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Migrations and Their Effect on Human Trafficking – Security Challenges for the European Union

Abstract

For centuries, migrations have been features of social communities, and it is quite certain they will remain so in the future. However, what marks certain periods or circumstances are the causes of migrations, their manifestations, extent, dynamics, the general directions of migrant movement, and the corresponding effects on the safety of individuals, regions, and even international security. In this paper we have defined what migrations are and discussed their effect on human trafficking – one of the most dangerous forms of organised crime – and the security challenges in this domain in the European Union area, also with regard to international security. In terms of the variety of its exploitative objectives, human trafficking is an international, organised, criminal phenomenon with severe consequences on the security, well-being, and human rights of its victims. In the opinion of many, sexual exploitation is one of the most widespread forms of exploitation of human trafficking victims in practice. According to data available to Europol, 10,000 migrant children have so far disappeared after their arrival on European soil. The scope and dynamics of migratory movements of the last few years, and their relation to numerous illegal activities, certainly affect the security of individuals and regions, as well as international security. It is important to consider whether the European Union, in attempting to protect the national security of EU states by numerous restrictive measures, has achieved that in reality, or has actually produced the opposite effect in this area.

Keywords: Migrations, Human Trafficking, European Union, International Security

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Introductions

The *Conditio sine qua non* of establishing a common regimen of movement within the whole European Union is, among other things, the adoption of the *acquis communautaire* and that each Member State should assume responsibility of controlling its immigration policy and thus contribute to the stability of immigration movement across the Union which has, for a long time now, been very important to the Member States from a purely security-based standpoint. The years-long unease in this segment actually relates to the ability of new Member States to control migration movements on their territories.

According to Morokvašić, “in the Treaty of Amsterdam, the same one which transfers immigration policy to the competences of the European Union, immigration policy is not separated from security issues. Quite the contrary”.¹ This treaty incorporates the *Schengen acquis*, while free movement is subject to border control, crime prevention and combat.²

On the other hand, the rigid migration policy promoted by the European Union platform mentioned above has for years had a number of somewhat negative effects which are primarily reflected, for example, in elements of discriminatory policy towards the local population (as the actual situation in the states, with regard to real needs in terms of migratory population movements, was often ignored in harmonising the national laws with *acquis communautaire*), and in disregard of other European objectives, such as integration, regional stability, etc. The absence of “sensibility” and an insufficiently flexible system in migration movements, in particular in the candidate states, might, as a side effect, instead of preventing the movement of persons, quite easily encourage numerous illegal acts, or even encourage a stronger organisation of criminal groups with a view to committing criminal acts. These acts are, in most cases, classified as serious crimes for which national legislation stipulate prison sentences of many years without the option of alternative punishment in the form of a fine or any other sanction. In that regard, the form of organised crime significantly influenced by migrations and EU migration policy is human trafficking. Namely, in view of the aforesaid, Morokvašić points out that human trafficking, that which the European Union has been fighting by all available means, might easily

¹ M. Morokvašić, *Migracije u Evropi: zabrinutost povodom proširenja Evropske Unije na Istok*, “Stanovništvo”, no. 1–4/2003, p. 134.

² V. Mitsilegas, *The Implementation of the EU Acquis on Illegal Immigration by the Candidate Countries of Central and Eastern Europe: Challenges and Contradictions*, “Journal of Ethnic and Migration Studies”, no. 4/2002, pp. 665–682.

intensify in turn, while the candidate states are most strongly affected by this evil.³

In the context of the topic of the paper, the leading hypotheses in the paper can be highlighted thus:

1. The restrictive migration policy of the European Union significantly affects the spread of irregular types of migration;
2. Illegal migration and trafficking in human beings can be essentially interdependent phenomena.

The real nature of migrations and their effect on human trafficking, as one of the most dangerous forms of organised crime, and the related security challenges in the European Union area (and with regard to international security) will be discussed below.

