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## TRAFFICKING IN WOMEN FOR THE PURPOSE OF SEXUAL EXPLOITATION ON THE TERRITORY OF THE FORMER YUGOSLAVIA

*Trafficking in women for the purpose of sexual exploitation as a means of sexual enslavement is one of the most frequent and acutest forms of organized crime on the territory of the six republics of the former Yugoslavia. Geopolitically, this area is a part of South-Eastern Europe, which belongs to the main sources of trafficking in women in the world according to the dynamics and volume of the exploitation and its figures can be compared only to Asia. Although in the context of South-Eastern Europe the figures reach the level of 120,000 victims per year, this number is definitely bigger considering the well organized (mostly international) criminal network which easily escapes judicial bodies and the disinclination of victims to willingly speak about their traumas. The complexity of the problem is especially evident on the territory of the former Yugoslavia, which intensified some existing and created some new forms of women discrimination during the chaotic war and post-war period in the last decade of the 20th century. Impoverished economy, unemployment, under-representation of women in various aspects of life, the rapid increase of crime and violence, the lack of effective control and sanctions over perpetrators of criminal offences are only some of the consequences which have negatively influenced the position of women and contributed to the spreading of trafficking in women for the purpose of sexual exploitation. Despite of efforts to implement international standards for the suppressing of trafficking and accordingly, to articulate efficient national legislation, the countries are still facing the problems of fighting this increasing form of organized crime. The so-called trichotomy of the region significantly contributes to it: this area is at the same time a place of recruiting women victims of trafficking, their transitional area and final destination.*

*The authors of this paper are trying to indicate existing forms and characteristics of trafficking in women for the purpose of sexual exploitation in transitional societies of the former Yugoslavia (primarily, causes and effects) and legal solutions for this problem both de lege lata and de lege ferenda.*

**Key words:** *trafficking in women, sexual exploitation, modern slavery, the former Yugoslavia, trichotomy of the region.*

## INTRODUCTORY REMARKS

The great socio-political changes which affected South-Eastern Europe in the 1990s, have had numerous negative repercussions on the already impoverished economy of this part of Europe. Democratic transition in multi-party systems has often been followed by a poor adjustment to the capitalist way of thinking, uncoordinated privatization and a significant increase of corruption and organized crime. Beside the political changes stated hereinabove and their consequences, the area of the former Yugoslavia has also experienced great territorial changes characterized by complex armed conflicts. It was the chaotic war and post-war period in this part of South-Eastern Europe that initiated the development of some existing forms of organized crime and genesis of the new ones, among which trafficking in women for the purpose of sexual exploitation has a special spot. The emphasis of this paper is put on the position of the female population in the former Yugoslavia in context of trafficking, since it is evident that the problems stated hereinabove have brought, among all, to the feminization of poverty of this part of Europe and to the fact that the percentage of female victims of trafficking is considerably higher than the percentage of male victims<sup>1</sup>. The most frequent estimation of the number of women victims of trafficking in the area of South-Eastern Europe is 120,000 victims per year<sup>2</sup>. It is almost impossible to determine that number precisely<sup>3</sup> due to the

<sup>1</sup> Reported cases of trafficking in men are usually related to labour market. See *Trafficking in Persons: Global Patterns*, United Nations Office on Drug and Crime (UNODC), April 2006, p. 33.

<sup>2</sup> Laczko, Fran; Klekowski von Koppenfels, Amanda; Barthel, Jana, *Trafficking in Women from Central and Eastern Europe: A Review of Statistical Data*, in: *New Challenges for Migration Policy in Central and Eastern Europe*, Laczko, Fran et al. (ed.), International Organization for Migration (IOM), International Centre for Migration Policy Development and T. M. C. Asser Press, The Hague, 2002, p. 157.

<sup>3</sup> Hirsch, Michèle, *Plan of Action Against Trafficking in Women and Forced Prostitution*, EG (96) 2, Strasbourg, 9 April

fact that the sophisticatedly organized network of international crime tactfully avoids the control of judicial systems in some European countries and that female victims are often unwilling to talk about their inclusion in illegal actions. However, rough estimations of the number indicate the fact that South-Eastern Europe is, next to Asia, the biggest focal point of trafficking in women for the purpose of sexual exploitation<sup>4</sup>.

## Trafficking in Women for the Purpose of Sexual Exploitation as a Form of Modern Slavery – The Survey of Basic International-Law Provisions

There are no doubts that this form of organized crime has gradually evolved in a global problem, and is now often called “slavery of the third generation” or “modern slavery”<sup>5</sup> due to its roots in slave-holding relations. This connection between slavery and trafficking is proved by the international-law documents which have been regulating the subject matter of trafficking since the beginning of the 20<sup>th</sup> century. Among them, the connection is especially evident in the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution

1996, pp. 9 – 10.

<sup>4</sup> Corizan, Katrin, *Putting the Breaks on the Global Trafficking of Women for the Sex Trade: An Analysis of Existing Regulatory Schemes to Stop the Flow of Traffic*, Fordham International Law Journal, 2001-2002, Vol. 25, No. 1, p. 154, note 14.

<sup>5</sup> This term is based on the division of the fight against slavery in three stages: the first stage refers to the prevention of the slave trade which took place on the sea, the second stage comprises the prevention of the slave trade in Africa, while the third stage summarizes modern forms of inferior positions similar to slavery, e.g. trafficking in human beings. See Andrassy, Juraj; Bakotic, Božidar; Vukas, Budislav, *Međunarodno pravo I*, Školska knjiga, Zagreb, 1998, p. 292.

<sup>6</sup> See e.g. *Council of Europe Convention on Action Against Trafficking in Human Beings and Its Explanatory Report*, Warsaw, 16 May 2005, Council of Europe Treaty Series, No. 197, para 3.

of Others<sup>7</sup> and its 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery<sup>8</sup>. Already in the 1949 UN Convention trafficking in persons for the purpose of the prostitution is described as an act “incompatible with the dignity and worth of the human person” which endangers “the welfare of the individual, the family and the community” (preamble), and States Parties to the Convention are obliged to punish any person who “exploits the prostitution of another person, even with the consent of that person” (Art. 1 para 2).

