in Serbia, and finally the conditions in which they found themselves and which led to the case comes into the public spotlight. Also, in this section, a **Summary of international and national indicators of labor exploitation** identified by ASTRA in this case is given.

A detailed table of indicators, with enumerated sources of verification is shown in the section **Detailed elaboration on Indicators of labor exploitation**, using three groups of indicators (ILO, UNODC and CpoTV).

The **Chronological Overview: THE MAP of the major actions, reactions, reports and other key events** provides an overview of the most important events in chronological order and covers key reports, events and reactions of the domestic and international public. Also, this table provides an insight into most of the activities that ASTRA has undertaken in **official correspondence** with 17 Serbian institutions, competent to react and implement their mandates. All correspondence, reports and feedback are summarized, with comments on the current situation.

In contrast to the chronological presentation aimed at showing the complexity of the event, its duration and reactions (or lack thereof) in the order in which they occurred, in the section **Serbian National Referral Mechanism (NRM) for the victims of trafficking in human beings - What the NRM was supposed to do compared to actual reaction**, ASTRA provided a comparative overview of the National Mechanism for the Referral of Victims of Trafficking (NRM), with all relevant institutions, their competencies and mandates in accordance with the legislative framework, as well as what they (did not) undertake within their competencies.

Regardless of the astonishment of a large part of the public in Serbia with the conditions of the workers' stay in the barracks in Zrenjanin, as well as other circumstances, such treatment of workers is not new in Serbia. On the contrary, so far there have been at least three similar cases from which the competent authorities in Serbia could learn

from and assume what trends in labor migration can be expected. They could have also prepared themselves better for the reaction in cases of potential labor exploitation of, both domestic and an increasing number of foreign workers. Previous cases, their characteristics as well as the reactions of the competent authorities are described in the **Lessons NOT learned section**.

Finally, to complete the bigger picture, the **Further reading section** provides sections on trends in the fight against human trafficking in Serbia, with an emphasis on labor exploitation, but also more broadly, describes the **legal procedure to come to Serbia** for employment, elaborates on the **Chinese investments in Balkans and Serbia**, and describes the most prominent Chinese companies active in Serbia. Also the list of the **memoranda and contracts between Serbia and China** is included.

The section on Further reading ends with an overview of media and other public reports that were published in the period from November 2021 to June 2022 (**press-clipping**).

Overview of the challenges, restrictions and obstacles in preparing this report

- This case has a strong **political background and impact**, due to the nature of China-Serbia relation, the number of mutually signed state contracts, and cooperation on large infrastructure projects. Those projects guarantee Chinese companies a **“special state treatment”** on the territory of Serbia. The case of Vietnamese workers in Linglong factory in Zrenjanin (also the case of Indian workers from 2019 and 2020) has been closely connected to the states’ capital planning and investments, also including public budget funds. In the end, the perpetrators in this case are using the fact that Serbia does not have legal framework for **supply chain responsibility**.
- Relevant and accountable **Serbian institutions respond slowly and inadequately**. Even seven months after the initial reports and inquiries to the authorities has been submitted, the overall impression is that the authorities are hoping for the public attention, both national and international, to decrease, so that there would be no need for an adequate intervention. The only visible actions have been those serving to sort out a few most obvious issues, arrange the documentation (passports being given back to the workers, then taken away from them again and so on, the workers being moved from one place to another, work permits appearing in different systems, etc.).
- **Language barriers and Interpretation** – The Vietnamese workers have been coming from different Vietnamese provinces and spoke in many dialects. Communication with them has been very slow and challenging because of the **lack of adequate interpreters**. Serbia has no official interpreter for Vietnamese (none of the dialects), so the communication with the workers and activists in the field have been mostly done through Google translate app. However, for a proper interview to be conducted, respecting the potential victim and the rules of procedure, high quality, competent and confidential interpreters are needed. Local NGO identified one Vietnamese student who turned out to be unreliable, since he stated that he was also hired by the Linglong company. Some of the workers reported to ASTRA that his interpretation was wrong and that the meaning of their sentences was changed by the interpreter. Also, the same person provided interpretation for the Pink TV (national frequency holder, extremely pro-government oriented) and tendentiously presented the situation as “regular, fine and with no problems”.
- To date, there have been no **official, valid and publicly available information** on the **exact number** of the Vietnamese and Chinese workers accommodated in Zrenjanin, hired to work in the Linglong factory! The estimates went from 1,600 workers to 600 at the time the case got into the public focus.
- **The circumstances for the workers** - The workers are being **kept in constant fear and uncertainty, majority of them still have restriction of the free movement and are threatened** by hectic changes in accommodation, and presumably chaotic and intimidating internal communication on the site. The contacts with CSOs and activists are almost non-existent, due to the circumstances at the accommodation facilities (secured by private security workers) and threats by the employers of limiting the contacts with CSOs or any other outsiders. After almost two months

of complete media silence related to this case, the recent reports (late May, June 2022) are confirming that the situation has not changed to better.

- **Funds for accommodation and assistance** are being fundraised randomly and quite slowly. ASTRA is overburdened with the amount of actions and reactions related to this case, and does not have enough independent resources to cover the needs by itself. Necessities like food and hygiene were mostly collected by the citizens and unions, but as the time goes by, those efforts are declining.

To summarise, this case is different from the cases of mass labour exploitation that ASTRA has dealt with in the past 20 years, due to the:

- Complex language and cultural barriers and differences,
- Large number of potential victims (workers),
- Restricted access to the workers,
- No response (or minimal response) from the state actors mandated to react,
- Political and historical context of the Vietnam-China relations, but also the Serbia-China relations,
- ASTRA's resources (human, operational and financial) - drained due to the fact that there has been no state support to the anti-trafficking CSOs, while the budgets from the donor funded projects have been limited and/or requested for other cases as well,
- Self-perceptions of the workers – difficulties of accepting the fact that they were potential victims, their plans to move forward to the EU and other countries in Europe and further. The workers have also been terrified due to the burden of the political and historical context of the Vietnam-China relations, cultural differences, disbelief...
- In the SerbAz case, Serbian citizens were aware of who the traffickers were, they even personally knew them. This is why they were able to share their names and other details with ASTRA, other CSOs involved, and finally, with the authorities. In the Vietnamese workers case, they either do not possess that knowledge, or are terrified to share it with anyone outside the camp.

I PART

Prelude of the case

Year 2019.

The Development Agency of Serbia announces that the construction of tire factory “Shandong Linglong” officially started on 30th of March 2019¹¹. President of Linglong Wang Feng said that the project will contribute to Serbia’s economic development and further development. Wang also said that “Linglong” will **employ 1,200 workers in Serbia** and **invest 990 million dollars**, and that it will generate revenues of around 600 million dollars. Chinese Ambassador Chen Bo said that the investment was worth a billion dollars and that it would be the most modern tire factory in Europe, that laying the foundation stone for the “Linglong” tire factory in Zrenjanin was a great day for the city, as well as for the Chinese company and overall Serbian-Chinese relations.

The Linglong International Europe, d.o.o. Zrenjanin also applied for the state aid, and received transfer of grants in the amount of **€ 75,8 million** (granted by the Ministry of Economy) and alienation of **95ha of land** owned by the City of Zrenjanin without market compensation with value estimated at **€ 7,6 million** (granted by the Republic Property Directorate)¹².

Year 2020.

On June 5, 2020, the Serbian State Aid Control Commission announces a Decision¹³ that the state aid awarded to the company Linglong International Europe, d.o.o. Zrenjanin is in line with the rules¹⁴ for granting state aid. The State Aid Control Commission elaborates that:

- The total amount of state aid granted includes funds allocated in accordance with the draft contract in the amount of **€ 75.8 million**, as well as the value of land granted free of charge in the amount of **€ 7.6 million** in dinar equivalent, which amounts to **€ 83.49 million**. The total amount of state aid was calculated on the basis of the mentioned eligible costs for initial investment, in accordance with Article 12, paragraph 1, item 1) of the Regulation. Thus, the amount (intensity) of state aid, calculated by comparing the eligible costs (€ 800 million) and the total allocated amount of state aid (€ 83.49 million euros) is **10.44%**.
- The company is to employ 1.500 workers, out of which **1.200 Serbian citizens** and 300 will be posted by the company from the company’s home country (China).
- 1.200 workers will have a permanent contract until year 2024, with average gross salary of **€ 565**¹⁵.

¹¹ <https://ras.gov.rs/en/postavljanje-kamena-temeljtsa-za-fabriku-shangdong-linglong-u-zrenjaninu>

¹² <https://www.reri.org.rs/en/the-state-aid-granted-to-the-linglong-tire-is-not-in-accordance-with-the-law/>

¹³ <https://www.kkdp.gov.rs/doc/odluke/2020/Linglong-sken.pdf>

¹⁴ <https://www.paragraf.rs/propisi/uredba-odredjivanju-kriterijuma-dodelu-podsticaja-radi-privlacenja-ulaganja.html>

¹⁵ Average gross salary in Serbia, in 2020. was approximately **€ 700**.

- By employing 131 low-skilled, 904 skilled and 165 high-skilled workers, the company will contribute to lowering Zrenjanin unemployment rate by 22.69%¹⁶.
- The Investment project contains **environmental impact assessment**, with company's plan to build wastewater treatment plant.

Year 2021.

In March 2021, an NGO - Renewables and Environmental Regulatory Institute - RERI, published an article¹⁷ on the **comprehensive state aid** granted by Serbia to the Linglong Tire, elaborating why such grant is **not in accordance with the Serbian law**. RERI elaborates on many issues related to this aid, conditions under which it was granted, as well as a potential impact on the environment (vicinity of the special nature reserve Carska bara).

The Commission grounds the approval of this state aid on the argument that Linglong's investment should **contribute to the achievement of a goal of common interest and has an incentive effect**. RERI points out that the Commission made such conclusions based on investor statements, without assessing explicit material evidence.

The net present value of the investment estimated by Linglong at € 645 million including aid and the expected internal rate of return of 34% for the 8-year investment period, RERI calculated that the **total amount of aid Linglong received** from the Republic of Serbia **certainly exceeds the allowable aid** threshold for large investment projects.

RERIs final conclusion on this topic is that such reckless management of state aid leads to **large losses for the citizens of Serbia**, all **in favour of private interests of foreign investors**.

The concluding remark fits the manner that officials and other key stakeholders relevant for this case behaved so far: the interest of private companies, investors, states and influential individuals is put before the interests of citizens (from any country) and vulnerable individuals.

The case of Vietnamese workers in Serbia - in a nutshell...¹⁸

In 2019, first announcements on the huge capital investment of China based company Linglong International on the territory of Serbia are announced, strongly supported and advocated by the Serbian government officials. Linglong applies for a state aid and receives a comprehensive support in the amount of **€ 83.49 million**. In return, the company promises to invest more than **800 € million** and employ **1.500 workers** - 1.200 Serbian citizens and 300 posted workers. Contracts with Volkswagen and

¹⁶ By offering Zrenjanin workers' salaries that are 19% lower than the Serbia average.

¹⁷ <https://www.eri.org.rs/en/the-state-aid-granted-to-the-linglong-tire-is-not-in-accordance-with-the-law/>

¹⁸ This section is a simple narration of the case. Every detail elaborated in the section is substantiated with links and references in the sections to follow.

Renault to buy tires produced in the future Zrenjanin tire plant were also confirmed.

In parallel, during 2019-2021, a numerous appeals came from the local activists and CSOs pointing out many issues related to the Linglong tire company in Zrenjanin – starting from the amount of the state aid, rationale behind the land given to the Linglong, but also the location (in the middle of the agriculture area), concerns about the pollution, and the issue of barracks that were prepared for the workers to be accommodated in.

During 2021 (March-July), an unknown number of Vietnamese workers (estimates go from 600 to 1.200) started to arrive to Serbia, hired through the agencies in Vietnam, with no previous contacts or contracts with any Chinese company (therefore, they can't be referred to as the „posted workers “).

In fall of the 2021, more news about out of the ordinary, started to come from Zrenjanin. Inhabitants of this town report unusual animal traps¹⁹ ²⁰ being set up around the construction site, in the protected area of Ečka. Also, a disturbing video²¹ of animal, presumably cat or a rabbit, being skinned out in the open, in the construction site in Zrenjanin, caused a strong public reaction. Journalists from independent investigative media²² goes out to the construction and finally, details of the work and life conditions of the workers, reach the wider public. The title of the article which sparked the wider national and international coverage is ***The hopelessness of the invisible***.

The article provokes a huge reaction of local and national actors, primarily local and national non-governmental organizations, media and activists. Appalled by the horrible accommodation circumstances of the workers, lack of basic conditions – food, water, clothes, heating, the activists and CSOs are organizing collection of goods and are trying to supply the workers. Further inquiries reveal that the workers have limited freedom of movement, that their passports are not with them, that they work longer than allowed, without the adequate protective equipment, that the Chinese managers are abusive towards Vietnamese workers. CSOs working in the field of anti-trafficking, human and labour rights, prepare and send first official report to the list of competent Serbian authorities (November 2021).

Along with other organizations and activists, ASTRA gets involved in direct support to the Vietnamese workers, organizes a number of field visits, bringing urgent support packages and maintain vibrant communication with the workers. In course of several months, ASTRA has had at least one direct contact (face to face, social networks i.e. Facebook Messenger) with **50 individuals**²³. Following the Serbian National Referral Mechanism for the victims of trafficking in human beings, almost 50 reports, inquires and appeals are submitted to more than 16 Serbian institutions in order to initiate any state institution reaction.

¹⁹ <https://listzrenjanin.com/milena-romaneli-upravnica-lovista-o-pripremama-za-zimski-period/>

²⁰ <https://twitter.com/terzopoaria7/status/1457696628413026307>

²¹ <https://www.youtube.com/watch?v=cZfveogSpT4>

²² More than 750 Vietnamese and Chinese in the Zrenjanin industrial zone: Hopelessness of the Invisible - Vojvodina Research and Analytical Center "VOICE"

²³ Source of information: ASTRA Victim Support Unit

In parallel, Serbian institutions are avoiding to perform their duties in accordance to the legal framework. The highest officials are issuing statements of denial (the president, the prime minister, several ministries, the Protector of the citizens, etc.). The officials are also accusing media, CSOs and activists for malice and destructive intentions toward states' capital investments and cooperation with China. The only larger action taken by the company and authorities, was to relocate the majority of workers from the unsafe and unusable barracks to slightly better accommodation units across Zrenjanin.

During November and December of 2021, a number of reactions and reports (national and international), coming from media, specialised organizations, academia, reports in local social groups were published. Direct exchange with Vietnamese workers continued to be almost impossible since a plant security did not allow any direct contact. However, at the time, ASTRA Victim Support Unit was flooded with messages from the workers saying *"Help us! I want to go home! Get me out of here!"*.

Many of the Vietnamese workers returned home prior or around national holiday *Tet* (01 Feb 2022). From the exchange with the remaining workers, ASTRA learned that the workers who left either waited for the employer to buy them tickets or they bought the tickets themselves. Majority of workers never returned to Serbia, in spite of the contractual obligations and the fact that they had remaining salaries to claim. The workers ASTRA was in contact with, said no new Vietnamese workers came to replace the ones who left.

The March and February of 2022, brings silence in regard to this case. Serbian Institutions are still not displaying a will to deal with this case in accordance to their mandate. Seldom official responses are arriving to ASTRA's inquires, only to inspire more questions with no clear answer.

Then, in May and June of 2022, Linglong factory in Zrenjanin comes to the public focus again - this time there are Serbian workers who are desperate and aggravated by the conditions and treatment they receive from the Chinese managers. Some of them go public, but with the protected identity, since they fear for their and the safety of their families. According to the journalists' sources from the field, on May 26, 2022 there was a visit to the factory by the "officials' delegation". In the first official written respond to the journalists inquiry, Ling Long company confirmed that the Serbian government visited the site, "upon invitation to check the living conditions of the workers engaged in the construction of the factory".²⁴

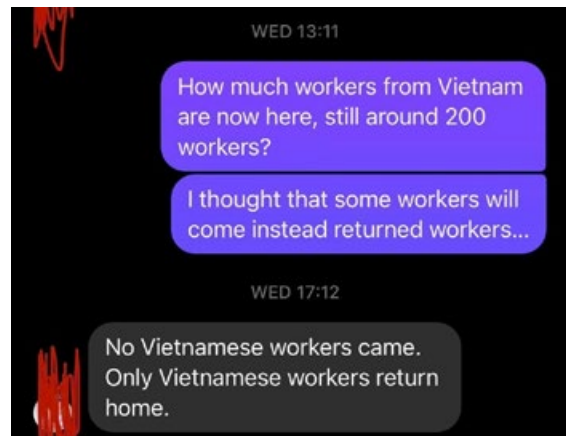
Also, news about the Chinese workers strike appeared (June 2022). Although the Chinese workers were in the background of this case the whole time, they never seem to cause any trouble to the management, did not get in touch with the outsiders, and were complying with all the work and accommodation conditions. The reason for the strike are the unpaid salaries and the lack of food and basic needs of the workers. Finally, in the first weeks of June 2022, officially unconfirmed information coming from the workers (now mostly Serbian) are that the situation is chaotic, there are

²⁴ Linglong written response to the inquiry of N1 journalists.

obvious delays in the work dynamics, and that the funds for further construction works are not arriving in accordance to the plans.

Serbian authorities remain silent.

The case of Vietnamese workers in Serbia - in details



Vietnamese worker in the Linglong factory in Zrenjanin, April 2022

In this section, a detailed description of the case circumstances will be provided (how the workers came to Serbia, work conditions, accommodation, freedom of movement, etc.), followed with the summary of the indicators of trafficking of adults for labour exploitation (international and national - ILO, UNODC, Serbian Centre for the Protection of Trafficking victims), that ASTRA has assessed exist in this case. For a comprehensive overview of each indicator, as well as a source of verification, please refer to the section Detailed elaboration on Indicators of labor exploitation.

From mid-November 2021, when this case got into the public focus, many events, exchanges with workers and local activist, as well as national and international reports have provided numerous evidence of mistreatment, human rights' violations and labour exploitation of the workers.

HOW THE WORKERS CAME: From March to July 2021, a total of 500 workers came to Serbia according to the information received from Labour Inspectorate²⁵ (the information was sent to ASTRA in May 2022, almost a year later).

The workers were **recruited**²⁶ to work for China Energy Engineering Group Tianjin Electric Power Construction (TEPC), through several Vietnamese agencies (Sông Hỷ Gia Lai Company, Bảo Sơn Company (note: “Công ty” means Company), Kaizen Joint Stock Company, CEC Career and Education Consultancy Company , Lạc Hồng

²⁵ Certain data on the number and trajectory of workers can be found in the most recent response from the National Labour Inspectorate (May 2022), elaborated further more in the section **CHRONOLOGICAL OVERVIEW of the case - THE MAP of the major events, actions, reactions, reports and other key events.**

²⁶ List of agencies, obtained from our associates from Vietnamese NGOs, which recruited workers during November 2021 (400-500 workers).

International Cooperation and Investment Joint Stock Company, Hồ Thanh International Manpower Supply and Service Joint Stock Company, Sum Việt Nam).

The majority of these workers learned about the job offer through acquaintances, while some workers found the offer online. However, what's interesting is that the job advertisement referred to the production of **aircraft parts** in Serbia, not tires. The workers were told that the company was Chinese, but that the **management was German** (which is an important detail, given the historical context of China-Vietnam relations). The workers were promised a salary in the amount of EUR 775, decent work and accommodation conditions, all of which, when compared to the [average salary in Vietnam, was substantially better](#).

The **transport** of the workers was organized by agencies from Vietnam²⁷, who had charged the workers 2,200 to 4,000 US dollars in advance for their services (transportation, obtaining visas and accommodation). **Control:** Workers mostly borrowed money from their family members, loan sharks, agencies, and they were conditioned to stay in employment for a year, otherwise their debts would increase significantly (**debt slavery**). For this reason, most workers were reluctant to return home, despite the poor conditions in the factory. At the time, the Vietnamese agencies were allowed to charge clients for the service. The State Department Trafficking in Persons Report for 2021²⁸, states that there have been: “revisions to a law governing contract-based Vietnamese overseas workers which eliminated brokerage fees and expanded worker protections.” One of the TIPs recommendations for Vietnam’s Government is to: “Take steps to eliminate all worker-paid recruitment fees and predatory recruitment practices for workers migrating abroad or to Vietnam, including by strengthening efforts to monitor labour recruitment companies and third-party sub-brokers and prosecuting predatory or illegal sub-brokerage networks”. In Serbia, such fees by the agencies toward workers are not permitted by the law.

WHO HIRED THE WORKERS: The workers were hired under a contract with China Energy Engineering Group Tianjin Electric Power Construction Co. LTD, branch in Belgrade. According to the received information, the Chinese company Linglong International Europe Ltd. Zrenjanin had hired the contractor China Energy Engineering Group Tianjin Electric Power Construction at its car tire factory construction site in Zrenjanin, and the said company has been recruiting workers to work in Serbia through a dozen agencies from Vietnam. The response sent to ASTRA, in May 2022, from the Labour Inspectorate confirms that the Vietnamese workers were **employees of the Chinese company** China Energy Engineering Group Tianjin Electric Power Construction Co. Ltd. and sent by written order to work in a local branch in Belgrade (therefore, this is a movement of workers within a foreign company). None of the workers who signed the contract was given a start date, and based on their statements, the salaries were paid to them in cash. One of the workers that ASTRA was in contact with, later received his salary via bank account. The workers had to sign at least five (5) types of

²⁷ Sông Hỷ Gia Lai Company, Bảo Sơn Company (note: “Công ty” means Company), Kaizen Joint Stock Company, CEC Career and Education Consultancy Company, Lạc Hồng International Cooperation and Investment Joint Stock Company, Hồ Thanh International Manpower Supply and Service Joint Stock Company, Sum Việt Nam.

²⁸ <https://www.state.gov/reports/2021-trafficking-in-persons-report/vietnam/>

contracts – all five containing articles that are not in accordance to the international standards, and also Serbian legal framework. From the contracts that ASTRA was able to obtain, it can be confirmed that the workers were instructed that they are coming to work to the country (Serbia) with strong Sharī'ah laws. It can also be noted that some of the workers signed their contracts with the fingerprint (in red), instead of the signature, which can mean that some of the workers were illiterate. This would make the workers even more susceptible to the deception. The contracts with all the the problematic details are elaborated in the section **Legal analysis of the contracts**.

WORK CONDITIONS: The work took place in shifts lasting 9 hours each, with a single lunch break lasting one hour. The employer did not provide the use of all the means and equipment necessary for the personal protection at work, and deducted the costs of a part of the work equipment (boots, gloves, work suit) from the salary. Every 10 days, workers received work gloves, and if they had been damaged earlier, the workers had to cover the costs of obtaining new ones themselves.

Workers were obliged to work **26 days per month**, and if for any reason they did not fulfil this, and they had even a day less, they were not paid for the entire month. Also, in case they did not come to work on time, they were fined by being denied the daily wage.



Source: ASTRA

POSESION OF PERSONAL DOCUMENTS, WORK PERMITS: Upon their arrival to Serbia, the workers **had to hand over their passports** to the employer, as they were told that this was the practice when for foreign citizens. Until the moment of the initial field visits of the CSOs and activists (November 2021), their passports had not been returned still. Soon after the case got into a public focus (December 2021), the workers got their documents back. Although some of the workers were convinced that they had a **residence permit** and a **work permit**, no one could confirm this information with certainty, nor did they receive a printed copy of any of the permits.

FREEDOM OF MOVEMENT: Freedom of movement for the workers was (and still is) very limited. They can only move to their workplace and back to the accommodation facilities, always under the supervision of the management and private security.^{29 30 31}

HOUSING, LIVING CONDITIONS: When they arrived to Serbia, the workers were housed in barracks that did not have adequate conditions for living or short term stays. There were bunk beds in the overcrowded rooms, and only two toilets in the building for the stated number of workers (500).



Source: ASTRA

The beds did not have mattresses, but rather thin quilts covering some wooden planks.

At the initial accommodation site, there were no adequate infrastructure or sewerage, with faeces being spilled out about ten meters from the barracks, thus making the conditions extremely unsafe for the health of the workers.



Source: N1

In addition, the workers were not provided with heating, electricity, or drinking water, there were no hot water for showering and clothes were hand washed in cold water and dried on the ropes where they hung their other clothes also, as they had no closets.

²⁹ The Protector of Citizens on 18/11/2021 pointed out that workers are free to go to the city, but also information that workers bought all bicycles in Zrenjanin. It is known to ASTRA that workers used bicycles as a means of transportation from the accommodation to the construction site and reverse.

³⁰ Journalists, activists and civil society organizations had difficulty accessing workers from the very beginning. After the filming of the location where the workers are staying, the man blocked the road to the N1 journalist team for a few minutes. An unknown person was filming journalists and license plates over the phone.

³¹ In addition to restricted freedom of movement for Vietnamese workers, workers' communication with civil society organizations and activists was largely controlled. An example of this is the communication between ASTRA and workers through social networks. ASTRA has made preventive leaflets with important information related to the potential risks of smuggling for workers who plan to leave Serbia for Western European countries. ASTRA's victim support team distributed materials to the workers it is in contact with so that they can further distribute them to the FB group. One of the comments on the materials was in Vietnamese. The content of the comment is that if the workers listen to this organization (ASTRA), they will end up in prison when they return to Vietnam. The translation of ASTRA's comments was provided by the organization of the Vietnamese Civil Society, Pacific Link, with which ASTRA worked closely throughout the whole period.

HEALTH AND SAFETY ISSUES (COVID-19, etc.):

The health of the workers was also endangered from the perspective of the omnipresent COVID-19 pandemic. The workers claimed they wanted to be vaccinated, but when they had contacted the managers from the company, they were told that the procedure was complicated and this was therefore not possible. Also, they were told that at the time there were no Chinese vaccine in stock, although this was not true. The workers were, therefore, completely misinformed, since they could have taken a vaccine shot without any limitations including those that the managers had warned them about. In case a worker would fall ill (from COVID-19 or other illness), he was isolated in an improvised hospital room where he stayed until he recovered, without a paid sick-leave. A few of them, with the symptoms of the COVID-19 virus, covered their own costs of testing in a private clinic to which the employer referred them, as well as the costs of necessary medicines. In relation to other health problems, the workers also did not receive adequate health care but were forced to organize the treatment and pay for it themselves.



Source: ASTRA

At the time of the initial field visit (November 2021), special attention was drawn to the issue of workers' safety, considering that a strong smell of gas was felt at the place of residence of the workers, and that the accommodation was full of unsecured gas bottles (as shown on the photos above). In the past 7 months there were appeals from the workers who got sick and could not get the proper medical care. Also, there were several media reports on workers dying on the construction due to the injuries occurred while working without the proper equipment. Detailed information about the workers' destinies or the circumstances of the accidents were not confirmed or elaborated by either Serbian institutions, or the company.

THE RIGHT TO STRIKE: Due to the poor living and working conditions, the workers had gone on strike twice already at the time of the initial visit (November 2021). The first strike was to address the lack of food³², while the second one referred to the unpaid wages (at the time, their salaries had been two months late). The contracts the workers signed prohibits them from such way of protesting or fighting for their rights.

³² The [Protector of Citizens](#) stated on 18/11/2021 that there is no problem with the amount of food, but the workers are not satisfied with the food available to them. The workers are asking for a Vietnamese cook, so far they have been preparing food themselves.



GOING BACK HOME (REPATRIATION): The workers testified that approximately half of them wanted to return home to Vietnam, but they could not because they were not in possession of their passports, and had not been paid all the agreed salaries. They claimed they had to wait for the employer to purchase their tickets. Some of the workers were particularly afraid of deportation, because, in that case, they would have not been able to settle the debts they had made in order to start working in Serbia. At the time of finalisation of this report, unofficial information is that most of the Vietnamese workers somehow made to come back to Vietnam, and that there were no more new workers from Vietnam arriving.

Summary of the INDICATORS OF LABOUR EXPLOITATION

ASTRA assessed that out of the total of 67 *ILO indicators of trafficking of adults for labour exploitation*³³, there have been at least **42 indicators** fulfilled:

- Indicators of **deceptive recruitment** – 1 strong, 6 medium
- Indicators of **coercive recruitment** – 1 medium
- Indicators of **recruitment by abuse of vulnerability** – 9 medium, 2 weak
- **Indicators of exploitation – ALL INDICATORS!** 1 strong, 7 medium
- Indicators of **coercion at destination** – 4 strong, 5 medium
- Indicators of **abuse of vulnerability at destination** – 5 medium, 1 weak

As for the other international and national indicators:

ASTRA assessed that out of the total of 36 **UNODC General indicators of trafficking in human beings**, there have been at least **28 indicators** fulfilled.

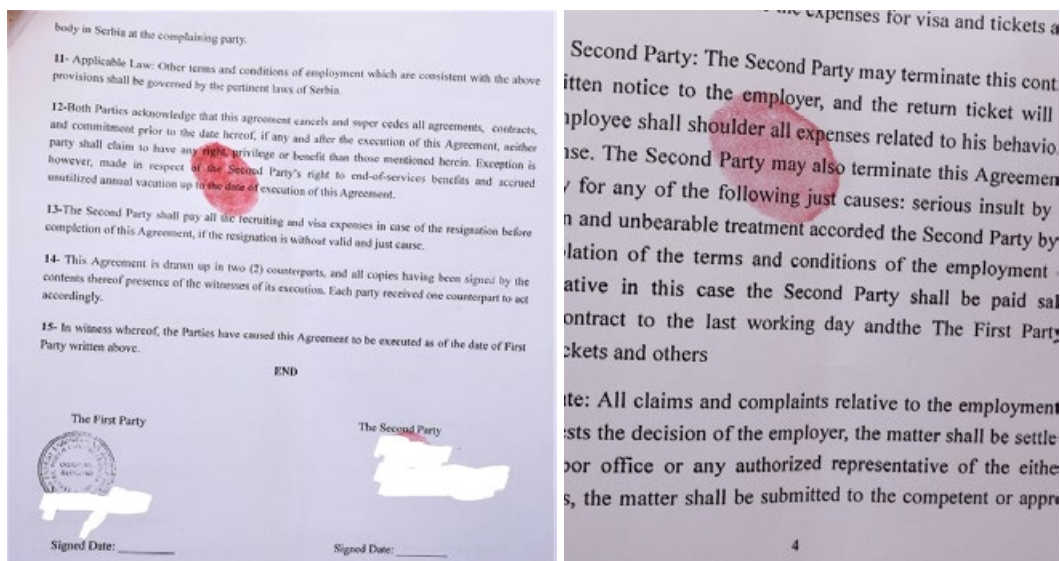
Out of the total of 36 **UNODC Labour exploitation indicators**, ASTRA assessed that there have been at least **16 indicators** fulfilled.

³³ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105884.pdf

Finally, ASTRA assessed that out of the total of 104 **Centre For The Protection Of Victims Of Trafficking In Human Beings' indicators**, there at least **47 indicators** have been fulfilled.

For more details on each assessed indicator, as well as for the source of verification, please refer to the section **Detailed elaboration on Indicators of the labour exploitations found in the case.**

Legal analysis of the contracts



WORK CONTRACTS FOR VIETNAMESE WORKERS IN THE REPUBLIC OF SERBIA, SUPPLEMENTARY AGREEMENTS SIGNED WITH THE EMPLOYER AND AGREEMENTS BETWEEN WORKERS AND MEDIATION AGENCIES IN VIETNAM

Upon inspection of the contracts that Vietnamese workers signed with their employers in Serbia, two Chinese companies registered in Serbia appear as their respective employers. These two companies were engaged as subcontractors for the works at the Linglong's construction site.

