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## COUNTERACTING AND PREVENTING HUMAN TRAFFICKING IN THE REPUBLIC OF SERBIA

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**Abstract.** *Human trafficking, as a form of crime and victimization of human beings, is an organized criminal activity which includes a range of diverse and interrelated activities aimed at obtaining financial benefits. At the international level, trafficking in human beings became the subject matter of consideration in the course of the 1990s, when the international community intensified its activities in pursuit of adequate mechanisms for combating this extremely dangerous social phenomenon. Although there is no special legal act regulating human trafficking in the Republic of Serbia, trafficking in persons has been legally recognized as a form of organized crime. Moreover, there is a number of legislative acts which contain provisions on the prevention, suppression and punishment of criminal acts involving human trafficking as well as provisions on the protection of victims and witnesses in the pre-trial, trial and post-trial proceedings. The relevant provisions are contained in the 2005 Criminal Code of the Republic of Serbia, the 2006 Criminal Procedure Code, the Act on the Protection Program for the Participants in Criminal Proceedings, the Act on the Organization and Jurisdiction of State Authorities in Counteracting Organized Crime, the Foreigners' Act, the Misdemeanors Act, the Healthcare Act and the Administrative Taxes Act.*

**Key words:** *human trafficking, organized crime, the relevant provisions in the Republic of Serbia.*

### INTRODUCTION

Human trafficking, as a form of crime and victimization of human beings, is an organized criminal activity which includes a range of diverse and interrelated activities aimed at obtaining material benefits. This criminal act involves a persistent and ruthless

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violation of human rights; it is a relentless on-going process which starts at the moment of establishing the first contact with the potential victim and proceeds throughout one's physical and/or sexual exploitation, as long as the victim is subject to subordination. Being regarded as a continuous process and part of a widespread network of organized crime, trafficking in human beings includes a vast number of diverse criminal activities, such as: canvassing and recruiting victims (who are usually desperate to escape war, famine or poverty and who often have no other choice but to believe the traffickers' false promises about a more prosperous life of ease in some other place/country); taking away, transporting and accommodating victims (who have either voluntarily or under duress embarked on this dreadful journey into the promised "paradise"); acting as an intermediary between the traders of human misfortune (buyers and the sellers); enslaving the victims by putting them in a dependant and hopeless position; constantly subjecting the victims to the most cruel forms of forced labour and sexual exploitation for the purpose of attaining maximum profits. The criminal activities constituting human trafficking may be undertaken within the boundaries of a single state but they are most commonly committed on the territories of multiple states. Consequently, trafficking in human beings may be regarded as a criminal activity of both/either national and/or transnational/international character.

At the international level, trafficking in human beings became the subject matter of consideration in the course of the 1990s, when the international community intensified its activities in pursuit of adequate mechanisms for combating this extremely dangerous social phenomenon. The numerous activities of international organizations as well as the adoption of many international documents (recommendations, resolutions, conventions, protocols and declarations) have had a significant impact on prohibiting human trafficking, both at the international and the national level. Yet, a comparatively small number of countries in the world have enacted special legislative acts to regulate human trafficking issues. Moreover, most countries have no legal provisions governing the use of special police techniques or instruments for investigating such complex crimes as those involved in human trafficking, nor relevant mechanisms for tracing the methods of acquiring illicit profits by criminal organizations. Furthermore, there is no legal framework (either at the national or international level) to enhance the cooperation between the police and the judicial authority to join forces in a repressive action against human trafficking and traffickers. Even in cases where such legal provisions do exist, human trafficking is basically regarded as an immigration issue rather than as a criminal activity, which is as dangerous as drugs and arms trafficking. Given the general assumption that human trafficking always implies the consent of the person who has been subject to trafficking, human traffickers are seldom prosecuted; if ever prosecuted and convicted, they usually receive lenient punishment or get released on bail.

#### THE REGULATION ON HUMAN TRAFFICKING IN THE FORMER SERBIAN LEGISLATION

In the Republic of Serbia, there is no special legal document which would regulate the system of punishment and prevention of human trafficking. However, the legal regulation governing this issue may be traced back to the year 2001, when the President of the Federal Republic of Yugoslavia issued a decree proclaiming the Act confirming the UN Convention against Transnational Organized Crime and its additional Protocols. Thus, the

FR Yugoslavia assumed an obligation to harmonize the legal provisions contained in the national legislation with the international standards contained in this Convention and to make them consistent with the provisions contained in the additional Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, especially Women and Children. The political will and resolve of the state to counteract human trafficking in a strategic and organized way was first demonstrated in 2002 when the Federal Government appointed the National Coordinator for counteracting human trafficking and a national expert team for combating human traffickers.