Even the most comprehensive international document on women, the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), or the so-called international bill of rights for women, explicitly mentions trafficking as a form of discrimination against women, and in its Art. 6 it states that “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of

<sup>7</sup> A/RES/317 (IV), 2 December 1949. The Convention stated hereinabove has consolidated some earlier international documents: *International Agreement of 18 May 1904 for the Suppression of the White Slave Traffic*, as amended by the Protocol Approved by the General Assembly of the United Nations on 3 December 1948 (*International Treaty Series*, Vol. 92, p. 19), *International Convention of 4 May 1910 for the Suppression of the White Slave Traffic*, as amended by the above-mentioned Protocol (United Nations, Treaty Series, Vol. 98 p. 109), *International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children*, as amended by the Protocol approved by the General Assembly of the United Nations on 20 October 1947 (United Nations, Treaty Series, Vol. 53 p. 39, Vol. 65 p. 333, Vol. 76 p. 281, and Vol. 77 p. 364) and *International Convention of 11 October 1933 for the Suppression of the Traffic in Women of Full Age*, as amended by the aforesaid Protocol (United Nations, Treaty Series, Vol. 53 p. 49, Vol. 65 p. 334, Vol. 76 p. 282, and Vol. 77 p. 363), as well as the 1937 draft Convention of the League of Nations.

These international-law documents are a proof that the problem of trafficking in women is one of the first issues that has been singled out and legally regulated within the framework of the system of women’s rights protection. E/1956/608 (XXI), 30 April 1956.

women”<sup>9</sup>. The surveillance over fulfilment of state obligations contained in the Convention is carried out by the Committee on the Elimination of Discrimination against Women, based on the authorities provided by Part V of the Convention. The States Parties to the Convention are obliged to submit reports on the measures of women’s rights protection on their territories to the Committee at least every four years, including information on trafficking in women<sup>10</sup>.

The 2000 United Nations Convention against Transnational Organized Crime is of the crucial importance for the efficient prevention of trafficking in persons as a form of organized crime, and especially important is its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the so-called Palermo Protocol)<sup>11</sup>. The latter document is the most

<sup>9</sup> A/RES/34/180, 18 December 1979. This Convention followed the adoption of the 1967 *United Nations Declaration on Elimination of Discrimination against Women* (A/RES/2263 (XXII), 7 November 1967) which also pleads for the adoption of measures for the prevention of all forms of trafficking in women (Art. 8). The 1979 Convention is a proof of the persistence of the international community to provide necessary legal strength for norms on the ban of discrimination against women. Today more than 90% of the member states of the United Nations belong to the parties of the 1979 Convention (182, as of 2 March 2006), and according to numerosness this Convention is only exceeded by the 1989 *Convention on the Rights of the Child*.

<sup>10</sup> The reports of the states are delivered to the Committee through the UN Secretary-General (Art. 18 para 1). The Committee submits the report on its work to the UN General Assembly through the UN Economic and Social Council (Art. 21 para 1), and final reports of the Committee the UN Secretary-General delivers to the Commission on the Status of Women (Art. 21 para 2). The competence of the Committee to receive and consider reports of the States Parties is more thoroughly substantiated in the 1999 *Optional Protocol to the CEDAW* (A/RES/54/4, 15 October 1999). Until now each state of the former Yugoslavia, except Serbia and Montenegro, has fulfilled its obligation to make and submit the report.

<sup>11</sup> A/RES/55/25, 8 January 2001. Considering the fact that trafficking is often connected with illegal smuggling of human beings, the *Convention against Transnational Organized Crime* and the *Protocol against Smuggling of Migrants by Land, Sea and Air* are also worth mentioning. The latter has been adopted by the same resolution of the UN General Assembly as the Convention and Protocol

universal instrument that addresses all aspects of trafficking in persons, e.g. prevention, international cooperation and cooperation with civil society, protection of victims, etc. The exceptional value of the Palermo Protocol is hidden in the fact that it is the first international document that contains internationally binding definition of the term "trafficking in persons". The following definition is incorporated in Art. 3 of the Protocol: "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or any other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of the exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs".<sup>12</sup>

This definition is also incorporated in other international documents, among which the 2005 Council of Europe Convention on Action against Trafficking in Human Beings is especially worth mentioning, since it is the first European legally binding document that

on Trafficking. The aim of smuggling of migrants is the unlawful cross-border transport in order to obtain, directly or indirectly, a financial or other material benefit, while the purpose of trafficking in persons is exploitation. Moreover, trafficking in human beings can exist at national level, which makes it different from smuggling that always includes a transnational element. See *Council of Europe Convention on Action Against Trafficking in Human Beings and Its Explanatory Report*, op. cit. (note 6), para 7. At the conference in Palermo of the year 2000 *Anti-trafficking Declaration of South Eastern Europe* was adopted which has served as a legal basis for several Regional Ministerial Forums, e.g. in Palermo in 2000, in Zagreb in 2001, in Tirana in 2002 and in Sofia in 2003. At the mentioned Forums representatives of Ministries of Internal Affairs of South-Eastern European states signed Statements of commitment which make them obliged to take various measures for fighting trafficking in persons. CEDAW/C/CRO/2-3, 27 October 2003, para 6. 1., p. 30.

<sup>12</sup> A/RES/55/25, 8 January 2001, Annex II.

regulates the problem of trafficking<sup>13</sup>. The 2005 Convention is the result of the 20-year work of the Council of Europe on the arrangement and codification of the subject matter of trafficking in persons<sup>14</sup>, and once when it comes into force, it will have an important role in the prevention and sanctioning of this form of crime<sup>15</sup>. Unlike the 2000 Palermo Protocol, this Convention applies to all forms of trafficking: whether national or international, whether or not related to organized crime, and at the same time it does not affect the provisions of the 2000 Palermo Protocol. All former Yugoslav republics are members of the Council of Europe and this regional international organization has a great influence in the region, especially in the area of women's rights protection. A part of its influence is realized through the Stability Pact for South-Eastern Europe, a comprehensive project created on the initiative of the European Union in 1999 aiming at strengthening peace, democracy, respect for human rights and

<sup>13</sup> *Council of Europe Convention on Action Against Trafficking in Human Beings and Its Explanatory Report*, loc. cit. (note 6). Trafficking in persons is defined in Art. 4 of the 2005 Convention.

<sup>14</sup> Particular segments of trafficking in persons were regulated earlier by numerous recommendations of the Committee of Ministers of the Council of Europe (e.g. Rec (1991) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in children and young adults, Rec (2000) 11 on action against trafficking in human beings for the purpose of sexual exploitation, Rec (2001) 11 concerning guiding principles on the fight against organized crime, Rec (2001) 16 on the protection of children against sexual exploitation, Rec (2002) 5 on the protection of women against violence) and of the Parliamentary Assembly of the Council of Europe (e.g. Rec (1997) 1325 on traffic in women and forced prostitution in Council of Europe member States, Rec (2000) 1450 on violence against women in Europe, Rec (2001) 1523 on domestic slavery, Rec (2002) 1545 on a campaign against trafficking in women, Rec (2003) 1610 on migration connected with trafficking in women and prostitution). See Official pages of the Council of Europe, World wide web URL: [http://www.coe.int/T/E/human\\_rights/Trafficking3\\_Documents/International\\_legal\\_instruments/2\\_CM\\_adopted\\_texts.asp#TopOfPage](http://www.coe.int/T/E/human_rights/Trafficking3_Documents/International_legal_instruments/2_CM_adopted_texts.asp#TopOfPage).