A significant number of irregularities in these contracts is evident, which indicates labour exploitation and contracting work conditions that are not in line with the Labour Law of the Republic of Serbia and other relevant legislation:

- Article 2 of the contract, contains a provision specifying that employees who are not satisfied during the probation period of 30 days, will be paid for the time spent at work, applying the lowest wages for a general, unskilled worker, regardless of their actual position. This is an illegal provision because according to the Labour Law, employees are paid exclusively according to the agreed salary, and the consequence of insufficient quality of work may only be termination of the contract in a simplified procedure and in accordance with the Labour Law (Article 36). Probation work is regulated by the Labour Law, and for its duration, employees on probation work must be able to exercise the same rights as other employees - this also applies to the salary they receive for the work performed.
- Same Article stipulates that during the probation period of 30 days, the contract may be terminated without notice, which is contrary to the imperative provision of the Labour Law (Article 36) according to which, the notice period is five working

days, and the reasons for the termination of contract must be explained.

- Article 3-A. of the contract stipulates working hours that are contrary to the current provisions of the Labour Law: nine hours a day, six days a week (the contract stipulates nine hours a day, 26 days in a calendar month - depending on the number of days in a particular month. This implies that in certain months, the employer could request a seven-day working week, which would be an additional violation of the Law, in terms of working time restrictions, but also in terms of the right to weekly rest of the employee, referred to in Article 67 of the Labour Law). The agreed working hours of (as a minimum) 54 hours per week exceeds by far the maximum allowed working hours of 40 working hours (Article 51 of the Labour Law). Also, based on the provisions of the contract, it is not clear whether these working hours are considered full-time, or overtime is included (based on the provision on overtime pay from Article 3-B of the contract, it seems that it is basic earnings). In both cases, these provisions are unlawful because there is no legitimate way to contract working hours exceeding 40 hours per week. The Labour Law enables the employer to order, under certain conditions specified in this law, overtime work of up to eight hours per week, i.e., a maximum of four hours per day (Article 53). Automatic contracting of any work longer than full time before the occurrence of certain circumstances, is not permitted. Moreover, the employer may introduce a redistribution (rescheduling) of working hours in accordance with legal restrictions and rules, to extend working hours to a maximum of 60 working hours per week (Articles 57 - 61). The redistribution (rescheduling) of working hours, however, does not represent a regular schedule of working hours and cannot be agreed in advance, nor has it been done by the observed provision of the contract.
- Same Article, Article 3-A, determines the salary/wages of the employee, which is expressed in the RSD equivalent, in accordance with the law, for the first month of work, but it does not specify whether it is the basic salary and whether the salary/wages is calculated for a working week of 54 working hours. Also, it is not clear whether the amount stated represents a gross amount (which includes taxes and contributions) or a net amount of earnings. The salary determined in this way is certainly unlawful, primarily because the salary for a working week longer than 40 hours cannot be determined. As previously explained, this is the maximum duration of the agreed working hours. If a worker works more than 40 hours a week, they must be paid an increased salary, which was not the case according to the contractual provisions. The unlawful provisions pertaining to determining full-time work, therefore, make the contracted salary inconsistent with the imperative provisions of the Labour Law.
- In Article 3-E, the annual leave of an employee is regulated contrary to the Labour Law and amounts to 12 days per year, although the legal minimum prescribed by the Labour Law is set at 20 working days per year. There are no possibilities to increase this minimum, according to the criteria defined by the Law, which is also contrary to the provisions of the Labour Law (Article 69). Also, this article states that annual leave is used after 12 months of work, which is contrary to the Labour Law which provides that employees have the right to proportional annual leave

after one month of work with the employer, and/or the right to full annual leave (of at least 20 working days, i.e., four working weeks) in the following calendar year in relation to the year of employment (Articles 68 and 72). In this specific situation, a completely irrational solution was agreed, having in mind that after 12 months the employee's employment is terminated because it was concluded for a certain period of time (that exact period of time), so that in addition to unlawfulness in terms of non-compliance with the mandatory provisions of the Labour Law, this way, the employees are denied their constitutional and legal right to a paid annual leave.

- Same Article prescribes compensation of salary in the amount of 100% of the employee's basic salary, which is also contrary to the provision of Article 114 of the Labour Law, according to which, the employee's compensation of salary during their exercise of the right to a paid annual leave is 100% of the base, which is an average salary calculated for the previous 12 months of work with the employer - which will, as a rule, be higher than the basic salary of the employee.
- Article 9 regulates the termination of employment contract and this Article contains several unlawful and unconstitutional provisions. First of all, trade union activities were stated as one of the reasons for the termination of the employment contract by the employer. The right to trade union association, trade union membership and trade union activity is an absolute right of every employee, regulated by the Constitution of the Republic of Serbia (Article 55), a number of international instruments accepted by the Republic of Serbia, including the International Covenant on Economic, Social and Cultural Rights and the Revised European Social Charter), as well as the Labour Law (Article 206).
- This Article also contains a provision according to which, an employee who unilaterally terminates an employment contract will bear all costs of his/her employment, as well as the airfare, which is unlawful and contrary to the provisions of the Law on Employment of Foreigners and the Law on Compensation for Damages (Article 13 repeats and provides a wider formulation of the same solution, again in an unlawful manner).
- Finally, in the same provision contains a decision on "dismissal without notice" by the employee in justified cases - this is not recognized as an employee's right in the Labour Law which clearly sets a mandatory deadline of 15 days along with conditions under which this period could be extended to 30 days.

According to **Balkan Investigative Reporting Network (BIRN)**, the workers also signed additional agreements with the employer, all of which are in violation of the Labour Law: One of the additional forms, signed at the request of the employers, states that RSD 650 /day are deducted from the workers' salaries for each day of their justified absence from work, including sick leave³⁴.

³⁴ https://birn.rs/dokumenti-dokazuju-lanac-eksplatacije-vijetnamskih-radnika-od-hanoja-do-zrenjanina/?fbclid=IwAR1MRM7BdVWqIJZHOjvGdrigu_a5AiBnzIHqJAhJ0fSEwaptJ725J_m4nec

The provisions of employment contracts signed by Vietnamese workers in Serbia must be further interpreted through the provisions of **special agreements signed in Vietnam**, with the agency which was a mediator in their employment in Serbia. There were as many as **five forms** that workers signed without the option to negotiate their content, that is, to have a say regarding the (non) signing of these forms.

- I. The first agreement, which essentially contracts forced labour, **prescribes a penalty for an employee who 'escapes' (gives up work) from the company during the period of their employment in Serbia** (*Commitment not to escape form*). If an employee decides to quit his job during the execution of an employment contract in Serbia, they will have to pay a fine of VND 50m (Vietnamese Dong), which is approximately EUR 2,000. The **guarantor for the payment of this amount is a member of the worker's family**, who remained in Vietnam, within six days from the day when the agency was notified of the worker's resignation. Among other things, the worker is given the impression that the agency has the right to ask the court to extradite the worker back to Vietnam. At the end, the form also contains a statement that it is a legally binding document for both the worker and his/her family. It is certainly a means of intimidation and a tool that ensures the obedience of workers during their engagement, regardless of the working conditions they encounter, i.e., which are offered to upon their arrival in Serbia. Such a document cannot have any legal relevance; the fact is, however, that it has a huge psychological impact on workers who are convinced that they will have to pay a contractual penalty upon their return to Vietnam.

- II. The second agreement is a kind of statement of the worker about his/her health condition before arriving to Serbia for work. This agreement would also be **unlawful under Serbian law**. The worker states that they are in good health to do the job at the time of his/her sending to Serbia, as well as that they were in good health in the previous period. This is an **extremely unusual practice**, since the risk related to the health condition of workers is certainly borne by the employer, who in turn is authorized to set certain criteria when it comes to general (sometimes special) ability in terms of health. In other words, the usual procedure would be for the job candidate to bring a health certificate, certifying that they are able to do the job. In this case, however, such a unilateral statement has another purpose, which is **completely unlawful**. Namely, further in the statement, the worker undertakes that if they return to Vietnam for health reasons, they will bear all the expenses of his/her return. They also waive any lawsuit against the employer (agency) in that regard. Neither solution is in accordance with the regulations of the Republic of Serbia, and the employer whose employee suffers an injury, develop occupational disease, or disability (reduction or loss of working ability) certainly is responsible according to several different regulations and the employer cannot be released from this responsibility based on the previously mentioned statement given by the employee.

- III. The third form is a general consent of the workers to be sent to work in Serbia. It contains **several unlawful elements**. First of all, the worker is told that **every type of strike is forbidden in Serbia**, which does not correspond to the facts. This way, the worker is consciously and deliberately misled into thinking that any kind of protest and strike in the country of work will be unlawful and sanctioned. Next, the worker **signs a statement saying that they will not breach work discipline**. Some of the examples of violations of work discipline do not comply with Serbian legislation, for example, if an employee started using sick leave without the prior approval of the employer, such behaviour would constitute a disciplinary error. Some provisions relating to 'cultural offenses' certainly have nothing to do with Serbia and were apparently erroneously left there from a similar agreement signed with workers sent to work in a country with a dominant Islamic religion. The part referring to sanctions for violating local laws (Serbia) **states that the penalties may include cutting off hands or the head**. It is not clear from the context whether this is a case of deliberate intimidation of workers, or unbelievable mistakes of people who studied the regulations and the general situation in Serbia. In that context, the warning that **in the event that a worker dies** (through his own fault) in Serbia, they will be considered responsible for all costs incurred in that regard, sounds almost surreal. The general warning that a **worker will bear all the costs of returning to the country before the expiration of the employment contract** if their behaviour causes deportation from Serbia, has more grounds in reality, but it could not be conducted this way if we take the law of the Republic of Serbia as relevant. There are provisions on compensation for damage caused by the employee to the employer, but the obligation of the employer to return the employee to the country of origin would certainly exist. This statement includes the complete statement on health condition from the previous form, together with the **unlawful waiver of the right to sue the employer (agency)**. The analysed provision from Article 2 of the employment contract that the employees signed later in Serbia, and which is also unlawful (refers to failed probation work), is also included. The statement also says that the employee will be deducted from the salary for each day when they are not able to work due to "the fatigue that they caused themselves" - this provision is also unlawful. Finally, at the end of the "agreement" there is a statement that the employee will bear all costs incurred in violation of the aforementioned prohibitions and restrictions, and that the employer (agency) is completely released from any liability in such circumstances.
- IV. The fourth document again represents a statement of the employee, **repeating the same obligations and restrictions that are present in previous statements**, including the unlawful ones, for example that they will **accept any working hours set by the employer in Serbia**, that they will not return to Vietnam before the expiration of the employment contract, that they will not participate in a strike or any kind of protest. In case of violation of the aforementioned and other prohibitions and restrictions, this time, the employee is obliged to pay the employer the amount of **USD 4,000**, as well as the cost of a return plane ticket from Serbia to Vietnam³⁵.

³⁵ The average **annual** salary for the construction worker in Vietnam is around USD 3244 - <https://biz30.timedoctor.com/average-salary-in-vietnam/#avg-salary>

- V. Finally, the fifth type of agreement, i.e., statement, is actually a statement by which the employee agrees to be sent to work in Serbia, in certain jobs. This statement also contains an **unlawful clause** under which, **the employee consents to a salary reduction in case their work results are of unsatisfactory quality**. This issue is regulated by the Labour Law, under provisions pertaining to the compensation for damages or reasons for dismissal (or as a combination of the two), but it can never lead to a unilateral reduction of wages by the employer, so it is null and void from the point of view of Serbian law. The same is the case with the clause stating that the employees will bear the costs of the plane ticket for the return to Vietnam if the return occurs “through his fault” (it is not clarified what that means).

The overall impression is that all the analysed statements, i.e., agreements, which the workers had to sign with the agencies in Vietnam before coming to Serbia, were **made in order to unlawfully limit their guaranteed rights at work and in connection with work**. If we take into consideration only these clauses, i.e., provisions, it can be concluded that they are divided into **three** groups.

1. The first group contains **false information** about what awaits the workers in the country of work, probably in order to impose a strict level of discipline.
2. The second group aims to **negotiate working conditions that are unlawful** under the law of the country of work, in order to increase the level of labour exploitation and reduce costs related to workers.
3. The third group includes **the imposition of disproportionate costs on workers** in case they return prematurely from Serbia to their home country, which points to the fact that they are practically left without a choice, i.e., that they have to perform their contracts in Serbia under any imposed working conditions. Otherwise, they and their families (which is clear from the first agreement) are expected to pay huge contractual penalties (it is not clear whether such a thing is possible under Vietnamese law, but this is certainly contrary to the law of the Republic of Serbia).

Detailed elaboration on Indicators of the labour exploitations

The comprehensive table overview in this section represents the overview of major international and national indicators of trafficking in human beings and labour exploitation, combined with ASTRA's actual findings and the list of sources of verification for the findings.

The official UNODC³⁶ indicators (general indicators and indicators of trafficking for labour exploitation), ILO³⁷ indicators of trafficking for labour exploitation and the Centre for the Protection of Trafficking Victims were used.

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|--|--|--|
| <p>UNODC GENERAL INDICATORS³⁸ Have acted on the basis of false promises ✓</p> <p>ILO INDICATORS OF DECEPTIVE RECRUITMENT Strong Indicator Deceived about the nature of the job, location or employer ✓</p> <p>Medium Indicators Deceived about conditions of work ✓ Deceived about content or legality of work contract ✓ Deceived about housing and living conditions ✓ Deceived about legal documentation or obtaining legal ✓ migration status Deceived about travel and recruitment conditions ✓ Deceived about wages/earnings ✓</p> | <p>1a Participation of several actors (several employment agencies in the home country (several are known like for example: "Songhg gia Lai" and "Cog ly bao son"); investor registered in the Netherlands (with a branch in Serbia, Linglong International Europe d.o.o. Zrenjanin) and subcontractors as formal employers (Sichuan Dinglong Electric Power Engineering Co. Ltd. branch Zrenjanin and China Energy Engineering Group Tianjin Electric Power Construction Co., Ltd, branch, with an office in Belgrade, Serbia).</p> <p>1b Some workers found a job offer via the Internet, and a large number found out through acquaintances. The job advertisement referred to the production of aircraft parts in Serbia, not a company that manufactures tires. The workers were told that the employer was a Chinese company, but the management were Germans. They were promised adequate living and working conditions.</p> <p>1c Workers were deceived about having a legal employment status in Serbia.</p> | <p>1a Field report of 14th November 2021 (Annex 1); data from Serbian Business register Agency (Annex 2,3,4,5,6,7,8,9,10); Identification form (Annex 11);</p> <p>1b Field report of 14th November 2021 (Annex 1); Employment agreement (Annex 12,13,14); Identification form (Annex 11);</p> <p>1c Field report of 14th November 2021 (Annex 1); Identification form (Annex 11);</p> <p>1d Employment agreement (Annex 12,13,14); Identification form (Annex 11);</p> <p>1e Commitment not to escape form (Annex 15);</p> <p>1f Field report of 14th November 2021 (Annex 1); Identification form (Annex 11);</p> <p>1g Employment agreement (Annex 12,13,14); Identification form (Annex 11);</p> |

³⁶ https://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf

³⁷ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105884.pdf

³⁸ The official UNODC indicators (general indicators and indicators of trafficking for labour exploitation), ILO indicators of trafficking for labour exploitation and the Centre for the Protection of Trafficking Victims were used.

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
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| <p>CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS OF LABOUR EXPLOITATION OF ADULTS</p> <p>INDICATORS OF DECEPTIVE RECRUITMENT - in direct contact or using ICT (impersonation - false representation or "phishing", i.e., enticement by using false online identity) <u>Strong indicator (rate 3)</u></p> <p>Deceived about the nature of work, location or employer ✓</p> <p><u>Medium indicators (rate 2)</u> Deceived about work conditions ✓ Deceived about content or legality of work contract ✓ Deceived about housing and living conditions ✓ Deceived about legal documentation or obtaining legal migration status ✓ Deceived about travel and recruitment conditions ✓ Deceived about wages/earnings ✓</p> | <p><i>The group of workers interviewed on 14th November 2021 was convinced that they had a residence and work permit, but no one could confirm this information with certainty. They had no residence applications or other documents in their possession through which they could exercise their rights.</i></p> <p>1d Workers' contracts are illegal on several grounds and contrary to the positive regulations of Serbia:</p> <ul style="list-style-type: none"> • <i>In Article 2. A lower amount of salary has been agreed for a worker who does not meet the criteria of the employer in the probationary period;</i> • <i>In Article 3-A. The contract stipulates working hours that are contrary to the applicable regulations of the Labour Law: nine hours a day, six days a week. The contracted working time of 54 hours far exceeds the maximum allowed working time of 40 working hours during the working week;</i> • <i>It is unclear whether the salary is expressed in Article 3-A in gross or net amount, as well as whether the agreed amount for 26 working days/nine hours per day is the amount of basic salary - in which case this provision is illegal;</i> • <i>In Article 3-E, the annual leave of an employee is regulated contrary to the Labour Law and amounts to 12 days per year, although the legal minimum is 20 working days per year. Also, this article states that annual leave is used after 12 months of work, which is contrary to the Labour Law and in a specific situation a completely irrational solution, bearing in mind that after 12 months the employee's employment ends because it is concluded for a certain period;</i> | |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|------------|---|------------------------------|
| | <ul style="list-style-type: none"> • <i>Article 9 regulates the termination of the employment contract and one of the reasons for the termination of the employment contract by the employer is the trade union activity. The right to trade union association, trade union membership and trade union action is an absolute right of every employee regulated by the Constitution of the Republic of Serbia, international instruments, as well as the Labour Law;</i> • <i>Article 13 contains a decision according to which an employee who unilaterally terminates an employment contract will bear all the costs of his employment, as well as the costs of airline tickets, which is contrary to the provisions of the Law on Employment of Foreigners and the provisions of the Labour Law.</i> <p>1e <i>One of the employment agencies, Song HyGia Lai International Co. Lt., submitted for the workers to sign an assurance not to voluntarily flee away from the designated workplace for any reason. Otherwise, workers would have to compensate the agency (fifty million VND). Workers have a guarantor, someone from their family who will in the case of violating the rule of “Not escaping from the company” send the amount of fifty million VND to the employer.</i></p> <p>1f <i>The transport was organized by agencies from Vietnam (“Songhg gia Lai” and “Cog ly bao son”, etc.), which demanded \$ 2,200 to \$ 4,000 in advance for their services (transportation, visas and accommodation) during March, April and May 2021.</i></p> <p>1g <i>The job advertisement referred to the production of aircraft parts in Serbia, with a salary of approximately 775 dollars.</i></p> | |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
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| <p>ILO INDICATORS OF COERCIVE RECRUITMENT Medium Indicators Debt bondage ✓</p> <p>CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS OF COERCIVE RECRUITMENT Strong indicator (rate 3) Debt bondage</p> | <p>2a Workers gave agencies between \$ 2,200 and \$ 4,000 in advance for transportation, visa and accommodation services. The average salary in Vietnam was 265 USD in December 2021.</p> | <p>2a Field report of 14th November 2021 (Annex 1); Vietnam Monthly Earnings CEIC data; Identification form (Annex 11);</p> |
| <p>UNODC GENERAL INDICATORS Be unfamiliar with the local language ✓</p> <p>ILO INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY Medium Indicators Abuse of difficult family situation ✓ Abuse of lack of education (language) ✓ Abuse of lack of information ✓ Control of exploiters ✓ Economic reasons ✓ False information about law, attitude of authorities ✓ Family situation ✓ Personal situation ✓ Relationship with authorities/legal status ✓</p> <p>Weak Indicators Abuse of cultural/religious beliefs ✓ General context ✓</p> <p>CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS OF RECRUITMENT BY ABUSE OF VULNERABILITY Medium indicators (rate 2) Abuse of difficult family situation ✓ Abuse of cultural/religious beliefs ✓ Abuse of lack of education (language) ✓</p> | <p>3a The workers signed employment contracts in English, although most of them do not speak or understand the English language.</p> <p>3b Workers were intimidated by various regulations and obligations before coming to Serbia. They did not know Serbian laws, customs and culture. The workers received educational training to learn more about the country where they were going to work. The workers received educational training in order to learn necessary procedures, as well customs, traditions, regulations and laws of Serbia.</p> <ul style="list-style-type: none"> • Workers received information that in Serbia, strikes and protests are forbidden to everyone; In case they had any complaint about the salary, accommodation, etc. they had to continue to work regularly and wait for the employer to resolve their petition; • Violation of regulations and labour discipline implied the following: running away from the workplace; going to another job without employer's consent; being lazy to work; faking illness to take leave; taking the sick leave without permission; working without using labour insurance tool; etc.; • The workers were informed that the following was forbidden regarding domestic cultural norms and customs in Serbia: to make fun of Islam or local religion; to attack the local culture; to have | <p>3a BBC article Human rights and the Linglong factory: The case of Vietnamese workers in Zrenjanin - what we know so far, quote "Workers don't say much - they mostly don't know English, so the language barrier is a problem". Identification form (Annex 11);</p> <p>3b General commitment form (Annex 16); Employment agreement (Annex 12,13,14);</p> <p>3c General commitment form (Annex 16); Employment agreement (Annex 12,13,14);</p> <p>3d General commitment form (Annex 16); Employment agreement (Annex 12,13,14);</p> <p>3e Commitment to the rules form (Annex 17); Employment agreement (Annex 12,13,14);</p> <p>3f Commitment form (about the skilled workers, Annex 18); Employment agreement (Annex 12,13,14);</p> <p>3g Field report of 14th November 2021 (Annex 1); Identification form (Annex 11);</p> <p>3h Vietnam Monthly Earnings CEIC data; Identification form (Annex 11);</p> |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|---|--|------------------------------|
| <p>Abuse of lack of information ✓</p> <p>Control of exploiters ✓</p> <p>Economic reasons ✓</p> <p>General context ✓</p> <p>Personal situation ✓</p> <p>Relationship with authorities/legal status ✓</p> | <p><i>illicit relations with women; to tease, hug women and children; to attack the local culture; to wear revealing clothes; to throw garbage in public places;</i></p> <ul style="list-style-type: none"> • <i>Violations of Serbian law include the following: fights; theft; gambling; Furthermore, workers were informed that if they committed theft, they would be punished by having their hands cut off; for committing a murder or a criminal offence, they were threatened with the penalty of beheading;</i> • <i>Workers needed avoid putting themselves in risky situations. If workers violated any part of the above mentioned and they were imprisoned, punished according to the regulations of Serbia, drowned or died, they were said that they would bear all the responsibility. The company did not have any responsibility and did not have to pay any expenses for workers;</i> <p>3c Commitment on professional³⁹:</p> <p><i>Workers take full responsibility regarding their skills: workers are willing to accept the employer's change to another professional position and different salary corresponding to the new job position; this salary may be lower than the basic salary;</i></p> <p><i>The workers are obliged to take full responsibility and pay 100% of related costs (including return costs) should the following occur: they are forced by the employer to leave the job and return home if the employer is not satisfied with their skills, they not accept the transferred job and request to return home; the workers do not have the right to sue the company;</i></p> <p>3d The commitment to other issues:</p> <p><i>The workers pledge not to violate the laws on Serbia and Vietnam, regulations of the company and employer;</i></p> | |

³⁹ The title is taken from the original document.

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|------------|--|------------------------------|
| | <p><i>In the cases of normal fatigue, there is no need for medical assistance, and workers are responsible if in that case, they take time off from work and if the employer decide to decrease the salary, they cannot question this decision;</i></p> <p><i>Workers do not have the right to refuse work assigned by the employer;</i></p> <p><i>If workers violate one of the commitments mentioned in this part of the commitment form they signed, they take full responsibility of being returned to Vietnam before the due date, without the right to claim any request or to blame or sue the company;</i></p> <p>3e Commitment to the rules form that the workers signed obliged them to conform to the following rules and obligations:</p> <ul style="list-style-type: none"> • <i>commit to comply with all the assignments and arrangements of the employer regarding the working time;</i> • <i>strictly follow the rules of the company;</i> • <i>not to require the employer to arrange overtime;</i> • <i>not to work with pretence⁴⁰ and resistance;</i> • <i>not to voluntarily quit⁴¹ the job without asking for permission from the supervisor;</i> • <i>not to voluntarily return home before the contract is expired;</i> • <i>not to participate in or organize, entice or instigate other people to protest, strike, voluntarily resignation, and not to violate the laws of the country;</i> • <i>etc.;</i> <p><i>If the workers would violate any of the above-mentioned rules they were obliged to compensate the Company, for the following;</i></p> | |

⁴⁰ The exact formulation from the Document.

⁴¹ The exact formulation from the Document.

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
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| | <p><i>Visa, health check, residence card 4.000 \$ and return airfare to Serbia⁴²;</i></p> <p>3f Commitment form for skilled workers⁴³:</p> <p><i>3f If workers do not demonstrate the level of workmanship stipulated by the contract, they would take the full responsibility for reduced salary; if the employer is to send a worker back to the Vietnam due to his fault, the worker must buy himself the plane ticket to Vietnam and bear all other costs.</i></p> <p>3g The legal status of the Vietnamese workers was questionable.</p> <p><i>Some of the workers thought that their residence and work permits were regulated but they could not confirm whether this was really the case. When visiting the workers on 14th November 2021, besides their passports which had been confiscated, workers stated that they did not have residency permits or any other documents on them.</i></p> <p>3h Some of the workers were single, while some were from larger families. When asked about their life circumstances, the workers stated that they came from poor families and performed the most difficult jobs. They accepted the offer as an opportunity to earn for themselves and their families, taking into account the standards in Vietnam.</p> | |
| <p>UNODC GENERAL INDICATORS</p> <p>Work excessively long hours over long periods ✓</p> <p>Live in poor or substandard accommodations ✓</p> <p>Be found in or connected to a type of location likely to be used for exploiting people ✓</p> <p>Be forced to work under certain conditions ✓</p> | <p>4a The workers have been contracted to work for the duration of 54 hours a week, which exceeds the maximum allowed 40 working hours during the working week according to the Labour Law of Serbia.</p> | <p>4a Field report of 14th November 2021 (Annex 1); Photographs of construction site (Annex 19); Photographs of construction site (Annex 20); Identification form (Annex 11);</p> |

⁴² The exact formulation from the Document.

⁴³ The title is taken from the original Document.