By mid-April 2003, the prosecution of criminal acts involving human trafficking was exercised on the basis of incriminations contained in the articles of the exiting Criminal Act of the Republic of Serbia<sup>1</sup> and the Basic Criminal Act of FRY<sup>2</sup>, given the fact that these provisions contained some elements of this criminal phenomenon: holding a person in slavery and transportation of the enslaved persons (Art. 155 CA of FRY); smuggling of human beings across state borders (Art. 249 CA of FRY), procuring and soliciting prostitution (Art. 251 CA of FRY). In addition, the prosecution could be based on some other provisions pertaining to the so-called general crime (murder, serious bodily injuries, rape, kidnapping, endangering the public order, threat to public safety, coercion, etc.). However, subsequent research showed that the state reaction in applying these provisions to human trafficking was inadequate and that the crime rate figures on human trafficking in that period were extremely high and ominous. In the period to come, the state exerted substantial efforts to adequately respond to this type of crime by amending the Serbian criminal legislation.

Human trafficking was first introduced as a separate criminal act in Article 111 b of the 2003 Criminal Act of the Republic of Serbia, which included all the elements of the human trafficking which had been envisaged in the international standards. Another significant development was the process of amending and supplementing the Criminal Act of FRY, when the legislator introduced the confiscation of property as a special form of punishment which could be awarded to the perpetrator of a criminal offence involving elements of organized crime (including the criminal act of human trafficking) in case the offender had been sentenced to a term exceeding four years' imprisonment. In addition to these changes in the substantive criminal legislation, significant changes were introduced in the criminal procedure legislation by amending and supplementing the Criminal Procedure Code which contained a number of important articles regulating the discovery and evidence proceedings to prove the commission of an act of human trafficking as well as the protection of witnesses and victims. All these changes in the Serbian substantive and procedural criminal legislation were a significant contribution to the harmonization of the national legislation with the international standards, primarily with the 2000 Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, especially Women and Children.

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<sup>1</sup> Službeni glasnik SRS (the Official Gazette of the Socialist Republic of Serbia), No. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89, 42/89, 21/90; Službeni glasnik RS (the Official Gazette of the Republic of Serbia), No. 16/91, 26/91, 75/91, 9/92, 49/92, 51/92, 23/93, 67/93, 47/94, 17/95, 44/98, 10/02, 11/02, 80/02, 39/03.

<sup>2</sup> Službeni list SFRJ (the Official Journal of the Socialist Federal Republic of Yugoslavia), No. 44/76, 36/77, 34/84, 74/87, 57/89, 3/90, 38/90, 45/90, 54/90; Službeni list SRJ (the Official Journal of the Federal Republic of Yugoslavia), No. 35/92, 16/93, 31/93, 37/93, 24/94, 61/01; Službeni glasnik RS (the Official Gazette of the Republic of Serbia), No. 39/03.

The political will and resolve of the state to counteract human trafficking in a strategic and organized manner was first demonstrated in 2002 when the Federal Government appointed the National Coordinator for counteracting human trafficking and a national expert team for combating human traffickers. In 2004, the Government of the Republic of Serbia established the National Council for Combating Human Trafficking; the Council included six ministers of competent departments and it was presided over by the Minister of the Interior Affairs.

Although there is no special legal act regulating human trafficking in the Republic of Serbia, trafficking in persons has been legally recognized as a form of organized crime. Moreover, there is a number of legal acts which contain provisions on the prevention, suppression and punishment of criminal acts involving human trafficking as well as the provisions on the protection of victims and witnesses in the pre-trial, trial and post-trial proceedings. The relevant provisions on this issue are contained in the 2005 Criminal Code of the Republic of Serbia, the 2006 Criminal Procedure Code, the Act on the Protection Program for the Participants in Criminal Proceedings, the Act on the Organization and Competence of State Authorities in Combating Organized Crime, the Act on the Movement and Residence of Foreigners, the Misdemeanors Act, the Healthcare Act and the Administrative Taxes Act.