<sup>15</sup> In order to come into force, the 2005 Convention should be ratified by 10 states, including 8 Member States of the Council of Europe. All former Yugoslav republics have signed the Convention, and so far it has been ratified only by Moldova.

economic prosperity in the countries of South-Eastern Europe<sup>16</sup>. Within the framework of the Stability Pact a special authorized body for fighting trafficking in persons in South-Eastern Europe has been formed: Stability Pact Task Force on Trafficking in Human Beings and as a result of this project, nearly all countries covered by the Stability Pact adopted national global action plans against trafficking in persons. All that proves the awareness of the international community for the necessity to regulate one of the major problems in Europe today<sup>17</sup>.

The list of international documents and initiatives on trafficking in women is not completed by the survey hereinabove but for the sake of this paper only significant ones have been pointed out.

Basic Characteristics of the Existing Forms of Trafficking in Women for the Purpose of Sexual Exploitation on the Territory of the Former Yugoslavia

Although the number of women involved in trafficking for the purpose of sexual exploitation on the territory of the former Yugoslavia is smaller than in some other countries of South-Eastern Europe (e.g. Romania, Bulgaria or Moldova), the problem of trafficking is there especially complex due to strong area trichotomy: all the states are simultaneously more or less the place of recruiting women victims of trafficking, their transit area and final destination. For example, Bosnia and Herzegovina, Macedonia and Serbia and Montenegro are registered as an area of a high risk of victim transit, while Bosnia and Herzegovina has been described

<sup>16</sup> The Pact Programme comprises all the states of the former Yugoslavia, excluding Slovenia. The aims of the Pact are realized through coordination and cooperation of a great number of international organizations (before all, European Union, Organization for Security and Cooperation in Europe and Council of Europe), their bodies and some member states.

<sup>17</sup> *Council of Europe Convention on Action against Trafficking in Human Beings and Its Explanatory Report*, op. cit. (note 6), para 1. All indicators point to an increase in victim number.

as their favourite potential final destination<sup>18</sup> as well. Considering other segments of this form of trafficking, other states of the former Yugoslavia have been, excluding Slovenia, described as states of a moderate risk<sup>19</sup>. On this territory trafficking in women for the purpose of sexual exploitation is present both as an international and internal criminal activity, and the so-called intra-regional trafficking has also been reported<sup>20</sup>, e.g. Croatia is a reported destination for Bosnian women<sup>21</sup>, Bosnia, Slovenia and Macedonia are reported destinations for Serbian women<sup>22</sup>, Serbia and Montenegro is a reported destination for Croatian women<sup>23</sup>, etc.

The complexity of relating problematic requires a multidisciplinary approach to the problem, which, based on the Explanatory Report to the 2005 Council of Europe Convention, must necessarily comprise prevention, protection of human rights of victims and prosecution of traffickers, as well as harmonisation of relevant national laws and insurance that these laws are applied uniformly and effectively<sup>24</sup>. Excluding an adequate legal reform, the experience of the states of the former Yugoslavia has shown that for an efficient prevention of trafficking in women for the purpose of sexual exploitation it is

<sup>18</sup> The victims are mostly citizens of Bulgaria, Moldova, Romania, Ukraine and Albania on their way to some highly developed European countries (especially Italy, the UK and France), but also to the states of the former Yugoslavia (especially Serbia and Montenegro and Bosnia and Herzegovina). See *Appendices to the Report "Trafficking in Persons: Global Patterns", United Nations Office for Drug and Crime (UNODC)*, April 2006, p. 43, 76, 197, 203 and 221.

<sup>19</sup> Slovenia has been reported as a transit area and final destination of a low risk. See *ibid.*, p. 203.

<sup>20</sup> *Trafficking in Persons: Global Patterns, United Nations Office on Drug and Crime (UNODC)*, op. cit. (note 1), p. 26.

<sup>21</sup> See *Appendices to the Report "Trafficking in Persons: Global Patterns", United Nations Office for Drug and Crime (UNODC)*, loc. cit. (note 18), p. 43.

<sup>22</sup> See *ibid.*, p. 197.

<sup>23</sup> See *ibid.*, p. 76.

<sup>24</sup> *Council of Europe Convention on Action Against Trafficking in Human Beings and Its Explanatory Report*, op. cit. (note 6), para 4.

necessary to establish regional cooperation and coordination, to work on additional education of police officers and judges<sup>25</sup>, to establish a protection programme, to provide assistance to women victims, to achieve a better media inclusion in preparing public for the problem and to entice financing and work of various NGO's and local communities on accepting a proactive approach to the prevention of trafficking<sup>26</sup>.

The causes of trafficking in persons on the territory of the former Yugoslavia are, in most cases, the same as in other parts of the world affected by this form of crime. From the standpoint of traffickers, trafficking in persons represents a big source of income and today it is the 3rd largest illicit money making venture in the world after trafficking of weapons and drugs<sup>27</sup>. In search for women victims traffickers are primarily concentrated

<sup>25</sup> It is hard to expect success in fight against trafficking without adequate education of police officers who are in touch with victims or traffickers. Accordingly, a research in Croatia has shown two negative trends in considerations of the police officers: the first one is the ignoring or minimalization of the problem, and the second is justifying the situation by the lack of education, resources and a clear plan for the action. However, in the Croatian Ministry of Interior there are several departments authorized for criminal acts related to trafficking in women for the purpose of sexual exploitation: Department for Organized Crime, Department for Fighting Prostitution, Border Police Department and Department for Foreigners and Illegal Migrations. See Štulhofer, Aleksandar, Rabotež-Sarić, Zora; Mariniović, Lovorka, *Trgovanje ženama i djecom u Hrvatskoj u svjetlu selektivnog iskoristavanja*, Pilot istraživanje, Centar za istraživanje tranzicije i civilnog društva, Međunarodna organizacija za migracije (IOM), Zagreb, 2002, p. 8 and 35. In 2004, a special anti-trafficking training was incorporated in the curriculum of police academies which is intended to additionally educate about 1600 police officers. Considering judges and prosecutors, the Judicial Academy held a special case-study seminar with the topic trafficking in February 2005. The seminar was participated by 15 judges and prosecutors. See *Trafficking in Persons Report*, Department of State of the United States of America, June 2005, p. 90.

<sup>26</sup> See Štulhofer, Aleksandar et al., *ibid.*, pp. 10 - 11.

