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## Challenges in Migrations: Combating Trafficking in Human Beings in Serbia<sup>2</sup>

### 1. Introduction

It was written long ago, in 1840: “Crime was long concerned only with brutal, solitary and personal impulses. But nowadays the murderers and robbers are forming ranks; they obey discipline; they have given themselves a code and a morality; they work in gangs with well devised schemes”. These are the very words of Louis Blanc<sup>3</sup>.

For a long time, the crimes of the underworld were a source of diverse interest, due to the mystery and excitement contained therein, and, therefore, readings such as *The Godfather*, a novel published in 1969<sup>4</sup>, easily found their way to the film industry and achieved huge success and earnings. The ability of members of the underworld to avoid criminal prosecution is common, even the contrary actions of the prosecuting authorities are surprising. In many cases, the activities of the underworld provide services and benefits, which, although well known as prohibited activities, covered by the most severe sanctions of retributive justice, are sources of pleasure in everyday life.

Therefore, the failure or inefficiency of the prosecuting authorities in this area is often not condemned by parts of the population in modern countries. Instead, efforts to achieve better results are seen as unnecessary. Organized

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3 *Organized Crime*, Organized Crime (karisable.com) (accessed: 6.7.2024).

4 M. Puzo *The Godfather*, [https://www.goodreads.com/book/show/22034.The\\_Godfather](https://www.goodreads.com/book/show/22034.The_Godfather) (accessed: 7.7.2024).

crime has infiltrated many parts of legitimate business, so “collaboration” between organized crime and legitimate civil society is seen as a normal course of action.

Trafficking in human beings is a kind of criminality and victimization, that presents organized criminal activity in order to get a material benefit, which consists of an entire number of various and mutually linked activities directed to achieve the same aim. Among international limits, trafficking in human beings became the subject of discussion during the 1990s of the XX century, when the international community intensified its eagerness to find adequate mechanisms to struggle against this very dangerous social phenomenon. Migration movements through the Republic of Serbia are connected with the trafficking of human beings.

This paper has three different but strongly connected research aims. The first one is to indicate all relevant regulations that are applied against human trafficking in Serbia. The second one is to represent the cooperation of Serbia as a candidate country and EU accession with other countries in the fight against human trafficking and the cooperation of state authorities and non-governmental organizations in preventing human trafficking in Serbia and abroad. Lastly, the third one is to point out the ways in which the cases of migrants and human trafficking are described in the media. It will also be shown what kind of attention these criminological phenomena are causing in Serbia. The methods used in the first and second objectives are normative and historical-legal. In contrast, the descriptive method was used to achieve the third objective, explained in more detail in the corresponding chapter.

## 2. Relevant Regulations that are Applied Against Human Trafficking in Serbia

Trafficking in human beings is a continuous activity, a drastic violation of human rights, a process that begins at the moment of establishing the first contact with the victim and continues as long as the victim is physically and sexually exploited, as long as he/she is in a subordinate position. Accordingly, trafficking in human beings may occur within national boundaries or assume a transnational, international scope.<sup>5</sup>

The Constitution of the Republic of Serbia from 2006<sup>6</sup> deals with the issue of human trafficking in the provision of Article 26: “It is expressly forbidden that no one can be held in slavery or in a position similar to slavery, that is,

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5 See: M. Kostić, *Normativni okvir za sprečavanje trgovine ljudima u Srbiji (Normative Framework for Prevention of Human Trafficking in Serbia)*, „Socijalna Misao” 2007, vol. 1, no. 14, p. 87–100; S. Konstantinović-Vilić, M. Kostić, *Legal Frame of Prevention Trafficking in Human Beings in Serbia*, in: *Trafficking in Human Beings – Legal Aspects*, South East European University, Tetovo, R. Macedonia, December 2006, p. 75–94.

6 Ustav Republike Srbije (The Constitution of the Republic of Serbia), Sl. glasnik RS, 98/2006 i 115/2021.

every form of human trafficking and forced labor under which it is considered sexual or economic exploitation of persons in a disadvantaged position”.

In the Republic of Serbia, there is no special law regulating the punishment and prevention of human trafficking. However, the legal regulation of the prohibition of human trafficking can be traced back to 2001, when the Law on the Ratification of the UN Convention against Transnational Organized Crime and the Additional Protocols was promulgated.<sup>7</sup>

Thus, the country at that time assumed the obligation to harmonize the provisions of the domestic legislation with the international standards contained in the Convention, as well as in the provisions of the additional Protocol on the Prevention, Suppression and Punishment of Trafficking in Human Beings, especially women and children. Until the middle of April 2003, criminal prosecution for human trafficking could be undertaken on the basis of incriminations contained in the provisions of certain articles of the then – valid Criminal Code of the Republic of Serbia<sup>8</sup> and the Basic Criminal Code (KZ FRY),<sup>9</sup> because these incriminations contained certain elements of this form of criminality: slavery and transportation of persons in slavery (Art. 155 CC FRY), illegal crossing of the state border (Art. 249 CC FRY), mediation in prostitution (Art. 251 CC RS). In addition to the above, it was possible to use other incriminations from these laws, which did not refer to the so-called general criminality (murder, bodily harm, rape, kidnapping, endangering security, threat, coercion, etc.).