#### THE PROTECTION OF HUMAN TRAFFICKING VICTIMS UNDER THE CURRENT CRIMINAL LEGISLATION

In the 2005 Criminal Code of the Republic of Serbia,<sup>3</sup> Chapter 34 titled “Criminal Offences against Humanity and other rights guaranteed under the International law” contains Article 388 which incriminates the act of “trafficking in human beings”. Article 388 para. 1 provides a definition of human trafficking and specifies the activities which constitute the commission of this crime. The criminal act of trafficking in human beings is committed when a person “by means of force or threat, fraud or deception, abuse of power, trust or dependency relationship, abuse of another’s hardship or vulnerable position, by retaining identity papers or by giving or accepting money or some other benefits recruits and procures, transports, transfers, delivers, sells, buys or acts as an intermediary in sale, hides or holds another person for the purpose of forced labour or exploiting the person’s labour, commission of criminal offences, prostitution or some other kind of sexual exploitation, mendacity or begging, pornographic purposes, slavery or similar practices, removal of organs or body parts, or service in armed conflicts”. The prescribed punishment for such an act is two to ten years of imprisonment. In case of minority, serious bodily injuries and death, the law prescribes some qualified circumstances (severe consequences, gravity of social danger, modus operandi, victims’ age, etc). When the criminal offence is committed against a minor, the offender will be imposed the prescribed punishment even if there was no use of force, threat or any of the aforementioned perpetration methods (Art. 388, para. 2). But, if the act is committed against a minor by using force, threat or

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<sup>3</sup> *Krivični zakonik Republike Srbije*, Službeni glasnik RS (The Criminal Code of RS, Official Gazette of RS), No. 85/2005, 88/2005, 107/2005 and 72/2009 and 111/2009.

some of the methods described in Article 388 para. 1, the offender shall be punished by a minimum term of three years' imprisonment (Art. 388 para. 3).

If the criminal offences specified in paragraphs 1 and 3 of Article 388 resulted in a serious bodily injury, the offender shall be punished by imprisonment of three to fifteen years. In case the offence resulted in death of one or more persons, the prescribed punishment is imprisonment of minimum ten years (Art. 388, paragraphs 4 and 5).

In case the act of human trafficking is performed as a regular professional trading activity or in case the offence is perpetrated by an organized group, the act is classified as a serious criminal offence punishable by a minimum of five years' imprisonment (Art. 388, para. 6). In addition, if the criminal act is perpetrated by an organized criminal group, the offence is punishable by a minimum of ten years' imprisonment (Art. 388 para. 7). In order to provide for a comprehensive protection of human trafficking victims, the Serbian legislation fully recognized the principles on the prevention of further victimization and stigmatization of trafficked persons; thus, Article 388 para. 7 envisages that anybody who knew or had means of knowing that another person was a victim of human trafficking but subsequently abused the person's position or facilitated the person's exploitation for the above purposes will be punished by a term of imprisonment ranging from 6 months to 5 years. If the perpetrator knew or had means of knowing that the criminal offence was committed against a minor, the offender will be punished by a term of imprisonment ranging from one to eight years (Art. 388, para. 9). Irrespective of the *modus operandi*, the victim's consent to being exploited or held in slavery or a similar subordinate position is irrelevant in determining the commission of this crime.

The Criminal Code of the Republic of Serbia contains the legal definition of trafficking in human beings which fully draws upon the definition provided by the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, especially Women and Children (Art. 3 of the Protocol). In practice, the wide range of activities describing this criminal offence may serve as a useful practical tool in the process of identifying the acts which may be regarded as trafficking in persons.

Article 389 of the 2005 Criminal Act prescribes the criminal act of trafficking in children for the purpose of adoption. This provision is in line with the special kind of protection the children are guaranteed under the UN Convention on the Rights of the Child (1999). This criminal offence is defined as an act which is committed: if the offender abducts a minor (a child under the age of sixteen) for the purpose of adoption contrary to the applicable state legislation, or if the offender adopts such a person or acts as an intermediary in such adoption, or if the offender buys, sells or hands over a minor (a child under the age of sixteen) to another, provides accommodation or hides such a child. This criminal offence is punishable by a term of imprisonment ranging from one to five years. An aggravated form of this criminal offence exists in case somebody performs such an activity on the professional basis or if the act is committed by an organized group. In that case, the prescribed punishment for an individual is a minimum of three years' imprisonment; if the offence is committed by an organized criminal group, the prescribed punishment is a minimum of five years' imprisonments.