Migratory Movement as an Important Demographic and Social Phenomenon

Migrations are usually defined as the movement of a person or group of persons from one geographic unit into another, across an administrative or political border, with the aim of settling, on a temporary or permanent basis, in a place different from the place of their origin.⁴ In addition to the spatial, more recent definitions also include the temporal dimension, so that Bobić, drawing on the United Nations' definition, points out that migrations are "a form of spatial movability between one geographic part and another, implying a permanent change of the place of residence".⁵

Poleti states that, besides the spatial and temporal dimensions, motivation itself is "a very important component of migrations, on the basis of which different typologies are created".⁶ Bauer et al. indicate that economic reasons, such as "seeking employment or better living conditions are the most common motivating forces".⁷ Furthermore, if we consider the motives of forced migrations (those of ethnic

³ M. Morokvašić, *Balkans: Les exclus de l'élargissement*, "Hommes et migrations", no. 1230/2001, pp. 81–93.

⁴ T. Bauer, J. Haisken-DeNew, C. Schmidt, *International Labour Migration, Economic Growth and Labour Markets: The Current State of Affairs*, in: *The New Demographic Regime – Population Challenges and Policy Responses*, eds. M. Macura, A.L. MacDonald, W. Haug, United Nations 2005, p. 113.

⁵ M. Bobić, *Demografija i sociologija – veza ili sinteza*, Službeni glasnik, Beograd 2007, p. 103.

⁶ D. Poleti, *Savremene radne migracije u evropskom kontekstu – ekonomski i politički aspekti*, "Sociologija", no. 2/2013, p. 334.

⁷ T. Bauer, J. Haisken-DeNew, C. Schmidt, op.cit., p. 114.

migrants, asylum seekers, and refugees), it has been demonstrated that “the economic factor has considerable influence on the choice of the destination country”.⁸

Some authors underline the very important difference between the migrant and refugee concepts. Namely, even though the terms in question are related, the concept of a refugee is somewhat narrower in scope and content. The authors Evans and Newnham emphasise that the *differentia specifica* lies in the fact that “a refugee is forced to leave the native country, while a migrant might in principle voluntarily decide to leave the country for different reasons which do not include necessity. In other words, the refugee concept is related to political factors which include the persecution of persons on religious, racial, or political grounds”.⁹

As opposed to a refugee, an asylum seeker is a person with a completely different legal status. In short, “asylum may imply an inviolable place in which the persecuted find shelter”.¹⁰ Blagojević and Milosavljević assume the term “asylum” to mean “an act which extends the hospitality and legal protection of a country to foreign citizens or persons without citizenship who are persecuted as a result of their political activities and fighting for democracy by another country or countries”.¹¹ Finally, the same authors also define the concept of illegal migrations. Namely, when taking into account the globalisation process dimension, the restrictive framework of the European Union platform and the relatively consistent process of adjustment of national legislations to the said platform, the essence of the matter with illegal migrations (as opposed to regular migrations) is that “the country did not grant the migrant the right to stay in its territory, but this in no way implies that the person in question committed any classic criminal act and that they are a criminal”.¹²

According to the Law on Migration Management of the Republic of Serbia, “migration is a voluntary or forced departure from the country of origin or residence, for the purpose of temporary residence or permanent settlement in the Republic of Serbia, and voluntary or forced departure from the Republic of Serbia for the purpose of temporary residence or permanent settlement in another country (external migration), as well as

⁸ D. Poleti, op.cit., p. 334.

⁹ G. Evans, J. Newnham, *The Penguin Dictionary of International Relations*, Penguin Books, London 1998, p. 242.

¹⁰ M. Vujaklija, *Leksikon stranih reči i izraza*, Prosveta, Beograd 1980, p. 37.

¹¹ V. Blagojević, B. Milosavljević, *Političko-pravni okvir savremenih migracija u jugoistočnoj Evropi*, “Vojno delo”, no. 3/2016, p. 78.

¹² Ibidem, p. 79.

change of residence within the Republic of Serbia territory, or change of the place of residence within the Republic of Serbia territory if the change was due to force (internal migration) (article 2)".¹³

Articles 3–8 of the same Law stipulate that control of migrations in Serbia is based on the principles of respect of family unity, a ban on artificial alterations to the national composition of population, an even and planned economic development, the strengthening of connections with the diaspora and Serbs in the region, the protection of rights, compliance with ratified international agreements and the universally accepted rules of international law in the field of migrations.¹⁴

