

SIMILARITIES AND DIFFERENCES BETWEEN CRIMES TRAFFICKING AND MEDIATION IN PROSTITUTION UNDER THE CRIMINAL CODE OF THE REPUBLIC OF MACEDONIA WITH SPECIAL ATTENTION TO THE VICTIMS OF THESE CRIMES

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ABSTRACT

Introduction : Trafficking in women for sexual exploitation , mediation in prostitution and prostitution , which results exposed in this paper aims to explain the similarities and differences between the crimes of human trafficking and mediation in the exercise of prostitution under the Criminal Code Republic of Macedonia and to come to closer and more comprehensive knowledge of the dimensions and characteristics of this phenomenon in Macedonia .

Purpose: Prostitution is associated with multiple human people. Prostitution or sexual exploitation is one of the possible forms of exploitation of trafficked women , and the boundaries between voluntary and forced prostitution and trafficking in women is very difficult to withdraw,lightly are international documents and more modern laws distinguish between trafficking in women and prostitution , yet research shows that it is difficult to perform a clear distinction between these two appear.Prostitution is associated with multiple trafficking .The survey results clearly show that trafficking of women in Macedonia widespread.Viktims mostly from Eastern European countries: Albania , Moldova , Bulgaria , Rumunija , Ukraina.**Diskusio n** : The survey results also show that victims are our citizens , women and cities villages throughout Macedonia , and those who are not adults .Experience shows that anyone can become a victim of trafficking regardless of age , nationality , citizenship , education .The victims in most cases are women who do not want to deal with prostitution , but it was forced , but victims can be women who have begun to voluntarily keep prostitution.As so when it comes to prostitutes , victims of trafficking in women , we must not forget that their line of prostitution does not mean approval of slavery and exploitation and that they must have the same treatment as other victims of trafficking women.Makedonija , according to results of a survey transit country of trafficked women , and country of origin , temporary or permanent destination and a country where trade takes place with local women . **Conclusion :** The data obtained from this study confirms that the most common form of luring women victims of trafficking appears fraud in connection with the work , and the nature of work , the conditions under which you are working and earning . Subjected to physical, psychological and sexual abuse, are exposed to threats and blackmail , it pulled the drug and alcohol and coerced into practicing prostitution .

Keywords : *human trafficking , mediation in prostitution .*

Research on human trafficking , especially trafficking in women for sexual exploitation , mediation in prostitution and prostitution , which results exposed in this paper aims to explain the similarities and differences between the crimes of human trafficking and Mediation performance of prostitution under the Criminal Code of the Republic of Macedonia and to come to a closer and more comprehensive knowledge of the dimensions and characteristics of this phenomenon in Macedonia .

The fact that in the modern age , as opposed to the general progress of civilization and the development of awareness of the necessity of promoting and protecting the rights and freedoms of the individual , is the present practice of bezkrupulozna drastic violation of the basic values and life and people - trafficking . Between forms of violation of human rights and deliktite of organized crime , the crime of human trafficking which is considered as a crime against humanity , stands on the amount of illegal profits that carries , and the accident and after pogubnosta of harmful consequences .Existing modes of recruitment , recruitment , control and exploitation of victims change and adapt to evolving situations and circumstances , and finding and apply new rule

poperfidni far , but are ponehumani , brutal , cruel and even tougher consequences victims and society in general .Human trafficking is a global phenomenon , which in different ways and to different degrees, strongly affects all regions , that nearly all countries of the modern world According to all available information , trafficking in women in order sexual exploitation is the most common form of human trafficking .The crime of human trafficking in Zakododavstvoto in the country was introduced and doplonuvanjata amendments to the Criminal Code of 2002. as part of the member 418a .With the introduction of this Act Macedonia , which has signed the Convention on March Protolot UN Transnational Organized Crime and two additional Protocols to meet its debt and conform to its national legislation with international standards.