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
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| <p> Be unable to negotiate working conditions ✓ Receive little or no payment ✓ Have no access to their earnings ✓ Not have any days off ✓ Have no access to medical care ✓ Suffer injuries that appear to be the result of the application of control measures ✓ </p> <p> UNODC LABOUR EXPLOITATION INDICATORS Work excessively long hours ✓ Live in degraded, unsuitable places, such as in agricultural or industrial buildings ✓ The health and safety equipment is of poor quality or is missing ✓ Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing ✓ There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages. ✓ Have no access to their earnings ✓ There is evidence that Labour Laws are being breached. ✓ Lack basic training and professional licences ✓ The employer or manager is unable to show the documents required for employing workers from other countries. ✓ </p> <p> ILO INDICATORS OF EXPLOITATION Strong Indicator Excessive working days or hours ✓ </p> <p> Medium Indicators Bad living conditions ✓ Hazardous work ✓ Low or no salary ✓ No respect of Labour Laws or contract signed ✓ </p> | <p> <i>Workers are obliged to work 26 days a month. By not fulfilling this work obligation for any reason, they would not receive a salary for that month. In case of late arrivals to work, they would be fined (they would not receive payment for that day).</i> </p> <p> <i>The work is organised in shifts that last 9 hours, with one lunch break of one hour.</i> </p> <p> 4b Workers are housed in very poor accommodation units with very poor living conditions. </p> <p> <i>Upon arrival in Serbia, an estimated number of 500 workers were placed in barracks that were not adequate for life and residence. There were more workers in the rooms than envisaged for the given square footage. There were bunk beds in the rooms, and only two toilets for all workers in the space (barracks).</i> </p> <ul style="list-style-type: none"> • <i>There was no adequate infrastructure and sewerage. Faeces were spilt about ten meters from the barracks, which entailed a risk to the health of the workers.</i> • <i>Heating, electricity and drinking water were not provided, there was no washing machine or other household appliances; clothes were washed by hand, in cold water and dried on ropes where other things were kept, because workers had nowhere to store their personal belongings.</i> • <i>The workers were not safe in the place where they were staying - the smell of gas was present, because accommodation was covered with unsecured gas cylinders.</i> • <i>Workers did not have adequate clothing for colder weather.</i> | <p> 4b Field report of 14th November 2021 (Annex 1); Article N1 (video) quote: "Vietnamese workers from Linglong: We have no water or electricity, everything is bad and dirty". Article AlJazeera, quote "...86 Vietnamese workers were taken to the Kaštel Ečka Hotel, and the rest to the Pen Farm building".. Photographs and video of new accommodation (Annex 21); Photographs from the field of 16th December 2021 (Annex 22); Photographs and video - relocation of workers (Annex 23); Letter to several competent institutions (Annex 24); Identification form (Annex 11); </p> <p> 4c Field report of 14th November 2021 (Annex 1); </p> <p> 4d Field report of 14th November 2021 (Annex 1); Letter to emergency medical service from 13th December 2021 (Annex 25); Identification form (Annex 11); </p> <p> 4e Field report of 14th November 2021 (Annex 1); Identification form (Annex 11); Employment agreement (Annex 12,13,14); </p> <p> 4f Photographs - the company that issues the certificate of welder (Annex 26); Website list of certified welders; </p> <p> 4g Letter from the National Employment Service dated 19th January 2022 (Annex 27); Field report from 14th November 2021 (Annex 1); Identification form (Annex 11); Work permit statistics (Annex 28); Alien Act ("Official Gazette of RS", No. 24/2018 and 31/2019); Law on Employment of Foreigners ("Official Gazette of RS", No. 128/2014, 113/2017, 50/2018 and 31/2019); </p> |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|--|---|------------------------------|
| <p>No social protection (contract, social insurance, etc.) ✓ Very bad working conditions ✓ Wage manipulation ✓</p> <p>CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS OF EXPLOITATION</p> <p>Strong indicator (rate 3) Excessive working days or hours ✓ Medium indicators (rate 2) Hazardous work ✓ Bad living conditions ✓ Low or no salary ✓ No respect of Labour Laws or contract signed ✓ Very bad working conditions ✓ Wage manipulation ✓ No health insurance or access to medical care ✓</p> <p>CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S SPECIFIC EXPLOITATION INDICATORS FOR ADULTS EVERYDAY LIFE CONNECTED WITH EXPLOITATION Medium indicators (rate 2) Sleeps in a shared room or accommodation is unsuitable ✓ Lacks basic training and professional licence for the work they perform ✓</p> | <p><i>On 18th November 2021, the relocation of workers to other locations in the city of Zrenjanin began. After pressure from the general public, the workers were transferred to other locations. Although they have been provided with better conditions, these are still not adequate.</i></p> <p>4c Workers were not equipped with adequate protective equipment and means for work.</p> <p><i>Not all means and equipment for personal protection at work were provided. The workers had the cost of a part of the work equipment (boots, gloves, work suit) deducted from their salaries. Every 10 days, workers received work gloves. If workers damaged them earlier, they had to cover the costs of purchasing new ones themselves.</i></p> <p>4d Workers who had certain chronic health problems, suffered injuries at work or had any other health issues did not have adequate health care or assistance.</p> <ul style="list-style-type: none"> <i>Workers were not provided with adequate health care in the event of an injury at work, or illness. On the day of the field visit on 10th December 2021, some workers had leg injuries and had difficulty walking. After the field action, ASTRA especially appealed regarding the case of a worker who had reported that health problems and was in pain. ASTRA's associate contacted the ambulance, but no one came out in the field. Another worker had chronic ulcerative colitis, with worsening of the condition, due to lack of drug therapy and appropriate health care.</i> <i>The workers who expressed the desire to be vaccinated were rejected, because the procedure was complicated. Those who had been infected with Covid-19, were isolated from other workers until their recovery, without paid compensation.</i> | |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
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| | <ul style="list-style-type: none"> • <i>The workers infected with Covid-19 paid the cost of testing and treatment themselves.</i> <p>4e Workers were exposed to daily pressures and conditions by the employer who manipulated and withheld their earnings.</p> <ul style="list-style-type: none"> • <i>The workers were forced to strike twice, the first time when they were not provided with food, and the second time because of unpaid wages, as their wages had been two months late. After that, the money was paid to them in just one month, but the irregular payment continued.</i> • <i>Contract with the China Energy Engineering Group Tianjin Electric Power Construction Co. Ltd, branch, Belgrade - some of the workers testified that they had signed the contracts before, while others stated that the signing had followed their arrival to Serbia. The workers who signed the contract were not provided a start date, and they would receive the payments “in cash”.</i> • <i>Article 2 of the employment agreement stipulates a lower amount of salary for a worker who does not meet the criteria of the employer in the probationary period;</i> • <i>It is unclear whether the salary expressed in Article 3-A of the employment agreement is in gross or net amount, as well as whether the agreed amount for 26 working days of nine hours per day is the amount of basic salary - in which case this provision is illegal.</i> <p>4f <i>The workers paid for the welder’s exam themselves. On social networks (Facebook), in addition to the published photos, comments could be found that they were not satisfied with the course they had passed, in addition to having to pay for it themselves.</i></p> | |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
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| | <p>4g <i>The National Employment Service, on 19th January 2022, sent a response to ASTRA's request sent on 5th January 2022. The data submitted revealed that the China Energy Engineering Group Tianjin Electric Power Construction company " have not advertised on the website of the National Employment Service during 2021". Upon the request by the employer, the National Employment Service issued 458 work permits, 176 of which for Vietnamese citizens. In 2022 (by 19th January 2022), 82 work permits were issued to Vietnamese citizens.</i></p> <p><i>In the period from 1st January 2021, to 31st December 2021, the National Employment Service issued 176 work permits. Out of the total number of permits, 1 was a personal work permit, 78 were work permits for movement within a company, 92 were work permits for referred/seconded persons and 5 were work permits for employment.</i></p> <p><i>Only several Vietnamese workers were issued work permits for employment. They did not move within the business organization, nor were they dispatched to work in Serbia. Workers came to Serbia through various recruitment agencies and did not work before for the above-mentioned employer.</i></p> <p><i>Article 19 of the Law on the Employment of Foreigners stipulates that a work permit for dispatched persons employed by a foreign employer is issued at the request of the employer to perform work or provide services in Serbia, based on a concluded agreement on business and technical cooperation with a foreign employer. Paragraph 2, item 3 states that the condition is proof that the seconded/referred person has been employed by a foreign employer for at least one year. Additionally, according to Article 21, a work</i></p> | |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
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| | <p><i>permit for mobility within a business organization registered abroad is issued at the request of a branch or subsidiary registered in Serbia, for the purpose of the temporary referral or transfer of an employee to work in that branch or subsidiary, that the person has been employed by a foreign employer for at least one year as a manager, or specialist in certain areas (key staff), as well as that he will perform the same jobs in Serbia.</i></p> | |
| <p>UNODC GENERAL INDICATORS</p> <p>Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else ✓</p> <p>Be under the perception that they are bonded by debt ✓</p> <p>Have limited or no social interaction ✓</p> <p>Have limited contact with their families or with people outside of their immediate environment ✓</p> <p>Be unable to communicate freely with others ✓</p> <p>Believe that they must work against their will ✓</p> <p>Be unable to leave their work environment ✓</p> <p>Show signs that their movements are being controlled ✓</p> <p>Feel that they cannot leave ✓</p> <p>Show fear or anxiety ✓</p> <p>Be disciplined through punishment ✓</p> <p>Be subjected to violence or threats of violence against themselves or against their family members and loved ones ✓</p> <p>Be distrustful of the authorities ✓</p> <p>Allow others to speak for them when addressed directly ✓</p> <p>Act as if they were instructed by someone else ✓</p> | <p>5a <i>After worker's arrival and accommodation, they handed over their passports to the employer.</i></p> <p>5b <i>Some of the workers decided to accept the smugglers' offers to be transferred to Western Europe for € 6,000 (these ads could be found on the Facebook group of Vietnamese workers immediately after the case had been discovered).</i></p> <p>5c <i>After moving from the original location, the workers were placed at several locations in Zrenjanin, under the watchful eye of private security and Chinese managers. Private security restricted movement and prohibited leaving the accommodation. Workers were free only when leaving or returning to work. Attempts by Astra's Victim Support Unit for victims of trafficking to talk to workers and offer them support and assistance have encountered a number of difficulties.</i></p> <p>5d <i>On 17th November 2021, one of the workers was fired due to statements in the media about the conditions in which he lived and worked. The worker managed to leave the factory with the help by activists and other workers.</i></p> | <p>5a <i>Field report of 14th November 2021 (Annex 1); Identification form (Annex 11);</i></p> <p>5b <i>Cộng đồng người Việt tại Serbia (Facebook page); Regular communication on the field with the workers and Fb messenger;</i></p> <p>5c <i>Field report of 19th November 2021 (Annex 29); Field report of 10th December 2021 (Annex 30); Photographs from the field of 10th December 2021 (Annex 31); Field report of 27th December 2021 (Annex 32); Letter to various competent institutions (Annex 33); Letter to various competent institutions (Annex 34);</i></p> <p>5d <i>Article Radio free Europe: "Activists took a Vietnamese worker out of the Linglong factory in Zrenjanin". Article Direct platform: "Report against Pink (TV) for Linglong article" on 21st November 2021;</i></p> <p>5e <i>Letter to various competent institution (Annex 34); Field report from 19th November 2021 (Annex 29); Field report of 10th December 2021 (Annex 30); Field report of 27th December 2021 (Annex 32); Photographs NGOs assistance (Annex 35);</i></p> |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|---|--|---|
| <p>UNODC LABOUR EXPLOITATION INDICATORS Never leave the work premises without their employer ✓ Be unable to move freely ✓ Be subject to security measures designed to keep them on the work premises ✓ Be disciplined through fines ✓ Be subjected to insults, abuse, threats or violence ✓</p> <p>ILO INDICATORS OF COERCION AT DESTINATION <u>Strong Indicators</u> Confiscation of documents ✓ Debt bondage ✓ Isolation, confinement or surveillance ✓ Violence on victims ✓ <u>Medium Indicators</u> Forced to act against peers ✓ Threat of denunciation to authorities ✓ Threats of violence against victim ✓ Under strong influence ✓ Withholding of wages ✓</p> <p>CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS OF COERCION AT DESTINATION <u>Strong indicator (rate 3)</u> Confiscation of documents ✓ Debt bondage ✓ Isolation, confinement or surveillance ✓ Threats of violence against victim ✓ Violence on victim ✓ Under strong influence ✓ <u>Medium Indicators (rate 2)</u> Threat of denunciation to authorities ✓ Withholding of wages ✓</p> | <p><i>On 20th November 2021, a group of workers gave a statement to the media that working and living conditions were not accurately reported on in some media.</i></p> <p>5e <i>Workers have been located in various locations in the city after their relocation. They have been under the supervision of private security from Zrenjanin, as mentioned earlier, with the restricted freedom of movement. They have been exposed to pressures and conditioning from the employer who has manipulated and kept their salaries. The ASTRA team received information from the workers they were communicating with, that their personal documents were being confiscated again in order to regulate their stay retroactively. The management further threatened workers and forbade contact with journalists and the NGOs that provided them with food and hygiene products.</i></p> <p>5f <i>A worker with whom the ASTRA team and associates communicated during the field visit on 27th December 2021, stated that the worker who had spoken for N1 television now worked for the Chinese managers and other workers did not trust him anymore.</i></p> <p>5g <i>The workers were forced to strike twice. The first time no food had been provided and they were forced to hunt animals - rabbits, dogs and cats, after which they were given a gas bottle, a stove and certain foodstuffs (rice, potatoes and cabbage); the second time they went on strike because of unpaid salaries, as their salaries were two months late. After that, they were paid the money in a month, but the payment irregularities continued.</i></p> | <p>5f <i>Field report of 27th December 2021 (Annex 32);</i></p> <p>5g <i>Field report of 14th November 2021 (Annex 1);</i></p> <p>5i <i>“Home rules” workers must obey or they will be fined (Annex 36);</i></p> <p>5j <i>Statement given by the employer (Annex 37);</i></p> |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|--|---|------------------------------|
| <p>Punishment (as a disciplinary measures) ✓ Never or rarely leave the house or work premises ✓</p> <p>No freedom of movement ✓</p> <p>ADULTS - SPECIFIC EXPLOITATION INDICATORS EVERYDAY LIFE CONNECTED WITH EXPLOITATION - CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS</p> <p>Medium indicators (rate 2) No communication with family or important persons ✓ Limited or no social interactions ✓</p> <p>ADULTS - SPECIFIC EXPLOITATION INDICATORS - BEHAVIOURS, ATTITUDES, BELIEFS - CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS</p> <p>Believes that they must work against their own free will ✓</p> | <p>5i <i>The workers had to respect the “House rules”, otherwise they were punished.</i></p> <p><i>The said rules entail the following:</i></p> <ul style="list-style-type: none"> • <i>permission to be absent from work, the intention of which must be reported in advance to the Chinese manager and state a justifiable reason. After that, one is allowed to request a leave. Employees who do not have the approval of the Chinese manager for the requested leave are deducted 1.5 times the amount of salary. It is not clear for which period (probably monthly);</i> • <i>Employees requesting a leave must show a certificate from the hospital, i.e. a proof. Also, there is an option for the Chinese manager to confirm that a disease is as a reason for the worker's absence.</i> • <i>Apart from that deduct the living fee (allowance) for the number of days of leave, amount for every day is 600 RSD⁴⁴;</i> • <i>A worker who is absent for more than 7 days each month, must go to a hospital for treatment, show a certificate from the hospital, or a Chinese manager must confirm the circumstances of the case.</i> • <i>Apart from that deduct the living allowance for the number of days of leave, amount every day is 600 RSD, stop working and isolate for 15 days, and observe the state of illness.⁴⁵</i> • <i>Those who feign illness not to come to work, in accordance with handling cases of being absent from work without good reason, get deducted 15.fold amount of salary⁴⁶.</i> • <i>The number of working days: there is a calculation for the number of days of absence from work.</i> | |

⁴⁴ The exact formulation from the Document.

⁴⁵ The exact formulation from the Document.

⁴⁶ The exact formulation from the Document.

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|---|---|---|
| | <ul style="list-style-type: none"> • Workers who have been on vacation for a long period of time (have not worked) must be returned to their homeland. Airline ticket fees are paid by the employees. • Workers whose number of working days is 28 days a month, receive an incentive award (3000 dinars). <p>5j The employer gave the workers a statement stating the following: They had voluntarily and knowingly agreed to work for the Linglong, and were thus satisfied with the conditions provided to them. The statement confirmed that they had agreed to respect all the rules and procedures of the company.</p> | |
| <p>UNODC GENERAL INDICATORS Be in a situation of dependence ✓</p> <p>UNODC LABOUR EXPLOITATION INDICATORS Depend on their employer for a number of services, including work, transportation and accommodation ✓ Have no choice of accommodation ✓</p> <p>ILO INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION <u>Medium Indicators</u> Dependency on exploiters ✓ Difficulty to live in an unknown area ✓ Economic reasons ✓ Family situation ✓ Relationship with authorities/legal status ✓</p> <p><u>Weak indicators</u> Personal characteristics ✓</p> <p>CENTRE FOR THE PROTECTION OF TRAFFICKING VICTIMS'S INDICATORS OF ABUSE OF VULNERABILITY AT DESTINATION</p> | <p>6a Workers were controlled in different ways and on different levels by the exploiters and they have been economically dependent.</p> <p>When the ASTRA team visited the field for the first time with NGO A11, on 14th November 2021, the workers stated that half of the workers would like to return home to Vietnam, but they couldn't because their passports were not with them. Some were afraid that they would be deported, and above all that their money would not be paid, and that they would thus not be able to settle the debts they had fallen into in order to start working in Serbia.</p> <p>According to the report from the field of 10th December 2021, workers were allowed to only take food, but not to talk to activists and journalists.</p> <p>ASTRA Victim Support Unit consultants visited the old barracks on 27th December 2021 where the workers had originally been placed. Several workers and a Chinese manager were found there. One of the workers was afraid to speak, while the other worker stated that he was not going to work and was waiting</p> | <p>6a Field report of 14th November 2021 (Annex 1); Field report of 10th December 2021 (Annex 27); Identification form (Annex 11); Field report of 27th December 2021 (Annex 28); Letter to various competent institution (Annex 31);</p> |

| INDICATORS | FACTUAL FINDINGS | SOURCE OF VERIFICATION (SOV) |
|---|--|------------------------------|
| <p>Medium indicators (rate 2) Dependency on exploiters ✓ Difficulty to live in an unknown area ✓ Economic reasons ✓ Family situation ✓ Relationship with authorities/legal status ✓ Personal characteristics ✓</p> | <p><i>for a return ticket to be bought by the employer. He also stated that there were a lot of dissatisfied workers, as well as that they communicated through the Zolo group, where had they also organised a protest.</i></p> | |

ASTRA's ACTION TOWARD INSTITUTIONS – ACCOUNTABILITY APPEALS

In this section, a chronological overview of the official ASTRA correspondence with the relevant state institutions is presented, combined with key **major events, actions, reactions, reports and other significant events** in the case of Vietnamese workers, covering the period from mid-November 2021 until the mid-June 2022 (7 months).

Proceeding in accordance with the Serbian National Referral Mechanism for the victims of trafficking in human beings, as well as in line with the Standard Operative Procedure for the victims of trafficking in human beings, ASTRA has submitted **49 official letters/reports/appeals** to **16 different state institutions** mandated and obliged to enforce the laws in this case. Up to date, ASTRA received **only 22 official responses** (45%) from **7 institutions** (44%).





Several important anti-trafficking bodies have **either never responded** to the ASTRA's appeals, reports or inquires **or have never conducted activities in accordance with their competences**, e.g. Office for Coordination of Activities in the Fight against Trafficking in Human Beings (no direct response, just referred on responded memo from Police Unit Zrenjanin Office), or Centre for Protection of Trafficking Victims (in further text CPoTV) – no formal interviews to establish the circumstances and explore the presumed labour exploitation. On 2 December 2021, the CPoTV informed ASTRA about one field visit, yet. Six months later - without follow up or a concrete outcome. As for other institutions, Labour inspectorate declared themselves not mandated for the facts listed in the reports that ASTRA was filing, while the Protector of the Citizens⁴⁷ went out of his jurisdiction as he gave public statements on the non-existence of the trafficking in human beings (although the only mandated institution to perform such an assessment is the Centre for Protection of Victims of Trafficking in Human Beings). The majority of the official responses received were from the local Police Office unit in Zrenjanin, who informed ASTRA that they received an instruction from the Higher Public Prosecutor's Office in Zrenjanin to initiate the investigation and collect evidence in accordance with the report received from ASTRA.


Each report, appeal or event presented in the table below, is accompanied with a link to the publicly available source, or it is filled in the ASTRA's office filing system, and available upon request.

⁴⁷ In its Annual report for 2021, the Protector of Citizens stated that in the procedure on his initiative, omissions in the work of the competent bodies were determined. The competent bodies mentioned in the recommendations were referred to the Center for the Protection of Victims of Trafficking in Human Beings, the Ministry of Labor, Employment, Veterans' Affairs and Social Affairs, as well as to the competent centers for social work and educational institutions. The report does not mention the workers who were hired to build the Linglong company in Zrenjanin. Source: [Годишњи извештаји \(ombudsman.rs\)](#)

Chronological Overview - THE MAP of the major actions, reactions, reports and other key events

The legend:

-  ASTRAs reports to the Institutions, public or targeted audiences
-  Responses received from the institutions or other stakeholders
-  Key event (i.e. field visit findings, relocation of the workers, etc.)
-  Reactions, media reports, key international actions

| Month | Events, reactions, reports | Clarifications, comments, responses |
|----------------------------|--|---|
| 2019 – October 2021 | <p> THE WARNING SIGNS</p> <p>01/04/2019 Local CSO from Zrenjanin, Građanski preokret, publishes an article about the investment of Linglong, claiming „The Benefits of Linglong Are Unclear“⁴⁸</p> <p>The article elaborates on the fact that other foreign investors in Zrenjanin bought the land (instead of receiving it as a state aid); That the number of workers employed by the existing investors is much bigger than the announced Linglong employment plans. It also questions the logic of placing the tire factory in the middle of the agriculture land and nature preservation site. It sends a reminder to the authorities and public, that Zrenjanin does not have a wastewater treatment plant, which means that the wastewater from Linglong tire factory will be discharged untreated into the sewer, into the already polluted Begej River.</p> <p>12/01/2021 CSO Građanski preokret, published an article Legalization Of the Chinese Labour Camp in Serbia⁴⁹. The article is a warning that the authorities and the company are “planning an unrecorded labour camp in Europe where people will be kept in containers without basic living conditions. According to the plans presented by the City Administration of Zrenjanin, it is planned to accommodate hundreds of people without food, rest, adequate hygiene and first aid, all in a location that does not provide a minimum of safe environment, and protection from fire.”</p> | <p>This sections represents a brief selection of the public reactions, media reports, law suits and warnings about many problematic issues related to the Linglong capital investment in Zrenjanin.</p> <p>It is clear, just by reading them, that there were local activists, CSOs, national and international media who raised red flag related to the state and local government policy towards the Linglong, and anticipated the later events.</p> |

⁴⁸ <https://gradjanskipreokret.rs/index.php/en/2019/04/01/the-benefits-of-shandong-linglong-are-unclear/>

⁴⁹ <https://gradjanskipreokret.rs/index.php/en/2021/01/12/legalization-of-the-chinese-labour-camp-in-serbia/>

| Month | Events, reactions, reports | Clarifications, comments, responses |
|---------------------|--|--|
| 2019 – October 2021 | <p>12/05/2021 CSO Građanski preokret, published an article: The City of Zrenjanin Paid for Demining of Land Owned by Linglong, And the State Will Pay for The Water Supply System⁵⁰ The article presents official documents from the local self-government – city of Zrenjanin, and explains important issues regarding the decision making on the public good and public interest in Zrenjanin. The authors claim that “such actions clearly show that the water supply of the Linglong tire factory is more important to the state authorities of Serbia and the local authorities of Zrenjanin than the supply of the population with healthy water, which has not been available in Zrenjanin for 17 years.”</p> | <p>This section ends with the two awkward events – a video of Linglong construction workers skinning an animal in the construction yard, and reports of many deer traps being set all around the Linglong property. Among many other issues regarding Linglong in Zrenjanin, a question whether the workers are doing so simply because they are starving, led to journalist investigation, and finally, the case of the workers came out to the public.</p> <p>Serbian institutions and pro-governmental media ignored all of the appeals and reports, for more than two years.</p> <p>They continue to do so, even now, seven months after the case is definitely out in the open and no longer can be denied.</p> |
| | <p>18/05/21 Reports from Nederlandse Omroep Stichting⁵¹ and Serbian TV N1⁵² on problematic behaviour on the Linglong construction site in Zrenjanin The security of the Linglong factory tried to prevent the team of Dutch journalists from the NOS (Nederlandse Omroep Stichting) from recording the statement of one activist in front of the factory construction site. Security tried to convince the journalists that they did not have the right to film. When they were told by the journalists that the ground was a public space, members of the security jumped between the camera, journalists and activist of the CSO “Građanski preokret”⁵³ Ivan Živkov, and prevented the activist from giving a statement. The cameraman and the journalists were pushed away at some point, which is why they stated that they would call the police. Some hundred meters from the construction site of the factory, where the whole event took place, the security shouted in English and Chinese and then took photos of vehicles and license plates of journalists.</p> | |
| | <p>11/08/2021 CSO Građanski preokret, published an article State Has Suspended the Law in The Interest of Linglong⁵⁴ The article is about the deadline was given by the Vojvodina Provincial Construction Inspector to the Chinese company Linglong. The order was to remove illegally built buildings on over 47 thousand square meters of construction site of the tire factory. Gradjanski preokret submitted a request for unplanned inspection supervision, but has not received a response from the authorities of Autonomous Province of Vojvodina. The CSO also filed criminal charges against the responsible persons of investors and contractors on the Linglong construction site due to construction without a construction permit. Gradjanski preokret also filed charges against Provincial Secretariat for Energy, Construction and Traffic for the illegally issued building permit to Linglong. CSO Građanski preokret points out that is obvious that all three branches of government, and the state, have been suspended in the interest of Linglong, describing the process as a corruption and lawlessness.</p> | |

⁵⁰ <https://gradjanski-preokret.rs/index.php/en/2021/05/12/the-city-of-zrenjanin-paid-for-demining-of-land-owned-by-linglong-and-the-state-will-pay-for-the-water-supply-network/>

⁵¹ <https://www.youtube.com/watch?v=Tv08e5GAWIY>

⁵² Chinese Linglong security in Serbia preventing Dutch journalists from filming (n1info.com)

⁵³ <https://gradjanski-preokret.rs/index.php/en/>

⁵⁴ <https://gradjanski-preokret.rs/index.php/en/2021/08/11/state-has-suspended-the-law-in-the-interest-of-linglong/>

| Month | Events, reactions, reports | Clarifications, comments, responses |
|---------------------|--|---|
| 2019 – October 2021 | <p>11/10/2021 A disturbing video⁵⁵ of animal, presumably cat or a rabbit, being skinned out in the Linglong construction site, in Zrenjanin A video caused a strong public reaction and debates. There were many media reports on this case⁵⁶ which discussed not only the particular incident, but the conditions that the workers are accommodated, their restricted movement, etc.</p> <p>04/11/2021 Local newspaper Zrenjanin on the traps for deer near the Linglong factory^{57 58} Local newspaper Zrenjanin publishes an interview with the manager of the hunting ground of the Hunting Association of the City of Zrenjanin who confirmed that citizens reported up traps for deer near the settlement of Ečka. Ms. Romanelli also said that the hunters noticed that deer game decreased around Ečka, but they attributed that to deer migration due to the construction. After the police investigation, it was confirmed that the whole field is covered with game traps.</p> | |
| | November 2021 | <p>06/11/2021 The Vojvodina Research and Analytical Centre VOICE publishes a text about the extremely difficult living conditions of 750 Vietnamese and Chinese workers engaged on the construction site of the Chinese company Linglong. The article describes the life circumstances of the workers who were placed by the employer in dilapidated barracks inadequate for living, that previously served as warehouses in the industrial zone of Zrenjanin, and were inter alia not supplied with drinking water, hot water or heating, and occasionally even without electricity.</p> <p>12/11/2021 The N1 television broadcasts a video coverage of the living conditions of 500 Vietnamese workers, as well as the testimony of one of them who speaks English. Among other things, the recording clearly shows that some of them want to return to Vietnam. Also, the report shows that Chinese employers took the passports of the workers and that the Vietnamese agency that brought them cut off all contact with them.</p> |

⁵⁵ <https://www.youtube.com/watch?v=cZfveogSpT4>



⁵⁶ <https://nova.rs/vesti/hronika/uznemirujuc-snimak-iz-zrenjanina-radnici-kineske-fabrike-deru-macku/>


⁵⁷ <https://listzrenjanin.com/milena-romanelli-upravnica-lovista-o-pripremama-za-zimski-period/>




⁵⁸ <https://twitter.com/terzopoaria7/status/1457696628413026307>




⁵⁹ VOICE - Vojvodina Research and Analytical Center, <https://voice.org.rs/>


⁶⁰ Zrenjanin Social Forum, Solidarity Kitchen, PAOR, CK13, Zadruga Oktobar




| Month | Events, reactions, reports | Clarifications, comments, responses |
|---------------|---|--|
| November 2021 | <p>14/11/2021 FIELD VISIT</p> <p>Reacting to this news, representatives and volunteers of several civil society organizations visited the workers on site. After witnessing horrible conditions and hearing initial statements from the workers, a joint statement was issued by ASTRA and A11 pointing that all the circumstances of life and work of the Vietnamese workers indicate potential trafficking in human beings for the purpose of labour exploitation (see initial report).</p> | |
| | <p> ASTRA - written reports to the Institutions</p> <p>15/11/2021. Sent to:</p> <ol style="list-style-type: none"> 1. Republic Public Prosecutor's Office 2. Higher Public Prosecutor's Office in Zrenjanin 3. Office for Coordination of Activities in the Fight against Trafficking in Human Beings 4. Police Unit Zrenjanin 5. Ministry of Labour, Employment, Veteran and Social Affairs - Sector for Social Protection - Centre for the Protection of Victims of Trafficking in Human Beings 6. Ministry of Labour, Employment, Veteran and Social Affairs - Labour Inspectorate 7. Labour Inspection in Zrenjanin 8. Ministry of Health - Department of Sanitary Inspection 9. Protector of Citizens | <p>Content of the reports</p> <p>Subject: Official reporting of the potential trafficking in human beings for the purpose of labour exploitation, requesting a response from the competent authorities: pointing out to the circumstances of the recruitment of workers and organisation of transport; workers' working and living conditions; listing the preliminary indicators of trafficking in human beings.</p> <p>Comments, main messages and appeals</p> <p>INITIAL REPORT to the competent authorities and institutions, in accordance with the competencies of the state actors, Standard Operating Procedures and cooperation agreements.</p> <p>ASTRA prepares and sends reports to 9 state bodies and institutions due to the situation of the workers, requesting an urgent reaction of state bodies, in accordance with their competences and responsibilities.</p> |
| | <p> 16/112021.</p> <p>The first response from the Centre for the Protection of Trafficking Victims</p> | <p><i>(The first response from the Centre was by email - not an official letter)</i></p> <p>The Centre informs ASTRA that after ASTRA's report, on 16/12/2021 a meeting was held in the premises of the Zrenjanin Police Administration, followed by a field trip to the place of residence of the Vietnamese workers. It has been established that the living conditions of the workers and their safety are at an extremely worrying level.</p> <p>The Centre was to continue working on the case through cooperation with the competent institutions, as well as with ASTRA. They suggested a meeting.</p> <p>The first, unofficial response from the Centre for the Protection of Victims of Trafficking.</p> <p>The email announced action regarding the workers, however, the official action has not been carried out by the moment of writing of this report (June, 2022).</p> <p>Upon his return, the case worker who had made a field visit, orally informed Astra that the situation was much worse than what had been presented in</p> |



| Month | Events, reactions, reports | Clarifications, comments, responses |
|---------------|--|--|
| November 2021 | | <p>the initial report, and that we needed to agree on a joint action. However, after several calls from ASTRA, he informed us that he is no longer authorised to provide information, and that all communication regarding this case must go via the CPoTV coordinator.</p> <p>Since the CPoTV is a state institution, we can only assume that such change in the attitude was introduced by an instruction from the higher state officials.</p> |
| | <p> 16/11/2021 The first response from the IOM office in Belgrade</p> <p><i>(Reply from IOM by email)</i></p> <p>After discussing the IOM Voluntary Return and Reintegration Program (AVRR), the IOM office sent additional details about the program: the program included travel assistance, including obtaining travel documents, visas, etc. where necessary), and travel only to the place of return, as well as reintegration assistance (tangible and intangible) available to individuals as needed.</p> <p>Given the complex and unclear current situation, the IOM asked organizations involved in the communication with the workers, not to share the information or refer migrants to the AVRR program at the time, until the competent institutions, provide the necessary protection, risk/exposure assessment and determine the status of the migrants, applying their existing procedures and cooperation mechanisms.</p> <p>The IOM also emphasized that the Voluntary Return Program in Serbia was implemented in close cooperation with the Commissariat for Refugees and Migration and the Ministry of the Interior, as well as the Center for the Protection of Victims of Trafficking in Human Beings in certain cases. Therefore, all activities needed to be coordinated with the listed institutions.</p> | <p>There was one more response from the IOM, elaborated in the table under the date 16/12/2021</p> |

| Month | Events, reactions, reports | Clarifications, comments, responses | |
|---|---|---|---|
| November 2021 |  17/11/2021 - VIDEO FOOTAGE from the site Activists from Belgrade Solidary Kitchen and others, managed , despite the resistance of private security, to pull out of the barracks the worker, who had previously been fired due to the statements he had given to the media. Activists were assisted in the incident by the Vietnamese workers who prevented security from physically confronting them, and then went on strike . | Disturbing video from the site where the workers are accommodated, confirming that their freedom of movement is limited , the issues with the treatment of the workers, and so on. | |
| |  ASTRA - written reports to the Institutions | Content of the reports | Comments, main messages and appeals |
| | 17/11/2021. Embassy of the Socialist Republic of Vietnam in Hungary and Romania | ASTRA Subject: Official report concerning the suspicion of the crime being committed of trafficking in human beings for the purpose of labour exploitation of Vietnamese citizens engaged in the construction of the Linglong tire factory. Pointing out to the circumstances of the recruitment of workers and organization of transport; working and living conditions; preliminary indicators of trafficking in human beings. | Addressing the competent embassy of the country of origin of the workers, presumed victims of trafficking. |
|  18/11/2021 - A selection of important media reports and public officials statements <ul style="list-style-type: none"> • One of the workers stated for N1 television: <i>“Since we came here, nothing is as it should be. Everything is different than in the documents we signed in Vietnam. Life here is bad, food, medicine, water.. everything is bad. Our company really does not care about us, there is no money, they keep our money, I came here four months ago, and I received my salary for only one month. They hold my passport and my visa, we can’t change our job or country.”</i> • The Linglong company issued a statement denying any connection to the Vietnamese workers, stating that their passports had been returned to them and that they had been hired by the contractor. • Representatives of the Protector of Citizens, together with officers of the Zrenjanin Police Department, visited the workers and concluded that the workers live in life-threatening conditions. At the same time, the Office of the Protector of Citizens informed the public that the workers had a proper residence registration and work permit. • The Zrenjanin Police Administration issued a decision banning the use of two buildings for housing purposes due to the danger to the lives of the workers housed in them. Immediately after that, most of the workers were moved to other locations. | <p>The workers are stating their desperation, disappointment and fear due to the situation they found themselves in.</p> <p>Company Linglong is denying the claims of the workers and stating no connection to the workers (pointing out to the contractor).</p> <p>Office of the Protector of Citizens representatives confirm the life-threatening conditions in the worker’s accommodation, but at the same time claim residence and work permits are in order.</p> | | |

| Month | Events, reactions, reports | Clarifications, comments, responses |
|---------------|---|---|
| November 2021 | <ul style="list-style-type: none"> • The Minister of Construction, Transport and Infrastructure, Tomislav Momirović, stated that the Linglong construction site is one of the most controlled in Serbia, but he did not elaborate on specific examples of supervision. It is characteristic that in the same statement, the Minister tried to shift the responsibility to the potential victims for the situation they found themselves in (he stated that they slept in an inadequate accommodation of their choice and had enough earnings to obtain better accommodation, not mentioning that the workers did not received salaries), and that he did not found that there was something disputable in the confiscation of the passport of the workers because the passport was immediately returned to the worker who had been fired. | <p>Local law enforcement (Zrenjanin police) issues a ban on the use of two buildings for housing, since the conditions are assessed to be life threatening.</p> <p>The government (Minister of Construction, Transport and Infrastructure) is denying the responsibility, shifting the blame to workers and claiming the construction site is one of the most controlled site in the country.</p> |
| |  <p>18/11/2021 THE BEGGINING OF THE WORKERS' RELOCATION TO SEVERAL OTHER LOCATIONS</p> | <p>Chaotic relocation of the workers from the barracks they were initially accommodated in, to several other accommodation facilities in and around Zrenjanin.</p> |
| |  <p>19/11/2021 REACTIONS BY CSOs AND TRADE UNIONS</p> <ul style="list-style-type: none"> • The press received confirmation that the passports had been returned to the workers and that about 90 workers still remained in the barracks where the accommodation had been assessed as life-threatening (this group was relocated the next day). • In the announcement by a local NGO in Zrenjanin, it was pointed out that the workers had been forced to sign a statement that they were satisfied with the conditions of accommodation and living. The same organization stated that, at the new locations to which they had been transferred, the workers were guarded by private security that prevented any contact with them. • The Sloga trade union reacted to the statements of the Prime Minister, as well as the International Federation of Construction and Forestry Workers (BWI) from Geneva, and addressed the Prime Minister of Serbia with a request for urgent action to help workers and prevent violations of their labour rights. | <p>Media reports are showing that a number of workers is still in the same, problematic accommodation.</p> <p>Local NGOs report that the workers were forced to sign a statement of being content with the living and working conditions. The freedom of movement for the workers is limited. Trade unions are publicly reacting to the state officials' statements.</p> |
| |  <p>19/11/2021 REACTIONS FROM THE HIGHEST GOVERNMENT OFFICALS AND CHINA'S AMBASSADOR</p> <ul style="list-style-type: none"> • The Prime Minister of the Republic of Serbia, Ana Brnabić, pointed out in a statement to daily /news portal Politika that Linglong was not connected with the case of the Vietnamese workers, and connected the whole case with a potential political assault against Chinese investors, although she did not present any evidence for | <p>This section contains a links to a line of statements by highest state officials, even the embassy representatives</p> |



| Month | Events, reactions, reports | Clarifications, comments, responses |
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| November 2021 | <p>this. Also, in her statements, she did not refer to the specific elements of trafficking in human beings that were recognized by the professional public.</p> <ul style="list-style-type: none"> • The Ambassador of the People's Republic of China to Serbia, Chen Bo, stated in Kragujevac, at the start of the works on the construction of another in a series of Chinese investments, that the competent authorities did not consider the Chinese company responsible for the allegations of certain media. She pointed out that <i>“media surveillance was always welcome”</i>, but that <i>“false information was never acceptable and that the reports by the Chinese company should be read.”</i> The embassy required all Chinese companies to abide the laws and regulations of the Republic of Serbia and to treat the workers in accordance with the agreement. Radio Free Europe, 19/11/2021. • The President of the Republic of Serbia, Aleksandar Vučić, said that he would have helped Vietnamese workers but would have not dispersed investors, while he characterized the whole case as a media-political campaign against the Chinese company Linglong. At the end of October 2021, after the broadcasting of the documentary <i>Ping Pong Linglong</i>, when being asked for several times about the conditions in which Chinese workers lived and worked by the N1 journalists, the president responded <i>“I will fulfil my promise, so I will check, and I will also visit Chinese workers, I can't do in the next 15 days, because my schedule is hellish”</i>. • A couple of days after the statement, in Subotica on November 19, 2021, at the opening of the BAS Boysen Abgassysteme factory, the president of Serbia, Aleksandar Vucic stated that “workers will be helped, but investors will not be driven away.” Like the Prime Minister, the President believed that the campaign, which had presumably been going on for months and was directed against Chinese investments, was actually the driver behind the story. “What do you want, to destroy an investment of 900 million dollars? If the inspection finds that the conditions are bad, new conditions will be created, there is no need for a chase. If the Vietnamese need to be helped, we will help, but we will not force investors” the president said. The President also stated that the inspection was sent due to pressure, and determined that the conditions were bad, but that they would be improve. | <p>giving a spin to the topic, blaming the public, the workers and CSOs:</p> <p>The China's ambassador is accusing media of false reporting and denies any responsibility of the Chinese company.</p> <p>Serbian Prime Minister is claiming the whole story is a political assault on Chinese investors.</p> <p>Serbian President supports the claims of the Prime Minister, describing the case as a media-political campaign against the Chinese company. He repeats the accusation of attempts to destroy Chinese investments. He also promises the help and a visit to the Vietnamese, which would never happen.</p> |
| | <p> 19/11/2021 ASTRA organizes a FIELD VISIT to assess the position of the workers after the relocation to new facilities The victim support team organized a trip to the private accommodation (Kaštel Hotel, Zrenjanin) where the workers (about 30 of them) had been relocated.</p> | <p>Private security guards were placed in front of the hotel, and there were several Chinese security guards inside the hotel to supervise the workers. The workers were promised that they would return home as soon as the conditions were right, so they were wary of any open contact. However, they still received materials with information on whom and how to turn for help.</p> |