Article 390 of the CA contains a provision on another related criminal offence, titled "Holding another in slavery and transportation of enslaved persons", which is aimed at preventing this form of human trafficking. This criminal offence is committed "when a perpetrator, in violation of international law, enslaves another person or holds another

person in slavery or a similar status, or buys, sells, hands over or mediates in buying, selling and delivering this person to another, or induces another to sell her/his freedom or a freedom of a person under his/her support or care". In this case, the offender shall be punished by imprisonment ranging from one to ten years. In case the offender is involved in transporting persons who are held in slavery or a similar status from one country to another one, the offender will be punished by imprisonment ranging from six months to five years. If either of these acts is committed against a minor, the offender will be punished by imprisonment ranging from five to fifteen years.

Trafficking in human beings is often associated or equated with smuggling in persons. Both criminal offences are frequently linked to the operations of the same criminal groups. There are a lot of similarities and differences between these two criminal offences. In the Criminal Code of RS, Chapter 31 titled "Criminal Offences Against Public Order and Peace" includes Article 350 on "Illegal crossing of state borders and smuggling in persons" which prescribes that anyone who crosses or attempts to cross the state border without a required permission, under arms or by use of force will be punished by imprisonment of up to one year. Smuggling in persons implies an act of taking people across the border for money whereas trafficking in human beings may be carried out within the state boundaries. Unlike smuggling in persons (which is primarily aimed at attaining a financial benefit), trafficking in human beings always implies an aspiration to exploit and enslave another person. Exploitation is the basic element of trafficking in human beings which clearly distinguishes this act from the act of smuggling in persons simply because the smuggled person wants to be smuggled across the border while a victim of human trafficking is either deceived or forced to become financially dependant on another. Smuggling in persons may be linked to the criminal market but trafficking in human beings actually embodies the criminal market. On the other hand, smuggling in persons may easily turn into trafficking in human beings. Being illegal migrants, the smuggled persons usually look for jobs on the illegal market, which may eventually lead to establishing slavery or similar exploitation relations; thus, the smuggled persons become victims of trafficking in human beings (See: Konstantinović Vilić, Nikolić Ristanović and Kostić, 2009, p. 209).

In addition to the substantive criminal legislation, the legislation on misdemeanors also contains some provisions directly pertaining to trafficking in human beings. The most frequent misdemeanors which are or may be direct results of human trafficking are prostitution and (illegal) residence of foreign nationals in Serbia. The women of Serbian citizenship who have become victims of human trafficking for prostitution purposes are not recognized as the victims of trafficking in women (See: Andjelković, 2003, p. 48); instead, they are prosecuted for engaging in prostitution and regarded as perpetrators of criminal offences against public peace and order.<sup>4</sup>

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<sup>4</sup> *Zakon o javnom redu i miru*, Službeni glasnik RS (Public Order and Peace Act, Official Gazette of RS), No. 51/92, 53/93, 67/93, 48/94, 101/2005, 85/2005. This Act regulates the misdemeanors and criminal acts which endanger and disturb the public order and peace (Art. 1) Under this Act, public order and peace implies generally accepted relations among citizens and their behavior in public places as well as the activities of public authorities and organizations aimed at providing equal conditions for exercising the citizens' rights to individual and property safety, peace and tranquility, private life, freedom of movement, preserving the public moral and human dignity, and the right of minors to be protected (Art. 2). Prostitution is one of the offences prescribed in this Act; thus, a person who is engaged in prostitution or a person who facilitates prostitution by providing premises for this illegal act will be punished by a term of 30 days' imprisonment at the most. A

If a foreign female citizen is engaged in prostitution in Serbia, the Misdemeanors Act,<sup>5</sup> prescribes that such a foreigner may be removed from the territory of the Republic of Serbia (Article 57 para. 1 of MA). Such a measure may be imposed on a foreigner who has committed a misdemeanor, which makes his/her stay in the country unacceptable. This protection measure may be imposed for a period ranging from six months to three years and it shall run from the date of awarding the final judgment, whereby the time spent serving the prison sentence shall not be included in duration of the measure. This measure may be deferred for a specific period of time under specific circumstances which may be prescribed in a special legislative act.

In case of a violation of provisions contained in the Foreigners' Act,<sup>6</sup> the prescribed protection measure is the foreigner's deportation from the territory of Serbia;<sup>7</sup> after being awarded a deportation measure, foreign female citizens are taken to a Foreigners' Deportation Centre and subsequently deported. However, the deportation measure is the major obstacle for the successful criminal prosecution of a wide range of participants involved in human trafficking because this measure deprives the trafficking victims of the opportunity to testify in the proceedings instituted against the traffickers. Moreover, a prostitute who is a victim of human trafficking is considered to have committed a misdemeanor against the public order and peace; moreover, if such a person is an illegal alien in Serbia, the person is automatically treated as a delinquent rather than being given a preferential treatment as a victim/witness of human trafficking.

