




Research article

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Human Trafficking: From Police Arrest of Suspect to Prosecutor's Indictment to Court Verdict: Scientific Correlation from Quantitative to Qualitative (Case Study – Serbia)

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Abstract. The expansion of human trafficking in the territory of Serbia occurred at the end of the last decade of the twentieth century. At that time, during the communist era, Serbia faced a structural crisis in the political, economic, normative legal, ethical and social spheres, as well as in the entire security sphere of citizens' public life. In addition, the national security system was not organizationally or functionally ready to counter the new form of criminal activities such as human trafficking with criminal operations, and its territory covered—as the research results show, all forms: destinations, transit routes and countries of origin of the victims of that serious crime. The research was conducted using quantitative and qualitative methods and follows the correlation between the number of suspects arrested by the police and filed criminal charges with the prosecutor; number of indictments filed by the prosecutor on the basis of the criminal charges filed by the police against the suspects; and the number of convictions by the court on the basis of indictments for the commission of the criminal offense of human trafficking. Excerpts from research findings indicate that a negative correlation has been confirmed in the direction from police arrest and police criminal report to indictment and court verdict. The negative correlation reaches the level of one third of the total number of arrested who are suspected of having committed the criminal offense of human trafficking, and were never convicted.

Keywords: human trafficking, Serbia, police arrest of the suspect, prosecutor's indictment, court verdict

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Торговля людьми: от задержания подозреваемого полицией до предъявления обвинения прокурором и вынесения судебного приговора: научная корреляция от количественных показателей к качественным (на примере Сербии)

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Аннотация. Распространение торговли людьми на территории Сербии произошло в конце последнего десятилетия двадцатого века. В то время, в коммунистическую эпоху, Сербия столкнулась со структурным кризисом в политической, экономической, нормативно-правовой, этической и социальной сферах, а также во всей сфере безопасности общественной жизни граждан. Кроме того, система национальной безопасности не была организационно и функционально готова к противодействию такой новой форме преступной деятельности, как торговля людьми, и ее территория охватывала, как показывают результаты исследования, все формы: пункты назначения, транзитные маршруты и страны происхождения жертв этого тяжкого преступления. Исследование проводилось с использованием количественных и качественных методов и прослеживает взаимосвязь между числом подозреваемых, задержанных полицией и подавших уголовные обвинения прокурору; числом обвинительных заключений, поданных прокурором на основании уголовных обвинений, поданных полицией против подозреваемых; и числом приговоров, вынесенных судом на основании обвинительных заключений за совершение уголовного преступления в виде торговли людьми. Выдержки из результатов исследования показывают, что подтверждена отрицательная корреляция в направлении от полицейского ареста и полицейского уголовного протокола к обвинительному заключению и судебному приговору. Отрицательная корреляция достигает уровня одной трети от общего числа

арестованных, которые подозреваются в совершении уголовного преступления торговли людьми и никогда не были осуждены.

Ключевые слова: торговля людьми, Сербия, полицейский арест подозреваемого, обвинительное заключение прокурора, судебный вердикт

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1. Introduction

“Human trafficking is a multi-billion-dollar form of international organized crime, constituting modern-day slavery. It is linked to a number of crimes, including illicit money flows, the use of fraudulent travel documents, and cybercrime”¹. Also, “it is a serious crime that abuses people’s fundamental rights and dignity, and it is often transnational in character and its victims are of both genders and all ages”².

Human trafficking is a complex social phenomenon based on institutional slavery and exploitation; in other words the treatment of man as a good or thing. The aim of such behavior is the exploitation of man-power, knowledge, skills, bodily and sexual integrity, and the identity of people for the satisfaction of personal or another’s instinctive, emotional or health needs, or for the acquisition of direct or indirect material use by human traffickers or another [9]. The exploitation of victims takes various forms: labor; trafficking into the sex industry; the illegal adoption of children; forced marriage; trafficking in human organs or body parts; forced participation in armed conflict; forced participation in some criminal enterprise; and other, nonspecific forms of exploitation – medical experiments, forced pregnancy, exploitation in sport, forced

participation in violent and brutal film scenes, etc³ [1; 2; 7; 8; 11].

This phenomenon today is rightly classified among the most serious and most difficult solvable challenges and threats to the security of individuals, society, the state and the international community. It is difficult to grasp the dimension of this form of transnational organized crime⁴. Although the facts and methods of help were arrived at controversially, it is estimated that worldwide, at the beginning of third millennium, between 700,000 and 2 million people, primarily women and children, were caught in the web of human trafficking⁵. It was estimated that the ‘dark figure’ was as many as 6 million victims per year, and according to CIA statistics, there are currently about 27 million people worldwide in some form of slavery [11, с. 290–295]. About 80% of victims of international human

³ *Nasilje Trafficking in Persons Report 2022* // Office to Monitor and Combat Trafficking in Persons, Department of State – United States of America, July 2022. From the official website of the Department of State. URL: <https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf> (accessed: January 7, 2024).