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| November 2021 |  <p>19/11/2021 ASTRA issues an appeal to state bodies to start with the implementation of the Serbian Constitution and laws, as well as all the ratified international agreements and conventions in the case.</p> | <p>ASTRA pointed that despite very clear legislative and institutional framework for the reaction of state bodies, deeply worrying statements and actions had been recorded to that point, aimed at minimizing the seriousness and complexity of the situation, bringing confusion and diverting public attention from the essence of the problem. Everything that had been done by then: from placing false information about the relocation of workers, through poor explanations for keeping passports, commenting on the amount of salary as an excuse for inhuman treatment and working conditions, to the confusing and unannounced relocation of workers to several locations, indicated questionable ability and will of the state bodies to act in this case as required by law.</p> |
| |  <p>22/11/2021 The ASTRA teams' organizes on-line support to one of the workers</p> | <p>ASTRA organized an online conversation with a worker, who had left the factory with the help by activists, to help him connect with the associates of the Vietnamese organization. They offered to help his family in Vietnam. The worker said that he had lost contact with the people who remained in Linglong.</p> |
| |  <p>23/11/2021. The Protector of Citizens himself made a field visit and on that occasion gave a statement. He stated that, in his opinion, there were no elements of the crime of trafficking in human beings, but he did not elaborate on that with concrete evidence. Having in mind the overall context of his statement (emphasising the workers were not satisfied with the type food only) and the substantiation of the alleged facts established by the evidence, as well as that the overall assessment of the condition of Vietnamese workers was given without referring to the important elements of possible trafficking, it can be concluded that this assessment was flat and superficial.</p> | <p>The Protector of Citizens goes way beyond his competences when <u>stating there are no elements for the crime of trafficking in human beings</u>, considering that this body has no competence to perform the formal identification of victims.</p> |



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| November 2021 | | On the other hand, the Protector of the Citizens <u>fails in performing the tasks within his actual mandate</u> – oversight of the state institutions and organs in proceedings. |
| | <p> ASTRA - written reports to the Institutions</p> <p>29/11/2021</p> <ol style="list-style-type: none"> 1. Republic Public Prosecutor's Office 2. Higher Public Prosecutor's Office in Zrenjanin 3. Office for Coordination of Activities in the Fight against Trafficking in Human Beings 4. Police Unit Zrenjanin Office 5. Ministry of Labour, Employment, Veterans and Social Affairs - Sector for Social Protection - Centre for Protection of Victims of Trafficking in Human Beings 6. Ministry of Labour, Employment, Veterans and Social Affairs - Labour Inspectorate 7. Labour Inspection in Zrenjanin 8. Ministry of Health - Department of Sanitary Inspection 9. Protector of Citizens | <p>Content of the reports</p> <p>ASTRA and A11</p> <p>Subject:</p> <p>Request for feedback on the steps taken in order to identify and protect the presumed victims of trafficking and appropriate measures taken against persons responsible for the labour exploitation of workers from Vietnam, in connection to a letter sent on 15/11/2021.</p> <p>Comments, main messages and appeals</p> <p>TWO WEEKS after the initial addressing, a request is sent for feedback on what has been done pertaining to the inquiry sent 14 days earlier.</p> |
| | <p> Response by the CPoTV</p> <p>02/12/2021</p> | <p>Content of the report</p> <p>Subject: Information on the assumed trafficking in human beings situation in Zrenjanin</p> <p>Ref.: Letter dated 29/11/2021 with feedback on the steps undertaken in relation to the letter sent on 15/11/2021</p> <p>The CPoTV informs ASTRA on a series of measures as a result of the report on suspicion of trafficking in human beings.</p> <p>Within 24 hours from the reception of the report, an urgent field trip was made. On the same day, at the initiative of the Centre, a meeting was organized with the Zrenjanin Police Department. After the meeting,</p> <p>Comments</p> <p>After the field visit and the discovery of very poor working conditions, the involvement of the Sector for Emergency Situations and the Sanitary Inspection was initiated.</p> <p>The relocation of the workers to a more adequate and safer place was realized as soon as possible. The Centre stated that it had information that <i>all workers had their travel documents and that the documents were with them</i>. The representatives of the Centre also attended a meeting at the home ministry, where a conversation was</p> |



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| November 2021 | <p>at the Centre's initiative, a field tour of the place of residence of the workers was organized - the factual situation and initial contact with the workers were established.</p> | <p>held with the representatives of the embassy of the Socialist Republic of Vietnam.</p> <p>A meeting was also held with ASTRA and further cooperation was agreed on.</p> <p>Verification of the allegations of possible endangerment of the workers upon their return to Vietnam was carried out through official diplomatic communication. It was planned to include a recommended translator after the fulfilment of the technical conditions for an identification interview.</p> <p>The Centre continuously communicated with the representatives of the Zrenjanin Police Department, the Labor Inspectorate in Zrenjanin, HPPO Zrenjanin.</p> |

| December 2021 |  ASTRA - reaching international actors | Content of the report | Comments |
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| | <p>02/12/2021 Preparing and dissemination of a detailed report to the EU and other international organizations</p> | <p>The report contained:</p> <ul style="list-style-type: none"> • Overview of the current situation and ASTRA's actions • Major challenges and obstacles elaboration • Events timeline, media and coverage and reactions • Legal analysis of the employment contracts of the Vietnamese workers in the Republic of Serbia and agreements signed between workers and mediation agencies in Vietnam • Elaboration of the Indicators of the criminal offense of "Trafficking in Human Beings" under the International conventions and Article 388 of the Criminal Code of the Republic of Serbia - analysis in relation to specific circumstances | <p>The report receives huge attention from the international actors, triggering number of follow up calls, meetings and consultations.</p> |



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| December 2021 |  ASTRA -written reports to the Institutions | Comments, main messages and appeals |
| | <p>06/12/2021</p> <ol style="list-style-type: none"> 1. Office for Coordination of Activities in the Fight against Trafficking in Human Beings 2. Police Unit Zrenjanin Office 3. Ministry of Labour, Employment, Veteran and Social Affairs - Sector for Social Protection - Centre for the Protection of Victims of Trafficking in Human Beings 4. Ministry of Health - Department of Sanitary Inspection 5. Protector of Citizens 6. IOM office in Belgrade <p> ASTRA field visit 07/12/2021</p> | <p style="text-align: center;">Content of the communication</p> <p>Subject: Request for organizing the safe and voluntary return of the Vietnamese workers</p> <p>Link to the letters sent on 15/11/2021 and 11/29/2021</p> <p>ASTRA expressed concerns about the circumstances in which Vietnamese workers still found themselves, without the possibility of free movement and exposure to daily pressures and conditions by an employer who manipulated and withheld their wages. Also, ASTRA appealed for an urgent reaction by the competent services: The Centre for the Protection of Victims of Trafficking in Human Beings to make a final decision on the identification of victims; Organize the repatriation and return of the victims to their home country for all those who wished to do so; Carry out appropriate proceedings against all those responsible in the chain of exploitation.</p> <p>ASTRA Trafficking Victims Support Team visited a worker who had managed to escape from the factory with the help of activists.</p> <p>This was the second conversation with the worker.</p> <p>Almost a month from the initial report, ASTRA is pointing out concerns about the circumstances in which workers still find themselves (restricted freedom of movement, exposure to pressures and conditions by the employer, manipulating workers and retaining their earnings;</p> <ul style="list-style-type: none"> • Appeals to the Centre for the Protection of Victims of Trafficking in Human Beings to make a final decision on the victims' identification; • Organize the repatriation and return of the victims to their home country for all those who wish to do so; • Implement appropriate procedures against all those responsible in the chain of exploitation; <p>The procedure for reporting to the CPoTV is explained to the Vietnamese worker. He requested that all the data be sent anonymously. Sufficient data has been collected for reporting to the Centre for the Protection of Victims of Trafficking in Human Beings.</p> <p>Representatives of ASTRA explains to the worker that ASTRA is in continuous contact with an organization from Vietnam, which is able to provide support, to inquire about all workers, and that there is a possibility to connect him to the organization if he wants to communicate with them directly.</p> |


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| December 2021 |  Response from the Police - local police unit in Zrenjanin 08/12/2021 | <p align="center">Content of the response</p> <p align="center">Comments, main messages</p> | |
| | <p>Responding to the ASTRA's request for feedback on the steps taken regarding the Vietnamese workers</p> | <p>Linked to the e-mail of 07/12/2021 and the letter of 06/12/2021.</p> <p>Police officers responded they had acted in accordance with the positive regulations.</p> <p>12/08/2021 ASTRA letter dated 06/12/2021 and the e-mail of 07/12/2021 submitted to the Higher Public Prosecutor's Office in Zrenjanin for a public prosecutor's decision.</p> | <p>The local Police Administration in Zrenjanin had provided the majority of official responses to ASTRA's requests, so far.</p> |
| | <p> 08/12/2021 ASTRA published a brief alert report within the PrEUgovor coalition, focusing on the issue of the Vietnamese workers and the lack of proper response from the state.</p> | <p>The report is titled <i>"Omissions of the State in the Case of Construction of the 'Linglong' Factory from the Rule of Law and Anti-Trafficking Perspective"</i>.</p> | <p>The brief alert report was one more effort to call for the government's accountability and to draw the attention of the international community.</p> |
| <p> 10/12/2021 ASTRA FIELD VISIT TO SEVERAL LOCATIONS WHERE WORKERS WERE ACCOMMODATED</p> <p>With the joint efforts by ASTRA and activists, a field visit to different locations in Zrenjanin was organized. Main findings:</p> <ul style="list-style-type: none"> • Restricted freedom of movement; • Some workers had leg injuries and had difficulties walking; • Most workers were without adequate clothing and footwear; • New series of official reports to the state institutions was sent by ASTRA <p>Please refer to the Annexes of the report for the detailed findings during the field visit.</p> | | | |
| | <p> ASTRA -written reports to the Institutions</p> <p>13/12/2021</p> <ol style="list-style-type: none"> 1. Office for Coordination of Activities in the Fight against Trafficking in Human Beings 2. Police Unit Zrenjanin Office | <p align="center">Content of the reports</p> <p>Subject:</p> <p>Request for urgent provision of medical care and health care to Vietnamese workers engaged in the construction of a tire factory in Zrenjanin</p> <p align="center">Comments, main messages and appeals</p> <p>Due to the alarming situation found during the visit, letters were sent to appeal for:</p> | |




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| December 2021 | <p>3. Ministry of Labour, Employment, Veteran and Social Affairs - Sector for Social Protection - Centre for Protection of Victims of Trafficking in Human Beings</p> <p>4. Ministry of Labour, Employment, Veteran and Social Affairs - Labour inspection</p> <p>5. Emergency medical service (ER)</p> <p>6. Protector of Citizens</p> | <p>Linked to the letters sent on 15/11/2021, 29/11/2021, 07/12/2021.</p> <p>Special appeal for support measures regarding:</p> <p>One of the workers reported on December 11, 2021, that he had health problems and was in pain;</p> <p>Another worker complained of health problems due to chronic ulcerative colitis, but his condition worsened;</p> <p>Due to all the above, an appeal for an urgent reaction and response to:</p> <p>Provide adequate emergency medical care to Vietnamese workers;</p> <p>Have visit by experts from the Centre for the Protection of Victims of Trafficking in Human Beings in order to identify victims of trafficking in human beings;</p> <p>Organize the repatriation and return of the victims to their home country for those who wished to do so;</p> | <ul style="list-style-type: none"> •Urgent provision of medical care and health care to Vietnamese workers (leg injuries, difficulty moving, ulcerative colitis, etc.); •Emphasise the problem of inadequate equipment and supplies for the workers (clothing, footwear); •Appeal for the Centre for Victims of Trafficking in Human Beings to conduct a visit and start the identification process in accordance with the received application! (more than a month after receiving the initial report!) •Enable repatriation to workers who wanted to return to their home country |
| | <p> 13/12/2021 N1 TV station reports the death of a Chinese worker in Zrenjanin</p> | <p>The report claims one worker of Chinese origin died on the construction site after a part of the work equipment/ machines fell on him.</p> | <p>Some of the workers with whom the activists were in contact, testified that the ambulance had waited 20 minutes in front of the factory to take out the injured worker. The unfortunate man later died. According to the information, which was confirmed by several sources, the worker had not have a protective helmet at the time the object fell on his head. The ER unit of Zrenjanin said that they could not confirm the information, and the local police did not answer the calls by N1 media house.</p> |
| <p> 14/12/2021 Response from the office of the Citizens Protector Responding to ASTRAs inquiry dated 29/11/2021.</p> | <p>The Protector of Citizens dismissed ASTRAs request for exercising the right to information of public importance, on the steps taken up to that point in order to identify and protect the alleged victims of trafficking</p> | <p>The Protector of Citizens is dismissing ASTRA's request for the information on the steps taken so far to ensure the state institutions are conducting their</p> | |


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| December 2021 | <p>in human beings, as well as appropriate measures against the persons responsible for labour exploitation of the workers from Vietnam.</p> <p>The Protector of Citizens explained such refusal by quoting the Law on Free Access to Information of Public Importance, and the restrictions prescribed. He elaborated that sharing the information with ASTRA would represent a threat and obstruction of the control of work carried out by the Protector of Citizens.</p> | <p>duties. In spite the fact that ASTRA is one of the (only) two national CSOs specialized (and licensed by the state) in providing support to the victims of trafficking in human beings, actively involved in communication, correspondence and service provision to the Vietnamese workers, presumed victims of labour exploitation.</p> |
| | <p> 15/12/2021 The EU Parliament Resolution on forced labour in the Linglong factory</p> <p>European Parliament voted for a resolution⁶¹ on forced labour in the Linglong factory and environmental protests in Serbia. Among other issues, the EU Parliament:</p> <p>“Expressed deep concerns over the alleged forced labour, violation of human rights and trafficking in human beings of around 500 Vietnamese people at the Chinese Linglong Tire factory construction site in Serbia;</p> <p>Urged the Serbian authorities to investigate the case carefully and ensure respect for fundamental human rights in the factory, especially labour rights, to provide the EU with the conclusions of their investigations and hold the perpetrators to account; called on the Serbian authorities to allow free, meaningful and unhindered access to the Linglong Tire factory in Zrenjanin and the lodging facilities of the Vietnamese workers for NGOs, CSOs, EU officials and officials from other international organisations; urged the Delegation of the European Union to the Republic of Serbia to closely follow up on these processes and the fate of the 500 Vietnamese workers”</p> | <p>This is one of the most important international reactions regarding this case.</p> |
| | <p> 16/12/2021 Response from the IOM office in Belgrade</p> <p>Connection: ASTRA's report from 07/12/2021. The IOM Office clarifies: As mentioned earlier, in the case of Vietnamese workers, IOM states they are ready to provide assistance as soon as the identification</p> | <p>As the AVRR Program is a part of the migration management system in Serbia, we are ready to, in cooperation with the Ministry</p> |



⁶¹ https://www.europarl.europa.eu/doceo/document/RC-9-2021-0600_EN.html



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| December 2021 | <p>process is completed or counselling is done. This is necessary primarily for the safety of the returnees, but also for the return risk analysis and the preparation of a plan to reduce these risks, and to achieve the ultimate goal, which is a safe and dignified return.</p> | <p>of the Interior, the Centre for the Protection of Victims of Trafficking and the Commissariat for Refugees and Migration, work closely with the people and help individuals return home, after conducting individual interviews and assessing their needs. At the moment, the IOM has no insight into the exact number of the migrants interested in return, as our Program is limited (i.e., a limited number of returns is envisaged under the ongoing projects).</p> |
| | <p> 16/12/2021 Serbian Minister of Interior's reaction to the EU Parliament resolution</p> <p>In the statement given to the pro-government national television RTS, the Ministry of Interior reflected on the EU Parliament resolution, stating that: "Members of the European Parliament are not asked about anything in their countries, that is why they want to exercise their frustrations in Serbia". The Minister was actually referring to the part of the EU resolution regarding the brutality of the police, and had no comments on the warnings issued towards the alleged trafficking in human beings in Zrenjanin.</p> <p> 16/12/2021 ASTRA - issuing an appeal to state bodies and the public regarding the EU Parliament Resolution</p> <p>ASTRA was warning that:</p> <ul style="list-style-type: none"> • Besides relocation to some slightly better accommodation facilities, the Vietnamese workers were in almost the same position as they had been in mid-November 2021. • The workers lacked food, drinking water, warm clothes and beddings; | <p>This is an illustration of the overall attitude of the Serbian state institutions toward the case of labour exploitation of migrant work force on the territory of Serbia.</p> <p>The Minister of Interior is also president of the Council for Combating Trafficking in Human Beings, consisting of several other Serbian ministries. This body is the key body for adopting strategy, action plans, reports and other documents related to the suppression of trafficking in human beings. The Council haven't had any meetings for almost 2 years, although they are obliged to meet at least twice annually.</p> <p>There are no significant improvements for the Vietnamese workers in Zrenjanin. After the relocation to slightly better accommodation facilities, no major actions are taken to address other important issues:</p> |

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| December 2021 | <ul style="list-style-type: none"> • They were frightened, under surveillance and not allowed to leave the premises, • The only contact they had is with the local activists, through the fence, to receive packages of food. • Medical assistance was out of reach for the workers | <ul style="list-style-type: none"> • Freedom of movement • Right to medical treatment • Living conditions (drinking water, clothes, bedding) |
| | <p> 23/12/2021 The Protector of Citizens issues a statement describing the details of his visit to the site in Zrenjanin (conducted on 17/11/2021).</p> <p>Together with representatives of the Police Administration in Zrenjanin, the representatives of the Protector of Citizens visited facilities banned by the police and found that they contained LPG bottles and diesel barrels which were endangering the lives of these people. The delegation of the Protector of Citizens also talked with representatives of the Zrenjanin Police Department, as well as with workers and representatives of a company that hired workers from Vietnam.</p> <p>The Protector of Citizens learned that all the hired foreign workers had a proper application and work permit.</p> <p>The Protector of Citizens was informed by the representatives of the Zrenjanin Police Department that on Tuesday, November 16, 2021, the Sector for Emergency Situations of the Ministry of the Interior Had performed supervision in the facilities where the workers were accommodated and immediately passed a decision banning the use of two facilities for housing purposes in which the workers had been accommodated, as well as holding LPG bottles and barrels for diesel fuel found there, due to potential danger.</p> <p>The Protector of Citizens asked for better accommodation conditions for the workers from Vietnam, and the Zrenjanin Police Department informed the representatives of this institution and the Higher Public Prosecutor's Office in Zrenjanin about everything in order to determine whether any of the crimes were committed.</p> <p>The Protector of Citizens was also informed that the Labour Inspection of the Ministry of Labour, Employment, Veteran and Social Affairs had performed supervision, as well as that the Centre for the Protection</p> | <p>Three days after denying ASTRA the information about the steps taken in oversight of the state institutions proceedings related to the case of Vietnamese workers, the Protector of the Citizens conducts a field visit, and issues a public statement (on the official web site) about the findings (7 days after explaining that such information would represent a threat and obstruction of the Protector of the Citizens' work).</p> <p>Several elements of the PoC statement are in opposition with the findings ASTRA possesses at the time. Also, the nature of the oversight seems to be quite superficial – since the information presented seems to be obtained by simple “did you do your job” – “yes, we did” method (i.e. the statement about the proper applications and work permits).</p> <p>Also, in his closing statement, the PoC says:</p> <p>“The Protector of Citizens will request information from the Labour Inspectorate and the Center for the Protection of Victims of Trafficking in Human Beings about the activities they undertook in this case, as well as from the Ministry of the Interior.”</p> <p>So, far the result of this is that the Labour inspectorate again found</p> |

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| December 2021 | <p>of Victims of Trafficking, as an independent social protection institution, had undertaken measures within its competence.</p> | <p>the way to declare themselves not mandated to proceed (in December 2021), and the Centre for the Protection of Victims of Trafficking still did not conduct a formal identification interviews. (01/03/2022)</p> |
| | <p> 17/12/2021 Ministry of Labour, Employment, Veteran and Social Affairs - Labour Inspectorate (Zrenjanin)</p> <p>Response regarding the ASTRA's request sent to the Department of Labour Inspection Zrenjanin on December 13, 2021.</p> <p>The original ASTRA's report indicated that during the field visit on December 10, 2021, activists had noticed restrictions on the freedom of movement of workers, inadequate footwear and clothing for the current weather conditions, and health problems of some workers. ASTRA was appealing to the reaction from the competent services - to provide emergency medical care, visit of the expert workers from the Centre for the Protection of Victims of Trafficking in Human Beings to identify victims, and organize repatriation and return of the victims to the homeland for those who expressed such a wish.</p> <p>The response was that regarding the content of the letter, there is no real competence of the labor inspection.</p> | <p>The Labor Inspectorate, in the case of Vietnamese workers, applies the same modus operandi, as in the case of Indian workers, denying jurisdiction. Although the first ASTRA's report was sent to the Labor Inspectorate on November 15, 2021, with clear indication of the potential trafficking in human beings for the purpose of labor exploitation: recruiting workers and organizing transport; information on working and living conditions and preliminary indicators of trafficking in human beings, the Labor Inspectorate claims that this is out of their competences and responsibilities.</p> |
| | <p> 17/12/2021 One more response from the office of the Protector of Citizens</p> <p>In the second answer to ASTRA, the PoC expressed his gratitude for the information and informed ASTRA that this body, within its competences and authorities, had initiated the procedure of investigating this case.</p> | <p>Just three days after denying ASTRA access to the information of public importance, concerning the course of the oversight by state institutions- a "thank you" note arrives from the PoCs office, along with the announcement that the oversight has been initiated and that the "public" will be informed about the findings.</p> |
| | <p> ASTRA - written communication with the Institutions</p> <p>22/12/2021</p> <p>1. Office for Coordination of Activities in the Fight against Trafficking in Human Beings 2. Police Unit Zrenjanin Office</p> <p>Subject: ASTRA Requested feedback on the identification and plans for further protection of the Vietnamese workers, presumed victims of trafficking</p> | <p>Comments, main messages and appeals</p> <p>Nine days after the previous appeals to state institutions and one month after the first appeal, ASTRA is asking the competent authorities for information on what has been done in the process of identifying victims</p> |





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| December 2021 | <p>3. Ministry of Labour, Employment, Veteran and Social Affairs - Sector for Social Protection - Centre for the Protection of Victims of Trafficking in Human Beings</p> | <p>Linked to the letters sent on: 15/11/2021, 29/11/2021, 07/12/2021, 13/12/2021.</p> <p>Seven days earlier, ASTRA received information from the representatives of the Centre for the Protection of Victims of Trafficking in Human Beings that the information was being collected from other institutions and the Zrenjanin Police Department was to provide escort to Centre's workers, to perform a visit to the workers who did not have official status.</p> <p>ASTRA was pointing out that, regardless of the relocation of workers, they were still in a situation that could not be considered safe, and in the meantime, three more letters had been sent for the urgent reaction of various institutions.</p> <p>Feedback on the identification process was required including: assessments and protection measures for the foreign workers; planned steps to protect their human and labour rights; actions related to the health problems of the workers and organizing return for all those who wanted it.</p> <p>Appeal for urgent reaction - a number of injured workers had their movement limited by the employer, and in contacts with ASTRA they expressed the intent to leave the territory of Serbia.</p> | <p>of trafficking in human beings in the Linglong case, their protection and support.</p> <p>The Centre continues to “gather information” and “wait for police support”. Workers have been relocated from previous accommodation. From the exchange with workers, ASTRA gathers information they do not feel safe, a number have limited movement by the employer, and a number express a desire to return to their country of origin.</p> |
| | <p> 24/12/2021 Ministry of the Interior Police Unit Zrenjanin Office</p> | <p>Reply is linked to ASTRA e-mail of 22/12/2021.</p> <p>The Police Unite in Zrenjanin sent a notice confirming that they were in contact with the representatives of the Centre for the Protection of Victims of Trafficking in Human Beings regarding the citizens of Vietnam.</p> | <p>No concrete information was provided at the time.</p> <p>At the moment of finalizing this report (June 2022), the Centre for the Protection of Trafficking Victims still have not performed an official visit to the site, nor have they conducted identification interviews (more than 3 months after the initial report).</p> |




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| December 2021 |  <p>25/12/2021 The Guardian publishes investigative article on the Vietnamese workers in Serbia</p> | <p>The “Observer’s” investigation uncovered new trafficking gateway to the West after 500 migrants found in shocking conditions in Serbia</p> <p>The Guardian article also focuses on the larger scale forced migration movement, pointing out to the “the secret ‘forced labour’ migration route from Vietnam to the UK”.</p> |
| | <p> 27/12/2021 ASTRA - FIELD VISIT to the workers in Zrenjanin jointly with the excellent activists from Zrenjanin</p> <ol style="list-style-type: none"> 1. During their visit to the first accommodation facility (P.D.) ASTRA workers met several workers, one of which could communicate in English. The worker informed ASTRA’s representatives that a certain number of workers had returned to Vietnam, his estimate was „around 20%“, but he couldn’t be sure about the number. He also pointed out that there were new workers arriving but could not estimate the number. The worker also said that everyone received COVID-19 vaccine, but they didn’t know which vaccine and had no certificates to confirm this. Although he insisted that everything was fine at that point, that their living conditions (26 of them in that accommodation) were better, just like the food, many still wanted to return home - including him. He stated that the payment was regular for the moment, but that he didn’t know how he would find money to buy himself a ticket to return to Vietnam. Based on additional contacts with the workers in other locations, it seemed that the employer had organized the return of some workers, but the transparency of the whole process was not ensured, and the workers were kept in ignorance. 2. On the PF. location ASTRA talked to one of the workers who seemed reluctant to share information. Few people showed up right behind him, ASTRA’s representatives thought that they were not from Vietnam, but rather managers. The worker told us that <i>everything was great</i>, that there were no more problems and thanked for everything. 3. At the third location, there was a guard, who acted politely and informed ASTRA the security services were hired until January 15, after which those workers would move from there to some new barracks, and Chinese engineers would live there. When asking if any of the workers returned to Vietnam, he said yes - he had been often calling them taxis lately and the workers were saying they were traveling + home. 4. At the location of the old B., there were a couple of Vietnamese workers and a Chinese manager. One of the workers was frightened and was signalling to us, he was afraid to speak to us in front of the manager. One older worker, spoke to ASTRA’s representatives. He told ASTRA that he was not going to work, that he was waiting to be bought a return ticket, that there were many dissatisfied workers, that they were communicating through some Zolo group where they were organizing a protest. The protest was planned for January 5, 2022 should they not get a specific date for return and airplane tickets. He asked ASTRA to support him then and to invite journalists. When inquiring about the worker who spoke for the N1 TV, he explained that he now worked for Chinese managers and that the workers did not trust him anymore. The worker confirmed that some had returned but was not sure how many and whether the company had organized their return or they were leaving in their own arrangements. | <p>Summary:</p> <p>ASTRA representatives found out that not much had changed with the overall situation - accommodation facilities were slightly better, but the relationship towards the workers, working conditions, freedom of movement were all questionable, as well as the possibility for the workers to return home safely and with all salaries paid - this seemed to be out of reach for most of the Vietnamese workers.</p> <p>Also, there was an ongoing movement of workers coming to Serbia and going back to Vietnam.</p> |

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| December 2021 |  28/12/2021 The inquiry from Centre for Protection of Victims of Trafficking in Human Beings | <p>Subject:</p> <p>Regarding the report that ASTRA sent to the Centre – the Centre concluded there were indicators that 5 unidentified persons, Vietnamese citizens had been exploited in Serbia, therefore, in order to comply with the Standard Operating Procedures, ASTRA was required to help complete the data on the workers, so that after the identification process had been performed, the necessary support and assistance to presumed victims could be provided. Names, contacts and location were requested from ASTRA in order for Centre to contact the workers and conduct the identification interviews.</p> <p>The Centre for the Protection of Victims of Trafficking in Human Beings avoids performing the field visit and conducting the interviews with the workers, in spite the fact that the factory and accommodation facilities, are a one-hour drive from their office. Instead, they ask ASTRA for personal details of the workers, even though the fear of the workers and lack of trust in the official institutions has been communicated both with public and the specialised institutions on many occasions.</p> |
| | <p> ASTRA – written communication with the Institutions</p> <p>29/12/2021</p> <ol style="list-style-type: none"> Office for Coordination of the Activities in Combating Trafficking in Human Beings Zrenjanin PD Ministry of Labour, Employment, Veteran and Social Affairs / Social Protection Sector / Centre for Human Trafficking Victims’ Protection | <p>Content of the communication</p> <p>Subject: Reporting a case of labour exploitation of Vietnamese workers, engaged at the construction site of the Linglong factory in Zrenjanin</p> <p>Ref.: 15/11/2021, 29/11/2021, 07/12/2021, 13/12/2021, 22/12/2021, 24/12/2021</p> <p>The Centre requested additional information to conduct the process of identification and to provide support (28/12/2021)</p> <p>The response from the competent Police Department dated 24/12/2021</p> <p>Representatives of the regional Police Department in Zrenjanin agreed with the representatives of the Centre on further steps.</p> <p>In the letter, ASTRA stated that, given the authorizations, the competent authority needed to know the exact locations where the workers were accommodated. We</p> |

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| December 2021 | <p>noted that, based on our report, of 16 December 2021, a professional worker of the Centre had visited one of the locations and determined that living conditions were catastrophic, of which ASTRA was subsequently informed.</p> <p>Also, ASTRA noted that during the visit (at 4 locations) on 27 December 2021, it was had been determined that workers did not have freedom of movement, nor were they provided with legal and medical assistance. ASTRA received information from the field that 30 workers had recently been returned to Vietnam, and that at the same time, another group of workers had been hired under the same conditions.⁶²</p> <p>ASTRA requested, in accordance with the Law on Free Access to Information of Public Importance, to be informed on the identification procedure undertaken and the steps taken to organize the voluntary and safe return of workers to their country of origin.</p> | | |
| | <p> ASTRA - written communication with the Institutions</p> | <p>Content of the communication</p> | <p>Comments, main messages and appeals</p> |
| | <p>30/12/2021</p> <ol style="list-style-type: none"> Border Police Directorate Department for Foreigners | <p>Subject:</p> <p>Application for the submission of the following information: information and documentation in connection with the engagement of Vietnamese workers in China Energy Engineering Group Tianjin Power Construction and Linglong International Europe:</p> <ul style="list-style-type: none"> information on the number of Vietnamese workers engaged in these two companies; how many of the foreign workers from Vietnam, currently residing in Serbia had work and residence permits; had these companies announced public job openings with the NES, prior to the engagement of foreign citizens from Vietnam? | <p>ASTRA asked for specific information:</p> <ul style="list-style-type: none"> Number of foreign workers from Vietnam employed in these two companies Number of workers with work and residence permits Process of announcing a PUBLIC JOB OPENING prior to the employment of foreign workers Have Employment Contracts been submitted? In what language? Time that the documentation has been submitted to the Ministry of the Interior for each worker in the process of granting residence permits |


⁶² This is information from the field, obtained from the workers and people who are in some way connected with them. This is their assessment.