According to the Protocol to Prevent, Prevention and Punish Trafficking in Persons , especially Women and Children (popularly known as the Palermo Protocol) , trafficking in persons means the recruitment , transportation , transfer acceptance or receipt of persons with or under threat of abduction , coercion fraud, seduction or coercion , or by giving or receiving money or other illegal tender to reach a state in which a person having control over another person in order to undergo and that is the kind of work eksploatacion.Kriminal trafficking in humans is contained in Article 418 - a, and crime , mediation in prostitution , chl.191 provided in the Criminal Code of the Republic of Macedonia . Exploit or holding in slavery is the most important element of human trafficking , which is also different from mediation in prostitution and smuggling of migrants .The modern trade in human beings attach more features that influence the needs necessary action against those niv. briefly features :

- Trafficking a transnational character .
- trafficking organized nature and high degree of cooperation between entities .
- There is a close connection with other forms of transnational organized crime .
- Human trafficking is one way to capture the man , packed with a great deal of effectiveness .

Transnational crime is a crime that is carried out on the territory of several countries that violate the laws of many countries .Human trafficking by multiple elements is an international , organized criminal phenomenon that has grave consequences for safety , progress and human rights of its victims and society in general .

Human trafficking in the area of organized crime activity that covers a few of the types pojava.Pod this term means criminal activity migrant smuggling , organized prostitution and trafficking in human organs . Although this phenomenon comes from the historical shape human trafficking , the modern types that represent a new phenomenon with significantly different content .

Human trafficking is antisocial , morally degrading and monstrous case , exploitation , profits and nelegalnosta basis of the idea of human trafficking .

Human trafficking, often indistinguishable from prostitution or smuggling of migrants , that might result in misleading or inadequate understanding of the nature of the fenomen. Trade people often unjustifiably reduced to a form - trafficking of women and the trafficking of women trafficking in order to eksploatacija.Trafficking sexual trafficking itself is a form of illegal market of the perspective of criminal organizations , people are commodities like any druga. Common victims of trafficking in women and children male migrants .

Although trafficking in women for sexual exploitation is a form of trafficking in women for which the most known and most speak in public, trafficking in women is a wider problem and occurs in three main forms : trafficking in women for sexual exploitation , trafficking in women for the purpose of exploitation / home / work , trafficking in women for the purpose of marriage (mail-order brides).

When we talk about trafficking in women in order sexual exploitation should also distinguish between trafficking in women and prostitution .

The main difference is that women trafficking involves slavery, or a complete absence of decision-making and freedom of movement - the woman is the property of the person who bought and can not be involuntarily cease to be engaged in prostitution, or to leave its owner.

On the other hand, also as to include various forms of coercion and exploitation, prostitution involves opportunities available to your body and earnings, freedom of movement, freedom of decision and performance or failure to perform prostitution and the like.

If we carefully analyze the criminal acts of trafficking in persons provided in Article 418 of the Criminal code of the Republic of Macedonia and mediation in prostitution ch.191 provided in the Criminal Code of the Republic of Macedonia will determine that paragraph 3 of ch.191 contain all the elements provided the criminal act of trafficking in persons from Article 418 of the Criminal code of the Republic of Macedonia. Between those two crimes are similarities. The similarities between the two crimes is that they are the work done by threat, force, or fraud. Acts of felony mediation in prostitution provided alternatively as guidance, encouragement or enticement, then as aiding in prostitution and participation in teaching a person to another for prostitution.

For the crime of mediation in prostitution can speak in such a situation that involves bringing about the customer and the person who prostitute without fee or compensation where The value of nature and free will define the dominant person prostitute and any in the case of previous agreement, retains the ability to choose and reject clients to define the manner, type and terms of engagement, to decide on the termination of prostitution and share alike in the teaching of another person for prostitution necessary to define the criteria for distinguishing the crime mediation in prostitution and human trafficking. In fact, it is not about mediation in prostitution if the person who teaches else agreed with to a voluntary agreement has no meaning if it is received on any of the ways provided for in Article 418 of the Criminal code of the Republic, or if the person who taught for prostitution exploited. A particular problem arises from the fact that overlooked provisions predicted that the existence of the crime trafficking through exploitation of minors. Not necessary to prove the use of force, threat or other means of execution, but some of the actions listed in the bill taken in order for the exploitation of minors.

Given that the most common motive for committing the crime of mediation in prostitution is profit or exploitation of prostitution, the crime for which the passive subjects malotni people have done in practice and there.

If it comes to encouraging or aiding prostitution with the purpose of exploitation in prostitution, which in practice happens regularly and passive subject is a minor, then it is a qualified form of crime mediation in prostitution but crime Commerce people. This is because the terms, states or prompts from ch.191 CC essentially podudara the term, recruits, from Article 418 -a of the Criminal Code, and the term, taught, used in the description of how felony trafficking.