⁴ Criminal Code of the Republic of Serbia, *Official Gazette of RS, No. 85/2005*.

⁵ Estimate of the experts of the International Organization for Migration (IOM). P. Schatzer, “*World Migration Report 2000*”, Co published by the International Organization for Migration and The United Nations. See also: F T Miko, “*Trafficking in Persons: The U. S. and International Response*” (CRS Report for Congress), Congressional Research Service – The Library of Congress. 2006, p. 1 ; Gallagher A. T. What’s wrong with the Global Slavery Index? *Anti-Trafficking Review*. 2017;(8). DOI: <https://doi.org/10.14197/atr.20121786>.

¹ “*Human trafficking*” // Interpol. URL: <https://www.interpol.int/Crimes/Human-trafficking>, (accessed: January 7, 2024).

² “*Trafficking in Human Beings*” // Europol. URL: <https://www.europol.europa.eu/crime-areas-and-statistics/crime-areas/trafficking-in-human-beings> (accessed: January 7, 2024).

trafficking are women [13] and children, but as many as 50 % are minors¹.

In that moment, facts from the International Labor Organization confirmed this figure, with the additional fact that every minute about 12,300,000 people worldwide were in some kind of forced labor, slave labor, child labor, or sexual slavery. In just the year 2000, around 5,700,000 children were exploited through forced or slave labor; 1,800,000 children were exploited through prostitution or pornography, and 1,200,000 children were trafficked [10, c. 10–20]. Europol officials stated that on the global level, trafficking in children for the purpose of illegal adoption encompasses more than one million children, generating an illegal profit greater than one million dollars annually².

In Europe alone, human trafficking was generated an illegal profit of between 7 billion and 13 billion dollars annually, of which 7 billion dollars were from the prostitution of victims. On the global level, the sexual exploitation of victims of human trafficking generated a profit of around 60 billion Euros³, with which some estimations showed the strikingness of 507 billion dollars⁴—400 %⁵.

“It is estimated that human trafficking, both sex trafficking and forced labor, generate more than \$150 billion in illicit profit for the traffickers and those who help facilitate the crime. Those profits often pass through traditional financial institutions or are used by traffickers to purchase real property or

other personal assets”⁶. In the next table it is presented the breakout of the number of total prosecutions and convictions that related to labor trafficking, placed in parentheses⁷.

UNODC indicates ‘that the number of detected victims of trafficking reported by countries per year increased from fewer than 20,000 in 2003 to about 49,000 in 2018, the most recent figure available. Although victims of trafficking were historically stereotyped as vulnerable women and children trafficked for sexual exploitation, the gender profile of victims has changed over time. Females still make up the largest share of identified victims (around 65 % in total, with 46 % women and 19 % girls), yet males are also victims of trafficking (20 % men and 15 % boys), especially for forced labour, in which they constitute nearly 60% of detected victims. Victims’ gender and age vary among regions; more children than adults are detected in sub-Saharan Africa, while adult females make the greatest share of identified victims in Europe, North America and Asia, and adult male victims are more frequently detected in North Africa and the Middle East. About 45 % of all identified victims were trafficked across borders, 12 % were subject to trafficking within the same subregion, 8 % within the same region and 15 % interregionally. The predominant type of trafficking is for forced labour irrespective of the type of border crossings (83 % through official border control points and 64 % through non-official ones), followed by trafficking for sexual exploitation (15 % and 22 % respectively) and other forms (2 % and 13 % respectively). Interestingly, these shares diverge from more general findings on the main exploitation types when domestic and transnational trafficking are considered together, where sexual exploitation ranks in first position (around 54 %), followed

¹ Strategy for Combating Human Trafficking in the Republic of Serbia, *Službeni glasnik RS*, number 111/2006.

² *EU Organized Crime Report – Public version*, (2005), Europol, The Hague, October 25, 2005.

³ Leclair G. *Europol / X Congrès des Nations Unies pour la prévention du crime et le traitement des délinquants*, Vienne, April 2000. Cited from—Dusch, S.: *Le trafic d'êtres humains*, Presses Universitaires de France, Paris, 2002, p. 109.

⁴ *Trafficking in Persons Report 2022*, Office to Monitor and Combat Trafficking in Persons, Department of State—United States of America, July 2022, from the official website of the Department of State. URL: <https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf> (accessed: January 7, 2024).