<sup>27</sup> *Council of Europe Convention on Action against Trafficking in Human Beings and Its Explanatory Report*, op. cit. (note 6), para 5. The largest number of traffickers are nationals of Asian countries followed by traffickers from Central and South-Eastern Europe, including those from the former Yugoslavia. See *Trafficking in Persons: Global Patterns*, op. cit. (note 1), pp. 34 - 35.

on the countries affected by recession. Consequently, it is not strange that this form of trafficking is symbolically called "the trade in human misery"<sup>28</sup>. The states of the former Yugoslavia have reported an increase in trafficking in women for the purpose of sexual exploitation during the period of the federation fall, which has already been mentioned in the introductory remarks.

Women become victims of trafficking for the purpose of sexual exploitation both voluntarily or under duress, and the reasons for their inclusion in these illegal actions lie in poor economic situations in the countries where they come from. The poor economic situations reflect in increased poverty and unemployment in the first place. Accordingly, migration of women is prompted primarily by a search for work<sup>29</sup>, although new migratory movements have also been reported in the last ten years. In the past women used to leave poor countries and head for rich countries in order to join men in the family who had left their countries of origin before, while today women themselves represent the head of the family and they emigrate in order to find work and send money to their families in a country of origin<sup>30</sup>.

What is common to all women victims of trafficking is the fact that they represent an extremely isolated and manipulated group, which face not only various forms of violation of their basic rights, violence, least favourable working conditions, psychological and physical diseases, but moral condemnation of their environment as well. The models of inclusion of women in trafficking for the purpose of sexual exploitation are various, but the most common ones are abduction, coercion,

<sup>28</sup> See Bruch, Elizabeth M., *Models Wanted: The Search for an Effective Response to Human Trafficking*, Stamford Journal of International Law, 2004, Vol. 40, No. 1, p. 44.

<sup>29</sup> Hirsch, Michèle, *Plan of Action Against Traffic in Women and Forced Prostitution*, op. cit. (note 3), p. 4.

<sup>30</sup> See *ibid.*, p. 15.

violence or violent threats, blackmail, fraud, deception or other forms of exploitation which violate their human rights. In most cases, only women victims of trafficking are incriminated, while their clients remain anonymous or completely invisible, except in cases of child sex abuse or rape<sup>31</sup>. Practices of states considering the treatment of arrested women victims of trafficking is not standardized. Either immediately or at some later point, they might be repatriated to their origin country, relocated in a third country or deported from destination or transit countries as illegal migrants<sup>32</sup>.

Although all the states of the former Yugoslavia have taken certain steps in recognizing, prevention and sanctioning of the problem of trafficking in women for the purpose of sexual exploitation<sup>33</sup>, the actions taken so far are of fragmentary nature, and statistics on victim number are unreliable. For example, the data on illegal state border crossing show an increase in illegal migration over the territory of the Republic of Croatia in the last decade, but due to the lack of procedure of distinguishing victims of smuggling from victims of trafficking, the official data usually refer to the category of illegal migrants in general<sup>34</sup>. Arrested women are often interrogated not as victims of trafficking but as illegal migrants, and therefore they are the only ones who face legal sanctions. The only way to correct this injustice to women victims of trafficking for the purpose of sexual exploitation is to make

<sup>31</sup> See *ibid.*, p. 4.

<sup>32</sup> *Trafficking in Persons: Global Patterns*, op. cit. (note 1), p. 17.

<sup>33</sup> The fact that all the states of the former Yugoslavia have signed or ratified the international documents stated hereinabove which regulate the subject matter of trafficking in women, or the fact that they have become parties to them by act of notification of successions to conventions (in case of previously adopted conventions in which the former Yugoslavia was a party), have to be emphasized as valuable information. These international documents served later as a basis of forming national policies.

<sup>34</sup> Štulhofer, Aleksandar et al., op. cit. (note 25), p. 7.

a clear distinction between the two notions stated hereinabove in a way that the notion trafficking in women is understood as *lex specialis* of the illegal transfer of persons across the state border.

### The Republic of Croatia

Croatia is, before all, a transit area for women victims of trafficking for the purpose of sexual exploitation and a transit area for victims trafficked out of the Balkans to various countries, especially to Italy and other Western European countries, and to Bosnia and Herzegovina<sup>35</sup>. However, the role of Croatia as a country of origin<sup>36</sup> and country of destination<sup>37</sup> is also not negligible. In the first half of the 1990s, trafficking in women in Croatia was primarily concentrated on the area around Zagreb, and the main route came from Hungary. The first phase of trafficking was ended by efficient police interventions in various night clubs during 1996 and 1997. By the time trafficking in women in Croatia has spread and since the second half of the 1990s numerous tourist destinations on the Adriatic have become final destinations of victims of sexual exploitation. At the same time the so called "Hungarian connection" was replaced by the so called "Bosnia-Herzegovinian connection"<sup>38</sup>. Registered victims came mostly from Ukraine, Moldova or other states of the former Soviet Union and from Hungary, while the traffickers were almost always Croats. Their number is unknown due to the fact that there has not been any systematic research on trafficking in women for the purpose of sexual exploitation. However, in year 2002 the

<sup>35</sup> See *Appendices to the Report "Trafficking in Persons: Global Patterns"*, loc. cit. (note 23).

<sup>36</sup> Reported final destinations for women victims of trafficking are Austria, Italy, Spain, Cyprus, France, Germany, the Netherlands, Serbia and Montenegro, Switzerland and Turkey. See *ibid.*

<sup>37</sup> As countries of origin of women victims of trafficking the following states are reported: Ukraine, Bosnia and Herzegovina, Hungary, Iran and Romania. See *ibid.*

<sup>38</sup> See Štulhofer, Aleksandar et al., op. cit. (note 25), p. 8.

Government initiated official statistics on the number of victims of trafficking in women and the data gathered by the end of 2005 discover 40 trafficked persons, out of which 36 cases referred to sexual exploitation.<sup>39</sup> At the same time, one should be worried about the phenomenon reported in 2005: out of 5 registered victims of trafficking there were 4 women, 3 persons were minors, and one person had recently become a major. Their average age was only 17.4, which is frightening information compared to the previous year when the average victim age was only 24.4.<sup>40</sup> During 2004 the Government reported 17 investigations and four convictions against traffickers and sentences ranged from seven months to nine years<sup>41</sup>.