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| December 2021 | <ul style="list-style-type: none"> • had employment contracts been submitted for each foreign worker from Vietnam and in what language? • which documentation had been submitted to the Ministry of the Interior for each individual worker for the issuance of residence and work permits in the RS. | | | | | | |
| | <table border="1"> <thead> <tr> <th data-bbox="165 355 913 451">  ASTRA - written communication with the Institutions </th> <th data-bbox="913 355 1655 451">Content of the communication</th> <th data-bbox="1655 355 2184 451">Comments, main messages and appeals</th> </tr> </thead> <tbody> <tr> <td data-bbox="165 451 913 1104"> <p>30/12/2021 1. National Employment Service, Zrenjanin Branch</p> </td> <td data-bbox="913 451 1655 1104"> <p>Request for the submission of information of public importance</p> <ul style="list-style-type: none"> • Information and documentation in connection with the employment of foreign citizens from Vietnam in China Energy Engineering Group Tianjin Power Construction and Linglong International Europe; • Documentation related to the job opening announcement with specified work conditions for the employment in these two companies, and the number of employees stated in the announcement; • Information indicating whether local citizens applied for the positions in order to establish employment relationship; • Information on whether employment contracts were concluded with foreign citizens from Vietnam and in what language; • Copy of documentation relevant for the job announcement and contracts, with personal data removed. </td> <td data-bbox="1655 451 2184 1104"> <p>ASTRA asked for information from the competent authorities in order to try to establish the line of events and responsibilities - about the employments process of the foreign workers.</p> <p>The information would help in understanding whether all of the legal requirements and demanded sequence of actions were followed.</p> </td> </tr> </tbody> </table> |  ASTRA - written communication with the Institutions | Content of the communication | Comments, main messages and appeals | <p>30/12/2021 1. National Employment Service, Zrenjanin Branch</p> | <p>Request for the submission of information of public importance</p> <ul style="list-style-type: none"> • Information and documentation in connection with the employment of foreign citizens from Vietnam in China Energy Engineering Group Tianjin Power Construction and Linglong International Europe; • Documentation related to the job opening announcement with specified work conditions for the employment in these two companies, and the number of employees stated in the announcement; • Information indicating whether local citizens applied for the positions in order to establish employment relationship; • Information on whether employment contracts were concluded with foreign citizens from Vietnam and in what language; • Copy of documentation relevant for the job announcement and contracts, with personal data removed. | <p>ASTRA asked for information from the competent authorities in order to try to establish the line of events and responsibilities - about the employments process of the foreign workers.</p> <p>The information would help in understanding whether all of the legal requirements and demanded sequence of actions were followed.</p> |
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| <p>30/12/2021 1. National Employment Service, Zrenjanin Branch</p> | <p>Request for the submission of information of public importance</p> <ul style="list-style-type: none"> • Information and documentation in connection with the employment of foreign citizens from Vietnam in China Energy Engineering Group Tianjin Power Construction and Linglong International Europe; • Documentation related to the job opening announcement with specified work conditions for the employment in these two companies, and the number of employees stated in the announcement; • Information indicating whether local citizens applied for the positions in order to establish employment relationship; • Information on whether employment contracts were concluded with foreign citizens from Vietnam and in what language; • Copy of documentation relevant for the job announcement and contracts, with personal data removed. | <p>ASTRA asked for information from the competent authorities in order to try to establish the line of events and responsibilities - about the employments process of the foreign workers.</p> <p>The information would help in understanding whether all of the legal requirements and demanded sequence of actions were followed.</p> | | | | | |
| JANUARY 2022 | <p> 04/01/2022 Higher Public Prosecutor's Office in Zrenjanin</p> | <p>Request for the submission of necessary notifications The Higher Public Prosecutor's Office in Zrenjanin is asking ASTRA about the submission of data on the workers engaged in the construction of Linglong factory in Zrenjanin who turned to ASTRA for help.</p> <p>This is the second response from The Higher Public Prosecutor's Office in Zrenjanin, after the one received on 29/11/2021 (35 days of silence). From the first response received, ASTRA was informed that a case file had been created, and that the Prosecutor's office issued a request for the collection of necessary notifications to the MOI, Zrenjanin PD on 16/11/2021.</p> | | | | | |


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| JANUARY 2022 | | However, instead of using the on-site state institutions capacities, the Prosecutors office is asking ASTRA to provide the names and personal details of workers. |
| | <p> 06/01/2022 Ministry of the Interior, Zrenjanin Police Department</p> <p>Subject: Request for the submission of information of public importance</p> <p>Ref.: Letter dated 30/12/2021</p> <p>The Zrenjanin PD informs ASTRA that ASTRA's request was forwarded to the competent Border Police administration in Belgrade, for action.</p> | Despite the request that was forwarded to the Border Police administration, they didn't provide feedback up to date (June 2022). |
| | <p> 11/01/2022 Ministry of the Interior, Zrenjanin Police Department</p> <p>Subject: Report on the case of labour exploitation of Vietnamese workers engaged on the construction site of the Linglong factory in Zrenjanin</p> <p>Ref.: ASTRA's e-mail of 29/12/2021</p> <p>On 05/01/2022, ASTRA letter from 29/12/2021 was delivered to the Higher Public Prosecutor's Office in Zrenjanin for rendering a public prosecutor's decision.</p> <p>On 05/01/2021, four workers voluntarily left Serbia.</p> <p>The China Energy Engineering Group Tianjin Power Construction organized a voluntary departure of 16 workers on 11/01/2022, and another 7 workers on 20/01/2022.</p> | <p>In this communication, ASTRA reminded the authorities that they had received information that a number of the workers were to leave Serbia in mid-December 2021.</p> <p>In their communication with ASTRA, the workers told the members of the ASTRA Support Team that 30 workers had been returned to Vietnam (information received on 16 December 2021). According to unofficial information, another group of workers had been hired after the departure of these 30 workers.⁶³</p> |
| <p> 12/01/2022 Ministry of the Interior, Zrenjanin Police Department</p> <p>Ref.: letter of 30/12/2021</p> <p>Information from Zrenjanin PD to ASTRA, about the employment of Vietnamese workers in the China Energy Engineering Group Tianjin Electric Power Construction.</p> | ASTRA's comment regarding the response: Types of visas recognised under the Law on Foreigners, Article 19: Airport transit visa (type A visa); Short stay visa (type C visa); | |


⁶³ This is information from the field, obtained from the workers and the people in some way connected to them. This is their assessment.






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| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">JANUARY 2022</p> | <p>On 6 January 2022, 321 Vietnamese citizens were engaged at the company's construction site, and all of them had legal grounds for their stay in RS (<i>employment on the basis of a contract on business and technical cooperation, on the basis of movement within a company and on the basis of a long-stay visa</i>).</p> <p>It was repeated in the letter (09/12/2021):</p> <p>Police officers acted on the letter dated 16 November 2021 - consultations with HPPO in Zrenjanin - request for collection of information;</p> <p>17/11/2021 the request was supplemented - verification of their status and inspection of the circumstances to determine whether there were elements of the criminal offence of trafficking in human beings.</p> <p>Police officers inspected all allegations stated in ASTRA previous letters and, on 26/11/2021, forwarded a report to the HPPO in Zrenjanin to render a public prosecutor's decision.</p> <p>On 08/12/2021 and 05/01/2022, ASTRA letters of 06/12/2021 were delivered to the HPPO in Zrenjanin to render a public prosecutor's decision.</p> <p>In response to the criminal charges filed by ASTRA based on the suspicion that the criminal offences of unlawful deprivation of liberty under Article 132 and violation of the right to strike, Article 166 of the CC were committed, the Basic Public Prosecutor's Office in Zrenjanin on 13 December 2021, requested that necessary information were gathered, which was done and a relevant report was submitted on 6 January 2022.</p> | <p>Temporary residence visa (type D visa). Serbian law does not recognize a long-stay visa. Only in Article 67, Permanent residence, it is mentioned that permanent residence is a permit issued to a foreign citizen for a long-term stay in the Republic of Serbia.</p> <p>Also, the employment of the Vietnamese workers on the basis of movement within the company (internal movement, posted worker) is subject to the conditions from Article 21 of the Law on Employment of Foreign Citizens.</p> <p>The person must be employed by a foreign employer for at least one year as a head, manager or specialist in certain area (key personnel), and will perform the same tasks in the Republic of Serbia. The situation is identical with the contract on business and technical cooperation, Article 19, where the work permit for seconded personnel, employed by a foreign employer, is issued at the request of the employer to perform work or services in the Republic of Serbia, based on the contract on business and technical cooperation concluded with a foreign employer, in accordance with this law.</p> <p>One of the conditions for the issuance of work permit is the provision of evidence that a seconded person is employed with a foreign employer for a minimum of one year.</p> <p>If the workers arrive through different agencies, that is, they were not previously engaged by these employers, than the work permits</p> |

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| JANUARY 2022 | | issued for extraordinary employment cases referred to in Article 18 of the Law on Employment of Foreign Citizens (seconded persons and movement within a company) cannot be applied. |
| | <p data-bbox="232 357 846 416"> ASTRA - written communication with the Institutions</p> <p data-bbox="174 453 338 485">13/01/2022.</p> <ol data-bbox="174 520 869 676" style="list-style-type: none"> 1. Ministry of Foreign Affairs (Sector for Consular Affairs, Department for Consular Affairs) 2. Slobodan Marinković, Embassy of the Republic of Serbia in Jakarta | <p data-bbox="1077 368 1491 400">Content of the communication</p> <p data-bbox="920 488 1648 544">Subject: Notice about the case of Vietnamese workers and information forwarding</p> <p data-bbox="920 580 1648 700">ASTRA called attention to the contracts and accompanying documentation on the basis of which work permits had been issued, which were in conflict with the legislation of the Republic of Serbia.</p> <p data-bbox="1666 488 2175 732">ASTRA reiterated that the territorial jurisdiction for the commission of a criminal offense in line with the UN Convention on Transnational Crime and that all states involved in the case were obliged to implement the Convention in terms of prevention, support for victims and prosecution.</p> <p data-bbox="1666 767 2175 979">Information which was also conveyed was that the agencies which mediated in the employment, as well as their representatives, had been posting photos of visa-free jobs with all other information about the workers on their Facebook pages.</p> <p data-bbox="1666 1015 2175 1259">An appeal was made to pay special attention to this and other similar cases - the Embassy of the Republic of Serbia in Jakarta covers several countries and the number of calls it receives from citizens from other countries, who were also victims of exploitation, has grown.</p> <p data-bbox="1666 1294 2175 1498">As the Diplomatic Academy prepared, organized and implemented professional programs for the professional training of diplomats - ASTRA stated that it hoped that special attention would be paid to this topic.</p> |

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| JANUARY 2022 | <p data-bbox="174 165 232 220"></p> <p data-bbox="232 193 389 220">19/01/2022</p> <p data-bbox="174 225 902 284">National Employment Service (NES) response to ASTRA's inquiry</p> <p data-bbox="920 161 1032 188">Subject:</p> <p data-bbox="920 225 1646 347">On 05/01/2022, ASTRA sent a request for data on the employment of Vietnamese workers in the China Energy Engineering Group Tianjin Electric Power Construction and Linglong International Europe.</p> <p data-bbox="920 376 1646 560">Information the NES provided are as follows: China Energy Engineering Group Tianjin Electric Power Construction did not make any announcements on the NES website during 2021. At the request of the employer, NES issued 458 work permits, 176 of which for Vietnamese citizens.</p> <p data-bbox="920 592 1646 746">The total of 82 work permits have been issued for Vietnamese workers in 2022 (as of 19/01/2022). A process regarding another 43 applications has been ongoing, with the same employer, including 21 applications from 2021 and 22 applications from 2022.</p> <ul data-bbox="920 778 1646 991" style="list-style-type: none"> • In the request, ASTRA required information about Pančevo Branch, but according to the The Serbian Business Registers Agency, the headquarters of the company were in Belgrade. For a certain period of time, they had an mailbox in Pančevo (about which ASTRA was could be informed through the SBRA, according to the NES). <p data-bbox="920 1023 1646 1114">Information on the manner of concluding and form of employment contracts between employers and workers was not within the competences of NES.</p> | <p data-bbox="1664 225 2179 715">The Law on Employment of Foreign Citizens in Article 16, specifies that a work permit for employment is issued at the request of the employer, in accordance with the situation on the labour market, provided that the employer has failed, within ten days prior to submitting an application for work permit for employment, to locate citizens of the Republic of Serbia, persons with free access to the labour market or foreign citizens with personal work permits, of appropriate qualifications registered with the organisation competent for employment affairs.</p> <p data-bbox="1664 746 2179 810">Other key information collected shows that:</p> <p data-bbox="1664 842 2179 938">In the period from 01/01/2021 to 31/12/2021 the structure of the work permits was as follows:</p> <ul data-bbox="1664 970 2179 1305" style="list-style-type: none"> • 176 (2 women) work permits, of which the structure of issued permits was as follows: <ul style="list-style-type: none"> a) personal work permits - 1 (1 woman) b) work permits for movement within the company - 78 (1 woman) c) work permits for referred persons/posted workers - 92 (0 women) g) work permit for employment - 5 (0 women) <p data-bbox="1664 1337 2179 1485">If the obtained overview is comprehended correctly, the Vietnamese workers were issued employment permits - they did not move within the company, nor</p> |

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| <p style="writing-mode: vertical-rl; transform: rotate(180deg);">JANUARY 2022</p> | | <p>were they posted. Neither situation corresponded to the signing of an employment contract with a company in Serbia, which the company pointed as a basis for employment in Serbia. This could also mean that only FIVE permits (listed under g.) have been issued in relation to the workers employment status? The workers can be posted, only if previously already employed with the same employer! When submitting an application for the issuance of a work permit for the employment of foreigners, in addition to other documents, it is required to submit a proposal of an employment contract or other contract on the basis of which the foreigner is engaged.</p> |
| | <p> 26/01/2022. Ministry of the Interior, Zrenjanin Police Department</p> <p>Response to ASTRAs inquiry</p> <p>Subject: Request for information of public importance regarding the case of Vietnamese workers</p> <p>Reference - our letter dated 30/12/2021</p> <p>On 26/01/2022, 298 Vietnamese citizens were engaged at the construction site of the China Energy Engineering Group Tianjin Electric Power Construction. This company had submitted 310 applications to the NES in Belgrade, in relation to which, 196 work permits were issued for Vietnamese citizens and the processing of 114 applications has been still ongoing. The presented data vary (the number of approved temporary stays changes). According to the PD, Every citizen hired by said company is a resident in accordance with law. For citizens who are employed, employment contracts have been submitted for each individual worker (in Vietnamese and Chinese languages, with a translation by a certified court interpreter from Chinese into Serbian). The company provided them with documentation in order to regulate the legal status of the employed citizens from Vietnam.</p> | <p>For the remaining issued and questions from ASTRA, the Zrenjanin Police Department referred ASTRA to the NES.</p> |

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| JANUARY 2022 | <p data-bbox="174 164 230 220"> 27/01/2022. Ministry of Labour, Employment, Veteran and Social Affairs, response to ASTRAs request</p> <p data-bbox="920 193 1646 280">Response to ASTRAs request sent on 29/12/2021, electronically, to obtain information on the steps undertaken regarding the letter dated 15/11/2021.</p> <p data-bbox="920 317 1646 528">In relation to the request, at the invitation of the Zrenjanin Police Department and the Centre for the Protection of Victims of Trafficking in Human Beings of 16 November 2021, The Department of Labour Inspection in Zrenjanin visited the facilities where Vietnamese workers were accommodated. The inspectors from the Emergency Situations Department joined them.</p> <p data-bbox="920 563 1646 683">It was established that the facilities in which the workers were accommodated were not located on the construction site of the Linglong factory, but rather, that they were located far from the construction site.</p> <p data-bbox="920 718 1646 805">The Labour Inspectorate supervised the application of the Regulation on Safety and Health at Work on Temporary or Mobile Construction Sites.</p> <p data-bbox="920 841 1081 865">Conclusion:</p> <p data-bbox="920 900 1646 1110">During the field inspection, it was established that the conditions for their action were not fulfilled. In this specific case, it was not a question of safety and health control at work on a temporary or mobile construction site (it was not a question of control of the means of work and facilities used as auxiliary or working space within the construction site).</p> | <p data-bbox="1664 193 2179 280">The Vietnamese workers were <i>initially accommodated in barracks, near the Linglong factory's construction site.</i></p> <p data-bbox="1664 317 2179 437">The response of the Ministry of Labour, Employment, Veteran and Social Affairs arrived 74 days after ASTRAs first addressing (2 months and 13 days).</p> <p data-bbox="1664 472 2179 927">Decree on safety and health at work on temporary or mobile construction sites mentioned in the response from the Ministry, prescribes the minimum requirements which the investor, i.e., the investor's representative for project implementation, coordinator for safety and health at work in the project development phase, safety coordinator and health at work in the phase of construction works, the employer and other persons are obliged to fulfil in ensuring the application of preventive measures on temporary or mobile construction sites.</p> <p data-bbox="1664 962 2179 1173">Article 3 prescribes that temporary or mobile construction sites are all construction sites, i.e. places in the area where works are performed, listed in the Overview of Works during the Construction of the Facility (Schedule 1).</p> <p data-bbox="1664 1208 2179 1295">The Vietnamese workers have been engaged for the construction of tire factory - Linglong.</p> <p data-bbox="1664 1331 2179 1482">The inspection stated that this issue was not within their competence because the auxiliary or work space was located outside the construction site.</p> |

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| MARCH 2022 |  03/03/2022 ASTRA – written communication with the Institutions | <p>Content of the communication</p> <p>Subject:</p> <p>Request for feedback on the inspection and the measures taken</p> | <p>Comments, main messages and appeals</p> <p>ASTRA requested information about:</p> <ul style="list-style-type: none"> • Investigations and actions undertaken so far, the information collected and decisions made or measures imposed in order to protect the rights of Vietnamese workers, but also to sanction the employer • Actions to prevent similar activities of the employer and possible abuse and exploitation of foreign workers. |
| |  09/03/2022 Higher Public Prosecutor's Office in Zrenjanin | <p>Higher Public Prosecutor's Office in Zrenjanin responded to our letter of 03 March 2022</p> <p>Reference to ASTRA letter dated 03 March 2022</p> | <p>The letter stated that the collection of the necessary information regarding the Vietnamese workers was still ongoing.</p> |
| |  10/03/2022 Protector of Citizens, response to ASTRA's inquiry | <p>Reference is ASTRA's letter dated 03/10/2022</p> | <p>The Protector of Citizens responded to ASTRA's letter dated 3 March, stating that the procedures for controlling the work of the Ministry of Labour, Employment, Veteran and Social Affairs, as well as the CPoTV, were still ongoing. The public would be informed upon the completion of the examination procedures.</p> |
| APRIL 2022 |   27/04/2022 Response to ASTRA by the Labour Inspection <i>The title is in red, due to the importance of the facts and data listed in the letter, and the new set of issues opened by such response.</i> | <p>In response to ASTRA's request for access to information of public importance, the Labor Inspectorate provided information on field inspections at the Linglong construction site and office inspections of labor inspectors carried out between 16/11/2021 and 10/01/2022 in relation to the China Energy Engineering Tianjin Group Electric Power Construction Co.Ltd. Belgrade branch and China Road and Bridge Corporation Serbia Belgrade branch, contractors on the</p> | <p>This is <u>one of the most important feedback</u> ASTRA has received so far, in relation to the case of the Vietnamese workers.</p> <p>There are several unclear and confusing issues in regards to this response, that were elaborated in an expert article, titled: Trafficking in Victims - Part II⁶⁴:</p> |

⁶⁴ <https://pescanik.net/trgovina-zrtvama-ii/>





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| APRIL 2022 | <p>construction site in question, which were performed ex officio as well as on the initiative from the petitions.</p> <p>In the mentioned period, 6 inspections and two additional inspections were performed. On 16/11/21, 4 field inspections were carried out.</p> <p>The Inspectorate provided the exacted dates of the inspections and elaborated on the findings.</p> <p>They claim citizens of China and Vietnam who had work permits were found on the construction site. In the field of safety and health at work, the supervision of the employer China Road and Bridge Corporation Serbia determined that one employee was “not qualified for safe work at the workplace where he works”.</p> <p>Based on inspections, it was determined that foreign nationals (PRC and Vietnam) engaged in construction works are employed by the employer China Energy Engineering Group Tianjin Electric Power Construction Co.Ltd. Belgrade branch. A foreign legal entity sent these workers to temporary work in Serbia with a written instruction. According to the report - the list of employers from 24/11/21, the total number of Vietnamese workers in the groups 16/04/21, 28/06/21, 08/07/21, 23/07/21, 23/08/21, and 10 / 09/21 is 353 Vietnamese workers as posted. The report of the National Employment Service on 19/11/21 shows that by 18/11/21, 35 work permits for citizenship of Vietnam were issued for movement within the company. The minutes of the labor inspector dated 26/11/21 established that the supervised entity did not obtain work permits for 318 foreigners, citizens of Vietnam, before the start of work for persons employed on the construction site in Zrenjanin. He committed a misdemeanor with this act, and the labor inspector submitted a request for initiating a misdemeanor procedure to the Misdemeanor Court in Zrenjanin on 05/01/22.</p> <p>As a result of this, in the period from 30/11/21 to 30/12/21, the supervised entity submitted 274 applications for work permits to Vietnamese workers.</p> | <p>1. First of all, the labor inspectorate rejected the authority to check the conditions of accommodation and nutrition of workers. It is stated that the workers were not placed in the area of the construction site, that they were in special locations, so that they are not competent for this type of supervision. This is, to put it mildly, a strange reasoning, because the housing and food clauses are in the contracts signed by Vietnamese workers in Serbia (Article C of the contract we had an insight into) and thus are unequivocally the employer’s responsibility. If the majority of workers are sent to Serbia, then food and accommodation are part of the referral act according to Article 19, paragraph 2, item 4) of the Law on Employment of Foreigners, and thus certainly enter the domain of labor inspection supervision. It is an absurd, that the labor inspection from Serbia points to this at the very end of the answer – claiming the labor inspection of China as the competent body.</p> <p>2. It is disputable, however, that labor inspectors did not find any workers that day without a work permit. What is missing in the information are the details - how many workers were found on the construction site, were all the permits reviewed individually, how was the supervision actually performed? Without this information, this information does not have the weight it could have.</p> <p>3. Later in the report, it is stated that this conclusion was made by the method of sampling during the</p> |

| Month | Events, reactions, reports | Clarifications, comments, responses |
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| APRIL 2022 | <p>27 workers have expressed a desire to leave Serbia. Out of the total number of 274 requests for issuing work permits submitted after the inspection, 45 are requests for movement within the company, while 229 are for referred persons.</p> <p>One of the conclusions of the labor inspection is that the labor inspection is not competent to perform supervision in the field of labor relations for persons who are sent to temporary work in Serbia, by the employer when they are employed. These persons exercise their rights on the basis of employment with the employer when they are employed with the regulations of the People's Republic of China, and the People's Republic of China supervises the application of these regulations.</p> | <p>inspection of the documentation, and only for persons found at work - this again means nothing because it does not say how many samples were found or how many persons were found.</p> <p>4. It is also surprising that labor inspectors did not find any shortcomings when it comes to means of protection at work, which, according to the statements of Vietnamese workers, are usually missing.</p> <p>5. According to the response, the inspection was primarily aimed at Vietnamese workers, and it was determined that all of them are employees of the Chinese company China Energy Engineering Group Tianjin Electric Power Construction Co. Ltd. and sent by written order to work in a local branch in Belgrade (therefore, this is a movement of workers within a foreign company). This is an important legal construction, because it creates the conditions for non-application of the Labor Law, which is concluded in the response of the labor inspector⁶⁵. However, it is clear, that Vietnamese workers were not in key positions, nor were they managers (this may apply to some Chinese managers and engineers, and that is all).</p> <p>6. The key findings of the labor inspection are even more problematic: in the supervision that was performed in the mentioned company on November 26, 2021. it was concluded that only 35 of the 353 Vietnamese workers actually have work permits;</p> |

⁶⁵ According to Article 21 of the Law on Employment of Foreigners: that is, a subsidiary, provided that the person has been employed by a foreign employer for at least one year as a manager, manager or specialist in certain areas (key staff), and that he will perform the same tasks in the Republic.

| Month | Events, reactions, reports | Clarifications, comments, responses |
|------------|----------------------------|--|
| APRIL 2022 | | <ul style="list-style-type: none"> • How is it possible that none of those workers who make up 90% of the total number of hired workers according to the official records, were subject to control only 10 days before 16/11 when it was determined that everything is fine and that all workers caught at work have work permits? • How is it possible to talk about 353 Vietnamese workers, when there was at least twice more of them - confirmed by journalists and activists of civil society organizations? Obviously, about 350-600 people were invisible in the papers. How did they enter the Republic of Serbia? How did they work on the construction site and how is it possible that the labor inspection did not find any of them in the field supervision, but reported that everything was great? <p>7. Although it is written that Vietnamese workers move within Chinese companies, in the end it turns out that the vast majority of them - as many as 229 - still came from Vietnam, as insiders from Vietnamese employers. This basis of work in Serbia should be distinguished from previous movements within the same employer. In this case, there are two employers. The former sends workers to the latter on the basis of an agreement on business-technical cooperation with another employer, so that these workers can do some specific jobs in another country. This provision also eliminates the application of the labor law of Serbia from the equation (because the sent workers are still employed by the parent employer, in this case the one</p> |

| Month | Events, reactions, reports | Clarifications, comments, responses |
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| APRIL 2022 | | <p>in Vietnam). But such a construction is (again) completely incomprehensible and unsubstantiated. The response of the Labor Inspectorate does not state any grounds for referral, although such a thing requires an agreement on business and technical cooperation with the employer in Serbia, as well as other evidence (again, at least a year of previous work with the employer).</p> <p>8. Although ASTRA has reached several models of “agreements” on sending abroad (Serbia) that Vietnamese workers concluded with these agencies, and which clearly indicate human trafficking, the labor inspection does not mention that part of the documentation at all. Therefore, it is unclear how they know where the workers were sent from and on what basis, ie how they know whether the conditions for their sending to Serbia have been met.</p> <p>The Labor Inspectorate does not mention that it found employment contracts that workers concluded with a domestic employer (a branch of a Chinese company) upon arrival in Serbia - and these contracts are many times illegal under Serbian labor law and represent an additional argument for unsustainable employment status of these people.</p> <p>9. None of the state officials, who hurried to justify Linglong when the human trafficking scandal was discovered, told the public that an incredible number of 318 Vietnamese workers worked without proper documentation, ie “on the black market”.</p> |

| Month | Events, reactions, reports | Clarifications, comments, responses |
|-------------------|--|--|
| APRIL 2022 | | <p>10. The Labor Inspectorate has done its job in one part, at least when it comes to the minimum formal authorizations, while the criminal report is incomprehensibly absent. However, the Inspectorate ignored the documentation proving that most of the workers are not referred persons and do not move within a foreign company.</p> |
| MAY 2022 | <p> Response/inquiry by the High Prosecutor Office in Zrenjanin 05/05/2022</p> <p> 13/05/22 Tyrepress publishes an article⁶⁶ about the start of the production in the Linglong factory in Zrenjanin</p> <p> 20/05/22 ASTRA wrote to the Higher Prosecutors' Office in Zrenjanin</p> <p> 30/05/2022 Newspaper Blic publishes paid article⁶⁷ – publicity add by Linglong, titled “Thank you, Serbia”</p> | <p>The Higher Public Prosecutor’s Office in Zrenjanin addresses ASTRA again (the first letter was sent on 04/01/2022) asking for the submission of data on workers engaged in the construction of the Linglong car tire factory in Zrenjanin who turned to ASTRA for help.</p> <p>The president of the Linglong company said on that this company will soon start trial production of tires.</p> <p>ASTRA’s response to the request for providing the necessary information to the prosecution, i.e. data on the workers engaged in the construction of the Linglong car tire factory in Zrenjanin who asked ASTRA for help.</p> <p>The company Linglong was presented in the text as an example of environmental and social responsibility. The article was published in the news feed, with small imprint labeling the text as “promo”.</p> <p>In spite all of the recourses at disposal to the prosecution (local law enforcement, local labour inspectorate, and others), the prosecution asks of ASTRA to provide the details on the workers.</p> <p>The details elaborated in the article are not available, due to the subscription rules. However, at this time, the delays with the construction works are obvious.</p> <p>ASTRA forwarded to the prosecution letters and responses collected, in chronological order from 15/11/21 to 20/05/22 with important information and data collected during the organization of assistance and support to workers.</p> <p>The promotional article was almost cynical, taking into account the reports coming from activists, CSOs and media in the previous period.</p> |

⁶⁶ <https://www.tyrepress.com/2022/05/linglongs-serbia-factory-close-to-production-start/>

⁶⁷ Stranica nije pronađena - Blic Online

On the same day – a very critique article is published⁶⁸ in the same newspaper: “LINGLONG IN ZRENJANIN STILL HIDES SECRETS: They lived without electricity and toilets, workers ate from the floor: Now security is still on their back, and they are not allowed to say a word about one issue”



Photo: The screenshot of the front page of the article which disappeared later.