⁵ *Global Programme Against Trafficking in Human Beings*, United Nations—Office for Drug Control and Crime Prevention, New York, 1998.

⁶ *Trafficking in Persons Report*, 2006, p. 18. Released by the Office to Monitor and Combat Trafficking in Persons, June 5, 2006, from the official website of the United States Embassy in Belgrade. URL: <http://belgrade.usembassy.gov/policy/reports/060605.html> (accessed: September, 5. 2023).

⁷ *Trafficking in Persons Report 2022*, p. 62. The above statistics are estimates derived from data provided by foreign governments and other sources and reviewed by the Department of State. The numbers in parentheses are those of labor trafficking prosecutions, convictions, and victims identified.

by forced labour (around 42 %) and other forms of exploitation (including slavery and similar practices at 0.56%, forced marriage at 0.45 %, organ removal at 0.03 %, forced military service at 0.01 % and other forms at 10.46%)¹. This could mean that, more than for other forms of exploitation, trafficking for sexual exploitation not only occurs in transnational instances of trafficking, but is also prevalent in domestic cases [13]. Overall, “50% of detected victims were trafficked for sexual exploitation and 38 % for forced labour, while 6 % were subjected to forced criminal activity and more than 1 % to begging”². The numbers in parentheses are related to labor trafficking prosecutions, convictions, and victims identified are presented in the next table.

2. Research results:

Analysis and discussion

Human trafficking in Serbia will be understood as incrimination according to the Penal Code, through two criminal acts³. *Trafficking in human beings* (Article 388 of the Penal Code of the Republic of Serbia) applies to whoever by use of force or threat, bringing and keeping in error, abuse of power, confidence, dependence, the difficult conditions of others, keeping personal identification documents or giving or receiving money or other benefits, recruits, transports, transfers, delivers, buys, mediates in delivery or sale, harbors or holds another person for the purpose of labor exploitation, forced labor, committing criminal offences, prostitution or other kind of sexual exploitation, begging or for use for pornography, establishing a relationship of slavery or some similar relationship, for the purpose of harvesting human organs or body parts, or for use in armed conflicts [13]. A more severe form of the provision exists to the extent that a criminal offence is committed against

a minor, according to which the perpetrator is punished even if he did not use force, threat, or some other form of pressure. An additional more serious form applies in the case that a criminal offence leads to the serious physical injury of an adult or minor. The most severe form applies in so far as an offence committed against an adult or minor results in the death of one or more persons. A special form applies in the case of someone committing a criminal offence against adults or minors, or if the act is committed by an organized group.

Trafficking in children for the purpose of adoption (Article 389 of the Penal Code RS) applies to whoever seizes persons less than 15-years-old in order to adopt them illegally, or to one who adopts such an individual or negotiates such an adoption or who does this with the aim to buy, sell, or transfer another person who is less than 15-years-old or to transport, house, or hide him/her. A more serious form of the provision applies in the case of involvement in trafficking in children for the purpose of adoption or in so far as the act is committed in an organized way.

In past security-criminalistic practice⁴, the following forms of *human trafficking* have been identified in our country: trafficking in women for the purpose of sexual exploitation, labor exploitation and forced marriage; trafficking in children for the purpose of begging, sexual exploitation, forced marriage, exploitation of labor and illegal adoption and trafficking in men for the purpose of labor exploitation.

Several cases of trafficking in women have been discovered involving girls with the aim of forced marriage, but because of

¹ Irregular Migration, Migrant Smuggling and Human Trafficking. Types of human trafficking and their geographic distribution. URL: <https://wmr-educatorstoolkit.iom.int/module-13-irregular-migration-migrant-smuggling-and-human-trafficking-data-case-study> (accessed: January 7, 2024).

² *Global Programme Against Trafficking in Human Beings*, United Nations—Office for Drug Control and Crime Prevention, New York, 1998. p. 9, 31, 10, 14

³ Criminal Code of the Republic of Serbia, *Official Gazette of RS*, No. 85/2005.

⁴ This analysis was carried out on the basis of facts contained in *Izveštaj o trgovini ljudima za 2004 godinu* (draft report), Ministry of Interior of the Republic of Serbia, National Coordinator for Combatting Human Trafficking, Belgrade, January 27, 2005 and the other internal documents of Serbian police. Analysis of the biophysical and social characteristics of identified victims of human trafficking is based on the, Shelter for victims of human trafficking, Counseling Center against Domestic Violence in Belgrade, from 2020. Facts were used with the agreement of the authors of both reports. Finally, some of these facts are drawn from interviews at the beginning of 2007 with Vesna Stanojević, director of Counseling Center against Domestic Violence in Belgrade, and Mitar Đurašković, head of the illegal migrations and human-trafficking division of the Border Police at the Serbian Ministry of Interior.

a dearth in the legal classifications of human trafficking, depending on the circumstances of the criminal act committed, such cases are treated like human trafficking for the purpose of sexual exploitation or forced labor.