In the Criminal Code of the Republic of Serbia in 2003, a special crime of human trafficking was introduced – Art. 111b, which contained all the elements of the criminal offense of human trafficking as stipulated by international standards. Another significant amendment to the Criminal Code of the FRY refers to the introduction of the penalty of confiscation of property, as a special penalty that could be imposed when the perpetrator of a criminal offense with elements of organized crime, which includes human trafficking, was sentenced to a prison term of at least four years. Apart from these changes in the criminal legislation, there were also significant changes in the criminal procedure legislation that occurred based on the amendments to the Code of Criminal Procedure, which contained a number of provisions of importance

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7 Zakon o potvrđivanju Konvencije Ujedinjenih Nacija protiv transnacionalnog organizovanog kriminala i dopunskih protokola (The Law on the Ratification of the UN Convention against Transnational Organized Crime and the Additional Protocols), Sl. list SRJ – Međunarodni ugovori br. 6/2001.

8 Krivični zakon Republike Srbije (Criminal Code of the Republic of Serbia), „Sl. glasnik SRS”, br. 26/77, 28/77, 43/77, 20/79, 24/84, 39/86, 51/87, 6/89, 42/89, 21/90, „Sl. glasnik RS” br. 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.

9 Krivični zakon SRJ, (Basic Criminal Code FRY), Sl. list SFRJ, br. 44/76, 36/77, 34/84, 74/87, 57/89, 3/90, 38/90, 45/90, 54/90, „Sl. list SRJ”, br. 35/92, 16/93, 31/93, 37/93, 24/94, 61/01, Sl. glasnik RS, br. 39/03.

for the detection and proof of the criminal offense of human trafficking and the protection of witnesses and victims. The aforementioned changes in the criminal and criminal procedural legislation of the Republic of Serbia represented a significant contribution to the harmonization of domestic legislation with international legal standards, primarily with the Protocol on Prevention, Suppression and Punishment of Trafficking in Human Beings, Especially Women and Children from 2000.

The political will and intention of the state to oppose the phenomenon of human trafficking in a strategic and organized manner was manifested first in 2002, when the National Coordinator for the fight against human trafficking was appointed and the republican team for the fight against human traffickers was formed, and then in 2004 when The Government of RS formed the Council for Combating Trafficking in Human Beings,<sup>10</sup> which consists of six ministers and whose president is the Minister of Internal Affairs as well as in 2017 and 2023.<sup>11</sup>

In 2006, the Strategy for Combating Human Trafficking in Serbia was adopted,<sup>12</sup> and within the Ministry of Internal Affairs, there are special police teams for combating human trafficking, as well as specialized units within the Criminal Police Directorate and the Border Police Directorate. In addition, in order to more effectively fight against human trafficking and help victims, the following were established: the National Team for the Fight against Human Trafficking, as a form of cooperation between governmental and non-governmental organizations, and the Coordination Service for the Protection of Victims of Human Trafficking. Assistance to victims of human trafficking is also provided by non-governmental organizations, which have established water and shelters for victims of human trafficking.

Today in the Republic of Serbia, although there is still no special law to combat human trafficking, it is legally recognized that human trafficking is a form of organized crime and in several different legal texts, there are provisions on the prevention, suppression and punishment of human trafficking and the protection of victims and witnesses before, during and after criminal proceedings. The following relevant laws can be singled out:

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10 Odluka o obrazovanju Saveta za borbu protiv trgovine ljudima (Decision on the establishment of the Council for the fight against human trafficking), Sl. glasnik RS, br. 113/2004.

11 Odluka o obrazovanju Saveta za borbu protiv trgovine ljudima (Decision on the establishment of the Council for the fight against human trafficking), Sl. glasnik RS, br. 92/2017 i 60/2023.

12 Strategija za borbu protiv trgovine ljudima (Strategy for Combating Human Trafficking), Sl. glasnik RS, br. 111/2006.

the Criminal Code of the RS<sup>13</sup>, the Code of Criminal Procedure<sup>14</sup>, the Law on the Program for the Protection of Participants in Criminal Proceedings<sup>15</sup>, the Law on the Organization and Competence of State Bodies in the Suppression of Organized Crime<sup>16</sup>, the Law on Foreigners<sup>17</sup>, the Law on Misdemeanors<sup>18</sup>, the Law on Health Care<sup>19</sup>, and Law on Republic Administrative Fees<sup>20</sup>. The Criminal Code of the Republic of Serbia from 2005 in ch. XXXIV under the title “Criminal acts against humanity and other goods protected by international law” in Art. 388 incriminates the crime of “trafficking in human beings”. From this incrimination (Art. 388, paragraph 1), it can be determined what human trafficking is and what the acts of execution of this criminal act are. It is stipulated that the criminal offense of human trafficking exists when one person recruits, transports, by force or threat, by misleading or maintaining a delusion, abuse of authority, trust, dependence, difficult circumstances of another, retention of personal documents or giving or receiving money or other benefit, transfers, hands over, sells, buys, mediates the sale, hides or keeps another person, and with the aim of exploiting his work, forced labor, committing criminal acts, prostitution or other types of sexual exploitation, begging, using for pornographic purposes, establishing slavery or him of a similar relationship, for the purpose of removing organs or parts of the body, or for use in armed conflicts. For this form of criminal offense, the Criminal Code stipulates a prison sentence of three to twelve years.