What should be noted in this section is the fact that even though the essence of migrations lies in seeking favourable economic effects for the migrants, or in the fact that prosperous middle classes are very often forced into migratory movement in search of profits, cheaper labour, new markets, etc., or in the fact that a poorer population migrates from undeveloped countries in search of employment and a livelihood, and according to Mijalković and Žarković, "it is not a rare occurrence for migrants, especially in developed societies, to be the source of socially unacceptable behaviour, even criminogenic activity. On the other hand, multiple migratory movements are caused, or encouraged, by various natural phenomena, climate change, and in particular natural disasters and other emergencies".¹⁵

If, within the consequential effects referred to above, we focus on the criminogenic activity of both the migrants themselves and the local population in relation to migrants, the most common criminal activities in the past few years have been numerous criminal acts in the field of human and organ trafficking, especially in relation to vulnerable migration groups such as women and children. From sexual and labour-based exploitation, begging, and illegal drug smuggling which they are forced to do, migrants are very often exploited for the purpose of carrying out different illegal jobs (prostitution, arms-trade activities, murder, assault, etc.), and we have already mentioned that migrants, as human trafficking victims, are also used for trade in human organs.

As Lioy states in this context, "globally speaking, there is a large number of migrant women and children in the world who are the victims of human trafficking. Any person who disappears without a trace, without

¹³ Zakon o upravljanju migracijama, "Službeni glasnik RS", no. 107/2012.

¹⁴ Ibidem.

¹⁵ S. Mijalković, M. Žarković, *Ilegalne migracije i trgovina ljudima*, Kriminalističko-policajska akademija, Beograd 2012, pp. 16–17.

their body, or the living person being found, is suspected to be a human trafficking victim”.¹⁶

Further on we will discuss the concept and essence of human trafficking and the effect of migratory movements on the forms, dynamics, and ways of the exploitation of human trafficking victims.

Human Trafficking, Migratory Movements and Contemporary Security Challenges

With regard to the variety of its exploitative goals, human trafficking is an international, organised, criminal phenomenon with grave consequences for the security, well-being and human rights of its victims. Every year, on a global scale, millions of people, regardless of gender or age, are sold and held in conditions identical to slavery. There is among them a large number of women and girls who have been, by deception or force, taken and sold to work in forced prostitution, but there are also men included in these human sales, whose labour is exploited in factories, construction works, etc.

Human traffickers mainly function within complex, sophisticated, organised international networks at a high level.

According to Mijalković, human trafficking is also a multiform and multi-structured phenomenon, and one of “the most widespread and the most profitable international organised criminal activities, with negative implications for the national – foreign-policy, and internal security of the state, the security of citizens and individuals”.¹⁷

Brunovskis and Tyldum note that every year “thousands of migrants cross borders in search of work, higher earnings, and opportunities for a new and better life”.¹⁸ This is actually the trigger for many migrants to be exploited in some way, and for not a negligible number of migrants. These are mostly women and children, who find themselves in the human trafficking chain.¹⁹

In situations when human trafficking is encouraged by migratory movement, it is perceived as one of the consequences of migration, and

¹⁶ R. Lloyd, *Girls Like Us: Fighting for a World Where Girls Are Not for Sale, an Activist Finds Her Calling and Heals Herself*, HarperCollins Publishers, UK 2011, p. 14.

¹⁷ S. Mijalković, *Trgovina ljudima kao oblik organizovanog kriminala – osnovna fenomenološka obeležja*, “NBP – Žurnal za kriminalistiku i pravo”, no. 1/2006, p. 110.

¹⁸ A. Brunovskis, G. Tyldum, *Crossing borders – an empirical study of transnational prostitution and trafficking in human beings*, Oslo 2004, p. 426.

¹⁹ S. Čopić, *Putevi trgovine ljudima u Evropi i pozicija Srbije na njima*, “Temida”, no. 4/2008, p. 51.

some authors note in this context that human trafficking is very often “a strategy of economic survival” for both the migrants themselves and the human traffickers and smugglers.²⁰

When dealing with the relationship between human trafficking and migration, most modern criminological studies focus on the effect of migration on the occurrence, scope, and dynamics of human trafficking in a specific area. What needs to be considered as well is the contrary direction of effect and inter-causality. Namely, more often than not, “the demand for cheap labour, prostitution, organised forms of begging, and other illegal activities can encourage migrations which result in a rise in human trafficking”.²¹ There is a justified observation here that human trafficking, especially if we take into account the labour exploitation of migrants, and even prostitution, may in principle affect the general directions of migratory movement. Even though, in the opinion of contemporary authors, human trafficking very often “fits into the existing models of migrant movement from economically undeveloped or less developed areas to developed world regions”,²² we must by no means disregard the effect of human trafficking on the migrants’ directions of movement and desirable destinations.