31/05/2022

Newspaper “Blic” publishes an article⁷¹ on the pending issues related to the Linglong factory in Zrenjanin

On the same day, but this time in the BIZ section, another **article** about the Linglong was published, with completely different approach – elaborating on the situation with workers and all of the critical issues, since the case got into the public. The title of the second article is:

The promotional text was removed on the same day, but the mentions online, remain^{69 70}

Besides mentioning that allegations regarding trafficking in human beings for the purpose of the labour exploitation are still unresolved, Blic focuses on the environmental hazards of the future tire factory.

Article also mentions local initiatives: namely, the CSO “Građanski preokret” from Zrenjanin submitted objections to the consent that Linglong received due to the lack of assessment of the project’s impact on the environment, as well as any dangers that may arise due to the operation of the plant. Also, a lawsuit was filed with the Administrative Court before the end of last year.

The second article, more realistic one, is pointing out to many unresolved issues and brings attention to number of new problems: nobody knows what happened to Vietnamese workers, how many actually arrived to Serbia and how many left (and the circumstances of their departure). Also, the article points out to problems with Serbian workers, their contracts against the actual work at the construction, etc.

The article also mentions intensive work of local CSO and activists, their unsuccessful attempts to reach the workers, their action towards the Serbian institutions (law suits, appeals, etc.).


Instead of one environmental impact assessment study, Linglong did and submitted two separate ones to different bodies. This behavior leads to suspicion that Linglong thus avoided showing how much the total impact on the environment of the factory and its plants will be. In this way, Linglong also violated the **Environmental Protection Act**. There is also an issue with the Longlong company starting the project, without the environmental segment as an integral part of the technical documentation - which is contrary to the law.

⁶⁸ <https://www.blic.rs/biznis/linglong-u-zrenjaninu-i-dalje-krije-tajne-ziveli-su-bez-struje-i-toaleta-radnici-su/e31418y>

⁶⁹ <https://twitter.com/wiznews/status/1531701940563980292>

⁷⁰ <https://www.vesti.rs/Zrenjanin/Linglong-Hvala-Srbijo.html>

⁷¹ <https://www.blic.rs/biznis/vesti/radnike-su-pravili-robotima-ali-se-tu-ne-zaustavljaju-linglong-sada-vesto-krije-i/ynrvn9e>

| Month | Events, reactions, reports | Clarifications, comments, responses |
|----------|--|--|
| MAY 2022 |  <p>01/06/2022 The news paper Blic publishes one more article⁷² on the situation on the construction site of the Linglong factory in Zrenjanjin:</p> <p><i>“THE LEADER ORDERED SO” Confession of a Linglong worker for “Blic”: “They also know how to strike, and even the ambulance cannot enter the circle without permission”</i></p> | <p>One quote from the article, sums up the majority of the issues:</p> <p>“Even the ambulance cannot enter until the permit arrives. The managers shout at the workers, Chinese or Vietnamese, they know how to be rude. They are on our back all the time, they are standing over your head and the general impression is that they do not trust people. Working in Linglong is an everyday inconvenience.”</p> <p>“When asked by the workers what their job on the construction site would be, the answer was that they would “eventually hold the tools”. The workers were engaged in hard physical work, such as stretching heavy coils of cable inside the factory. They were not provided with protective equipment, and one of the jobs was climbing to a height of several meters. Workers were not insured. There were also cases of injury to workers, but without compensation. The source also mentions the terrible case when a Chinese worker was pinned by a transporter. An ambulance was called, but the medical vehicle had to wait for the approval of the bosses.”</p> <p>Blic’s interlocutor points out that the company’s attitude has changed over time. It is also important to notice the claim that Linglong’s managers’ attitude towards the citizens of Serbia, Chinese and Vietnamese workers is different. The source states that the bosses are shouting at them (the Chinese workers), but they also hitting them. As for the Serbian workforce, they are distrustful and very strict.</p> <p>It is also interesting to note the sources’ remark that there is an impression that the Linglong company always knows when the inspection will come. Serbian citizens, so far, receive regular salaries, but the contract contains a clause that they are not allowed to speak because they will be deducted from their salary.</p> |

⁷² <https://www.blic.rs/biznis/vesti/vodja-je-tako-naredio-ispovest-radnika-linglonga-za-blic-znaju-i-da-udare-a-u-krug-ni/74q0fbs>

Serbian National Referral Mechanism (NRM) for the victims of trafficking in human beings; What the NRM was supposed to do compared to actual reaction

A National Referral Mechanism (NRM) is a cooperative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, coordinating their efforts in a strategic partnership with civil society.⁷³ Over the years, the Serbian NRM has gone through various stages of development and models of operation to be currently designed as a centralized system for victims identification and support. Its core components include: The Office of the National Anti-Trafficking Coordinator, the Centre for the Protection of Trafficking Victims, the Standard Operating Procedures for the Treatment of Victims of Trafficking (hereinafter SOPs), specialised criminal justice bodies and specialised anti-trafficking NGOs.

The office of the National Coordinator is established within the Police Directorate and is responsible for the overall multi-stakeholder coordination of anti-trafficking action and for leading on Strategy development and policy making. Civil society organizations are well involved in this level of coordination. The National Coordinator reports to a high level policy-making body i.e. the Council for the Fight against Human Trafficking, comprising key ministries responsible for the implementation of the Strategy. The Council, *inter alia*, evaluates progress in the implementation of the Strategy and the Action Plan.⁷⁴

The Centre for the Protection of Trafficking Victims of is a central government body established within the Ministry of Labour, Employment, Social and Veteran Affairs (hereinafter Ministry of Labour) and is responsible for deciding on the identification of victims of trafficking, as well as organisation and coordination of victim protection and assistance. It is the core institution in the operation of the NRM.

Specialised criminal justice bodies deal with the investigation and prosecution of THB offences in line with international good practice. A Division for Combating Human Trafficking and Smuggling operates within the Department for combating organized crime of the Criminal Police Directorate. Specialised police sections also exist in Belgrade, Novi Sad and Nis and specialised criminal inspectors are appointed in other regional police administrations. Within the Higher Prosecutor's offices, specialised prosecutors have been appointed contact persons for THB cases.⁷⁵

Civil society organizations have been at the forefront of efforts to address THB since

⁷³ OSCE ODIHR, National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook [OEBS ODIHR National referral mechanisms: Joint efforts to protect the rights of victims of trafficking. Practical manual], 2004

⁷⁴ RS Strategy on THB, str. 21.

⁷⁵ Office for the Coordination of Activities in Combating Trafficking in Human Beings, RS Ministry of the Interior, Standard Operating Procedures for Dealing with Victims of Human Trafficking, 2018, p. 14 (SOP, 2018).

the late Nineties; in Serbia there are several NGOs that work on THB issue, and two of them are particularly specialised in this namely ASTRA and Atina. They have long advocated for and supported the development of the current policy, legislative and institutional framework in partnership with state institutions. They have a long term experience in working on identification, assistance and reintegration of trafficking victims, providing comprehensive support services.⁷⁶

The Standard Operating Procedures for the Treatment of Trafficking Victims (hereinafter SOPs) have been adopted in December 2018. The overall objective of the SOPs is to strengthen (multi-agency partnership at all levels for the purpose of identifying assisting and protecting trafficking victims. The SOPs define in broad terms the roles and responsibilities of the actors involved in NRM with regard to identification, referral, assistance and support of trafficking victims, both adults and children.

⁷⁶ In addition to these specialized NGOs, there are a number of public institutions and other organizations which provide different forms of assistance and support to victims of crime or other vulnerable groups across the country, and which are listed in this interactive map <http://www.interaktivnamapa.rs/>.

What the NRM was supposed to do compared to actual reaction - A roadmap to nowhere

| LEGAL OBLIGATIONS AND RESPONSIBILITIES OF INSTITUTIONS | WHAT HAS BEEN DONE ACCORDING TO THEIR RESPONSE IN THE PREVIOUS PERIOD |
|---|--|
| <p>Republic Prosecutor's Office</p> <ul style="list-style-type: none"> the Republic Public Prosecutor exercises the competence of the Public Prosecutor's Office within the rights and duties of the Republic of Serbia⁷⁷; the Republic Public Prosecutor is competent to act before all courts and other bodies in the Republic of Serbia and to take all actions to which the Public Prosecutor's Office is authorized⁷⁸; | <p>On 18th November 2021, the competent Higher Public Prosecutor's Office in Zrenjanin submitted information to the Republic Public Prosecutor's Office concerning the report of the ASTRA Team for Support to the Victims of Trafficking in Human Beings, which indicated potential trafficking in human beings (labour exploitation). On 16th November 2021, the Prosecutor's Office in Zrenjanin filed a request with the Ministry of the Interior of Serbia - PU Zrenjanin to collect the necessary information⁷⁹.</p> |
| <p>Public Prosecutor's Office</p> <ul style="list-style-type: none"> the Higher Public Prosecutor exercises the competence of the Higher Public Prosecutor's Office and is competent to act before the Higher Court and other courts and bodies in the manner prescribed by law and to supervise and direct basic public prosecutor's offices in the manner prescribed by the Law on the Public Prosecutor's Office.⁸⁰ the Basic Public Prosecutor exercises the jurisdiction of the Basic Public Prosecutor's Office and acts before the Basic Court⁸¹ if the public prosecutor cannot assess from the criminal report whether the allegations of the report are plausible, or if the data in the report do not provide sufficient grounds to decide whether to conduct an investigation or if he has otherwise learned that a crime has been committed, the public prosecutor may: <ol style="list-style-type: none"> collect the necessary data; invite citizens, under the conditions referred to in Article 288 para. 1 to 6 of the CPC; 3) submit a request to the state and other bodies and legal entities to provide him with the necessary information.⁸² | <p>Pursuant to Article 282, paragraph 1, point 3 of the CPC, Higher Public Prosecutor Office submitted a request for data collection from ASTRA (data on workers who turned to ASTRA for support).⁸³</p> <p>Gathering of the necessary information regarding Vietnamese workers is still ongoing.⁸⁴</p> <p>On May 9, 2022, the Higher Public Prosecutor's Office contacted ASTRA again regarding the submission of data on workers engaged in the construction of the Linglong car tire factory in Zrenjanin, who turned to ASTRA for help.⁸⁵</p> |

⁷⁷ Article 29, para. 1 of the Law on Public Prosecutor's Office

⁷⁸ Article 29, para. 2 of the Law on Public Prosecutor's Office

⁷⁹ Letter via e-mail received on 30th November 2021

⁸⁰ Article 31, para. 1 of the Law on Public Prosecutor's Office

⁸¹ Article 31, para. 2 of the Law on Public Prosecutor's Office

⁸² Article 282, para. 1 of the CPC

⁸³ Letter from Higher Public Prosecutor in Zrenjanin KTP. 802/81 (04th January 2022)

⁸⁴ Letter from Higher Public Prosecutor in Zrenjanin ПИ. 8/22 (09th March 2022)

⁸⁵ Letter from Higher Public Prosecutor in Zrenjanin (05th May 2022)

- the public prosecutor manages the pre-investigation procedure⁸⁶;
- during the pre-investigation procedure, the public prosecutor is authorized to take over from the police the performance of the action that the police undertook independently on the basis of the law;⁸⁷

Police

- An alien who, in accordance with the visa regime, needs a visa to enter the Republic of Serbia and who intends to submit **a request for a temporary residence permit** in the Republic of Serbia obtains a visa for a longer stay;⁸⁸
- **the competent authority** shall decide on the request for approval or extension of **temporary residence** within 30 days from the day of submitting the request;⁸⁹
- if the public prosecutor is not able to take the actions referred to in paragraph 1, Article 282 of CPC, he shall request the police to collect the necessary information and take other measures and actions in order to detect the crime and the perpetrator (Articles 286 to 288)⁹⁰;
- is obliged to act upon the request of the public prosecutor and to inform him about the measures and actions that he has taken no later than 30 days from the day when he received the request⁹¹;
- in the pre-investigation and investigative procedure, the police apply the police powers determined by the Criminal Procedure Code and act upon the order and requests of the public prosecutor and the court⁹².

On November 16th, 2021, consultations were held between the police officers of the Zrenjanin police directorate and the Higher Public Prosecutor in Zrenjanin, who requested the collection of the necessary information and supplementing the request on 17th November.⁹³

The police officers acted on the requests of the competent prosecutor's office, checked the allegations by ASTRA of 15th November 2021, and on 26th November 2021, forwarded the report to the Higher Public Prosecutor's Office for decision⁹⁴. Police officers agreed with the representatives of the Centre for the Protection of Victims of Trafficking in Human Beings to act in this case⁹⁵.

The request sent by ASTRA was forwarded to the competent administration of the Belgrade Border Police, for action⁹⁶.

On 5th January 2022, 4 workers left Serbia voluntarily. The employer organized the voluntary departure of 16 workers on 11th January 2022, and of additional 7 workers on 20th January 2022⁹⁷.

On 6th January 2022, 321 Vietnamese citizens were engaged in the construction of the Linglong factory and they all had a legal basis for residence (employment on the basis of a contract on technical-business cooperation, on the basis of movement within the company and on the basis of a visa for a longer stay).⁹⁸

⁸⁶ Article 285, para. 1 of the CPC

⁸⁷ Article 285, para. 5 of the CPC

⁸⁸ Article 22, para. 2 of the Alien Act

⁸⁹ Article 42, para. 1 of the Alien Act

⁹⁰ Article 282, para. 4 of the Law on Foreigners

⁹¹ Article 282, para. 5 of the Law on Foreigners

⁹² Article 18 of the Police law

⁹³ Letter from Ministry of the Interior ref.no. 021-2618 (09th December 2021)

⁹⁴ Letter from Ministry of the Interior ref.no. 021-2618 (09th December 2021)

⁹⁵ Letter from the Ministry of the Interior ref.no. 230-46923/21 (24th December 2021)

⁹⁶ Letter from the Ministry of the Interior ref.no. 021-35 (06 January 2022)

⁹⁷ Letter from the Ministry of the Interior ref.no. 021-2955 (11th January 2022)

⁹⁸ Letter from the Ministry of the Interior ref.no. 021-35 (12th January 2022)

The letters sent by ASTRA on 6th December 29th December were submitted to the Higher Public Prosecutor's Office for a public prosecutor's decision.⁹⁹

Due to the suspicion that the criminal acts of unlawful deprivation of liberty from Article 132 and violation of the right to strike from Article 166 of the Criminal Code were committed, the Basic Public Prosecutor's Office in Zrenjanin made requests for the collection of necessary information. Police officers acted on the request and sent reports to the competent prosecutor's office on 6th January 2022.¹⁰⁰

On 26th January 2022, the number of Vietnamese citizens hired by the Tianjin Electric Power Construction was 298. All citizens had legal resident status¹⁰¹. In accordance with their basis of residence and employment, they (the police) were provided with employment contracts for each worker individually.¹⁰²

The Tianjin Electric Power Construction provided police officers with documentation in accordance with Article 43 of the Alien Act in order to regulate the legal status of the employed citizens¹⁰³.

National Anti-Trafficking Coordination Office

- monitoring and evaluation of the application of Standard Operating Procedures¹⁰⁴ for the treatment of victims of human trafficking are performed by the Office for Coordination of Activities in Combating Trafficking in Human Beings in the Police Directorate, Ministry of Interior of the Republic of Serbia, National Coordinator for Combating Trafficking in Human Beings and Working Group for Implementation and Monitoring of the Strategy and child and victim protection 2017-2022;

No official response from the NatCo Office was received.

⁹⁹ Letter from the Ministry of the Interior ref.no. 021-35 (12th January 2022)

¹⁰⁰ Letter from the Ministry of the Interior ref.no. 021-35 (12th January 2022)

¹⁰¹ Letter from the Ministry of the Interior ref.no. 021-35-1 (19th January 2022)

¹⁰² Letter from the Ministry of the Interior ref.no. 021-35-1 (19th January 2022)

¹⁰³ Letter from the Ministry of the Interior ref.no. 021-35-1 (19th January 2022)

¹⁰⁴ <http://www.mup.gov.rs/wps/wcm/connect/5993547d-97bd-4a0f-9669-43e5962097fd/01.SOP+final+250119.LAT.pdf?MOD=AJPERES&CVID=mBR-obW>

Centre for the Protection of Victims of Trafficking in Human Beings

- Assess the condition, needs, strengths and risks of victims of trafficking and, on the basis of indicators that indicate that the person is a victim, identify, in accordance with the legal authority in the field of registered activity, in order to provide appropriate assistance and support, while they also assess other significant persons in their environment¹⁰⁵;

According to the letter¹⁰⁶, the Centre implemented a number of measures:

- A field trip was realized within 24 hours of receiving the application;
- a meeting was held on the same day with relevant actors in the Zrenjanin police directorate;
- a field trip to the place where the workers are staying was realized (the factual situation was determined and a conversation with one of the employees was realized);
- very bad living conditions and safety of workers have been determined;
- the involvement of the Sector for Emergency Situations and the Sanitary Inspection was initiated;
- all workers have been transferred to a safer and more adequate place of residence as soon as possible;
- they have information that all workers have travel documents;
- Centre attended a meeting of the ministry in charge of social protection and a representative of the embassy of the Socialist Republic of Vietnam;
- a meeting was held with representatives of ASTRA (further cooperation in joint work on identification and protection of workers was agreed);
- checking the potential vulnerability of workers upon their return to the country has been conducted through official diplomatic channels;
- the plan has been to include a recommended interpreter after fulfilling the technical conditions for conducting identification interviews with presumed victims;
- the Center has been in continuous communication with the representatives of the Zrenjanin Police Directorate, the Zrenjanin Higher Public Prosecutor's Office, the Zrenjanin Labour Inspectorate;
- work on identification has been carried out through active collection of available information.

Regarding the report that ASTRA sent to the Centre that there were indicators that 5 unidentified persons, Vietnamese citizens, in accordance with Standard Operating Procedures for dealing with victims of trafficking, ASTRA has been kindly requested to assist in data collection in order to carry out the identification process and provide necessary assistance and support. (names, contact and location of presumed victims)¹⁰⁷.

¹⁰⁵ Article 9, para. 1, point 1, Statute of the Centre for the Protection of Victims of Trafficking in Human Beings Belgrade

¹⁰⁶ Letter from the Centre for the Protection of Victims of Trafficking in Human Beings, ref.no. 2274-21 (2nd December 2021)

¹⁰⁷ Letter from the Centre for the Protection of Victims of Trafficking in Human Beings ref.no. 2470/21 (28th December 2021)

Labour Inspectorate

- is responsible for supervision over the application of the Labour Law, other regulations on labour relations, general acts and employment contracts, which regulate the rights, obligations and responsibilities of employees.¹⁰⁸
- extraordinary inspection supervision is performed: when it is necessary, in accordance with the scope of the inspection, to take urgent measures to prevent or **eliminate imminent danger to life or health**, property, **rights and interests of employees**, economy, **environment**, plant or animal peace, public revenues, uninterrupted work of bodies and organizations, communal order or **security, etc.**,¹⁰⁹

The answer to ASTRA request of 13th December 2021:

Going out in the field on 10th December 2021, activist noticed limited freedom of movement, inappropriate footwear and clothing for the current weather conditions, health problems of some workers at various locations in Zrenjanin. Having in mind the content of the letter, there has been nothing that would be within the real competence of the Labour inspection.¹¹⁰

Upon the reception of the ASTRA's petition, and at the invitation of the Zrenjanin Police Directorate and the Centre for the Protection of Victims of Trafficking in Human Beings, on 16th November 2021, the Labour Inspector of the Zrenjanin Labour Inspection Department toured the facilities housing workers. Later, inspectors from the Emergency Situations Sector joined. It was stated that the facilities in which the workers were accommodated were not located on the construction site of the Linglong investor factory, but in another location that is was significantly further away. The Labour Inspectorate supervised the application of the Regulation on Safety and Health at Work on Temporary or Mobile Construction Sites and concluded that in accordance with the scope of their competences, the conditions for actions by these bodies had not been met¹¹¹.

In response to ASTRA's request for access to information of public importance, the Labor Inspectorate¹¹² provided information on field inspections at the Linglong construction site and office inspections of labor inspectors carried out between 16/11/2021 and 10/01/2022 in relation to the China Energy Engineering Tianjin Group Electric Power Construction Co.Ltd. Belgrade branch and China Road and Bridge Corporation Serbia Belgrade branch, contractors on the construction site in question, which were performed ex officio as well as on the initiative from the petitions.

In the mentioned period, **6 inspections and two additional inspections** were performed. On 16/11/21, **4 field inspections** were carried out.

The Inspectorate provided the exacted dates of the inspections and elaborated on the findings.

¹⁰⁸ Article 268 of the Labour law

¹⁰⁹ Article 6, para. 4 of the Law On Inspection Supervision

¹¹⁰ Letter from the Labour Inspection, department in Zrenjanin ref.no. 902-389-117-192/2021-4 (17th December 2021)

¹¹¹ Letter from the Labor Inspection, department in Zrenjanin ref.no. 07-00-00048/2021-01 (27th January 2022)

¹¹² MoL, Letter from the Labor Inspection, ref.no. 07-00-00012/2022-01 (27th April 2022)

They claim citizens of China and Vietnam **who had work permits** were found on the construction site. In the field of safety and health at work, the supervision of the employer China Road and Bridge Corporation Serbia determined that **one employee** was “not qualified for safe work at the workplace where he works”. Based on inspections, it was determined that foreign nationals (PRC and Vietnam) engaged in construction works are employed by the employer China Energy Engineering Group Tianjin Electric Power Construction Co.Ltd. Belgrade branch. A foreign legal entity sent these workers to temporary work in Serbia with a written instruction. According to the report - the list of employers from 24/11/21, the total number of Vietnamese workers in the groups 16/04/21, 28/06/21, 08/07/21, 23/07/21, 23/08/21, and 10 / 09/21 is **353 Vietnamese workers** as posted. The report of the National Employment Service on 19/11/21 shows that by 18/11/21, **35 work permits** for citizenship of Vietnam were issued for movement within the company. The minutes of the labor inspector dated 26/11/21 established that the **supervised entity did not obtain work permits for 318 foreigners**, citizens of Vietnam, before the start of work for persons employed on the construction site in Zrenjanin. He committed a misdemeanor with this act, and the labor inspector submitted **a request for initiating a misdemeanor procedure** to the Misdemeanor Court in Zrenjanin on 05/01/22.

As a result of this, in the period from 30/11/21 to 30/12/21, the supervised entity submitted **274 applications for work permits to Vietnamese workers**.

27 workers have expressed a desire to leave Serbia. Out of the total number of 274 requests for issuing work permits submitted after the inspection, 45 are requests for movement within the company, while 229 are for referred persons.

One of the conclusions of the labor inspection is that the **labor inspection is not competent to perform supervision in the field of labor relations** for persons who are sent to temporary work in Serbia, by the employer when they are employed. These persons exercise their rights on the basis of employment with the employer when they are employed with the regulations of the People’s Republic of China, and **the People’s Republic of China supervises the application of these regulations**.

Protector of Citizen

- The Protector of Citizens performs the **duties of a national rapporteur in the field of trafficking in human beings**, in accordance with the Law on Ratification of the Council of Europe Convention on Action against Trafficking in Human Beings;¹¹³
- The Protector of Citizens is authorized to control the legality and regularity of the work of administrative bodies, in order to determine whether their acts, actions or omissions violated the rights of citizens guaranteed by the Constitution, ratified international treaties, generally accepted rules of international law, laws, other regulations and general acts;¹¹⁴
- The Protector of Citizens may, without prior notice and obstruction, inspect places where persons deprived of their liberty, persons with restricted freedom of movement and places where groups whose rights are protected are located or reside.¹¹⁵;
- Any natural or legal person, domestic or foreign, who considers that his or her human or minority rights and freedoms have been violated by an act, action or omission of an administrative body, may file a complaint with the Protector of Citizens;¹¹⁶

The request for information of public importance of 29th November 2021, on the steps taken so far in order to identify and protect the alleged victims of trafficking in human beings and appropriate measures against persons responsible for labour exploitation was rejected¹¹⁷.

The Protector of Citizens initiated investigation procedures against the competent authorities in connection with the case of Vietnamese workers who were engaged in the construction of the Linglong factory. Proceedings are still ongoing¹¹⁸.

Labour control procedures of the Ministry of Labour, Employment, Veteran and Social Affairs, Ministry of Interior and the Centre for the Protection of Victims of Trafficking are still ongoing¹¹⁹.

National Employment Service

- Employment, unemployment insurance, exercising rights from unemployment insurance and other rights in accordance with the law and keeping records in the field of employment are performed by the National Service¹²⁰;
- In the procedure of issuing, extending, annulling and terminating the **work permit**, the organization in charge of employment decides on the tasks that are performed as entrusted, in accordance with the law governing the general administrative procedure, unless special issues by this law or the law governing the stay of foreigners they are not arranged differently;¹²¹
- The organization in charge of employment is obliged to keep records of it¹²²:

- 1) Work permits;
- 2) Foreigners exercising the right to work in accordance with this Law.

The National Employment Service informed ASTRA that the employer Tianjin Electric Power Construction did not advertise on the website of the National Employment Service. At the request of the employer, 458 work permits were issued, 176 of which were for Vietnamese citizens.¹²³

Information on the manner and form of concluding the contract between the said employer and employees is not within the competence of the National Employment Service. Should ASTRA consider that the rights of employees have been violated during the conclusion of the employment contract, there is a possibility to address it by submitting a report to the competent authority.

¹¹³ Article 2, para.3 of the Law on the Protector of Citizens

¹¹⁴ Article 19, para. 1 of the Law on the Protector of Citizens

¹¹⁵ Article 25, para. 1 of the Law on the Protector of Citizens

¹¹⁶ Article 28, para. 1 of the Law on the Protector of Citizens

¹¹⁷ Letter from Protector of Citizen ref.no. 34578 (14th December 2021)

¹¹⁸ Letter from Protector of Citizen ref.no. 34975 (17th December 2021)

¹¹⁹ Letter from Protector of Citizen ref.no. 6269 (10th March 2022)

¹²⁰ Article 8, para. 1 of the Employment and Unemployment Insurance Law

¹²¹ Article 25, para.1 of the Law on the Employment of Foreigners

¹²² Article 31, para. 1 of the Law on the Employment of Foreigners

¹²³ Letter from National Employment Service ref.no. 0012-072/-1/2022 (19th January 2022)

- the activities referred to in paragraph 1 of the Article 31 shall be performed by the organization responsible for employment as entrusted tasks, in accordance with the regulation governing the detailed content of data and the manner of keeping records in the field of employment¹²⁴;
- a work permit for employment is issued at the request of the employer, in accordance with the situation in the labour market, provided that the employer:

3) submit a proposal of an employment contract or other contract by which the rights based on work are exercised, in accordance with the law¹²⁵;

- A work permit for employment is issued for the employment of a foreigner who has a visa for a longer stay on the basis of employment, a temporary residence permit and meets all conditions from the employer's request relating to appropriate knowledge and skills, qualifications, previous experience, etc.¹²⁶;

Urgent medical care

- The Institute for Emergency Medicine is a health institution that provides emergency medical care in the place of a medical emergency, Institute Emergency Medicine, during the transport of the sick and injured to the appropriate health institution for definitive care and treatment, as well as emergency medical transport and dialysis patients¹²⁷;
- The health institution, private practice, as well as health workers, are obliged to provide emergency medical care to the foreigner¹²⁸;
- A fine of 300,000 to 1,000,000 dinars shall be imposed on a health institution or other legal entity for a misdemeanour if it:

25) fails to provide health care to a foreigner in accordance with this Law or fails to provide them with emergency medical care (Articles 236-238)¹²⁹

During a field visit to several locations in Zrenjanin on 10th December 2021, it was noticed that one of the workers had health problems and was in pain (a problem with the colon, he was on therapy while he was in Vietnam). ASTRA's associate contacted the medical emergency service for help, but they did not come. Another worker had complained of a health problem, chronic ulcerative colitis, but his condition worsened because he was not receiving adequate medication. In addition to these two cases, some workers had leg injuries and had difficulty walking¹³⁰.

¹²⁴ Article 31, para. 2 of the Law on the Employment of Foreigners

¹²⁵ Article 16, para. 1, point 3, of the Law on the Employment of Foreigners

¹²⁶ Article 16, para. 2 of the Law on the Employment of Foreigners

¹²⁷ Article 83, para. 1. of the Healthcare Law

¹²⁸ Article 238, para. 1 of the Healthcare Law

¹²⁹ Article 251, para 1, point 25 of the Healthcare Law

¹³⁰ ASTRA letter to several competent authorities and Clinical Centre in Zrenjanin, emergency medical service S127/21 (13th December 2021)

Diplomatic and consular mission of Serbia in Vietnam

- The visa is issued by the diplomatic-consular mission unless otherwise determined by the Alien Act¹³¹;
- The visa application shall be considered and decided upon by the diplomatic-consular mission in whose consular area the applicant legally resides in¹³²;
- Reasons for staying in Serbia¹³³ and documents to be submitted (besides mandatory documents):

Employment:

- employment contract, work contract, contract on business-technical cooperation, sports engagement or other document proving the employment of a foreign citizen in the Republic of Serbia;
- excerpt on the registration of a legal entity, business association, sports club or association or entrepreneur in the Republic of Serbia.

¹³¹ Article 23, para. 1 of the Alien Act

¹³² Article 23, para. 2, of the Alien Act

¹³³ <https://www.mfa.gov.rs/en/citizens/travel-serbia/visa-requirements>

Lessons NOT learned – Similar cases from the past

The case of labour exploitation of Vietnamese workers has many similar elements and almost identical modus operandi to the **SerbAz case**, for which ASTRA produced a comprehensive report, used and listed in the recent [decision](#) of the European Court of Human Rights, *Zoletic and Others against Azerbaijan – 20116/12*.

The SerbAz case is also disturbingly similar to the case of labour exploitation of a large group of Indian citizens, which has also been [reported](#) on earlier, throughout 2019-2020, and is currently being processed by the court (in 2020 and 2021).

Unfortunately, reactions of the competent authorities in Serbia in those three cases (SERBAZ, Indian workers, Vietnamese workers) have also been similar to the reactions of the Azerbaijani authorities in the SerbAz case – denying responsibility for the contracts that the workers had with a foreign company, turning away from the harsh conditions of exploitation and coercion – while the manner in which these workers finally managed to return home, without their salaries being paid, etc. has also been reminiscent of the Azerbaijani case.

In addition to the aforementioned facts, the Serbian public as well as institutions, have been aware of the mass violations of the rights of workers in the Chinese mining facilities in Eastern Serbia (Bor)¹³⁴, the Turkish workers hired for the construction of the Serbians' capital "Belgrade on the water"¹³⁵, as well as the treatment of the Serbian workers in factories across Serbia (Jura, Geox, etc.)¹³⁶.

ASTRA fears that such state reaction (or the lack thereof, to be more exact) is becoming a pattern in Serbia.

One of the **rationales behind this report** is the experience with the SERBAZ case. The European Court of Human Rights, has directly referred to the ASTRA report on the SERBAZ case, in their elaboration on their verdict in *Zoletic and Others against Azerbaijan – 20116/12*.