13 Krivični zakonik RS (Criminal Code), Sl. glasnik RS, 85 / 2005. godine (85/2005, 88/2005, 107/2005 i 72/2009 – najnovije izmene na snazi od 11.9.2009).

14 Zakonik o krivičnom postupku (The Code of Criminal Procedure), Sl. glasnik RS, 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014, 35/2019, 27/2021 – odluka US i 62/2021 – odluka US.

15 Zakon o programu zaštite učesnika u krivičnom postupku (Law on the Program for the Protection of Participants in Criminal Proceedings), Sl. Glasnik RS, 85/2005.

16 Zakon o organizaciji i nadležnosti državnih organa u suzbijanju organizovanog kriminala, terorizma i korupcije (the Law on the Organization and Competence of State Bodies in the Suppression of Organized Crime), Sl. glasnik RS”, 94/2016, 87/2018 – dr. zakon i 10/2023.

17 Zakon o strancima (the Law on Foreigners), Sl. glasnik RS, 24/2018, 31/2019 i 62/2023.

18 Zakon o prekršajima (the Law on Misdemeanors), Sl. glasnik RS, 65/2013, 13/2016, 98/2016 – odluka US, 91/2019, 91/2019 – dr. zakon i 112/2022 – odluka US.

19 Zakon o zdravstvenoj zaštiti (the Law on Health Care), Sl. glasnik RS, 25/2019 i 92/2023 – autentično tumačenje.

20 Zakon o republičkim administrativnim taksama (Law on Republic Administrative Fees), Sl. glasnik RS, 43/2003, 51/2003 – ispr., 61/2005, 101/2005 – dr. zakon, 5/2009, 54/2009, 50/2011, 70/2011 – usklađeni din. izn., 55/2012 – usklađeni din. izn., 93/2012, 47/2013 – usklađeni din. izn., 65/2013 – dr. zakon, 57/2014 – usklađeni din. izn., 45/2015 – usklađeni din. izn., 83/2015, 112/2015, 50/2016 – usklađeni din. izn., 61/2017 – usklađeni din. izn., 113/2017, 3/2018 – ispr., 50/2018 – usklađeni din. izn., 95/2018, 38/2019 – usklađeni din. izn., 86/2019, 90/2019 – ispr., 98/2020 – usklađeni din. izn., 144/2020, 62/2021 – usklađeni din. izn., 138/2022, 54/2023 – usklađeni din. izn. i 92/2023.

Qualifying circumstances (severity of consequences, increased social danger, method of execution, age of victims) include: minors, the occurrence of serious bodily injuries, or death. If this form of criminal offense is committed against a minor, the perpetrator will be punished with the punishment prescribed for that offense even if he did not use force, threat or any other of the mentioned methods of execution (Art. 388 paragraph 2). For an act committed against a minor, the legislator has provided for a special minimum punishment of at least five years (Art. 388, paragraph 3).

A special form of execution of this criminal offense exists when, by committing the offense as committed from paragraphs 1 and 3 of Art. 388, severe physical injury to a person results. In that case, it is foreseen that the perpetrator will be punished with imprisonment of five to fifteen years, and in the event of the death of one or more persons, a special minimum of at least ten years is foreseen (paragraphs 4 and 5).

Dealing with human trafficking or committing this criminal act by a group is also considered a more serious form and is specifically criminalized (Art. 388, paragraph 6). The prescribed sentence for this offense is at least five years. In addition, the legislator provided for the commission of a criminal offense by an organized criminal group, which carries a penalty of at least ten years (Art. 388, paragraph 7). To provide comprehensive protection for victims of human trafficking, Serbian legislation has adopted principles aimed at preventing further victimization and stigmatization of trafficked persons. Paragraph 7 specifies that if someone knows or could have known that the person in question is a victim of human trafficking, and takes advantage of their position or enables others to take advantage of their position, due to the various described forms of exploitation, they will be punished with imprisonment from 6 months to five years. If this form of human trafficking was committed against a person whom the perpetrator knew or could have known was a minor, the penalty is one to eight years (Art. 9). Regardless of the way the crime was committed, the person's consent to exploitation or the establishment of a slave or similar relationship will not affect the existence of this criminal offense.

From the aforementioned provisions of the Criminal Code, it can be concluded that with regard to the legal definition of human trafficking, the definition specified in the Protocol on Prevention, Suppression and Punishment of Trafficking in Human Beings, especially Women and Children from 2000 is fully accepted (Article 3 of the Protocol). The wide range of the listed enforcement actions enables certain behaviors to be more easily recognized as a form of human trafficking in practice.

In a separate article – Art. 389 of the CC – the criminal offense of child trafficking for the purpose of adoption is addressed. The prescription of this criminal offense is in accordance with the special protection of children from the UN Convention on the Rights of the Child. According to the legal definition, this criminal offense exists when the perpetrator takes away a person who has not reached the age of sixteen for the purpose of adopting him



contrary to the applicable regulations, or when they adopt such a person or mediate in such an adoption, or who, for that purpose, buys, sells or hands over another person who has not reached the age of sixteen either transports him, provides accommodation for him or conceals him. For the commission of this criminal offense, a prison sentence of one to five years is provided. A more serious form exists in the event that someone engages in such activities, or if the act is committed by a group, it will be punished by imprisonment for at least three years, or by an organized criminal group, it will be punished by imprisonment for at least five years.