In addition, Salt draws attention in particular to the consequences of the restrictive migratory policy at the European Union level, and emphasises in that regard that “intensified migration control, or restrictive migration policy leads to impoverished social groups, in the absence of an alternative, turning more and more to irregular migration forms”.²³

In the opinion of many authors, sexual exploitation is one of the most widespread forms of exploitation of human trafficking victims in practice. Grujić states that “traders prey on unprotected, financially unprovided for, intimidated persons who have no documents, who are uneducated, or do not know the language, etc. Those persons, often young women, girls, or mothers with children, are easily manipulated and used for sexual exploitation. Their fates are later uncertain, while they are exposed to great traumas and stresses”.²⁴

According to the most recent Human Trafficking Report dealing with the situation in Serbia, “human traffickers sexually exploit women

²⁰ Ibidem, p. 52.

²¹ Ibidem.

²² E. Morawska, *Trafficking into and from Eastern Europe*, in: *Human trafficking*, ed. M. Lee, Willan Publishing Devon 2007, p. 95.

²³ J. Salt, *Trafficking and human smuggling: a European perspective*, “International Organization for Migration special issue”, no. 1/2000, p. 32.

²⁴ M. Grujić, *Eksploatacija žrtava trgovine ljudima*, “Pravne teme”, no. 3/2002, p. 243.

from Serbia in Serbia, neighbouring countries, and all around Europe, especially in Austria, Germany, Italy, and Turkey. Human traffickers sexually exploit children from Serbia, especially Roma children, in the country, exploit them for forced labour, compulsory begging, and the carrying out of petty crimes. Foreign victims identified in Serbia are found to be from Albania, Cameroon, Denmark, Mali, Nigeria, and Pakistan. Thousands of migrants and refugees from the Middle East, from Africa and Asia who pass through Serbia or are stuck in Serbia, are exposed to human trafficking in Serbia”.²⁵

As Radović et al. point out, “in most international documents dealing with the problem of human trafficking, special emphasis is laid on trafficking in women and children, as women and children make up 90% of all identified victims”.²⁶

As regards the effect of the migration process on human trafficking, it usually refers to the effect on vulnerable migrant groups who are subject to different forms of abuse (this group basically consists of women and children). According to Jelić and Vasić, the sensitivity of these groups is reflected in the fact that “children are small and frail, while women are physically weaker and primarily strive to protect their children during the migration process”.²⁷

The same authors point to data available to Europol, according to which 10,000 migrant children have disappeared so far after arriving on European soil. The Europol information further indicates that during 2017, 26,000 children entered Europe without companions, and a survey conducted in the same year clearly demonstrated that 27% of migrants were minors.²⁸

In view of the aforesaid, some key security challenges need to be identified, both those facing migrants themselves, and those facing not only the European Union, but the international law and order and community as well.

Considering everything we have said above about the interactive international effect of migrations and human trafficking, it should be emphasised that the personal and collective security of migrants are

²⁵ State Department, *Izveštaj o trgovini ljudima: Srbija (prevod)*, Astra – Anti Trafficking Action, Beograd 2020, p. 5.

²⁶ I. Radović et al., *Trgovina ljudima – priručnik za novinare*, Astra – Anti Trafficking Action, Beograd 2008, p. 12.

²⁷ S. Jelić, M. Vasić, *Žene i deca migranti – žrtve trgovine ljudima*, in: *Savremene migracije i društveni razvoj: Interdisciplinarna perspektiva*, eds. Z. Lutovac, S. Mrđa, Beograd 2018, p. 88.