Although there were no legal actions on behalf of the Serbian workers, victims of the labour exploitation in Azerbaijan, with this report ASTRA hopes to **contribute to the:**

¹³⁴ **China – Bor Zijin:** Kineski poslodavac u Boru preti radnicima nezakonitim otkazom, CINS (April 2020); „Kao zatvorenici“: Kineski radnici se žale na eksploataciju i zabranu kretanja, BIRN (January 2021); Ispovesti kineskih radnika u Boru: Zaražene kriju, hrane nema dovoljno, Danas (January 2021), Dve slike života i rada kineskih radnika u Boru, RSI (February 2021), Zaposleni novom Kolektivnom ugovoru kineskog 'Zidina' ne veruju, RSI (June 2021)

¹³⁵ **Belgrade Waterfront – Turkish workers:** Radnici koje je prevario podizvođač na Beogradu na vodi vraćeni u Tursku o trošku ambasade, Insajder (July 2018); Turski radnici najavljuju tužbe posle rada u Srbiji, RSI (February 2021); Duguju im plate: Štrajk turskih radnika u Beogradu na vodi!, Direktno (March 2021), Društvene mreže: Turski radnici prete da će skočiti sa kule Beograd jer nisu dobili platu, Danas (January 2022)

¹³⁶ **Jura – the position of workers:** Ne daju im da idu u toalet, teraju ih da nose pelene, Danas (April 2016); Otpuštena radnica Jure dobija novi ugovor, RSI (December 2016); Radnik Jure: Odvedu vas u sobu i ostave da sedite po šest sati, Crno na belo (April 2017); Godine represije nad sindikalnim aktivistima u kompaniji Jura, Mašina (May 2020); Jura: Bez posla 30 radnika, ostali su otišli sami, Direktno (February 2021)

Geox: Otpušteni radnici Geoksa: Nismo verovali u ono što se najavljivalo još pre godinu dana, Danas (August 2021); Slučaj Geoks otvorio debatu: Da li je država imala koristi od subvencija?Euronews (August 2021)

- **Respect of the human rights and labour laws** of the foreign workers exploited on the territory of Serbia,
- **Improvement of the Serbian National Referral Mechanism** for the victims of trafficking in human beings and
- Improvement of the **state institutions' accountability**.

In the light of the recent European Commission Communication¹³⁷ from the Commission to the European Parliament, the Council and the European Economic and Social Committee on **decent work worldwide** for a global just transition and a sustainable recovery, ASTRA hopes that the reflection of such an increased policy, strategic and operative attention by the EU to this issue will, eventually, have an impact on Serbia's reality as well. In particular, because the announced new legislative instrument is planned to effectively ban products made by forced labour from entering the EU market. It is also envisaged that **the instrument will cover goods produced inside and outside the EU**, combining a ban with a robust enforcement framework. It is also announced that the instrument will build on international standards and complement the existing horizontal and sectoral EU initiatives, in particular the due diligence and transparency obligations. As already mentioned, on June 09, 2022, the EU Parliament adopted an important resolution toward implementing the announced approach (2022/2611(RSP)), in order to ban products made by forced labour.

Having in mind Serbia's position as an EU-candidate country, and as a beneficiary country in the Instrument for Pre-Accession Assistance (IPA), ASTRA hopes that the EU initiatives will find their way through this and other instruments. These can be introduced through the agreements with the state, ministries, but also via open grant calls for CSOs and other stakeholders, thus contributing to the overall improvement of the protection and the support the persons in risk and victims of trafficking in human beings, in this case, constantly increasing the number of domestic and migrant work force – victims of labour exploitation and forced labour.

¹³⁷ <http://ec.europa.eu/social/BlobServlet?docId=25260&langId=en>

II PART - Further reading

Trafficking in human beings in Serbia – overall trends and recent cases of labour exploitation

Trafficking in human beings is one of the most severe violations of human rights. Due to the identification gaps, in 2019, the total number of identified victims of THB in Serbia was only 39¹³⁸, out of which 31 were females, citizens of Serbia, mostly as victims of sexual exploitation. The estimation is that the real number of victims is 25 times larger.¹³⁹ In 2021, Serbia continued to be a source, transit, and destination country for women, men, and children falling victims to sex trafficking and forced labour, including domestic servitude and forced begging. Even though there is no typical victim of slavery, it's more prevalent among the most vulnerable or within minority or socially excluded groups. Poverty, domestic violence, limited opportunities at home, lack of education, unstable social and political conditions, economic imbalances, war and natural disasters are some of the key drivers that contribute to one's vulnerability. Since the beginning of the COVID-19 crises, the number of calls to ASTRA's SOS hotline has increased by 71% and field actions by 44%.

Since 2015, Serbia has been facing refugee/migrant crisis and has been in the so called "Balkan route". 1.7 million people have passed through Serbia and officially 32 of them were identified as victims of trafficking from 2012 until 2019 among migrant population, (although there were more than 100 reports of potential victims¹⁴⁰). The routes have changed. Instead via Hungary and Croatia, migrants are using routes through Bosnia and Hercegovina. Number of migrants and refugees in the camps has remained stable for more than a year now (around 3000). Some of them have been desperately trying to find any job in Serbia, while waiting for their status to be solved.

One quarter of Serbian population is at risk of poverty (25.5%), while almost 20% lives in material deprivation. Children up to 18 years of age are the most vulnerable group – 30% of them are at risk of poverty. According to the subjective poverty indicator, almost two thirds (63.9%) of the population in Serbia sees themselves as poor. The unemployment rate is almost twice as high as in the EU-28% (12.7% in 2018). The majority of the informally employed is in the age group 25–54.¹⁴¹

Additionally, according to official statistics, only those who are able to work and actively seek employment are considered unemployed, i.e. they are registered with the National Employment Service, where they regularly sign in, which indicates that the actual number of unemployed is much higher than official data. Moreover, a

¹³⁸ http://centarzztlj.rs/wp-content/uploads/2021/03/1-1._Izvestaj_o_radu_2019.pdf

¹³⁹ https://www.unodc.org/documents/data-and-analysis/Macro/Research_brief.pdf

¹⁴⁰ Based on the statistics of the Centre for Human Trafficking Victims' Protection, which, since 2016, has maintained statistics in relation to the migrant population, in the period from 2016-2019, 81 reports were submitted for potential victims of human trafficking among the migrant population, while 20 other persons - presumed victims - were reported to be exploited on the migrant route, su<http://centarzztlj.rs/planovi-i-izvestaji-o-radu/>

¹⁴¹ <http://publikacije.stat.gov.rs/G2019/PdfE/G20195646.pdf>

significant proportion of those considered employed work “illegally” or are engaged outside employment¹⁴², which further increases the risk of exploitation and protection of basic employment rights. This risk is additionally present in the case of hiring foreign nationals when there is a doubt about the applicable law or non-competence of our authorities to the employment status of these persons, as in the case of exploitation of Indian workers in Serbia, which will be presented here.

The World Bank recently published an estimate according to which, due to the crisis caused by the Covid-19, an additional 125-327 thousand inhabitants in Serbia could fall into poverty¹⁴³. Latest edition of CIA Fact book presents Serbia as a country of cheap labour, inefficient judiciary and prevailing corruption¹⁴⁴. Recent shadow report on the developments of the rule of **law, democratization, fight against organized crime, corruption and freedom of speech**, shows that numerous activities have been undertaken, in particular in the last months before the elections, scheduled for April 2022, but the meaningful results are lacking. Normative activities prevail, which are only the first step to the desired change, and they are also carried out with a delay – the deadlines are being postponed.

Specialized organizations are also pointing out that there is no progress in key **anti-corruption** areas. Accelerated changes in regulations are practiced due to GRECO¹⁴⁵ reporting. However, those changes do not give tangible effects, and the existing regulations are not being applied.

¹⁴² https://drive.google.com/file/d/1B6FafMwv7qka3p6_r3L7P1MdIVpZDd8k/view, p. 6

¹⁴³ <http://documents1.worldbank.org/curated/en/704831590692977527/pdf/The-Economic-and-Social-Impact-of-COVID-19-Poverty-and-Household-Welfare.pdf>

¹⁴⁴ <https://www.cia.gov/library/publications/the-world-factbook/geos/ri.html>

¹⁴⁵ <https://www.coe.int/en/web/greco/about-greco>

Trafficking in Human Beings – more on the context

Fourth year in a row, Serbia is designated a TIER 2 country in the annual report of the American State Department on human trafficking (TIP Report).¹⁴⁶ In short, this designation means that the state authorities in Serbia are not fully coordinated but are making “significant efforts” to meet the minimum standards for the eradication of human trafficking. The report highlights most of the challenges in addressing the problem of trafficking in persons, that prEUgovor has regularly reported on: the lack of proactive identification efforts, particularly in screening migration flows and individuals in commercial sex; weak resources of the Centre for Human Trafficking Victims’ Protection; and closing of the only reception centre (Shelter) for human trafficking victims. Furthermore, the TIP Report also mentions involvement of state officials in human trafficking, which is constantly causing major concerns.

There are lots of gaps in the institutional approach to the treatment of victims of trafficking: the most of specialized victim assistance activities are provided by CSOs and funded by foreign donors; there is no shelter specialized for children, although the share of children among identified victims reaches up to 40% annually; shelter for women victims of trafficking run by the state currently does not operate; identification procedures and criteria are not clear; there are no specialized services, including sheltering options for male victims of labour trafficking; number of convictions for THB is reduced¹⁴⁷; there is poor data collection system; etc. The state authorities did not review nor analyse the services available to victims of trafficking. The first such analysis¹⁴⁸ and a manual¹⁴⁹ for people at risk of and victims of trafficking, was prepared by the NGO ASTRA. There is no assessment or analyses on planned activities, services, capacity building, networking; there is lack of cross-sectoral cooperation. Much closer, better coordination among cross-sectoral institutions and organizations would result in better overall response when it comes to social and any other inclusion of victims. Although Serbia has adopted an anti-trafficking strategy and a national action plan, they are not based on evaluation and assessment of the current situation, of trends and needs. In almost all cases of labour exploitation there is no reaction of institutions, or the reaction is limited to the non-jurisdiction explanation. Also, CSOs which cover different fields of work (social, economic and employment rights) are facing cases of labour exploitation in practice but have no capacities to recognize or deal with them.

Push factors, such as war and economic and political crises in the countries of origin are supported by political and economic factors in the transit and destination countries. During the process of Serbia’s accession to EU, we have witnessed opening of factories and branches of the famous brands and companies. Apart from a good geographical position, which includes shorter and cheaper transportation to Western Europe, the Serbian Government offers subsidies and cheap labour to the

¹⁴⁶ United States of America Department of State, Annual Trafficking in Persons Report, June 2021, p 489, <https://bit.ly/3m30IDb>.

¹⁴⁷ <https://drive.google.com/file/d/IT8nMxvpcAObeVjB9Bc6MNPAzOGOY-tbb/view>

¹⁴⁸ <https://drive.google.com/file/d/1LMS8ZLjdcgqeFWm2q6FOpa3khC0bwLpd/view>

¹⁴⁹ https://drive.google.com/file/d/1kLtqJ-VMStdU2zS_4APhXUbnsgvOBpGt/view

foreign investors. In other words, there is a large number of reports on violations of workers' rights in production facilities. Workers are mostly concerned about working conditions and wages that are so low that they must do multiple jobs to be able to survive. Some of the serious violations of labour law are the following: work without contract, unlawful extension of the contract, denial of the right to use sick leave and vacation, excessive number of overtime working hours (sometimes legitimised by "worker consent"), unpaid or inadequately paid overtime work, limited or prohibited use of toilet, inadequate temperature, lack of ventilation system, and even physical maltreatment. Although there have been cases of drastic violation of rights, like a restriction on the use of toilets during working hours, none of these reports have been investigated or got an epilogue.¹⁵⁰

In recent years, the risk of exploiting foreign labour in Serbia on construction projects has increased. Namely, while the construction industry in Serbia in 2019 has expanded compared to the previous 10 years¹⁵¹, poor and unsafe working conditions and low-paid jobs affect the outflow of labour force from Serbia abroad, which is especially notable in the field of construction¹⁵². Given that this trend has led to a shortage of labour in this area in Serbia, in recent years there have been "imports" of construction workers from Turkey, Albania, India, China and other countries of Europe and Asia. Although according to the Serbian Labour Law, these workers, after obtaining a work permit, should enjoy basic labour rights as well as domestic workers, according to some estimates¹⁵³ as many as 40% of foreign workers in construction industry in Serbia work illegally, which is a further risk of labour exploitation and disrespect of their employment and human rights.

According to the research¹⁵⁴ that ASTRA conducted on the knowledge of and labour exploitation experiences among youth, 35.4% of students planned to go abroad to find a job after they graduated, 64.3% claimed they knew what labour exploitation was, 37.9% said they experienced some kind of labour exploitation. It is concerning that 69.2% didn't know where to ask for help if labour exploitation happened to them. It is interesting that the job offers they find via social media have promising titles that offer good salaries, while other methods of recruitment are video clips.

According to ASTRA's experience through the SOS hotline and direct work with (potential) victims, workers are mostly recruited through the offers by people they know - relatives and friends, but also through job ads and social networks (e.g. Facebook), websites of licensed or unlicensed agencies. The last legal analysis of labour law and practices¹⁵⁵ with ASTRA working group's recommendations for preventing labour exploitation of youth shows a great need for improving the legal and institutional

¹⁵⁰ <https://hr.n1info.com/regija/a120596-tortura-u-juri-radnicima-savjetuju-da-nose-pelene-kad-im-pozli-ako-nisu-za-hitnu-nastavljaju-r/>

¹⁵¹ [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Construction_production_\(volume\)_index_overview&oldid=550859](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Construction_production_(volume)_index_overview&oldid=550859)

¹⁵² <https://www.euronews.rs/biznis/biznis-vesti/10280/nasi-gradevinci-odlaze-u-inostranstvo-a-sve-vise-stranaca-angazovano-na-izgradnji-objekata-i-puteva-u-srbiji/vest>

¹⁵³ <https://www.greoref.com/manjak-gradjevinskih-radnika-u-srbiji-od-uzroka-do-posledica/>

¹⁵⁴ <https://drive.google.com/file/d/1hzDBDzHnWrRBRPpsMNwnocclJdPIEMW6/view>, The research was conducted within the project My way **EIDHR/2016/152409/22 - EuropeAid/152409/DD/ACT/RS** <https://www.astra.rs/en/myway>

¹⁵⁵ https://drive.google.com/file/d/1ns2mrMxOXdeQWCniolGiK1Y_SVyCLwkJ/view

framework particularly in the fields of: the protection of workers temporarily posted to a foreign country, system for combating unlawful work, responsibility of employment intermediaries for the truthfulness of advertised conditions of work and for monitoring the process of employment, suppressing abuses relating to the system of youth and student cooperative societies, regime of performing temporary and occasional jobs and criminal legislation.

The first case of labour exploitation, which ASTRA faced, happened in 2005 and was an individual case of a young civil engineer who ended up a slave at a construction site in Malta. He was recruited by a large Swedish company, which subcontracted a Maltese construction company owned by the son of a famous Maltese professor.

All the subsequent cases of labour exploitation (SerbAz, Chechnya, Sochi, Slovakia, Indian workers and Vietnamese workers cases) were massive with dozens and hundreds of people involved. Most of them were men exploited at construction sites, in agriculture, car and other industry, but also women exploited in tourism and education. Most of exploitation cases of Serbian citizens took place in former USSR countries and the UAE, but more and more cases are reported in Germany, Slovakia, Czech Republic, Slovenia Croatia, Hungary, as well as in China.

One of the biggest cases that ASTRA was involved in, “SerbAz” case, recently resulted in the ECHR judgment¹⁵⁶ on *Zoletic and Others v. Azerbaijan* 20116/12. This case is very important as the verdict is a clear **confirmation of trafficking in human beings** in the form of labour exploitation. In this case, the court confirmed the principle that the State was responsible not only for “its direct actions but also for its failure to effectively protect the victims of slavery, servitude, or forced or compulsory labour by virtue of its positive obligations”¹⁵⁷. In addition to the protection of victims, the positive obligations of the State include the obligation to conduct an effective investigation into cases of presumed trafficking in human beings. At the same time, it has been confirmed that the initiative in these cases cannot be left to the victims, but it is the obligation of the State to act on its own initiative, whenever a case becomes known, by conducting an independent, efficient and urgent investigation.

Another important point is that this case is also a confirmation of **Serbian authorities’ unwillingness** to demonstrate their mandate and execute their power in accordance with the existing legal framework on prosecuting those who were involved in recruiting of workers and trafficking in human beings of Serbian citizens exploited in the SerbAz case.

On the other hand, in recent years, there have been more and more cases of labour exploitation on the territory of the Republic of Serbia, some of which occur on investment projects of Chinese companies. According to the last BIRN assessment¹⁵⁸, there are 136 infrastructure projects in Balkans implemented by China, out of which almost 50%, worth about 18.7 billion euros, have been

¹⁵⁶ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-13422%22%5D%7D>

¹⁵⁷ *Zoletic and Others v. Azerbaijan*, no. 20116/12, para 180, 7 October 2021

¹⁵⁸ <https://china.balkaninsight.com/>

implemented in Serbia in the last decade¹⁵⁹. Members of the European Parliament in the Resolution of 25th March 2021 on the 2019-2020 Commission reports on Serbia¹⁶⁰ express “concern about China’s increasing influence in Serbia and across the Western Balkans and the lack of transparency and environmental and social impact assessment of Chinese investments and loans”.

In addition, there is a noticeable impact on legislative processes, given that Serbia has made several legal changes in recent years to facilitate the implementation of large infrastructure projects that benefit Chinese investors¹⁶¹. Concerns have also been expressed about dependence on Chinese security and defence equipment, including the Belgrade surveillance system that illegally collects citizens’ personal data and violates their rights, a group of NGOs says¹⁶².

“**The case of Indian workers**” has many similar elements and almost identical *modus operandi* as the SerbAz case but unfortunately, the competent authorities in Serbia **denied their responsibility** for the contracts that the workers had with a US company, turning away from the harsh conditions of exploitation and coercion – whereas these workers finally managed to return home, without their salaries being paid, etc. Since it has been the first big case of labour exploitation of the foreign workers in Serbia, it represents a dangerous precedent, as the Serbian government (represented by the Labour Inspectorate) practically waived the application of Serbian labour law on its territory.

The key challenges that were revealed in this case included: slow and inadequate response of the system, lack of the mechanisms and capacities to properly assist such a big number of alleged victims, and finally lack of the just closure for the victims. NGO ASTRA has constantly pointed out to these problems, highlighting that this is not a unique case, nor would it remain an exception.

In January 2021, dozens of Chinese workers hired to build a copper mine near Bor in the Republic of Serbia, by a Chinese company which also owns the Mining and Smelting Basin Bor, protested against the exhausting working conditions and inhumane housing conditions. The case was revealed by the Balkan Investigative Reporting Network (BIRN), and experts in this case pointed to elements of human trafficking for labour exploitation¹⁶³. However, the Law on Ratification of Social Security Agreement between Government of Serbia and Government of People’s Republic of China has significantly limited the jurisdiction of the Serbian authorities in the field of labour law¹⁶⁴, but there is no information that the Serbian authorities reacted in the domain of criminal law protection, for which they are certainly competent.

Additionally, although on a global level, the number of Chinese workers’ going to work abroad has significantly decreased since 2019, in Serbia, on the contrary, there has been a noticeable increase in Chinese workers dispatched to work in Serbia along

¹⁵⁹ <https://china.balkaninsight.com/>

¹⁶⁰ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0115_EN.html

¹⁶¹ <https://www.reri.org.rs/kineske-investicije-u-srbiji-narusavaju-vladavinu-prava/>

¹⁶² <https://www.glasamerike.net/a/video-nadzor-u-srbiji-da-li-se-podaci-o-gra%C4%91anima-srbije-%C4%8Duvaju-u-kini-/5171026.html>

¹⁶³ <https://balkaninsight.com/2021/01/26/like-prisoners-chinese-workers-in-serbia-complain-of-exploitation/>

¹⁶⁴ <https://aleksandarmatkovic.wordpress.com/2021/12/23/3008/>

with the increase in Chinese direct investment¹⁶⁵. Along with this trend, the risk of labour exploitation of Chinese workers on projects in Serbia is growing.

The most recent, and **still ongoing “case of 500 Vietnamese workers”** elaborated in this report, is yet another example of the Serbian government’s overall attitude toward cases of labour exploitation of migrants, on the Serbian territory. One of the differences is that all the Indian workers were able to leave the country, mostly with just pocket money and without the salaries they had already earned. In case of Vietnamese workers, the situation is more complex, since their freedom of movement has been limited by the employer, they have experienced lack of food and cloths and their potential “assisted return “has been difficult due to the COVID-19 measures in Vietnam, travel costs and the workers’ concerns related to their prospects once they return to Vietnam.

However, in all the above mentioned cases the supply chain responsibility is not considered by any of the state actors in Serbia. Having in mind the number of large construction sites in Serbia, and many more workers in situations similar to those described in these mass cases, ASTRA fears that such a reaction of the state (or the lack thereof, to be more precise) is becoming a pattern in Serbia.

So far, international organizations (i.e. OSCE Mission in Serbia) have been developing guidelines related to this topic, that is, the Model Guidelines on Government Measures to Prevent Trafficking in Human Beings for the Purpose of Labour Exploitation in Supply Chains¹⁶⁶. They have also conducted an Analysis - Preliminary Assessment of the Supplier Portfolio of the OSCE Mission to Serbia Recommendations for Managing the Risks of Trafficking in Human Beings in Supply Chains¹⁶⁷. In addition, there have been announcements by the Office for Coordination of Anti-Trafficking Actions that similar models will be incorporated in the public procurement processes for public institutions in Serbia, however, ASTRA has no further information about the outcome of such efforts.

Besides that, on 10th March 2021, the European Parliament adopted the Resolution on corporate due diligence and corporate accountability¹⁶⁸ calling on the Commission to submit a legal draft for its implementation, stating that “compliance with the due diligence obligations should be a condition for access to the internal market and that operators should be required to establish and provide evidence, through the exercise of due diligence, that the products that they place on the internal market are in conformity with the environmental and human rights criteria”. Given that Serbia is harmonizing legislation with EU standards, it should be expected that in the future, Serbian authorities would establish a standard for the protection of corporate responsibility and take an active role in preventing labour exploitation in Serbia, which is becoming more frequent.

¹⁶⁵ Ibid.

¹⁶⁶ <https://www.osce.org/sr/cthb/475511>

¹⁶⁷ <https://www.osce.org/sr/cthb/475481>

¹⁶⁸ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0073_HR.html

Entry and stay in Serbia (work and residence permits)

To enter the Republic of Serbia, Vietnamese workers had to obtain Serbian visa, issued by the Embassy of the Republic of Serbia in Jakarta, Republic of Indonesia. The jurisdictional area covered by the embassy in Jakarta is large and includes 9 countries located in this part of Asia. These countries are Indonesia, Brunei, the Philippines, East Timor, Cambodia, Malaysia, Singapore, Thailand and Vietnam.

How is Serbian visa obtained?

Visa issuance - Diplomatic and Consular Mission

As of 24 May 2021, foreign citizens who wish to work in Serbia can send their applications for a [D visa online](#).

The first step in the process of obtaining a visa is to apply for a D visa - for employment. By granting a D visa, the Republic of Serbia allows a foreign citizen to enter its territory and stay for a period of 90 to 180 days. This visa regulates temporary residence in Serbia.

When a foreign citizen submits an application to the Diplomatic and Consular Mission (hereinafter DCM, whose competence is determined under Article 23 of the Law on Foreigners), they is given an ID number, his/her application is registered and a visa is issued based said application. The foreign citizen submits the ID number to the future employer, and the employer submits the ID number to the National Employment Service, in the application for a work permit. Immediately after the foreign citizen submits the application for the issuance of a D visa, the employer submits an application for the issuance of a work permit to the National Employment Service. The ID number which is submitted in the employer's application for the issuance of a work permit, the NES ex officio collects data from the DCM relating to visas issued for longer stays based on employment. Before the DCM issues a long-term visa on the basis of employment and the NES issues a work permit, the Ministry of the Interior (hereinafter MOI) issues the registration number of the foreign citizen.¹⁶⁹



¹⁶⁹ <https://www.paragraf.rs/100pitanja/posao/zaposljavanje-stranaca-pocev-od-1-1-2020-godine-po-osnovu-vize-za-duzi-boravak.html>

General conditions for visa issuance (see Articles 25 and 26 of the [Law on Foreigners](#)) are a valid passport; for a business visit – a letter of invitation from a Serbian company; completed visa application form - (PDF); photo of specified dimensions; evidence of sufficient funds in the account for the stay in Serbia; health insurance; proof of paid fee for visa issuance, etc. Documents to be submitted for employment purposes are: **employment contract, temporary service contract or any other document which confirms the employment of a foreign citizen in the Republic of Serbia**, as well as an excerpt of registration of a legal entity, company, etc.

The question is whether the RS Diplomatic and Consular Mission in Jakarta, in addition to the general conditions for visa issuance, also checked the employment contracts of Vietnamese workers, considering that the contracts were contrary to the multiple provisions of Labour Law and other relevant regulations.

Another important issue to consider is the role of Vietnamese employment agencies prior to the approval of D visa, i.e., to what extent and in what way they are these agencies specifically involved in this process.

When a foreign citizen enters Serbia, they submit a Request for Approval of Temporary Stay¹⁷⁰ before the competent authority.

When the basis of the *request for temporary stay* is employment, specific documentation is required:

- Excerpt from the employer's records in SBRA;
- **Employment contract, temporary service contract or any other contract based on which the foreigner is engaged** (Labour Law);

The fee for a temporary stay of up to three months is RSD 11,740 (**EUR 99.8526**), while the fee for a temporary stay between three months and one year is RSD 17,570 (**EUR 149.43**).

After the approval of temporary residence, a procedure is initiated before the competent [National Employment Service](#) for obtaining a work permit.

When the employment relationship is established for the first time, **a report of the National Employment Service** is [required](#), to establish whether the conditions for employment are met, i.e., to perform a **Labour Market Test**.

An employer who employed a foreign citizen without proper authorisation for residence and work permit is obligated to settle all monetary claims made by such person, in accordance with the labour regulations, in addition to payment of employment-related taxes and contributions for compulsory social insurance, as is prescribed under Article 15, para. 2 of the Law on Employment of Foreign Citizens. The fee for

¹⁷⁰ http://www.mup.gov.rs/wps/portal/sr/gradjani/Informacije%20za%20strance!/ut/p/z1/fYzLCslwEEV_pSBdT6wIUwBR8USoFq6jZhDHGMn1M2hiL-vXmA8TdPYfDBQInklwDlejJMjaBL3Kmxsk82U42IstXyVosxvnyCfzt0sNUQPFwal-oUYaelQX5vw53VPW9XIDUIr15eTh3z2tDWum3oyaMWHRWG88Yi9LhrUKmWBDFrWtRU2WiD0YP75C1CamjwZnWMEVX63DA-peDrt6cvokIs1Y/

the decision (work permit) issuance for the employment of foreign citizens in the Republic of Serbia is RSD 13,970 (**EUR 118.8194**).

Work permit, required for employment is issued at the request of the employer, provided that the conditions prescribed by law are fulfilled. (See Article 16 of the Law on Employment of Foreign Citizens¹⁷¹).

When submitting an application for the **issuance of a work permit for the employment of foreigners, in addition to other conditions prescribed by law**, it is necessary to submit a proposal for an employment contract or other contract on the basis of which a person exercises his/her right to work, which is regulated by the Rulebook on Work Permits¹⁷², under Article 4, para. 5 item 4.

¹⁷¹ https://www.paragraf.rs/propisi/zakon_o_zaposljavanju_stranaca.html

¹⁷² <https://www.paragraf.rs/propisi/pravilnik-o-dozvolama-za-rad.html>

CHINESE INVESTMENTS IN SERBIA

Since 2010, the number of Chinese companies involved in capital investments has been on the rise. One of the companies engaged on the project of reconstruction of parts of the Serbian railways is China Civil Engineering Construction Corporation. This is just one of many investments under “One Belt, One Road” project. The investment of the Chinese company Hesteel followed, when the company bought Smederevo ironworks from the American US Steel, along with Zidjin, which bought RTB Bor. With EUR 1,996,500,000 in foreign direct investment, Serbia is China’s most important investment destination in the Balkans.¹⁷³

Chinese investments in Balkans - wider context

The development of China’s relations with the Western Balkans has been inextricably linked to economic cooperation. All countries of the Western Balkans (with the notable exception of Kosovo) belong to the “17+1” group, which can be defined as a “China-centric strategic bloc in Central and Eastern Europe” established in 2012. The group is also known as the China-CEEC Cooperation (China-Central and Eastern European Countries) and is part of China’s ambitious Belt and Road Initiative (BRI).¹⁷⁴

With regards to investments, Serbia is at the top of the region when it comes to total Chinese FDI inflows and, according to local researchers, the growth of China’s FDI into Serbia runs parallel to the development of diplomatic relations: “After the disintegration of Yugoslavia, the two countries signed a strategic partnership agreement in 2009. This partnership was upgraded to a comprehensive strategic partnership in 2016. A year later, China and Serbia lifted visa restrictions on travellers to the two countries. And in 2018, due to the expected increase in the number of Chinese workers in Serbia, China and Serbia settled the status of “dispatched persons”, which is of utmost importance to us as this is the only agreement between a Western Balkan country and China regarding labour migration. The agreement came about after Chinese FDI increased, so the mobility of workers from China to Serbia was to be expected, and its adoption testifies to the fact that the strengthened relations between the countries allowed for the regulation of Chinese workers outside of China. Indeed, the manner in which the agreement was signed is closely linked to the influx of Chinese investment and labour into Serbia.”¹⁷⁵

Hence, it is understandable that a higher influx of foreign labour, especially in Chinese-related projects, was to be expected via labour dispatch. But, according to recent calculations made by Aleksandar Matković, a researcher at the Institute of Economic Sciences in Belgrade, what is crucial is, in fact, the *concentration* of dispatched

¹⁷³ Institut ekonomskih nauka, Aleksandar Matković, UNFREE LABOR, FROM HANOI TO BELGRADE: CHINESE INVESTMENT AND LABOR DISPATCH IN THE CASE OF 750 WORKERS from Vietnam

¹⁷⁴ Anne-Marie Brady & Hiromichi Higashi, 'Are we real friends? Albania-China relations in the Xi era' (Sinopsis, September 17 2021) <<https://sinopsis.cz/en/are-we-real-friends-albania-china-relations-in-the-xi-era/>> accessed November 19 2021

¹⁷⁵ Aleksandar Matković, Ying Wu, Eva Lena Richter, Leigha Crout, All Roads Lead to Beijing? The COVID-19 Pandemic and Shifts in Chinese Immigration Law and Policy, Asian Journal of Comparative Law - Special Issue 2022 (forthcoming).

labourers which is quite imbalanced: “At their peak in 2021, 51.97% of all dispatched Chinese workers in Serbia came from a single company – Linglong, a well-known private tire factory (China’s first in Europe) currently being built in Serbia’s northern town of Zrenjanin. It came to Serbia after China began tightening environmental regulations when several tire companies like Sailun Jinyu co. Ltd, Zhongce rubber co. Ltd. And double coin Holdings Ltd. Began to set up tire plants in Thailand, Vietnam, etc., instead of China itself, to avoid facing fines or takeovers. Following this trend, Linglong, at €816.294.480, became the largest Chinese investment in Serbia. It is also set to become the largest closed factory in Serbia and the largest tire producer with a capacity of 13 million tires per year. In fact, not only does it tower over other Chinese investments, but it is also connected well enough to have made profound legal impacts on Sino-Serbian labor relations, for example, even the crucial Law on Ratification of the Agreement on Social Security was approved on September the 25th 2018, during the same week that president Vučić visited Beijing to sign another agreement with “Linglong” tires. These facts should be enough to turn our attention to Linglong’s laborers in particular.”¹⁷⁶

The People’s Republic of China has implemented **131 projects** in the Balkans, of which **61 projects were implemented in Serbia**. The estimated value of all projects in Serbia is **EUR 18,773,143,782**. Some of these projects which have been *completed* are the construction of Corridor XII (E-763 Surčin - Obrenovac highway), Mining and Smelting Basin RTB Bor Doo; projects *in progress*: Iverak-Lajkovac fast road; Construction of the district heating project Obrenovac - New Belgrade; projects which have been *suspended*: Kovin Energy Complex (underwater coal exploration, 700MW coal-fired power plant); Loznica natural gas thermal power plant; What all these projects have in common is that they are not transparent.¹⁷⁷ Below are some of the contracts and agreements concluded from 2013 to date. A large number of documents related to capital investments are, as mentioned above, not available to the public and are classified as confidential or certain parts of these contracts and agreements are obscured.