The prescription of the criminal offense “establishing a slave relationship and transporting a person in a slave relationship” in Art. 390 CC also contributes to the prevention of a form of human trafficking. This criminal offense exists when the perpetrator, in violation of the rules of international law, puts another person in a slave or similar relationship or keeps him in such a relationship, buys, sells, hands over to another person or mediates the purchase, sale or handover of such a person, or encourages others to sell him the freedom or liberty of the dependent or independent person. For this form of crime, the legislator prescribed a sentence of one to ten years. In the event that the act of execution consists of the transportation of a person who is in a servile or similar relationship from one country to another, the perpetrator will be punished by imprisonment from six months to five years, and if one or the other act of the act is committed against a minor, the perpetrator will be punished with imprisonment from five to fifteen years.

Human trafficking is often linked or equated with people smuggling. Both forms of criminality are often associated with the work of the same criminal groups. There are similarities and differences between these two forms of criminal activity. The incrimination itself from Art. 350 CC of the RS from Ch. XXXI “Criminal acts against public order and peace” under the title “unauthorized crossing of the state border and people smuggling” prescribes that whoever crosses or attempts to cross the border of our country without a prescribed permit, armed or using violence, will be punished by imprisonment for up to one year. Smuggling means taking people across the border for money, while human trafficking can also take place within the borders of a country. Unlike human smuggling, human trafficking always implies the aspiration to exploit others and keep them in a slave relationship. The existence of exploitation is a key element of human trafficking that distinguishes this act from human smuggling, because the trafficked person seeks to be smuggled, while the victim of human trafficking is deceived or forced into economic dependence. Also, people smuggling can be connected to the criminal market, and human trafficking is itself a criminal market. However, people smuggling can easily turn into human trafficking. Smuggled persons, as illegal migrants, usually look for work in the illegal market. This can lead to the establishment of slavery or an exploitative relationship, and these smuggled persons become victims of human trafficking.

The Criminal Code distinguishes and separately sanctions criminal acts related to human trafficking: Human Trafficking (Art. 388); Trafficking in Children for Adoption (Art. 389); Establishment of Slavery and Transportation of Persons into Slavery (Art. 390). People smuggling is criminalized as a separate criminal offense under Unauthorized Crossing of the State Border and People Smuggling (Art. 350). Our country has shown its readiness and political will to join the world's efforts in the fight against human trafficking and has ratified all important international documents in this regard. The Republic of Serbia is also working towards full compliance with Directive 2011/36/EU and Council Directive 2004/81/EC in the field of human trafficking.

The Republic of Serbia adopted the following: a Decision on Establishing a Center for the Protection of Victims of Human Trafficking<sup>21</sup>; a Special Protocol on the Actions of Judicial Bodies in the Protection of Victims of Human Trafficking in the Republic of Serbia<sup>22</sup>; and a Program for the Fight Against Human Trafficking in the Republic of Serbia for the Period 2024–2029<sup>23</sup>.

### 3. The Cooperation of Serbia as a Candidate Country and EU Accession with Other Countries in the Fight Against Human Trafficking

The cost to society due to the existence and operation of organized crime is almost immeasurable, both materially and terms of human lives and property. It also includes huge material investments made by society in efforts to eradicate this type of crime, or, at the very least, bring it under control.

In the last few decades, in many countries, as well as among citizens, there has been a great concern about the “growing threat” of criminality. Although, for the most part, criminality and its perpetrators operate at the local level, the electronic and print media highlight the transnational components of the spread of drug use, illegal work and human trafficking, fraud and terrorism, so actions against these phenomena have been declared a matter of international concern and political interest, both regionally and globally. One of the indicators of this interest is best reflected in the activities of the UN, which from the end of the nineties of the 20th century to the beginning of the 21st century brought four important conventions, the aim of which is to oppose and suppress some form of organized crime.

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21 Odluka o osnivanju centra za zaštitu žrtava trgovine ljudima (Decision on establishing a center for the protection of victims of human trafficking), Sl. glasnik RS, 35/2012.

22 Posebni protokol o postupanju pravosudnih organa u zaštiti lica koja su žrtve trgovine ljudima u Republici Srbiji (Special protocol on the action of judicial bodies in the protection of persons who are victims of human trafficking in the Republic of Serbia), source: Paragraf Lex (accessed: 8.05.2024).

23 Program za borbu protiv trgovine ljudima u Republici Srbiji za period 2024–2029. godine (Program for the fight against human trafficking in the Republic of Serbia for the period 2024–2029), Sl. glasnik RS, 25/2024.



New forms of transnational cooperation between organized criminal groups at the end of the 20th century forced the international community to take the necessary steps to adopt an instrument to combat TOC activity. Therefore, in 1998, the UN General Assembly established an *ad hoc* committee and authorized it to draft a comprehensive convention against TOC and additional legal instruments. The Committee drafted the text of the United Nations Convention against Transnational Organized Crime (hereinafter: Convention) and three additional protocols, namely: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter: Protocol on Prevention of Human Trafficking), the Protocol Against Smuggling of Migrants by Land, Sea and Air (hereinafter: Protocol Against Smuggling of Migrants) and the Protocol Against the Illegal Production and Trade of Firearms, Their Parts and Components, as well as Ammunition. On November 15, 2000, the UN General Assembly adopted the text of the Convention and two protocols (on human trafficking and migrant smuggling), while the third protocol was adopted on May 31, 2001. The Convention and the first two protocols were opened for signature at the conference in Palermo from December 12 to 15, 2000, while the third protocol was opened for signature on July 2, 2002, in New York. The Convention and Protocol for the Prevention of Trafficking in Human Beings entered into force in 2003, while the Protocol against Smuggling of Migrants entered into force in 2004. Our country ratified the Convention and these two protocols in 2001. The protocol against illegal production and trade in firearms entered into force in 2005 when our country ratified it. The goal of the Convention is to improve international cooperation in order to prevent transnational organized crime and fight more effectively against this phenomenon (Article 1). It represents the so-called “umbrella” or “parent treaty”<sup>24</sup>.