In the last couple of years the Croatian authorities have actively involved in fight against trafficking through the adjustment of the Croatian legislature and establishing special bodies such as the National Committee for Suppression of Trafficking in Persons. The main task of the Committee is the adoption of the National Plan for Suppression of Trafficking in Persons<sup>42</sup>. Considering

<sup>39</sup> See Sokolar, Zlatko, *Activities of the borderline police on the area of the suppression of trafficking in persons*, International Conference "Stop Trafficking in Human Beings", Cavtat, Croatia, 18-20 October 2005, World Wide Web URL <http://www.ljudskoprava-vlada.hr/Download/2005/12/16/Sokolar.ppt>.

<sup>40</sup> See *ibid.*

<sup>41</sup> *Trafficking in Persons Report*, loc. cit. (note 25).

<sup>42</sup> *Official Gazette of the Republic of Croatia*, No. 54/02. The National Committee was established in May 2002, and its work and the work of its two relating bodies attached to it in 2004 (the Operating Team and the Working Group for Trafficking in Children) are coordinated by the Office for Human Rights of the Croatian Government. The key role in the work of the bodies has the National Coordinator, which is simultaneously the head of the Office for Human Rights. These activities are a part of the *National Programme for Suppression of Trafficking in Persons*. The implementation of the programme for the period 2005 - 2008 is currently in progress. The programme was adopted by the Government at the end of 2004. Furthermore, the *Action Plan* compatible to the National programme is made every year. An increase in under-age victims of trafficking in Croatia enticed the Croatian Government to adopt the *National Plan for Suppression of Trafficking in Children* for the period 2005 - 2007.

the Law on Asylum<sup>43</sup>, the Law on Responsibility of Legal Persons for Criminal Acts<sup>44</sup>, etc. Numerous other activities of the Croatian Government include funding new anti-trafficking awareness campaigns, law enforcement trainings, building a shelter for victims<sup>45</sup>, SOS phone line, etc<sup>46</sup>. The drafting of the Law on Protection of Victims of Trafficking and drafting the Protocol for Procedure Related to Care for Under Aged Victims of Trafficking was announced at the workshop organized by the Office for Human Rights of the Government of the Republic of Croatia in 2004, but no concrete measures have been taken so far<sup>47</sup>. Despite the progress, Croatia must inevitably make every effort to carry out investigations, prosecutions and convictions of traffickers, victim identification and protection, public

regulating their entrance, movement, stay and work in Croatia. One of the possible solutions for this problem is providing a permit for temporary stay which is valid up to one year after the issuing, with the possibility of extension to two years at most. (Art. 35). In 2004 the Government issued 3 permits, and in 2005 4 permits for temporary stay. See *Trafficking in Persons Report*, loc. cit. (note 25); See also Sokolar, Zlatko, *Activities of the borderline police on the area of the suppression of trafficking in persons*, loc. cit. (note 39).

<sup>43</sup> *Official Gazette of the Republic of Croatia*, No. 103/03.

<sup>44</sup> *Official Gazette of the Republic of Croatia*, No. 151/03.

<sup>45</sup> The official shelter was established in July 2003 under the auspices of the former Ministry of Labour and Social Welfare. Until then assistance to women victims of trafficking had been provided by the so-called women's houses like the Centre for Women Rosa in Zagreb and the shelter of the Women's group Karlovač "Step". Apart from the main shelter in Zagreb, three other reception centres have been established in different regions of Croatia.

<sup>46</sup> For example, the Ministry of Education was responsible for further educational training of teachers, the Ministry of Health and Social Welfare for physicians and the Ministry of Foreign Affairs for consular staff. The Ministry of Legal Affairs was also involved in the part of legal regulations of trafficking, and the former Ministry of Labour and Social Welfare (now divided into the Ministry of Economy, Labour and Entrepreneurship and the Ministry of Health and Social Welfare) in the part of providing assistance to minor victims without escort (through decentralized welfare centres). See *Trafficking in Persons Report*, loc. cit. (note 25).

<sup>47</sup> CEDAW/PSWG/2005/1/CRP.2/Add.1, 2 November 2004, Question 13, p. 13.

awareness efforts and coordination<sup>48</sup>. These measures are necessary to prevent trafficking from becoming a tolerable occurrence in Croatia. A research of public perception on the volume of trafficking in women in local communities has shown that as many as 71.2% of respondents have confirmed that they are aware of the existence of trafficking in women for the purpose of sexual exploitation in Croatia, but they have different opinions on whether women were voluntarily or forcibly involved in illegal actions<sup>49</sup>. From the legal point of view the latter legal dilemma is not relevant considering the fact that the Croatian Criminal Code prescribes that it is of no importance for the existence of the criminal offence of trafficking whether or not the person agreed to sexual exploitation<sup>50</sup>.

### Bosnia and Herzegovina

Bosnia and Herzegovina reported a significant increase in trafficking in women for the purpose of sexual exploitation during the war due to the presence of a large number of members of SFOR<sup>51</sup> and to the fact that many places were inhabited exclusively by men while women and children had been displaced to other regions<sup>52</sup>. The problems of the entire area of the former Yugoslavia also contribute to the peculiarity of the area of Bosnia and Herzegovina. Among them the following issues affect the country most frequently: the opening of state borders, collapse of effective

<sup>48</sup> See *Trafficking in Persons Report*, op. cit. (note 25), p. 89.

<sup>49</sup> See Štulhofer, Aleksandar et al., op. cit. (note 25), pp. 46-47.

<sup>50</sup> *Official Gazette of the Republic of Croatia*, No. 110/97, 27/98, 129/00, 51/01, 105/04, Art. 175 para 7.

<sup>51</sup> The fact that the presence of international UN forces in Croatia, Bosnia and Herzegovina, Kosovo and Macedonia encouraged the phenomenon and development of trafficking in women is a paradox because their role was to maintain peace and security in the war and post-war period. Many members of the forces were the final victims of sexual services of victims of trafficking. Moreover, one case of KFOR inclusion in this form of organized crime has been reported in Kosovo.

<sup>52</sup> See Štulhofer, Aleksandar et al., op. cit. (note 25), p. 16.

structures of legal system and application of law, weak border control, larger illegal movement of people in the country, increase of unemployment and poverty, as well as the increase of organized crime. The trend of increasing cases of trafficking continued in the post-war period, especially from 1999 to 2000.<sup>58</sup> Fortunately, it is not evident nowadays. However, Bosnia and Herzegovina is still a country of a high risk both as a transit area and as a country of destination, while victims of trafficking are mostly citizens of Bulgaria, Moldova, Romania, Ukraine and Central and South Eastern Europe in general.<sup>59</sup> To a lesser extent Bosnia and Herzegovina is also a country of origin. The number of victims depends on a source but it totals around a few hundred victims<sup>60</sup>. The reported increase in trafficking cases in women is not completely real considering the fact that this form of crime is becoming more and more organized and sophisticated, and women victims tend to legalize their stay in Bosnia and Herzegovina by getting work permits<sup>61</sup>. However, a great

<sup>58</sup> The first official data of the Ministry of Interior on trafficked women and children for the purpose of sexual exploitation originated from April 1999. From the collected data it is obvious that only a small number of women caught while providing sexual services claimed that they were victims of trafficking and wanted to go home. It is presupposed that the number is much larger but women avoid to admit their status of victim of trafficking out of fear and urge for earning money. An unusual detail related to trafficking in Bosnia and Herzegovina is the fact that almost 40% of traffickers are women themselves. CEDAW/C/BIH/1-3, 18 April 2005, para 74, 75 and 77.