The Act on the Protection Program for Participants in Criminal Proceedings<sup>8</sup> provides an opportunity for the human trafficking victims to consent to testify against the traffickers but this option is available only to the female delinquents/victims of Serbian nationality, who are not subject to the deportation measure under the Foreigners' Act. The protection program shall be implemented if the participants in criminal proceedings and their close persons are exposed to danger to their life, health, physical integrity, freedom or property as a result of testifying or providing information significant for securing evidence in criminal proceedings, without which it would be considerably more difficult or impossible to prove the commission of the following criminal acts: a) the criminal offences against the constitutional order and security; b) the criminal offences against humanity and other rights protected by the International law, and c) the organized crime (Art. 5).

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person who provides premises for prostitution purposes to a minor will be imposed a punishment of 60 days' imprisonment at the most.

<sup>5</sup> *Zakon o prekršajima*, Službeni glasnik RS (*Misdemeanors Act*, Official Gazette of RS), No. 101/2005, 116/2008 and 111/2009.

<sup>6</sup> *Zakon o strancima*, Službeni glasnik RS (*Foreigners' Act*, Official Gazette of RS), No. 97/08.

<sup>7</sup> In Article 28, the Foreigners' Act envisages that a foreigner who has been a victim of human trafficking may be allowed a temporary stay in the Republic of Serbia providing that it is in the interests of the criminal prosecution of an act of human trafficking, and providing there are no legal impediments; the impediments (envisaged in Article 11 para. 2, items 6 and 8) may include the need to protect the public order or security of the Republic of Serbia and its citizens, or a reason to believe that the temporary stay will not be used for the intended purpose.

<sup>8</sup> *Zakon o programu zaštite učesnika u krivičnom postupku*, Službeni glasnik RS (Act on the Protection Program for Participants in Criminal Proceedings, Official Gazette of RS), No. 85 of 6<sup>th</sup> October 2005.

The Healthcare Act of the Republic of Serbia<sup>9</sup> also includes an important article that ensures some protection and assistance to the victims of trafficking in human beings. In Article 241 of this Act, there is a provision that medical institutions shall be refunded for their medical services from the budget of the Republic of Serbia, according to the pricelist established by the organization in charge of the compulsory health insurance for the medical services covered by the compulsory health insurance; it includes medical services provided to different categories of foreigners (such as those who have been granted asylum in Serbia) in case they have no financial support, or in case they have been affected by a contagious disease (such as: plague, cholera, viral hemorrhagic fever, etc), or in case they have been victims of human trafficking. Some additional protection is also provided in the Administrative Taxes Act<sup>10</sup> which prescribes, in Tariff no. 9, that a foreigner who is a human trafficking victim is exempted from paying the administrative tax for being issued a travel document.

The Act on the Organization and Competence of State Authorities in Combating Organized Crime<sup>11</sup> is very important in suppressing and preventing human trafficking, particularly in cases related to witness protection and international assistance. One of the most significant provisions in this Act is Article 15 which regulates the presence of witnesses/victims in the main hearing; thus, in case it is impossible to ensure the witness/victim's participation in the main hearing, the witness/victim may be allowed to testify via a video conference link or the states may provide the international criminal law assistance (Art. 15lj).

The Criminal Procedure Code<sup>12</sup> includes a number of articles important for the prevention of human trafficking and protection of witnesses/victims. When there are circumstances demonstrating that a witness or a close person's public testimony may substantially endanger his/her life and limb, health, freedom or property (particularly in cases dealing with organized crime, corruption and other serious criminal acts), the court may issue a decision to award special protection measures by granting the witness the status of a protected witness. The special protection measures imply a special proceeding for questioning the witness, which imply relevant conditions and applying methods which will ensure the confidentiality of the witness's identity as well as the security measures for safeguarding the witness's physical integrity in the course of the proceedings. Chapter 29a of the Criminal Procedure Code contains special provisions on the criminal procedure in acts involving organized crime, corruption and other extremely serious criminal offences (Art. 504a).

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<sup>9</sup> *Zakon o zdravstvenoj zaštiti Republike Srbije*, Službeni glasnik RS, (Healthcare Act of RS, Official Gazette of RS), No. 107/2005, 72/2009; 88/2010, 99/2010 and 57/2011.