There is still a lack of concrete knowledge about other forms and types of human trafficking. Reported cases of the “baby stealing” affair from delivery wards in towns across Serbia and facts about trafficking in human organs, child pornography, sexual tourism, forced domestic labor, and other forms of exploitation are being collected. Also noted are cases of the use of children for pornographic and sexual abuse in connection with the use of contemporary technology, but it has not been proven that these instances are connected with human trafficking.

More felony and misdemeanor charges have been filed for offences committed which may be connected with human trafficking, for criminal offences of the past Fundamental criminal law—The establishment of a relationship of slavery and the transport of human beings in a relationship of slavery (Article 155) and Intermediation in prostitution (so-called street and agency prostitution, Article 251); for the offence of engaging in prostitution under the Law on public order and peace; for a criminal act under the Criminal Law—Exploiting a minor for pornography (Article 111a) and Neglect and maltreatment of minors (Article 118) because of coercion of minors to begging. Additionally, the disappearance of a certain number of women as old as 30 has been reported. A high percentage of these cases have not been solved, and the disappearance of two of these women is directly connected to human trafficking.

Because of the exceptional organization of criminal groups, as well as the interest of human traffickers in remaining incognito, this phenomenon remains low-profile. From 2000 to 2021, the police arrested and suspected 885 people of having committed the crime of human trafficking; based on 885 criminal reports by the police, the prosecution issued 728 indictments, while the court issued 578 convictions (See Table 1).

From the research findings presented (See Table 1), it is clear that there is a negative correlation between the number of criminal charges filed by the police against the

perpetrators of the criminal offense of human trafficking, the indictments brought by the prosecutor against the suspects and the number of convictions handed down by the court where the suspected perpetrator after the court proceedings have been conducted—they declare them guilty. It can be noted that the ratio between the number of reports filed by the police against persons suspected of having committed the crime of human trafficking is 885 and the number of convictions is 578 at the level of 65.31 %, which means that more than one third of the suspects are not convicted, before the court, 31 %, which is an extremely high percentage. This state of affairs, as observed by police officers, favors the generation and development of the criminal offense of human trafficking, where a number of suspects, after being acquitted in court, repeat themselves as perpetrators of the same criminal offense¹.

It is also clear that there is a difference between the number of criminal reports filed by the police and the number of indictments that the prosecutor brings based on those criminal reports submitted to him by the police, where the negative correlation is at the level of 17.74 %. Namely, the prosecutor accepted 728 criminal reports by the police, thereby rejecting as unfounded—without evidence 157 or one fifth (1/5) of criminal reports by the police, which never turn into an indictment, and thus 157 suspects are never accused of having committed a criminal offense human trafficking, regardless of whether the police suspected them. Recognizing the deep gap between the number of criminal reports submitted by the police to the prosecutor's office suspecting certain persons of having committed the criminal offense of human trafficking and the number of indictments based on that police work, the following reasons for this negative correlation are stated in the interviews conducted with police officers: lack of knowledge with the police in the field of investigation of this type of crime; the complexity of this criminal activity, which is mainly carried out by a criminal network that operates on the territory of several

¹ Interview with police officers who investigate the crime of human trafficking, May 21, 2022.

Table 1 – Quantitative-qualitative correlation of the number of: suspects, accused and convicted persons for the criminal offense of human trafficking in the Republic of Serbia, 2000-2021¹

[Таблица 1 – Количественно-качественное соотношение числа подозреваемых, обвиняемых и осужденных за уголовное преступление торговли людьми в Республике Сербия, 2000–2021 гг.]