The Republic of Serbia has ratified the following conventions and protocols of the United Nations that regulate issues of preventing human trafficking: Convention on Slavery (entered into force in 1927); International Convention for the Suppression of Trafficking in Women and Children (date of ratification February 28, 1929); International Agreement for the Successful Protection of the Criminal Trade Known as the White Slave Trade (entered into force in 1929); The International Convention on the Suppression of the Trade in White Slaves (entered into force in 1929); Protocol amending the International Agreement for the Successful Protection against the Criminal Trade Known as the White Slave Trade and the International Convention for the Suppression of the White Slave Trade (date of ratification 12/28/1950); Convention for Suppression and Abolition of Trafficking in Persons and Exploitation of Others

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24 Decree on the promulgation of the law on the ratification of the United Nations Convention against Transnational Organized Crime and the supplementary protocols, Sl. Gazette of the RS, no. 6/2001. The Convention was adopted by Resolution A/RES/55/25 of November 15, 2000, at the 55th session of the United Nations General Assembly, and entered into force on September 29, 2003.

(date of ratification 12/28/1950); Protocol amending the Convention for the Suppression of Trafficking in Women and Children and the Convention for the Suppression of Trafficking in Adult Women (ratified in 1950); Convention for Suppression and Abolition of Trafficking in Persons and Exploitation of Prostitution of Others (entered into force in 1951); Protocol on Amendments to the Convention on Slavery signed in Geneva on September 25, 1926 with Annex (date of ratification January 31, 1955); Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery (date of ratification 01/14/1958); Protocol for the prevention, suppression and punishment of trafficking in human beings, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime (entered into force on December 25, 2003).

The necessary political milieu for the inclusion of our country in international/European standards for the fight against human trafficking was achieved on April 3, 2003, when the State Union of Serbia and Montenegro became a full member of the Council of Europe. In 2004, the Government of RS established the Council for Combating Human Trafficking. In 2009, the Republic of Serbia passed the Law on Ratification of the Council of Europe Convention on Combating Trafficking in Human Beings. By ratifying this convention, the state also assumed the obligation to harmonize the norms of domestic legislation with the norms of the ratified Convention. The Convention contains ten chapters and a total of 47 articles.

#### 4. The Cases of Migrants and Human Trafficking Described in the Media as Criminological Phenomena

Crime as a social phenomenon, the genesis of crime, crime investigation and detection have always captured human imagination. They had been perceived as sources of popular culture and entertainment long before the emergence of mass media as we know them today. Criminal behavior and crime in general, specially organized crime and the phenomenon of migrations, in recent times, have always been the subject matter of public interest. Such accounts may generate different feelings: sympathy with victims, pleasure, frustration, anger, indifference, helplessness, etc. However, we may assume that media reports on crime are primarily aimed at raising awareness and making people think about the social phenomenon and initiate socially justified action.

The research of this paper will include the collection of data on the way of reporting in the written and electronic media about the experiences of victims of human trafficking since 2001 when the Republic of Serbia passed

the Law on the Ratification of the United Nations Convention against Transnational Organized Crime and its supplementary protocols.<sup>25</sup>

The research included the collection of data from newspaper reports published by the daily newspaper „Politika” on the experiences of victims of TOC, or the perpetrators. The Serbian daily newspaper „Politika”<sup>26</sup> is an irreplaceable historical source of knowledge about the history and culture of the people in the Balkans. Thus, it is impossible to conduct research on media reporting on various social phenomena without referring to newspaper articles published in „Politika” as a source of archival material.

The research takes place at the time of two significant but diametrically different events. The first one is important in terms of national culture. On 25 January 2024, the daily newspaper „Politika” marked its 120<sup>th</sup> Anniversary since the publication of the first issue of „Politika” in 1904. Drawing on the history, significance, and influence of the daily newspaper „Politika”<sup>27</sup>, the research focuses on the newspaper articles published online. For the purposes of this research, we used the „Politika” online archives dating back to 2 July 2006.<sup>28</sup>

The following events have had a global impact; the war in Ukraine, which began on 24 February 2022, reopened the topical issue of truthful and objective reporting, as did the war in Israel, which started on 8 October 2023).

This research’s approach was rooted in the experiences from the prior research conducted: during 2011, *Trgovina ljudima: Pravna zaštita u međunarodnim i nacionalnim okvirima [Human Trafficking: Legal Protection within International and Domestic Legal Framework]* (Dimitrijević, Kostić, Knežević, eds., 2011); the other one, during 2007–2014, for the monograph *Maloletnička delinkvencija kroz prizmu novinskih izveštaja u dnevnom listu Politika 1904–1941. [Juvenile delinquency in light of newspaper reports in the daily newspaper Politika 1904–1941]* (Kostić, Dimovski, Mirić, 2015); the last one, during 2021–2022, as the chapter: “Mapping Women’s Role in the History of Wars in the Former Yugoslavia, as Depicted in the Daily Newspaper Politika”, (Kostić, 2023, p. 1–31), in the monograph: *The handbook on female criminality in the former Yugoslav countries* (Stanojska, Dimovski, Maksimova, eds., 2023).