<sup>10</sup> *Zakon o administrativnim taksama*, Službeni glasnik RS (Administrative Taxes Act, Official Gazette of RS), No. 43/2003, No. 51/2003, No. 61/2005 and No. 101/2005, 5/2009, 54/2009, 50/2011, 70/2011.

<sup>11</sup> *Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala*, Službeni glasnik RS (Act on the Organization and Competence of State Authorities in Combating Organized Crime, Official Gazette of RS), No. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004; 45/2005, 61/2005.

<sup>12</sup> *Zakonik o krivičnom postupku*, Službeni list SRJ (Criminal Procedure Code, the Official Journal FRY), No. 70/2001, 68/2002; Službeni glasnik RS (Official Gazette RS), No. 58/2004, 85/2005, 115/2005, 49/2007, 20/2009, 72/2009, 76/2010.



## CONCLUSION

In the period of adopting the “new” criminal legislation of the Republic of Serbia (2001-2005) as well as in the period of amending and supplementing the adopted legislative acts (2006-2012), Serbia has achieved significant results in terms of prescribing legal provisions which ensure relevant punishment and prevent trafficking in human beings. Yet, the existing criminal legislation has not provided precise definitions to clearly distinguish between the concepts of trafficking in human beings, migration and smuggling in persons (on the one hand) and the concepts of trafficking in human beings and prostitution (on the other hand). Moreover, the phenomenon of trafficking in human beings is often regarded as being unrelated to other social problems, such as: poverty, unemployment, gender inequality, etc. Upon the proposal of the Council for Combating Human Trafficking, the Republic of Serbia adopted the National Strategy for Combating Trafficking in Human Beings.<sup>13</sup>

The Strategy or the National Action Plan for Counteracting Trafficking in Human Beings is a very important document which has established relevant mechanisms and envisaged the specific actions for combating human trafficking in terms of criminal prosecution, protection and prevention. This document has envisaged the following activities: to provide a timely and rigorous punishment for offenders; to oblige the Government to keep and regularly update records on the number of convictions and kinds of punishment awarded for trafficking in human beings; to undertake relevant measures to fight against corruption which is a huge obstacle in the process of combating human trafficking; to improve and develop the mechanisms for the protection of prosecutors and judges from political pressure; to provide adequate protection to the victim before trial in order to ensure his/her testimony; to facilitate permanent training for all participant in the judicial proceedings, education of school children and other vulnerable groups which stand a significant risk of being victims of human trafficking.

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<sup>13</sup> *Strategija borbe protiv trgovine ljudima u Republici Srbiji*, “Sl. glasnik RS” (the Strategy for Combating Trafficking in Human Beings in the Republic of Serbia, Official Gazette of RS), No. 111/2006.

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## SUZBIJANJE I SPREČAVANJE TRGOVINE LJUDIMA U SRBIJI

**Miomira Kostić, Aleksandar Mihajlović**

*U radu autori objašnjavaju da trgovina ljudskim bićima kao oblik kriminaliteta i viktimizacije, predstavlja organizovanu kriminalnu delatnost radi sticanja materijalne koristi, koja se sastoji od čitavog niza raznovrsnih i međusobno povezanih radnji usmerenih ka ostvarivanju istog cilja. U međunarodnim okvirima trgovina ljudima je postala predmet razmatranja tokom devedesetih godina dvadesetog veka, kada je međunarodna zajednica intezivirala rad na iznalaženju adekvatnih mehanizama za borbu protiv ove izuzetno društveno opasne pojave.*

*Danas u Republici Srbiji, iako i dalje ne postoji poseban zakon za borbu protiv trgovine ljudima, zakonski je priznato da je trgovina ljudima oblik organizovanog kriminaliteta i u više različitih zakonskih tekstova postoje odredbe o prevenciji, suzbijanju i kažnjavanju trgovine ljudima i zaštite oštećenih i svedoka pre, tokom i posle krivičnog postupka. Kao relevantni zakoni mogu se izdvojiti: Krivični zakonik RS, Zakonik o krivičnom postupku, Zakon o programu zaštite učesnika u krivičnom postupku, Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, Zakon o strancima, Zakon o prekršajima, Zakon o zdravstvenoj zaštiti i Zakon o administrativnim taksama.*

*Ključne riječi: trgovina ljudima, organizovani kriminalitet, relevantni propisi u Srbiji.*