Research period 2000/2021	Indicators		
	The number of criminal reports filed by the police against persons suspected of having committed the criminal offense of human trafficking	The number of indictments filed by the prosecution based on police reports for the commission of the criminal offense of human trafficking	The number of persons convicted by the court on the basis of indictments for the felony crime of human trafficking
2000	41	57	52
2001	72	49	75
2002	31	47	62
2003	14	46	81
2004	24	51	24
2005	20	42	23
2006	37	84	37
2007	34	74	14
2008	41	14	14
2009	50	21	20
2010	71	22	20
2011	53	15	14
2012	55	36	34
2013	55	34	27
2014	21	17	14
2015	27	20	14
2016	34	28	18
2017	22	15	9
2018	23	23	16
2019	21	13	0
2020	77	8	0
2021	62	12	10
Total	885	728	578

countries; several persons participate in the criminal enterprise of these networks; criminal activity is most often carried out across the

territory of several states, the impossibility of monitoring a criminal enterprise from the first stage, such as recruitment; non-participation of the prosecutor directly on the ground while this criminal activity is being carried out, because they do not know the methods of work when detecting this criminal act, but communication between the police and the

¹ Sources: Institute for Statistics of the Republic of Serbia, Bulletins No. 502, 514, 529, 546, 558, 576, 588, 603, 617, 629, 643, 653, 665, 677, 689, ck-12. URL: <https://www.stat.gov.rs/en-US/> (accessed: January 7, 2024).

Table 2 – Models of recruitment during the execution of the criminal offense of human trafficking in Serbia¹

[Таблица 2 – Модели вербовки при совершении уголовного преступления торговли людьми в Сербии]

Method of victim recruitment – Observed period 2000-2021 year on the territory of the State of Serbia	The percentage of participation in the recruitment method in the commission of the criminal offense of human trafficking
Recruiting a victim by misleading or keeping them in a delusion	47%
Recruiting the victim with the trust achieved	24%
Recruiting a victim who is in difficult circumstances	29%

prosecutor is carried out only through written notifications².

Furthermore, the results of the research show that out of the number of 728 accused persons, the court passed judgment in only 578 cases, which shows a negative correlation between the number of accused persons by the prosecutor, that they committed the criminal offense of human trafficking and the number of persons convicted on those charges in Serbia, found at the level of 79.39% of the convicted. On the other hand, 20.61% of accused persons are acquitted by the court after the court proceedings. Investigating why there is such a high negative correlation where the prosecutor before the court loses every fifth case before the court in the courtroom based on his indictment with which he accused a person of having committed the criminal offense of human trafficking, we came to the sublime testimony of several participants in the procedure from the investigation to the trial, which indicates that there is a lack of evidence in the indictments, which makes it impossible for the prosecutor to support the indictment before the court and maintain it until a court verdict is passed by which the accused person would be declared guilty and a sentence would be imposed /prison and others/³.

According to the results of the research (See Table 2), in the phase of recruitment of female victims, three modus operandi were recognized for perpetrators of the crime of human trafficking. The first place is dominated by the recruitment of victims through misleading them and confusing future victims of human trafficking, which, compared to the other two modus operandi, has a share of 47% in the total number of recruited victims. In second place is the modus operandi of the perpetrators – recruiting the victim by exploiting the victims' difficult circumstances and is at the level of 29%, while in third place is the modus operandi of the perpetrators – recruiting the victim through recruitment based on the previously achieved level of trust, which is the perpetrator of the criminal offense of human trafficking built with the victim in a certain period (the average time limit for building trust is 30 days, the longest is 90 days from the direct contact of the future victim and the perpetrator, and the shortest is 15 days from getting to know each other based on the contact created through a third party) through direct contact or through a trusted person that he uses to confirm his own fake intention, and is at the level of 24% of the total number of recruited victims.

In the case of modus operandi 1 – recruitment by leading or maintaining a delusion about the real intentions of the perpetrator, the age of female victims is the most represented, from 18 to 20 years old, and is at the level of 53%. The age representation of female victims in the modus operandi-recruitment by taking advantage of the victims' difficult circumstances is between 25 and 30 years old

¹ Results based on the author's research through a closed survey with victims in February-April 2022 on the territory of Serbia.

² Interview with police officers who investigate the crime of human trafficking. URL: <https://www.state.gov/> (June 22, 2022).

³ Interview with experts in the field of human trafficking in Serbia. URL: <https://www.state.gov/> (June 8, 2022).

Table 3 – Presentation of the participation of individual perpetrators in the criminal offense of human trafficking in Serbia

[Таблица 3 – Соотношение преступников в зависимости от их роли в преступном посягательстве, направленном на торговлю людьми в Сербии]

The percentage of the participation of individual perpetrators in the chain of committing a criminal offense – period 2000-2021 year on the territory of the State of Serbia

Indicators	Research findings
Transporter-transporting the victim	69 %
Trafficking into the sex industry	18 %
Exploitation of victim labour	6 %
Hiding the victim	3 %
Establishing a slave relationship	2 %
Selling the victim	2 %

and is at the level of 31 %, while in the modus operandi-recruitment by gaining trust, the age of female victims is between 20 and 24th year and is at the level of 16 %. In the case of the modus operandi – recruiting a female victim based on the trust gained – the participation of third parties is most often observed: friends, acquaintances who are already in the chain of human trafficking and directly cooperate with the criminal network, with participation at the level of 2 %.