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25 Zakon o potvrđivanju konvencije Ujedinjenih Nacija protiv transnacionalnog organizovanog kriminala i dopunskih protokola, Sl. list SRJ – Međunarodni ugovori, br. 6/2001.

26 *Politika* is the oldest Serbian national daily newspaper. The first issue was published on 12 January 1904 and it has been in circulation ever since (except in the periods of the First World War and the Second World War).

27 N. Trklja (n.d.), *Uticajna stara dama (The Impactful Old Lady)*, <https://www.politika.rs/scc/stranica/4/O-nama>

28 The *Politika* online archives are available via the *Politika* online portal as of 2 July 2006. See: *Politika*, <https://www.politika.rs/scc/clanci/arhiva> (accessed: 24.02.2022).

In the first quarter of the 21st century, there are still many who will receive the news, even on a mobile phone: “I saw a lot of people dying on the road”<sup>29</sup>, along with a picture, and the interest in that will last a short time. Most of us will forget the received information very quickly, or remember it, if news of similar content is repeated, on the same or another media carrier. The smallest coverage of the citizenry receiving similar information will not lead to a connection with organized crime, but rather with *war*. It is similar to the issues of migrant smuggling by land, sea, and air, trafficking in human beings, especially women and children, as well as other forms of organized crime or transnational organized crime (hereinafter: *TOC*) in the criminological and criminal law sense (migrants; illegal arms trade, prostitution, trade in radioactive materials, trade in human organs, computer crime, money laundering, corruption).

Using different keywords gave very interesting results. The scores are: migrants (210); trade in radioactive substances (0); trade in human organs (0); computer crime (21); money laundering (933); and corruption (1).

An article from 2015 entitled “Migrants and Us” best illustrates people’s attitude towards them: “Many people from unknown and distant worlds have recently been staying in Serbia. Belgrade is also full of them. Out of the corner of our eyes, we watch them sleep in parks, bathe in fountains or eat at bakeries. Most often, however, they wait for someone to help them or show them the way to the promised European countries. They are almost silent. Like ghosts arrived from a magic lamp that someone opened and let them walk halfway around the world. They also look at us out of the corner of their eyes, then lower their heads. It turns out, in fact, that we have far more in common with those people of different skin colors and religions. The matter is simple, it is hard for us and them to accept the truth. The big world does not want them or us. I guess that is why we understand each other so well when we look at each other. That is why almost no one mistreats them here – in the last post office of Serbia”<sup>30</sup>.

In certain cases, the determined efforts of state authorities against smuggling of migrants are highlighted, which is reflected in the chosen title: “Migrants with forged documents”, in which it is stated: “Members of the Ministry of Internal Affairs of the Traffic Police Administration stopped two buses with a total of 96 migrants with forged documents, said the Minister of the Interior, Nebojsa Stefanović. ‘This is proof that the state continues its determined fight

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29 Azra Bajrić, Džemal Čatić, „Vidio sam kako mnogo ljudi umire na putu: Migranti i dalje rizikuju ka Zapadu“ (I have seen many people die on the road: Migrants continue to take risks towards the West), Radio Slobodna Evropa, <https://www.slobodnaevropa.org/a/migranti-kamp-lipa-bihac-bih-afganistanci-pakistanci-granice-migrantska-ruta/32650175.html> (accessed: 31.1.2024).

30 A. Apostolovski, *Migranti i mi (Migrants and us)*, “Politika”, 25.6.2015, <https://www.politika.rs/scclanak/331469/%D0%9C%D0%B8%D0%B3%D1%80%D0%B0%D0%BD%D1%82%D0%B8-%D0%B8-%D0%BC%D0%B8>

against the smuggling of migrants, which shows that it is well organized and takes a serious and responsible approach to this problem,' Stefanović pointed out. The Minister rejects as completely incorrect claims about the settlement of a large number of migrants in the Republic of Serbia and states that the trend has continued that, within 48 hours, approximately the same number of migrants enter and leave our country".<sup>31</sup> It is interesting that this article, which describes and emphasizes the activity of the police, is signed only with initials.

Economic analyses of the exchange rate of the dinar in relation to the daily consumption of migrants in Serbia are also interesting. The article titled "Migrants did not push the dinar"<sup>32</sup> contains, perhaps unexpectedly, an explanation of the economic, i.e. fiscal connection between the stability of the dinar and the stay of migrants in Serbia: "The dinar has been stable for a long time. Even stronger. The official middle exchange rate yesterday was 119.7 dinars, but the troublemakers from the Middle East and their consumption in Serbia are not responsible for that, as is estimated in some expert circles. In one month, the value of the dinar increased by 0.5 percent, and since the beginning of the year, by more than a full percent. These days, you can hear estimates that migrants spend around six million euros a day in Serbia. About 180 million euros per month. A little or a lot to strengthen the dinar?" Although the article has a bombastic title using the word "migrant", only the first few sentences refer to their spending in Serbia, while the rest of the article deals with fiscal issues, rather the position of migrants in Serbia.