<sup>59</sup> See *Appendixes to the Report "Trafficking in Persons: Global Patterns"*, loc. cit. (note 21).

<sup>60</sup> For example, the official data of the State Border Service that comprise the period from 2000 - 2002 reveal 132 foreign citizens suspected to be victims of trafficking in person, while the data of the International Organization for Migration from the same period reveal 442 victims. If these numbers are accompanied by women citizens of Bosnia and Herzegovina, they become alarming figures. Most victims were in the early 20s. CEDAW/C/BIH/1-3, op. cit. (note 58), para 87 and 88.

<sup>61</sup> In 2003 a thorough investigation was initiated about the inclusion of Bosnia and Herzegovina consular officials in visa irregularities. So far criminal charges have been filed against a consular section chief, and the procedure is still in progress. See *Trafficking in Persons Report*, op. cit. (note 25), p. 70.

credit for the decrease of trafficking cases belongs to the Government. It has made various efforts to harmonize its legislature with international standards, but also to the situation in the field. Furthermore, the Constitution of Bosnia and Herzegovina indirectly refers to the ban of trafficking prescribing the following right as one of the constitutional rights "right not to be kept in slavery or submission or forced or obligatory labour"<sup>62</sup>. Although it does not mention trafficking explicitly, the Criminal Code in Articles 186 and 187 incriminates actions that include sexual exploitation by their description, which corresponds to the notion of trafficking<sup>63</sup>. The Law on Movement, Residence and Asylum for Foreigners in Bosnia and Herzegovina, *inter alia*, regulates trafficking specifying the procedure of the victims' recovery and their return to the initial destination country, especially the issue of getting a work permit for temporary residence and possibilities of accommodation in appropriate institutions<sup>64</sup>. The most comprehensive legal document that regulates the problem of trafficking is the Government Action Plan for Prevention in Trafficking in People adopted in December 2001. A special State Commission presided by a State coordinator is responsible for the adoption of the Action Plan. As a part of the Commission there is also an Expert team consisted of representatives of the Ministry of Interior Affairs, Ministry of Justice, Ministry of Security, Office of the Prosecutor of Bosnia and Herzegovina and the Ministry of Human Rights and Refugees<sup>65</sup>. Concurrently with the establishment of the Commission in May 2002, a Task Force as a part of the Ministry of Interior was established, being an operative team acting on prevention of

<sup>62</sup> Art. 2 para 3. *Official Gazette of the Federation of Bosnia and Herzegovina*, No. 1/94, 13/97, 16/02, 22/02, 52/02.

<sup>63</sup> *Official Gazette of the Federation of Bosnia and Herzegovina*, No. 36/03, 37/03, 21/04.

<sup>64</sup> *Official Gazette of the Federation of Bosnia and Herzegovina*, No. 29/03, 4/04.

<sup>65</sup> CEDAW/C/BIH/1-3, op. cit. (note 58), para 80.

trafficking and prostitution by ensuring urgent flow of information. In 2004 the police investigated and submitted to prosecutors 47 cases of trafficking, out of which 12 resulted in convictions, but most of the offenders were punished by short imprisonment, mostly up to a year<sup>66</sup>. Despite the fact that in the area of prevention, protection and prosecution there are serious failures which bring to the wide-spread problem of trafficking in women in Bosnia and Herzegovina, there have been numerous efforts and moves forward to correct this negative image in the last two years, e. g. the Government has financed the construction of several NGO-run shelters throughout Bosnia and Herzegovina, public awareness have been improved, educational campaigns, 24-hour hotline for anonymous reports of all crime, public service announcements have been organized, etc.

### Serbia and Montenegro

The area of Serbia and Montenegro has never been viewed as a whole in an executive sense considering the problematic of trafficking in women but these two entities have conducted joint counter - trafficking activities occasionally on an *ad hoc* basis. Both entities have adopted separate National Plans of Actions and the entire anti-trafficking legislature and programmes. The special status of Kosovo contributes to the complexity of the situation because this region is technically a part of Serbia, but continues to be administered under the authority of the United Nations Interim Administrative Mission in Kosovo (UNMIK). It is believed that the independence of Montenegro will bring to the improvement and transparency of regulating the problem of trafficking, because each state will become officially responsible for its territory. Maybe the new situation will force both states to fulfil

<sup>66</sup> See *Trafficking in Persons Report*, loc. cit. (note 61), p. 70. Bosnian Criminal Code for that kind of criminal offences, like the Croatian Criminal Code, determine imprisonment up to 10 years.

their obligations as parties of the CEDAW and submit the report on the position of women on their territories (including a report on trafficking) to the Committee on the Elimination of Discrimination against Women. What is interesting is that Serbia and Montenegro was the only state of former Yugoslavia which has not done that. Serbia and Montenegro is primarily a transit area of women victims from South-Eastern Europe but also a country of origin and destination. There is a considerable number of internally trafficked women, a more than half of them originate in the northern province of Vojvodina<sup>67</sup>. Before the armed conflicts Kosovo had not been registered as a centre of trafficking but the presence of international NATO and UN forces in the region encouraged sexual exploitation of women. Since 1999 the UNMIK has retained ultimate authority over anti-trafficking authors such as police and justice and simultaneously it has been cooperating with the OSCE, the Provisional Institutions of Self-Government (PISG) and various NGO's. Within the framework of the UNMIK Trafficking and Prostitution Investigation Unit (TPIU) has been established which works on the elaboration of Kosovo Action Plan and standard operating procedures for assisting victims<sup>68</sup>.

### Macedonia

Although also present in earlier periods, trafficking in women for the purpose of sexual exploitation escalated in Macedonia in the middle of 1990s and since then this area has been an important transit area and final destination of victims, mostly citizens of Moldova, Ukraine, Bulgaria and other former socialist countries in South-Eastern Europe. The causes of this phenomenon are, *inter alia*, restrictions in immigrant policy of the EU towards citizens of South-Eastern

<sup>67</sup> See *ibid.*, p. 190.

<sup>68</sup> See *ibid.*, p. 192.