The involvement of the perpetrators in the criminal offense of human trafficking (See Table 3) shows all the powerlessness of the detection authorities that investigate and should prove the criminal activity of the perpetrators of the criminal offense of human trafficking, where not a single entire criminal chain of arrested participants-criminal networks, from recruitment, through transportation, hiding, establishing a slave relationship, exploiting until the sale or resale of the victim. Victim transporters who do it for money are most often arrested. This shows that detection authorities do not have criminal intelligence knowledge from the initial stage such as recruitment, but as could be concluded from the interviews, victims are detected through routine controls in traffic or at border crossings.

Officials who work to detect this type of criminal activity of organized criminal groups

indicate that they usually carry out their criminal enterprise according to the island model – one island recruits, another island transports, a third island hides, a fourth island provides false documents. Islands are usually made up of 2 to 5 people. Participants in one island do not know the members of other islands, which makes it impossible to cover all criminal islands – stationary or mobile, simultaneously in the police-criminology and criminal investigation operation. In particular, it is pointed out that one of the most effective methods of work of detection authorities – controlled delivery, which would enable the coverage of all criminal islands in the chain – is not applied in this criminal enterprise. The danger of the impossibility of controlling the conditions regarding: the movement, transportation and hiding of the victims, in order to protect their lives by the authorities of discovery while the controlled delivery was carried out, justifiably put this measure outside the police and criminal procedure use in gathering evidence for the needs of the prosecution of the perpetrators¹.

Based on the research results, it can be said that the position of victims in Serbia as

¹ Interview with officials investigating the criminal offense of human trafficking in Serbia. URL: <https://www.state.gov/reports/2022-trafficking-in-persons-report/serbia/> (September 17, 2022).

Table 4 – Most prevalent forms of exploitation of female victims of human trafficking

[Таблица 4 – Наиболее распространенные формы эксплуатации женщин – жертв торговли людьми]

Exploitation of victims of human trafficking – abundance	Representation (%)
Trafficking into the sex industry	92 %
Labor exploitation	7 %
Exploitation through forced marriage	1 %

a country of source, transit or destination for human trafficking changed from 2000-2021 years. At the very beginning of the third millennium, in its first years, Serbia was the destination for 55 % of the victims. For all other victims of human trafficking, it was a transit country. In the middle of the first decade of the twenty-first century, that relationship changes—Serbia was the transit country for 55 % of the victims, and for more than 30 % of the victims the country of origin and 20 % of the destination, while at the end of the first decade, Serbia was the transit country for 75 % of the victims of trafficking people, and the country of origin for the remaining 25 %. In the second decade, the relationship between origin, transit and destination varies, so in its beginning, Serbia was the country of origin for 60 % of identified victims of human trafficking, and transit or destination country for 40 %. In the second third of the second decade, Serbia was the country of origin for 74 % of the victims, and the transit or destination country for 26 %. At the end of the second decade, in its third, Serbia was the country of origin for 80 % and the transit or destination country for 20 % of victims of human trafficking¹.

Investigating the forms of exploitation of female human trafficking victims in the mentioned period, it was observed that sexual exploitation dominates in 92 % of cases. A significantly smaller number of female victims were exploited through work, a profitable 7 %. Finally, exploitation through forced marriage was observed in 1 % (See Table 4).

¹ Interview with officials investigating the criminal offense of human trafficking in Serbia. URL: <https://www.state.gov/reports/2022-trafficking-in-persons-report/serbia/> (September 17, 2022).

The results of the research (See Table 5) show that the court imposed a large number of prison sentences where the sentence can be served in house arrest, convictions that receive immediate release from the sentence, conditional sentences, or in secondary sentences, which accounts for 59.33 % of the total number pronounced criminal sanctions.

Of the prison sentences, in 7.57 % the court imposed a sentence of 2 to 3 years of imprisonment in institutions for the execution of criminal sanctions. In second place, accounting for 7.09 %, are prison sentences for the duration of 3 to 5 years of deprivation of liberty in institutions for the execution of criminal sanctions. The most severe sentence prescribed for this criminal offense, which is 10 to 15 years of imprisonment in an institution for the execution of criminal sanctions, was imposed by the court in 1.93 % of cases, while a prison sentence of up to 2 months is at the level of 3 %; imprisonment for a duration of 3 to 6 months is at the level of 2.92 %, and imprisonment for a duration of 6 to 12 months is at the level of 2.22 % of the total number of imposed prison sentences—deprivation of liberty with serving the sentence in an institution for serving criminal sanctions (See Table 5).