²⁸ *Ibidem*, p. 92.

threatened as soon as they start their journey. However, the security challenges that the migrants principally deal with do not only include human trafficking. According to Mijalković and Petrović, “they are exposed to numerous forms of crime, such as corruption (primarily from security officers and immigration authorities), various kinds of deception (most often relating to mediation in transportation), and offences against property (mainly property theft) committed by individual local inhabitants of transit and destination countries, as well as numerous transportation accidents which put their health and lives at risk”.²⁹ If we add to these circumstances the risks of the many illegal actions migrants are exposed to – which certainly include human trafficking and trade in human organs – it becomes evident what kinds of security challenges the migrants are faced with.

On the other hand, the expansion of international migrations and all the negative implications that migratory movements inevitably involve, cause and raise the intensity of tensions in relations between European countries, thus putting at risk international security as well. Numerous diplomatic misunderstandings and problems in international communication have, in the past few years, been a consequence of, among other things, the efforts of developed European states to avoid becoming destination countries to many migrants. Conflicts with the so-called transit countries, purposefully delaying migrants on transit country borders, their redirection towards third countries (which is also followed by their resistance), are just a few of the consequences of migrations that international security is confronted with.

Analysing the issues in question, Mijalković and Petrović point out that “the world, but primarily Europe, is faced with a big and serious contradictory dilemma of choosing between the freedom of the global movement of people, goods, and capital, which is considered a progressive democratic legacy, as opposed to restricting the waves of economic migrants and (false) refugees and asylum seekers from the central Eurasia region”, and in this context they make a justified observation that efforts to protect the national security of EU countries by numerous restrictive measures, have, in fact, had a contrary effect; “there is a mass endangerment of the security of people (migrants), and indirectly national and international security as well”.³⁰

²⁹ S. Mijalković, M. Petrović, *Bezbednosni rizici savremenih migracija*, “NBP – Žurnal za kriminalistiku i pravo”, no. 2/2016, p. 12.

³⁰ *Ibidem*, pp. 14–15.

Conclusions

Population migrations are not the legacy of modern society. For centuries, migrations have been a feature of social communities, and it is quite certain they will remain so in the future. However, what marks certain periods or circumstances are the causes of migrations, their manifestations, extent, dynamics, the general directions of migrant movement, and the corresponding effects on the safety of individuals, regions, and even international security.

In this paper we have defined what migrations are and discussed their effect on human trafficking as one of the most dangerous forms of organised crime, and the security challenges in this domain in the European Union area with regard to international security.

Migrations certainly have a significant effect on the occurrence and scope of the execution of numerous illegal activities in which migrants undoubtedly participate in either by force or voluntarily, especially in transit countries in which migrants stay temporarily. Further on, migrations involve risks that migrants in particular are exposed to, concerning many forms of crime directed towards them both in transit countries and in the countries of destination. What warrants special analysis in the field of investigating the migration phenomenon is the interaction of migratory movements and human trafficking. Although both these phenomena can be both causes and consequences of one another, it is unquestionable that the victims of human trafficking and the trade in human organs are very often migrants, and that the percentage of migrant disappearances has been rising over the years. It should be noted that the most common victims from the migrant milieu are the most vulnerable groups – women and children, as testified by the Europol data quoted in the paper.

In the introductory part of the paper, two hypotheses are set out regarding the impact of the restrictive migration policy of the European Union on the spread of irregular types of migration, as well as the interdependence of illegal migration and human trafficking.

It can be said that the theoretical analysis of migratory movements as a demographic and social phenomenon, as well as the analysis of contemporary security problems related to migratory movements, unequivocally indicate the significant impact of the restrictive migration policy of the European Union on the spread of irregular migration. Namely, the restrictive migration policy leads to impoverished social groups which, in the absence of alternatives, are increasingly turning to irregular types of migration, and this is now a serious security problem at the global level. Then, illegal migration and human trafficking can be

essentially interdependent, as the demand for various illegal activities can encourage migration, resulting in an increase in human trafficking as well. Also, human trafficking is very often defined as a “strategy of economic survival” for both migrants and human traffickers and smugglers, which points to their very close relationship.

The scope and dynamics of migratory movements of the last few years, and their relation to numerous illegal activities, certainly affect the security of individuals and regions, as well as international security. It certainly remains open to discussion whether the European Union, in attempting to protect the national security of EU states by numerous restrictive measures, has achieved that in reality, or has actually produced the opposite effect in this domain.

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