Europe and the presence of a large number of international forces, such as UNPREDEP, UNPROFOR, KFOR and other foreign missions<sup>66</sup>. The number of criminal acts of trafficking in women and other relating offences had been being successively increased until 1997, while in the period from 1997 to 2000 it was decreased<sup>67</sup>. Legislative efforts of the Macedonian authorities must have contributed to it. Before all, the revision of the Criminal Code where the offence of "human trafficking" was introduced in February 2002<sup>68</sup> and the adoption of the 2001 Decision of the Macedonian Government for the Establishment of a National Commission for a Fight against Human Trafficking and Illegal Migration. The National Commission adopted the National Plan of Action on Trafficking in 2002 but it is very general and doesn't include a comprehensive prevention programme<sup>69</sup>. Since the National Commission has not developed a potential strategy of its implementation, there have been some remarks on its efficiency. However, the establishment of the Subgroup on Trafficking in Children and the adoption of the National Plan of Action on Child Trafficking in 2004 are to be singled out as a significant achievement

<sup>66</sup> CEDAW/CMKD/1-3, 5 August 2004, p. 46.

<sup>67</sup> *Ibid.*, pp. 50 - 51. In the period from 1991 - 2002 the number of victims ranged from a few tens to a hundred.

<sup>68</sup> Art. 418. *Official Gazette of the Republic of Macedonia*, No. 37/1996, 80/1999, 4/2002, 19/2004, 81/2005. For the criminal offence of trafficking in persons the imprisonment is 4 years at least, i.e. 5 years if the victim is child or juvenile. The longest imprisonment has been specified but it depends on a judge's verdict.

<sup>69</sup> The National Action Plan mostly refers to prevention activities, which are roughly divided into 3 groups: a) those aiming at addressing the root causes of trafficking, b) those aiming at disseminating information and awareness raising campaigns and c) those aiming at identification of victims and of the prosecution of traffickers. The Department of Equality of the Sexes at the Ministry of Labour and Social Policy is responsible for the first two groups, and for the latter the Ministry of Interior. For further information see Limanowska, Barbara, *Trafficking in Human Beings in South - Eastern Europe*, Annex II - National Plans of Action on Trafficking, UNICEF/UNOHCHR/OSCE-ODIHR, March 2005, p. 138.

of the Commission. It has resulted from the fact that victims of trafficking are becoming younger and younger, and along with an increase in internal trafficking, it is turning into a growing problem in Macedonia. Although the programme stated hereinabove is expected to bring many improvements, it is for the time being only "a general list of necessary steps that should be taken, rather than just a realistic plan of action"<sup>70</sup>.

### Slovenia

Comparing to other states of the former Yugoslavia the problem of trafficking in women for the purpose of sexual exploitation is not so evident in Slovenia, and the legal-political environment of this country is different from the rest of the former Yugoslavia considering the fact that it was given the full membership in the EU in May 2005. Although it is most often reported as a transit area of victims on their way to Western Europe and North America, Slovenia has been described as a country of origin of a moderate risk in the most comprehensive report of the United Nations Office on Drug and Crime<sup>71</sup>. The number of registered victims was successively increased from 1 woman in 2000 to 4 women in 2001, and finally to 25 in 2004<sup>72</sup>. Victims of trafficking were not treated as criminals, but they were provided appropriate assistance and temporary residency status. In December 2003 the Government's Interdepartmental Working Group on trafficking (IWG) was established, consisted of members of line ministries, non-governmental organizations and intergovernmental international organizations. For the purpose of regulating the problem of trafficking the IWG adopted a detailed National Action Plan to Combat Trafficking in Human Beings for 2004 - 2008 in July 2004, which is based on the preventive and protective

<sup>70</sup> *Ibid.*, p. 139.

<sup>71</sup> See *Appendices to the Report "Trafficking in Persons: Global Patterns"*, loc. cit. (note 19).

<sup>72</sup> CEDAW/C/SVN/3, 4 December 2002, p. 17.

operation of all bodies and organizations that are represented in the IWG<sup>73</sup>. The National Plan is realized, *inter alia*, by a persistent execution of the provisions of the Penal Code which specifically criminalizes trafficking for sexual exploitation<sup>74</sup>. The results of the entire anti-trafficking campaign of the Slovenian Government are transparently made public through the Government annual reports.

### Concluding Remarks

The solution of the problem of trafficking in women requires an extremely serious approach considering the fact that despite all the risks of trafficking such as sexual and economic exploitation, abduction, hazardous working conditions, etc., it still remains one of the most profitable activities of international organized crime<sup>75</sup>. For the solution of such a complex and global problem a multidisciplinary global approach which will contain at least the following three components is inevitable: law enforcement, protection of labour rights and human rights<sup>76</sup>.

There are no doubts that the states of the former Yugoslavia must make more efforts in fight against trafficking in women for the purpose of sexual exploitation in the future, especially considering more thorough surveillance of state borders because the previous evaluations of this area have indicated the lack of efficient illegal entrance control. The lack and irregularities of existing legislature have to be adjusted to the *de facto*

<sup>73</sup> See Official Web Pages of the Government of the Republic of Slovenia, World Wide Web URL [http://www.vlada.si/activities/projeksi/flight\\_trafficking\\_in\\_persons](http://www.vlada.si/activities/projeksi/flight_trafficking_in_persons).

<sup>74</sup> *Kazenski zakonik Republike Slovenije*, Ur. l. RS, št. 63/1994 (70/1994 - popr.), 23/1999, 60/1999 Odl. US: U - I - 226/95, 40/2004, 37/2005 Odl. US: U - I - 335/02 - 20, 17/2006 Odl. US: U - I - 192/04 - 16).

<sup>75</sup> Smith, Rhona K. M., *Textbook on International Human Rights*, 2nd Edition, Oxford University Press, New York, 2005, p. 237.

<sup>76</sup> Bruch, Elizabeth M., *Models Wanted: The Search for an Effective Response to Human Trafficking*, op. cit. (note 28), pp. 15 - 28.

situation, which is impossible to achieve without detailed studies on the number of women victims of trafficking, the ways of their inclusion in these illegal actions, the significance and profile of traffickers and other relevant information. Having Slovenia as an example, other states of the former Yugoslavia should work on the official reports which would offer the public a precise insight into the problem of trafficking in women for the purpose of sexual exploitation. In the end, intensive cooperation of the states in the region, no matter if through existing international institution or a network of new ones, is a basis of reducing this frequent form of crime of this part of South-Eastern Europe.