One of the basic goals of penal policy is certainly the reaction to the criminal activities of delinquents in order to protect general values [3].

Prison institutions have a great social responsibility for realizing the purpose and goals of punishing criminals, that is, the effective execution of sanctions and measures in the prevention of crime [5, c. 395–396]. The penitentiary system cooperates intensively

Table 5 – Prison sentence length imposed by court judgments for the committed criminal offense of human trafficking in Serbia from 2000-2021

[Таблица 5 – Продолжительность тюремного заключения, назначенного по приговорам суда за совершение преступления, связанного с торговлей людьми в Сербии в 2000–2021 гг.]

Type of imposed sanction	Time duration	Percentage of total prison sentences imposed
Prison sentence	10-15 years	1,93 %
Prison sentence	5-10 years	5,45 %
Prison sentence	3-5 years	7,09 %
Prison sentence	2-3 years	7,57 %
Prison sentence	1-2 years	6,45 %
Prison sentence	6-12 months	2,22 %
Prison sentence	3-6 months	2,92 %
Prison sentence	up to 2 months	3,00 %
Other – without the mandatory serving of a prison sentence in an institution for the execution of criminal sanctions	Conditions of sentence, House arrest, Convicted and then acquitted, Subsidiary punishment, Educational measure	59,33 %

with the police, prosecutor's office, courts, security services, local governments, but also with other departments of society [5]. The policy of punishment led to a huge increase in the prison population, to the disorganization of the prison system, and thus to a general crisis in the system of execution of criminal sanctions [4]. The special-preventive effect in terms of criminal protection can only be established in terms of preventing the convicted person from committing new criminal acts while serving the sentence of deprivation of liberty, or while certain security measures are in place. Sanctions that make the perpetrator more "visible" or threaten to turn into a more severe sanction in the event of a new criminal offense have a certain effect in this sense [6, c. 641–653].

Prison sentences with mandatory deprivation of liberty, which must be served in institutions for the execution of criminal sanctions, were imposed by the court in 40.67 % of cases out of the total number (568) of convictions. In the total number of imposed criminal sanctions, unconditional prison sentences make up 706 years and eight months of deprivation of liberty, which are served

in institutions for the execution of criminal sanctions. Based on the above findings, it can be concluded that the penal policy in Serbia does not retreat in the face of this extremely dangerous criminal offense that attacks the right to life, bodily integrity, human dignity and all other human rights (See Table 5).

The effectiveness of the punishment of deprivation of liberty as a deterrent from reoffending is very difficult to assess. Some studies show a high degree of doubt about the effects of imprisonment, but a number of studies show that this sanction can have a positive effect on the perpetrator of criminal acts and that prison as a means of coercion has a positive effect on crime prevention [3].

The results of the quantitative research show that in the territory of the Republic of Serbia, out of the total number of persons suspected of the criminal offense of human trafficking female persons reported in 160 cases in the period 2000–2021, which is 18.07 %. Out of the total number of persons accused by the prosecutor, when the indictment was filed for the commission of the criminal offense of human trafficking, females were accused in 11.12 % of cases. When looking at the total

Table 6 – Comparative quantitative and qualitative correlation: the ratio of the number of persons suspects, accused and convicted who committed the criminal offense of human trafficking: male/female in the period 2000-2021 years in the Republic of Serbia¹

[Таблица 6 – Сравнительная количественная и качественная корреляция: соотношение числа лиц, подозреваемых, обвиняемых и осужденных, совершивших преступление, связанное с торговлей людьми. Мужчины/женщины в период 2000–2021 гг. в Республике Сербия]

The period of research 2000/2021	Indicator		
	The number of criminal reports filed by the police against persons suspected of having committed the criminal offense of human trafficking	The number of indictments filed by the prosecution based on police reports for the commission of the criminal offense of human trafficking	The number of persons convicted by the court on the basis of indictments for the felony crime of human trafficking
Females	160	81	53
Male persons	725	647	525

number of people convicted of the crime of human trafficking, the court handed down 53 convictions to women, which is 09.16% of the total number of convictions.

From the findings in the research, the conclusion is drawn: there are a significant number of male persons at a higher level: 725 suspects or 81.19%; 647 accused or 88.87%; and convicted 525 or 90.83% of the total number of perpetrators of the criminal offense of human trafficking, in the territory of the Republic of Serbia, in relation to persons of the female gender (See Table 6).