In 2009, China Communications Construction Company¹⁷⁸ was included in the so-called [World Bank’s Black List](#) and as a result, the company was banned from participating in any project financed by the World Bank, for a period of 8 years.

Both domestic and foreign media reported that a large number of Chinese companies that have invested in Serbia, are responsible for environmental disasters and have been [banned in Europe](#), they have been included in the aforementioned black list of the World Bank and European pension funds for extortion, fraud, corruption and other reasons that indicate poor business practices. All these reasons have led to a temporary ban on participation in projects financed by the World Bank, the British IDB Group and the European Group for Reconstruction and Development.

¹⁷⁶ Cf. Matković, A. (2021). „Unfree Labor from Hanoi to Belgrade: Chinese Investment and Labor Dispatch in the Case of 750 Workers from Vietnam“ in: Minović, J., Kočović de Santo M., Maktović, A. (2021). „Značaj institucionalnih promena u ekonomiji Srbije kroz istoriju“. IEN: Beograd, 114–137. The article is available at: <https://aleksandarmatkovic.wordpress.com/2021/12/23/3008/> (last accessed March 30th 2022).

¹⁷⁷ <https://china.balkaninsight.com/>

¹⁷⁸ <https://www.srbija.gov.rs/vest/385277/svi-projekti-koje-cccc-realizuje-u-srbiji-dobro-napreduju.php>

Linglong is known worldwide as a company lacking environmental awareness, that unreservedly pollutes the environment of the country in which it operates, but also because, in 2010, it found itself in an affair that ended before a US court for patent theft. Finally, the company had to pay USD 26 million. With EUR 816,294,480, Linglong Company is currently the largest Chinese investment in Serbia.¹⁷⁹

The news from 2016, which was published on the Linglong Company website is that Linglong is the first domestic tire supplier¹⁸⁰ to the Volkswagen Group in China.

In 2018, the Chinese company Shandong Linglong conducted negotiations with Volkswagen and Renault¹⁸¹ on the sale of tires that would be produced in its future factory in Zrenjanin, Serbia. The news was announced by the President of Serbia, Aleksandar Vučić. Then, Shandong Linglong offered to deliver the tires produced in Zrenjanin to Volkswagen and Renault from 2021. However, according to the original plan, the construction of the factory was officially scheduled to begin in April 2019, which did not happen.

Information about the Linglong Company

Shandong Linglong Tire Co¹⁸² was founded in 1975, as a tire manufacturer. As a leading Chinese company in this industry, it opened several manufacturing plants in China, Thailand and Serbia (under construction).

Prior to its arrival in Serbia, Wang Feng, president and chairman of the Linglong Tire, negotiated with Czech President Milos Zeman in Beijing, in 2017, about the company's future investments. During the negotiations, the President expressed his unconditional support for the company, believing that the Czech Republic would be Linglong's country of choice. At that time, potential countries for investment were Poland and Hungary. However, Linglong decided to invest in Serbia.¹⁸³

The Linglong company was to start the construction of the tire factory complex in Zrenjanin in 2019. This company's investment is one of the largest foreign investments in Serbia. The plan envisaged the construction of the complex within the period of three years in six stages. The Linglong investment in Serbia was the first Linglong investment in Europe.¹⁸⁴

Linglong Company background check (company data)

- The registration of Linglong International Europe d.o.o. Zrenjanin, China Energy Engineering Group Tianjin Electric Power Construction Co., Ltd, Branch Belgrade and

¹⁷⁹ <https://china.balkaninsight.com/>

¹⁸⁰ https://en.linglong.cn/content/details34_35940.html

¹⁸¹ <https://seenews.com/news/chinas-shandong-linglong-to-sell-tyres-made-in-serbia-to-vw-renault-president-vucic-626906>

¹⁸² <https://www.linglongtire.com/about-us/>

¹⁸³ https://en.linglong.cn/content/details34_37975.html

¹⁸⁴ <http://en.tireworld.com.cn/cnews/20181123/6289.html>

Sichuan Dinglong Electric Power Engineering Co.Ltd. Branch was duly performed with the Serbian Business Registers Agency.

- It was determined that Linglong Netherlands B.V. was registered in the Netherlands and that on 13th November 2018, a decision was adopted in Belgrade to establish Linglong International Europe d.o.o. Zrenjanin. Change of registration data pertaining to the Company's registered office (Kralja Aleksandra I Karađorđevića 2IX, Zrenjanin) was changed into Avenija Linglong 1, Zrenjanin).

China Energy Engineering Group Tianjin Electric Power Construction Co., Ltd (TEPC) is well-known in the media as a sub-constructor registered in China.

- On 17th September 2018, the Company decided to establish a foreign legal entity's branch office in Pančevo.
- On 25th September 2018, the Company changed its business name (China Energy Engineering Group Tianjin Electric Power Construction Co., Ltd, Belgrade Branch) and the registered office (Spoljnonostarčevačka 199, Pančevo) was changed to Takovska 13, Belgrade, Stari Grad).
- On 2nd November 2018, the Company changes its registered office, once again - Masarikov Trg 8a, Belgrade, Zemun.
- On 17th August 2021, the Company's mailing address (Svetozara Markovića 91, Pančevo) was changed to Đorđa Radojlovića 19, Belgrade- Savski Venac.

The third company which appeared in one of the workers' employment contract is **Sichuan Dinglong Electric Power Engineering Co. Ltd, Serbian Branch, seated in Pavla Aršinova**, in Zrenjanin.

The Company was registered in China and on 9th November 2020, the company decided to set up its branch office in Belgrade, seated in Masarikov Trg 8a, Belgrade, Zemun.

- On 6th May 2021, the Company changed its business name - Sichuan Dinglong Electric Power Engineering Co. Ltd, Zemun Branch to Novi Beograd Branch, as well as its registered office (Masarikov Trg 8a, Belgrade, Zemun) was changed to Jurija Gagarina 151A, Novi Beograd).
- On 19th August 2021, the Company changed its business name - Sichuan Dinglong Electric Power Engineering Co. Ltd, Belgrade Branch to Zrenjanin Branch. In addition, the Company changes its address, yet again, from Jurija Gagarina 151A, Belgrade - Novi Beograd to Pavla Aršinova 3 L2, floor 2, app. 11, Zrenjanin.

*** According to the Companies Act, Part 11, Branch Office of a Company and Representative Office of a Foreign Company, Article 567, para. 2 – A branch does not have the capacity of a legal person, and acts on behalf and for the account of the company in legal transactions. The Law on Civil Procedure, under Article 54 lays out that in disputes against legal persons which have seat in a foreign country, if said dispute arises from legal relationship of the particular branch, jurisdiction shall also lie, in addition to the court of general territorial jurisdiction, with the court on whose territory this office is located.

It is interesting to note that the address of China Energy Engineering Group Tianjin

Electric Power Construction Co.'s seat - Ltd Masarikov Trg 8a, Belgrade, as of 2nd November 2018, was identical to Sichuan Dinglong Electric Power Engineering Co. Ltd, Zemun Branch's registered office, before the address was changed on 6th May 2018.

Zijin Company

Zijin is one of the Chinese companies that was chosen as a strategic partner in the Bor Mining and Smelting Basin in 2018. In the spring of 2021, ASTRA discovered, through the media, about the situation with Chinese workers engaged by Zijin Copper. Unfortunately, no direct contact with the workers was established, but ASTRA associates, in addition to the media, pointed out that the workers are victims of human and labour rights violations. Media reports stated that: workers work 12 or more hours during the day; that there are indications that they do not have employment contracts or that they are not familiar with the content of their contracts; that they do not have enough water and food; that the living conditions are inadequate; that their personal documents have been confiscated and that their freedom of movement has been restricted; if they leave the construction site and the accommodation they will be sanctioned;

The case of Chinese workers in Zijin in Bor, as well as the case of Vietnamese workers in Linglong Company, are similar to the case of trafficking in human beings for the purpose of labour exploitation of Indian workers from 2019/2020. What is different and what poses an aggravating circumstance in this particular case involving Chinese companies, is the element of a foreign employer. In the case of Chinese workers, it was unknown whether their status in Serbia was regulated (whether they have work and residence permits). Unfortunately, at the time of writing this Report, ASTRA have not received any additional information about the status of Chinese workers. Meanwhile, the media stopped reporting on this company in the context of the labour exploitation of Chinese workers. It is also important to emphasize the allegations about the potential sexual exploitation of girls from China who are brought to Bor and other places where Chinese companies operate.

On the official website of the Serbian Business Registers Agency, ASTRA have found three entities, i.e., three limited liability companies with the word Zijin in their name. All three are located in Bor and have the same predominant activity (SERBIA ZIJIN CONSTRUCTION DOO, Serbia Zijin Mining d.o.o. Bor, SERBIA ZIJIN COPPER DOO BOR). In the case of Vietnamese workers, several companies are also involved, either as investors or contractors.

Zijin Mining Group is one of the largest Chinese gold producers, and the second largest producer of copper ore. The company operates in nine countries and employs about 17,500 workers¹⁸⁵.

¹⁸⁵ <https://www.ekapija.com/en/news/2343826/chinese-zijin-takes-over-rtb-bor-usd-350-million-for-capital-increase>

On 21st November 2020, the media reported that a Chinese worker of a subcontracting Chinese company working in the mine of Zijin company had died¹⁸⁶. In April of the same year, a Chinese citizen died during the works on the opening of the copper mine Čukaru Peki. On 2nd March 2021, it was reported that the assistant operator of the crusher in the copper mine Majdanpek died¹⁸⁷. A little over a week before that, a worker of the company was killed when a bulldozer ran over the car he was in.

Donations from Chinese and South Korean companies

One interesting fact that could be found in the media is that several Chinese companies from Bor, including the mining company Rakita Exploration and Serbia's Zijin Bor Copper, donated USD 571,000 to build a state-of-the-art testing laboratory for the virus Covid - 19.¹⁸⁸ This was not the only donation from Zijin Bor Copper. Some of the donations include: living room equipment for children with disabilities "Mozaik" and office supplies for the primary school in Bučje¹⁸⁹ and educational equipment and new furniture for the classroom; donations for cultural and educational association "Petar Jenić" and equipment for the regional department of the Bor primary school "Branko Radičević" in Oštrelj¹⁹⁰ (two smart LCD TVs, audio device with amplifier, radiator); a playground for children was built next to the Crvenkapa kindergarten;¹⁹¹ (RSD 4 million in donations).

In relation to Linglong company, the news appeared in the media that RSD 14 million had been paid into the budget of the city of Zrenjanin for the city construction land in Ečka.¹⁹² The construction of residential buildings and a residential area for Chinese and Serbian workers employed in this company was planned at this location. In addition, in December 2021, the Embassy of the People's Republic of China donated computer equipment to the Supreme Court of Cassation, worth approximately EUR 31,000.¹⁹³

Jura Company

The news dating back to 2016¹⁹⁴, is that Radomir Nikolić, labour Inspector, said that he could not remember whether "Jura" donated the cars to the department he was in charge of, but the head of the Nišava district, Aleksandar Cvetković, confirmed that the gift was accepted, but that the vehicles were sent to Belgrade¹⁹⁵. This information was obtained by "Insider.net".

¹⁸⁶ <https://www.danas.rs/vesti/drustvo/poginuo-kineski-radnik-kompanije-zidjin-u-boru/>

¹⁸⁷ https://www.blic.rs/vesti/hronika/kolege-pronasle-njegov-slem-ovo-je-radnik-koji-je-poginuo-u-rudniku-bakra-u-el43vfs?utm_source=blic_naslovna_sidebar&utm_medium=sidebar_najnovije_info

¹⁸⁸ <https://www.bor030.net/rakita-i-zidjin-bor-koper-donirali-571-000-dolara-za-izgradnju-covid-laboratorije-u-nisu>

¹⁸⁹ <https://istmedia.rs/donacija-zijin-a-mozaiku-i-osnovnoj-skoli-u-bucju/>

¹⁹⁰ <https://istmedia.rs/donacija-zidjina-kulturno-prosvetnom-drustvu-i-skoli-u-ostrelju/>

¹⁹¹ <https://istmedia.rs/donacija-kompanije-zidjin-kod-obdanista-crvenkapa-novo-igraliste-decu/>

¹⁹² <https://www.danas.rs/vesti/drustvo/linglong-uplatio-14-miliona-za-plac-u-zrenjaninu-gde-ce-zidati-zgrade/>

¹⁹³ <https://www.vk.sud.rs/sr-lat/fotografije/donacija-ra%C4%8Dunarske-opreme-vrhovnom-kasacionom-sudu-od-strane-ambasade-nr-kine-u-srbiji>

¹⁹⁴ <https://www.danas.rs/vesti/ekonomija/ne-znam-da-li-je-inspekcija-dobila-automobile-od-jure/>

¹⁹⁵ <https://www.juznevesti.com/Ekonomija/Jura-ipak-poklonila-2-automobila-inspekciji-rada.sr.html?c=Komentari>

III PART - Annexes

Annex 1 - Important agreements, contracts and memorandums concluded between the Republic of Serbia and the People's Republic of China

| Law | Date of drafting an agreement |
|--|-------------------------------|
| Law on Ratification of the Agreement on Economic and Technical Cooperation in the Field of Infrastructure between the Government of the Republic of Serbia and the Government of the People's Republic of China ¹⁹⁶ | 20/08/2009 |
| Law on Ratification of Annex 1 to the Agreement on Economic and Technical Cooperation in the Field of Infrastructure between the Government of the Republic of Serbia and the Government of the People's Republic of China ¹⁹⁷ | 08/05/2013 |
| Law on Ratification of Annex 1 to the Agreement on Economic and Technical Cooperation in the Field of Infrastructure between the Government of the Republic of Serbia and the Government of the People's Republic of China ¹⁹⁸ | 26/08/2013 |
| The Law on Ratification of the Loan Agreement for Eligible Customer (Highway E-763, Surčin - Obrenovac section) between the Government of the Republic of Serbia represented by the Ministry of Finance and Economy, as the Borrower and Export-Import Bank of China, as the Lender ¹⁹⁹ | 26/08/2013 |
| The Law on Ratification of the Loan Agreement for Eligible Customer for Phase II of the Kostolac B Power Plant Project between the Government of the Republic of Serbia represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender ²⁰⁰ | 17/12/2014 |
| The Law on Ratification of the Annex No. 3 to the Agreement Economic and Technical Cooperation in the Field of Infrastructure between the Government of the Republic of Serbia and the Government of the People's Republic of China ²⁰¹ | 16/05/2017 |

¹⁹⁶ <https://advokatibeograd.rs/mailling/Sporazum.pdf>

¹⁹⁷ <https://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/mu/skupstina/zakon/2013/9/1/reg>

¹⁹⁸ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/3644-13Lat.pdf

¹⁹⁹ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/3917-13Lat.pdf

²⁰⁰ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/37-15%20lat.pdf

²⁰¹ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/2911-17%20lat.pdf

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| <p>The Law on Ratification of the Loan Agreement for Eligible Customer for the Project of Modernization and Reconstruction of the Hungarian-Serbian Railway Connection on the Territory of the Republic of Serbia, for the Section Belgrade Centre - Stara Pazova between the Government of the Republic of Serbia represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender²⁰²</p> | <p>16/05/2017</p> |
| <p>Law on Ratification of the Framework Agreement between the Government of the Republic of Serbia and the Government of the People's Republic of China on Providing the Republic of Serbia with a Concession Loan of the People's Republic of China²⁰³</p> | <p>18/09/2018</p> |
| <p>Law on Ratification of the State Concession Loan Agreement for the Belgrade Bypass Construction Project on the E70/75 Highway, Section: Bridge over the Sava River near Ostružnica - Bubanj Potok (Sectors 4.5 and 6) between the Government of the Republic of Serbia, represented by the Ministry of Finance, as the Borrower and Export -Import Bank of China, as the Lender²⁰⁴</p> | <p>18/09/2018</p> |
| <p>The Law on Ratification of the Loan Agreement for Eligible Customer for the Construction of Highway E-763, Section Preljina-Požega Project, between the Government of the Republic of Serbia, represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender²⁰⁵</p> | <p>25/04/2019</p> |
| <p>The Law on Ratification of the Loan Agreement for Eligible Customer for the Project of Modernization and Reconstruction of the Hungarian-Serbian Railway Connection on the Territory of the Republic of Serbia, for the Section Novi Sad – Subotica – State border (Kelebija) between the Government of the Republic of Serbia represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender²⁰⁶</p> | <p>25/04/2019</p> |
| <p>The Law on Ratification of Social Security Agreement between the Government of the Republic of Serbia and the Government of the People's Republic of China²⁰⁷</p> | <p>20/08/2019</p> |
| <p>The Law on Ratification of the Loan Agreement (Loan for Contracting a Foreign Construction Project) for the Obrenovac-New Belgrade Heating Pipeline Project, between Export-Import Bank of China, as the Lender, and the Republic of Serbia, represented by the Government of the Republic of Serbia, as the Borrower²⁰⁸</p> | <p>17/01/2020</p> |

²⁰² http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/2320-17%20Lat.pdf

²⁰³ <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2018/3400-18-lat.pdf>

²⁰⁴ <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2018/3400-18-lat.pdf>

²⁰⁵ <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2019/1634-19-lat.pdf>

²⁰⁶ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2019/6/1/reg>

²⁰⁷ <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2018/2828-18-lat.pdf>

²⁰⁸ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2020/3/2/reg>

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| The Law on Ratification of the Agreement between the Government of the Republic of Serbia and the Government of the People's Republic of China on Mutual Recognition of the AEO Program of the Customs Administration of the Ministry of Finance of the Republic of Serbia and the Credit Management Program of the General Customs Administration of the People's Republic of China ²⁰⁹ | 19/04/2021 |
| Agreement | Date |
| The Agreement on Cooperation between The Ministry of the Interior of the Republic of Serbia and the Ministry of Public Security of the People's Republic of China ²¹⁰ | 08/12/2009 |
| Contract | Date |
| The Strategic Partnership Contract between the Government of the Republic of Serbia, RTB Bor and Zidjin Company ²¹¹ | 17/09/2018 |
| Memorandums | Date |
| The Memorandum of Understanding between the Ministry of Construction, Transport and Infrastructure of the Republic of Serbia and Sinohydro Corporation Limited ²¹² | 17/12/2014 |
| The Memorandum of Understanding on Cooperation between the Ministry of Construction, Transport and Infrastructure of the Republic of Serbia and the Export-Import Bank of China ²¹³ | 17/12/2014 |
| The Memorandum of Understanding on Cooperation for the Implementation of the Project for the Construction of the Belgrade Bypass on the Highway E70/E75 and Freight Bypass, Section Bubanj Potok Pančevo ²¹⁴ | 24/04/2019 |
| The Memorandum of Understanding between the Ministry of the Interior of the Republic of Serbia and the Ministry of Public Safety of the People's Republic of China on Conducting Joint Police Patrols ²¹⁵ | 19/05/2019 |

The Law on Ratification of the **Loan Agreement for Eligible Customer for the Construction of Highway E763** (Section Obrenovac-Ljig) Project between the Government of the Republic of Serbia, represented by the Ministry of Finance and Economy, as the Borrower, and Import-Export Bank of China, as the Lender²¹⁶

²⁰⁹ <https://mfin.gov.rs/sr/propisi-1/zakon-o-potvrdjivanju-sporazuma-izmedju-vlade-republike-srbije-i-vlade-narodne-republike-kine-1>

²¹⁰ <http://www.mup.gov.rs/wps/wcm/connect/fdf05949-8efc-4756-a0f5-70bfb8044dcd/Kina++Sporazum+o+saradnji.pdf?MOD=AJPERES&CVID=nca3zBr>

²¹¹ https://www.media.srbija.gov.rs/medsrp/dokumenti/rtb_bor-ugovor-za-objavu.pdf

²¹² <https://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/mu/ministarstva/ostalo/2015/1/3/reg>

²¹³ <https://www.pravno-informacioni-sistem.rs/SIGlasnikPortal/eli/rep/mu/ministarstva/ostalo/2015/1/2/reg>

²¹⁴ https://www.transparentnost.org.rs/images/dokumenti_uz_vesti/Memorandum_o_razumevanju_PCCV_i_Azvirt.pdf

²¹⁵ <http://www.mup.gov.rs/wps/wcm/connect/94593249-aa65-4af8-a6fd-a7e9a1a0a165/Kina++Memorandum+o+razumevanju+o+provo%C4%91enju+zajedni%C4%8Dkih+policijskih+patrola.pdf?MOD=AJPERES&CVID=nca3uwf>

²¹⁶ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/3917-13Lat.pdf

Article 8, paragraph 1 states that the Republic of Serbia, as the Borrower, shall irrevocably waive any immunity on the basis of sovereignty or any other basis, for itself or its property, in connection with any arbitration proceedings in line with Article 8.5 of this Agreement, or in connection with the execution of this any arbitral award, accordingly.

Moreover, in the same paragraph, item 5 states that “All disputes arising out of or in connection with this Agreement shall be settled through friendly consultations. If the settlement of the dispute through friendly consultations is not possible, each Party has the right to submit the dispute to the China International Economic and Trade Arbitration Commission (CIETAC). The arbitration proceedings shall be conducted in accordance with the CIETAC Arbitration Rules as applicable at the time of the request for arbitration. The arbitration award shall be final and binding on both Parties. The place of arbitration is Beijing. “

The Law on Ratification of the Loan Agreement for Eligible Customer for the Second Phase of the KOSTOLAC-B POWER PLANT Project between the Government of the Republic of Serbia, represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China as the Lender²¹⁷

The same as in the previous Agreement.

The Law on Ratification of the Loan Agreement for Eligible Customer for the Project of Modernization and Reconstruction of the Hungarian-Serbian Railway Connection on the Territory of the Republic of Serbia, for the Section Belgrade Center - Stara Pazova between the Government of the Republic of Serbia represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender²¹⁸

The same as in the previous Agreement.

The Law on Ratification of the State Concession Loan Agreement for the Belgrade Bypass Construction Project on the E70 / 75 Highway, Section: Bridge over the Sava River near Ostružnica - Bubanj Potok (Sectors 4.5 and 6) between the Government of the Republic of Serbia, represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender²¹⁹

The same as in the previous Agreement.

The Law on Ratification of the Loan Agreement for Eligible Customer for the E-763 Highway Construction Project, Preljina-Požega Section, between the Government of the Republic of Serbia, represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender²²⁰

²¹⁷ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/37-15%20lat.pdf

²¹⁸ http://www.parlament.gov.rs/upload/archive/files/lat/pdf/predlozi_zakona/2320-17%20lat.pdf

²¹⁹ <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2018/3402-18-lat.pdf>

²²⁰ <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2019/1634-19-lat.pdf>

The same as in the previous Agreement.

The Law on Ratification of the **Loan Agreement for Eligible Customer for the Project of Modernization and Reconstruction of the Hungarian-Serbian Railway Connection** on the Territory of the Republic of Serbia, for the Section Novi Sad – Subotica – State border (Kelebija) between the Government of the Republic of Serbia represented by the Ministry of Finance, as the Borrower and Export-Import Bank of China, as the Lender²²¹

The same as in the previous Agreement.

Law on Ratification of the **Agreement on Social Security** between the Government of the Republic of Serbia and the Government of the People's Republic of China²²²

Article 7 Referred persons - An employed person who is sent by an employer, seated in the territory of one Contracting Party, to the territory of the other Contracting Party, to perform work on their behalf, shall be subject exclusively to the legal regulations of state of the first Contracting Party (People's Republic of China) for the first sixty calendar months, as if he or she were still employed in the territory of the first Contracting Party.

Article 11 Exceptions - The competent authorities of the Contracting Parties may agree on exceptions to the application of Art. 6, 7, 8 and 10 of this Agreement for a specific person or groups of persons. The condition is that those persons are subject to legal regulations of one of the contracting parties.

The Law on Ratification of the Loan Agreement (Loan for Contracting a Foreign Construction Project) for the Obrenovac-New Belgrade Heating Pipeline Project, between Export-Import Bank of China, as the Lender, and the Republic of Serbia, represented by the Government of the Republic of Serbia, as the Borrower²²³

Paragraph 15, items 3, 4 and 5 read as follows:

15.3 Submission to Arbitration - Any dispute arising out of or in connection with this Agreement shall be settled through friendly consultation. If no agreement can be reached by such consultations within sixty (60) days, each Party shall have the right to submit such dispute to arbitration before the China Commission for International Economic and Trade Arbitration ("CIETAC"). The arbitration shall be conducted in accordance with the CIETAC Arbitration Rules, applicable at the time of the submission of the request for arbitration. The arbitration award is final and binding on both Parties. The arbitration shall take place in Beijing.

15.4 By waiver the Borrower irrevocably and unconditionally waives any objection which it may now or later have regarding CIETAC choice to resolve any dispute arising out of or in connection with this Agreement. The Borrower also agrees that the

²²¹ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2019/6/1/reg>

²²² <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2018/2828-18-lat.pdf>

²²³ <https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/mu/skupstina/zakon/2020/3/2/reg>

arbitration award rendered against it by such arbitral tribunal is final and conclusive, and may be enforced in any other jurisdiction, and that a certified or otherwise duly verified copy of the award is the final evidence and amount of its indebtedness.

15.5 By waiver of immunity, the Borrower irrevocably and unconditionally waives any immunity which it or its property may, at any time, be granted or be entitled to, whether characterized as sovereign immunity or otherwise, in connection to any claim, under the jurisdiction of any arbitration institution or arbitral tribunal, judgment, arbitration proceedings, official proceedings against it or its representative, execution of a judgment, execution of an arbitral award, set-off, seizure before sentencing, seizure for execution to which it or its property may be entitled in any legal action or proceeding or arbitration proceeding under this Agreement or any of the transactions covered under this Agreement.

The Agreement on Cooperation between The Ministry of the Interior of the Republic of Serbia and the Ministry of Public Security of the People's Republic of China²²⁴

The Contracting Parties shall cooperate and provide mutual assistance in the field of prevention of trafficking in human beings and smuggling of migrants, Article 1.

The Contracting Parties agreed to exchange experiences in crime prevention and in criminal investigations and in connection with regulations related to the organization and police work. The agreement was concluded for an indefinite period of time.

The Strategic Partnership Contract between the Government of the Republic of Serbia, RTB Bor and Zidjin Company²²⁵

The Agreement itself, in item 2.3, stipulates that the strategic partner requires the Republic of Serbia to fully understand and support the hiring Chinese or foreign nationals. Republic of Serbia has committed to making every effort to assist the society and its strategic partner in providing available subsidies in accordance with applicable regulations for hiring new workers. *Also, Republic of Serbia will provide assistance and support in the employment of Chinese and foreign citizens in terms of obtaining work and residence permits in accordance with the applicable law.*

This is a large investment of the People's Republic of China, amounting to USD 1.26 billion.

The Ministry of the Environmental Protection has initiated court proceedings against Zijin Bor Copper for releasing hazardous substances into the air, in November 2019 and January 2020²²⁶. What is stated in the agreement regarding the strategic cooperation between Serbia and China is that there are no circumstances that may result in this company receiving a letter or complaint regarding the environmental violation. When it comes to the rights of employees, we come across a similar provision. In the part of

²²⁴ <http://www.mup.gov.rs/wps/wcm/connect/fdf05949-8efc-4756-a0f5-70bfb8044dcd/Kina+-+Sporazum+o+saradnji.pdf?MOD=AJPERES&CVID=nca3zBr>

²²⁵ https://www.media.srbija.gov.rs/medsrp/dokumenti/rtb_bor-ugovor-za-objavu.pdf

²²⁶ <https://www.energetskiportal.rs/zbog-zagadenja-u-boru-kineska-kompanija-zidin-na-sudu/>

the Agreement regarding disputes, it is stated that the company was not involved in any lawsuit, litigation, criminal proceedings, mediation, arbitration or investigation at the time of signing the Agreement, **nor is it at the risk of such dispute.**

One of the solutions is that workers themselves file charges. However, it is questionable whether they are ready to start the whole process knowing who is on the opposing side.

In the part regarding contracts, specifically, in the part related to employment, it is determined that the company acts in accordance with all applicable regulations concerning the workers, including, but not limited to laws governing employment standards, human rights, labour relations, protection of safety and health at work, privacy, compensation for work, pensions, benefits, income tax and social security contributions. All payments related to workers, regardless of whether they are standard fees, premiums, bonuses, etc., were made in the prescribed manner and on time when they were due for payment.

Chinese workers in Zijin company, as well as Vietnamese workers (Linglong factory), are engaged by a Chinese employer, not Serbian. If a foreign company has its head office in Serbia, which is the case here, Republic of Serbia is competent and obliged to take certain steps to protect the rights of workers.

The Memorandum of Understanding between the Ministry of the Interior of the Republic of Serbia and the Ministry of Public Safety of the People's Republic of China on Conducting Joint Police Patrols²²⁷

The purpose of the cooperation, Article 1

Article 1, the Purpose of the Cooperation, states that the engagement of instructed police officers to conduct joint patrols in tourist areas and project locations.

Article 4, paragraph 2 states that with regard to disciplinary aspects, the regulations of their country of origin apply to the police officers.

²²⁷ <http://www.mup.gov.rs/wps/wcm/connect/94593249-ea65-4af8-a6fd-a7e9a1a0a165/Kina+-+Memorandum+o+razumevanju+o+sprovo%C4%91enju+zajedni%C4%8Dkih+policijskih+patrola.pdf?MOD=AJPERES&CVID=nca3uwf>

Annex 2 - Press Clipping

06/11/2021

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14/11/2021

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List of abbreviations

VOICE - Vojvodina Research and Analytical Center
NGO - Non-government organization
CSO - Civil society organisation
EU - European Union
ILO - International Labour Organisation
UNODC - United Nations Office on Drugs and Crime
Co. - Company
LTD - Limited company
CpoTV - Centre for Protection of Trafficking Victims
IOM - International Organization for Migration
AVRR - Voluntary Return and Reintegration Program
HPPO - Higher Public Prosecutor's Office
PoC - Protector of Citizens
PD - Police Department
NES - National Employment Service
VND - Vietnamese dong
NRM - National Referral Mechanism
SOP - Standard Operating Procedures for the Treatment of Victims of Trafficking
NatCo - National Anti-trafficking coordination office
MoL - Ministry of Labour
ER - Emergency Room
LPG - Liquefied petroleum gas
Mol - Ministry of Interior
CC - Criminal Code
UN - United Nations
CPC - Code of Criminal Procedure
DCM - Diplomatic and Consular Mission
ID - Identification
THB - Trafficking in Human Beings
CIA - Central Intelligence Agency
TIP - Trafficking in Persons
OSCE - Organization for Security and Co-operation
BIRN - Balkan Investigative Reporting Network
CEEC - Cooperation China-Central and Eastern European Countries
BRI - Belt and Road Initiative
CIETAC - China International Economic and Trade Arbitration Commission (Arbitration Rules)

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