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## TRGOVINA ŽENAMA U SVRHU SEKSUALNOGA ISKORIŠTAVANJA NA PODRUČJU BIVŠE JUGOSLAVIJE

### SAŽETAK

Trgovina ženama u svrhu seksualnoga iskorištavanja kao sredstvo seksualnoga ropstva predstavlja jedan od najčešćih i najakutnijih oblika organiziranoga kriminala na području šest nekadašnjih republika bivše Jugoslavije. Geopolitički, ovo područje predstavlja dio Jugoistočne Europe koja se ubraja u glavne izvore trgovine ženama u svijetu kada je riječ o dinamici i opsegu ove vrste eksploatacije. Po broju žena žrtava usporediva je jedino s Azijom. Iako se službeni broj žrtava u Jugoistočnoj Europi kreće oko 120 000, taj je broj u stvarnosti neusporedivo veći uzme li se u obzir dobro organizirana mreža (uglavnom međunarodnog) kriminala koja lako izbjegava nadzor državnih tijela te nespremnost žrtava da otvoreno progovore o svojim traumama. Složenost problema posebice dolazi do izražaja na području bivše Jugoslavije, na kojemu je tijekom kaotičnog ratnog i poratnog razdoblja u posljednjem desetljeću 20. stoljeća došlo do proliferacije postojećih i nastanka nekih novih oblika diskriminacije žena. Osim toga, nedostatak efektivne kontrole i sankcija nad počiniteljima kaznenih djela samo su neke od posljedica iskorištavanja. Unatoč naporima da se implementiraju međunarodnopravni standardi o eliminaciji trgovine ženama i, sukladno tome, artikuliraju efektivni propisi nacionalnoga zakonodavstva, države nastale raspdom bivše Jugoslavije i danas se suočavaju s nizom problema u borbi protiv ovoga sve češćeg oblika organiziranoga kriminala. Tzv. trihotomija regije znatno pridonosi problemu: naime, ovo područje je istovremeno mjesto regrutiranja žena žrtava, njihovo tranzitno područje, ali i konačno odredište.

Autorice rada nastoje ukazati na postojeće oblike i značajke trgovine ženama u svrhu seksualnoga iskorištavanja u tranzicijskim društvima bivše Jugoslavije (prije svega, uzroke i posljedice) te pravna rješenja ovoga problema, kako *de lege lata* tako i *de lege ferenda*.

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## FRAUENHANDEL ZUM ZWECK DER SEXUELLEN EXPLOITATION AUF DEM TERRITORIUM DES EHEMALIGEN JUGOSLAWIENS

### ZUSAMMENFASSUNG

Frauenhandel zum Zweck der sexuellen Exploitation als eine Form der Sklaverei der zeitgenössischen Welt stellt eines der häufigsten und akutesten Beispiele der organisierten Kriminalität auf dem Raum der ehemaligen sechs Republiken des ehemaligen Jugoslawiens dar. Geopolitisch gesehen ist dieser Raum ein Teil von Süd-Ost-Europa, das im Sinne der Dynamik und der Verbreitung dieser Art der Exploitation und Diskriminierung der Frauen zu den Hauptquellen des Frauenhandels in der Welt gezählt wird und nach der Zahl der Opfer nur mit Asien gleichgestellt werden kann. Verarmte Wirtschaft, Arbeitslosigkeit, schwache Beteiligung der Frauen an vielen Lebensstätigkeiten, rapider

Wachstum von Kriminalität und Gewalttätigkeit, Mangel an wirkungsvoller Kontrolle über die Täter und ihre Sanktionierung stellen nur manche Konsequenzen dar, die die Lage der Frauen beeinflusst und der Verbreitung des Frauenhandels zum Zweck der sexuellen Exploitation beigetragen haben. Trotz den Bemühungen, solche völkerrechtlichen Standarde zu implementieren, durch welche das Problem des Frauenhandels geregelt wird und nach welchen möglichst wirkungsvolle Nationalgesetzgebungen artikuliert werden, sind die Staaten auf dem Raum des ehemaligen Jugoslawiens weiterhin mit dem Problem der Bekämpfung und des Wachstums von dieser Art der organisierten Kriminalität konfrontiert. Dazu hat im grossen Maße die Trihotomie der Region beigetragen: diese Gegend ist nämlich gleichzeitig die Stelle der Rekrutierung von Frauen als Opfer des Handels, ihre Transitgegend und ihr Lieferort. Das Ziel der Autoren dieses Beitrags ist es, auf Erscheinungsformen und Eigentümlichkeiten des Frauenhandels zum Zweck der sexuellen Exploitation in Transitivländern des ehemaligen Jugoslawiens (vor Allem auf Ursachen und Konsequenzen) hinzuweisen sowie auf rechtliche Lösungen des Problems *de lege lata* und *de lege ferenda*.

**Schlüsselwörter:** Frauenhandel, sexuelle Exploitation, zeitgenössische Sklaverei, ehemaliges Jugoslawien

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## LA TRAITÉ DES FEMMES A DES FINS D'EXPLOITATION SEXUELLE SUR LE TERRITOIRE DE L'EX-YOUGOSLAVIE

### RÉSUMÉ

La traite des femmes dans le but d'une exploitation sexuelle, forme d'esclavage moderne, prend place parmi les exemples les plus représentés et les plus récurrents d'organisation criminelle sur les territoires des six anciennes républiques d'ex-Yougoslavie. Du point de vue géographique, cet espace fait partie de l'Europe du Sud Est mais dans cette zone géographique, la dynamique et l'étendue de cette forme d'exploitation et de discrimination des femmes, qui se classe parmi les lieux principaux de traite des femmes dans le monde par le nombre de ses victimes ne peut se comparer qu'avec l'Asie.

La faiblesse des économies, le chômage, la sous-représentation des femmes à tous niveaux, l'accroissement de la criminalité et de la violence, le manque de contrôle réel et de sanctions des délinquants ont pour conséquences une dégradation de la situation des femmes et l'extension du trafic en vue d'une exploitation sexuelle. En dépit des efforts pour mettre en œuvre les normes du droit international qui régissent le problème du trafic des femmes et adapter les législations nationales, les états issus de l'ex Yougoslavie sont confrontés aux problèmes de répression et d'accroissement de cette forme de criminalité organisée dans ces pays à trois niveaux: la zone est à la fois un lieu de recrutement des victimes du trafic, un lieu de transit et un lieu final de prostitution. Le but des auteurs de cet article est de mettre en évidence les aspects et les caractéristiques de la traite des femmes à des fins d'exploitation sexuelle dans les états en transition de l'ex Yougoslavie (avant tout les causes et les conséquences) ainsi que les solutions juridiques de ce problème de *lege lata* et de *lege ferenda*.

**Mots clés:** traite des femmes (trafic), exploitation sexuelle, esclavage moderne, ex Yougoslavie.