The results of the research (See Table 7) show that of the total number of suspected persons of 2 142 209 for committing criminal acts in the territory of the Republic of Serbia, the number reported to have committed criminal acts of human trafficking is 0.039%. Also, from the findings of the research, we note that out of the total number of 931 469 accused persons in the territory of Serbia, the prosecutor in 0.078% of cases filed an indictment for committing the criminal offense of human trafficking. Out of the total number of persons accused of committing criminal acts, in 0.079% of cases the court pronounced

a guilty verdict that they had committed the criminal act of human trafficking.

3. Conclusion

The empirical facts lead to the conclusion that Serbia is, simultaneously, a country of origin, transit, and destination for victims of human trafficking, and the country's role is trending more and more away from being a destination country, through serving as a transit country, towards existing as a source country. This further means that the number of Serbian citizens victimized by human trafficking continues to increase, and the number of foreign victims arriving in our country is shrinking.

The results of the research showed that it is necessary to carry out constant education of officers who work on the detection and securing of evidence for committed criminal acts of human trafficking, which would reduce the observed negative correlation between the number of arrested and suspected persons (See Table 1) to whom the police filed a criminal complaint and detained to the prosecutor. This would raise the quality of the evidence to a level that would enable the prosecutor to file an indictment in court proceedings and reach convictions for a larger number of suspects, which would reduce the number of those who, after being arrested and suspected by the police, were released due to lack of evidence, further charges by the prosecutor because he

¹ Sources: Institute for Statistics of the Republic of Serbia, Bulletins No. 502, 514, 529, 546, 558, 576, 588, 603, 617, 629, 643, 653, 665, 677, 689, ck-12. URL: <https://www.stat.gov.rs/en-US/> (accessed: January 7, 2024).

Table 7 – The participation of suspects, accused and convicted persons for the criminal offense of human trafficking in the total number of reported, accused and convicted persons in the Republic of Serbia 2000-2021¹

[Таблица 7 – Доля подозреваемых, обвиняемых и осужденных за преступление, связанное с торговлей людьми в общем числе зарегистрированных, обвиняемых и осужденных в Республике Сербия в 2000–2021 гг.]

The time period of scientific research	Indicator	Total number of persons suspected of having committed a crime	The number of persons suspected only of the criminal offense of human trafficking (Percentage of the total number of suspects, accused and convicted of criminal offenses in the Republic of Serbia)
2000/2021	The total number of suspected persons for the committed crime	2 142 209	885 (0.039 %)
	Total number of accused persons for the committed criminal offense	931 469	728 (0.078 %)
	The total number of persons convicted for the committed crime	725 860	578 (0.079 %)

did not have enough evidence to bring charges against them.

Comparative¹ analysis shows that the participation of men is at a significantly higher level in the execution of the criminal offense of human trafficking in the territory of the Republic of Serbia.

The participation of all suspects, accused and convicted for committing the criminal offense of human trafficking in relation to the total number of suspects, accused and convicted persons in the territory of the Republic of Serbia is at a level significantly lower than one percent.

The existence of the observed negative correlation between the quantitative finding: the number of suspects and accused persons, with the qualitative finding of the number of convictions is worrying. More than one third or 34.56 % of the total number of suspects of having committed the criminal offense of human trafficking are not convicted. Even

worse, the result of the finding of a negative correlation between: the number of people accused of the crime of human trafficking and the number of those convicted, where 20.61 % of them leave the courtroom unconvicted (exonerated).

The research results show that every fifth person who is suspected of having committed the criminal offense of human trafficking is female; out of the total number of perpetrators accused of having committed the criminal offense of human trafficking, every tenth person is female; and out of the total number of convictions, every ninth conviction was given to a female person.

The average number of persons suspected of having committed the criminal offense of human trafficking on an annual basis is 44 persons, which makes 3.3 persons suspected of having committed the criminal offense of human trafficking on a monthly basis. The average number of defendants in the investigated period on an annual basis is 36, or three (3) persons on a monthly basis. The number of persons sentenced by the court on an annual basis is 25 persons, which means that the court on a monthly basis in the

¹ Sources: Institute for Statistics of the Republic of Serbia, Bulletins No. 502, 514, 529, 546, 558, 576, 588, 603, 617, 629, 643, 653, 665, 677, 689, ck-12. URL: <https://www.stat.gov.rs/en-US/> (accessed: January 7, 2024).

researched period pronounced 2 convictions for committing the criminal offense of human trafficking.

Based on the research results, it can be concluded that in the Republic of Serbia there is a negative correlation between the number of suspected persons, 885, and the number

of accused persons, 728, and that it is at the level of 17%. The result shows the fact that out of all the persons whom the prosecutor suspects of having committed the criminal offense of human trafficking, he does not file an indictment for one in five, because there is not enough evidence.

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