Articles like the one from 2015 titled "Migrant minors an easy target for traffickers"<sup>33</sup> are unsigned, and transferred from the Tanjug agency. "Minor migrants unaccompanied by their parents are an easy target for human traffickers, warned Dragan Vulević from the Ministry of Labour, Veterans and Social Affairs today and said that it is necessary for all institutions in Serbia to

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31 R.H. *Migranti s falsifikovanim ispravama (Migrants with Forged Documents)*, "Politika", 29.8.2015, <https://www.politika.rs/scc/clanak/337039/%D0%9C%D0%B8%D0%B3%D1%80%D0%B0%D0%BD%D1%82%D0%B8%D1%81%D1%84%D0%B0%D0%BB%D1%81%D0%B8%D1%84%D0%B8%D0%BA%D0%BE%D0%B2%D0%B0%D0%BD%D0%B8%D0%BC%D0%B8%D1%81%D0%BF%D1%80%D0%B0%D0%B2%D0%B0%D0%BC%D0%B0>

32 J. Rabrenović, *Migranti nisu pogurali dinar (Migrants did not Push the Dinar)*, "Politika", 2.10.2015, <https://www.politika.rs/scc/clanak/339753/%D0%9C%D0%B8%D0%B3%D1%80%D0%B0%D0%BD%D1%82%D0%B8-%D0%BD%D0%B8%D1%81%D1%83-%D0%BF%D0%BE%D0%B3%D1%83%D1%80%D0%B0%D0%B-%D0%B8-%D0%B4%D0%B8%D0%BD%D0%B0%D1%80>

33 *Maloletni migranti laka meta za trgovce ljudima (Minor Migrants are an Easy Target for Human Traffickers)*, "Politika", 23.8.2015, <https://www.politika.rs/scc/clanak/336452/%D0%9C%D0%B0%D0%BB%D0%BE%D0%BB%D0%B5%D1%82%D0%BD%D0%B8-%D0%BC%D0%B8%D0%B3%D1%80%D0%B0%D0%B-D%D1%82%D0%B8-%D0%BB%D0%B0%D0%BA%D0%B0-%D0%BC%D0%B5%D1%82%D0%B0-%D0%B7%D0%B0-%D1%82%D1%80%D0%B3%D0%BE%D0%B2%D0%B0%D1%86%D0%B5-%D1%99%D1%83%D0%B4%D0%B8%D0%BC%D0%B0>

act preventively. He said that in reception centers in Serbia, underage migrants are provided with safety, health care and living conditions”.

Apart from their exposure to victimization, particularly sensitive groups of children, the elderly and the sick, there are also visible inscriptions about their criminal activity: “Migrants attacked cafe guests in Pirot with knives”<sup>34</sup>. It is interesting that this article has comments from readers, with negative connotations in which migrants are equated with terrorists.

These are just some of the 2.010 hits in which migrants are mentioned in the headlines of „Politika”, in the period from 2006 until today. This discrepancy in the number of published articles clearly indicates the following: newspaper articles on various forms of TOC more often deal with issues in which the subjective characteristics of the victim are not discernible. Nevertheless, regardless of the central focus on the study of the victim's personality, all their activities in interaction in the mechanism of suffering (victimization), i.e. the phenomenological and etiological features of a certain personality and the process of their suffering, there is also a need to study collective and abstract victims, then mass victims during violations of the norms of international humanitarian law or victims of certain forms of deviance, such as prostitution or drug addiction, for example. Consumers of such a respectable daily press can hardly perceive this goal of victimology, without special education (lawyer, sociologist, political scientist). Exclusivity of observation does not affect the reduction in the extent of TOC victimization.

## 5. Concluding Remarks and Considerations

Observations and insights gained on the basis of the „Politika” newspaper articles in the primary (orientation) research sample, along with the research goals, can be summarized in several conclusions. First, a large number of articles contain examples of TOC, where that name is either missing or the content of the article does not sufficiently emphasize the danger of this type of crime (as a sample of general victimology content). Next, several articles point to the need to find appropriate ways to address the survivors' trauma and empower victims. Some articles indicate the need for proper institutional response to complaints and protection of victims' rights, rather in the context of war victims than organized prostitution, for example. Additionally, some articles

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<sup>34</sup> *Migranti noževima napali goste kafića u Pirotu (Migrants Attack Cafe Guests in Pirot with Knives)*, “Politika”, 3.9.2023, <https://www.politika.rs/scc/clanak/569527/%D0%9C%D0%B8%D0%B3%D1%80%D0%B0%D0%BD%D1%82%D0%B8-%D0%BD%D0%BE%D0%B6%D0%B5%D0%B2%D0%B8%D0%BC%D0%B0-%D0%BD%D0%B0%D0%BF%D0%B0%D0%BB%D0%B8-%D0%B3%D0%BE%D1%81%D1%82%D0%B5-%D0%BA%D0%B0%D1%84%D0%B8%D1%9B%D0%B0-%D1%83-%D0%9F%D0%B8%D1%80%D0%BE%D1%82%D1%83>



containing the key search terms (such as OC, organized prostitution) do not correspond to the expected content in any way.

Finally, some questions remain: who are the victims of TOC? Do they have their own families, parents, brothers, and sisters? More importantly, what happens to them after being victimized by TOC? The basic question for citizens is how and in what way the retributive justice bodies reacted to cases of TOC victimization. We stand for a solid concept of criminal victimology and a clear role of retributive justice in punishing perpetrators. The interest of these first victimologists continues to influence the formation of one of the main approaches that continues within today's victimology. This approach is called penal victimology, in contrast to what is referred to as general victimology. For the followers of criminal victimology, the field of interest is defined by criminal law: victimology is the science of victims of illegal behavior that is incriminated by provisions of criminal law. Research in the field of this victimological direction connects the data related to the causes of the crime with the data related to the role of the victim in the origin of the crime. Criminal victimology looks for a dynamic, mutual interaction between the victim and the perpetrator. A convenient alternative name for this stream would be interactionist victimology.

Based on the above, the author offers several suggestions for further research. The research should include an insight into all articles published in the daily newspaper „Politika” from the outset of the 20<sup>th</sup> century, which would be geographically and temporally related to the suffering and/or delinquency of TOC victims. There is a need to draw attention to the social phenomena arising as a consequence of TOC: poverty, sexual abuse of women, handling survivors' trauma, etc. Newspaper articles on victim's experiences of TOC should be made more visible and available to the readership by providing content-specific tags on the „Politika” online platform (weekly forum); readership should be made more aware of the examples of good and bad journalistic practices related to the way of writing about the TOC victims, to preclude bias and social stigma. There is also a need to seek and advocate for cooperation with journalists in emphasizing examples of good practice in reporting on TOC victims. Considering that the same names of journalists who write about TOC forms often appear, „Politika” editorial board needs to conduct interviews with these journalists, to see their courage and journalistic ethics in reporting on the manifestations of TOC and the immediate victims.

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## Challenges in Migrations: Combating Trafficking in Human Beings in Serbia

### Abstract

The state laws of the Republic of Serbia recognize trafficking in human beings as a form of organized criminal activity, and different acts treat the prevention, repression and punishment of trafficking in human beings as well as the protection of the witnesses and the injured persons, before, in the course of and after the criminal prosecution. The Council of the Government of the Republic of Serbia for the fight against human trafficking was first constituted in December 2005, as an expert, advisory body of the Government. The Constitution of the Republic of Serbia from 2006 deals with the issue of human trafficking in the provision of Article 26: “It is expressly forbidden that no one can be held in slavery or in a position similar to slavery, that is, every form of human trafficking and forced labor under which it is considered sexual or economic exploitation of persons in a disadvantaged position”. The Criminal Code sanctioned: Human Trafficking (Art. 388); Trafficking in children for adoption (Art. 389); Establishment of slavery and transportation of persons in slavery (Art. 390). People smuggling is criminalized as a separate criminal offense under Unauthorized Crossing of the State Border and People

Smuggling (Art. 350). The aims of this work are to indicate all relevant regulations that are applied against human trafficking in Serbia as well as to show the cooperation of Serbia as a candidate country and EU accession with other countries in the fight against human trafficking and the cooperation of state authorities and non-governmental organizations in preventing human trafficking in Serbia and abroad. At last, the cases of migrants and human trafficking described in the media are presented and what kind of attention these criminological phenomena are causing in Serbia.

**Keywords:** migrations, trafficking in human beings, Serbia, media reports

## Wyzwania związane z migracjami. Zwalczanie handlu ludźmi w Serbii

### Streszczenie

Prawo państwowe Republiki Serbii uznaje handel ludźmi za formę zorganizowanej działalności przestępczej, a różne akty prawne regulują zapobieganie, zwalczanie i karanie handlu ludźmi, a także ochronę świadków oraz osób poszkodowanych przed, w trakcie i po postępowaniu karnym. Rada Rządu Republiki Serbii ds. walki z handlem ludźmi została powołana po raz pierwszy w grudniu 2005 r. jako eksperckie ciało doradcze Rządu. Konstytucja Republiki Serbii z 2006 r. porusza kwestię handlu ludźmi w artykule 26: „Stanowczo zabrania się, aby ktokolwiek był trzymany w niewoli lub w warunkach podobnych do niewoli, tj. każdej formy handlu ludźmi i pracy przymusowej, pod którą rozumie się seksualne lub ekonomiczne wykorzystywanie osób znajdujących się w niekorzystnej sytuacji”. Kodeks karny przewiduje sankcje za: handel ludźmi (art. 388); handel dziećmi w celach adopcyjnych (art. 389); ustanawianie niewolnictwa i transport osób w niewoli (art. 390). Przemyt ludzi został skryminalizowany jako odrębne przestępstwo w artykule dotyczącym nielegalnego przekraczania granicy państwowej i przemytu osób (art. 350).

Celem niniejszego opracowania jest wskazanie wszystkich istotnych regulacji stosowanych w walce z handlem ludźmi w Serbii, a także ukazanie współpracy Serbii jako kraju kandydującego do UE z innymi państwami w tej walce oraz współpracy organów państwowych i organizacji pozarządowych w zapobieganiu handlowi ludźmi w Serbii i za granicą. Na koniec przedstawiono przypadki migrantów i handlu ludźmi opisywane w mediach oraz analizę, jakie zainteresowanie te zjawiska kryminologiczne wzbudzają w Serbii.

**Słowa kluczowe:** migracje, handel ludźmi, Serbia, relacje medialne