Also between these two crimes are razliki. Razlikite and again between these two crimes are those in the criminal act of trafficking in persons victim can be abused in many different ways, and in the criminal act of mediation in prostitution just for prostitution.

A victim of trafficking may be as a female who is deceived and he is forced to deal with prostitution and female person who voluntarily began to be engaged in prostitution, but was later drawn into the chain of trafficking and are led into slavery.

Given that this is a phenomenon for which there are quite a few trusted information, and sort of organized crime which is not possible to collect data using the usual methods, using the experience of other researchers, we decided to combine the various sources of data including: data of state bodies, data from previous surveys, data from domestic non-governmental organizations (NGOs), data from international organizations and other written materials. Trafficking in women, as opposed to prostitution in Macedonia is a form of organized crime and therefore characterize prikrienost, mobility and connectivity with legal akteri. Isto also asked to answer prashaenjeto who are victims of trafficking in women in Macedonia, their age, origin, nationality, education and the like. Keeping in mind that in Macedonia despite makrofaktorite act

more microfactors the criminalization and victimization (factors of rejection - push factors and factors of attraction - pull factors), and factors that facilitate trafficking in women, I just assumed that Macedonia is primarily a transit country, and country of origin and destination.

From 2002 to 2012 registered a total of 744 victims who can draw the following characteristics of the victim: Determine that the victims are mostly women and girls. These victims are mostly sat between 19 and 30 years, but recently a growing number of younger girls. The victims are mainly recruited from smaller towns and also villages. The victims are mostly from less developed regions, the majority of victims are poor and unemployed, generally speaking victims are mostly low education standard and rarely speak another language. The latter of course is not the rule, because there are victims who sat intellectually well developed, and some of them even have and higher education. According origin largest percentage of victims who suffered from the criminal act of human trafficking in the country were from Moldova and Rumunija or a total of 744 victims, 358 (48.12%) were from Moldova, 228 (30.65%) of Rumunija and others are Albania, Bosnia and Herzegovina, Bulgarians, Czech Republic, Croatia, Macedonia, Russia, Ukraine, Kosovo, Montenegro and Serbia.

By sex and age of 744 -743 sacrifice (99.87%) were women, of whom 453 (60.97%) were aged 18 to 24 years.

According to marital status 467 (62.77%) were unmarried, 445 (59.81%) were without children, 464 (62.37%) were on probation, 449 (60.35%) were first trafficked people.

In 2012 The situation of human trafficking in the Republic Makedonija stays the same basic features kakto in recent years. The recruitment of victims are solely between underaged citizen, for sexual exploitation.

Trafficking in women as a rule takes place in three stages: luring (recruiting, recruiting), transport, ie transport from country of origin to country of destination on predetermined paths / channels /, victimization experienced by victims, either during the journey or after they reach the designated place. From country the origin to the destination country, women are transported through previously established channels that are controlled by traffickers involved in a well organized international criminal network. In research on human trafficking in R.Makedonia identified the following forms of victimization of adult victims of trafficking: the destruction or confiscation of passports and other personal documents, as well as cash if the victim has them; unlawful deprivation or restriction of freedom of movement; physical, psychological and sexual violence, threats and blackmail, psrila of prostitution; debt bondage; non-payment or paying well below the agreed amount; creation of drug or alcohol; living and working in very bad conditions; sale and resale.

Victims become addicted traders become nobody and nothing, become people without identity, something which prevents try to seek help and break the vicious circle of trade. Women victims of trafficking, cash daily exposed to various forms of physical, psychological and sexual violence. Also, the sex industry and prostitution are closely related to trafficking in women. The main difference is that women trafficking involves slavery, or lack of discretion and movement. The woman, a victim of trafficking is owned by the person who bought and not on his own desire to stop dealing with prostitution. Prostitution on the other side and how to include various forms of coercion and exploitation involves an opportunity to dispose of her body and earnings, freedom of movement, freedom of decision-making and engagement or prostitution and the like. In Macedonia recognizable manifestations of prostitution: street, hotel, agency, neagenciska, prostitution in apartments, prostitution in nightclubs and bars, elite sports and prostitution to fill the house budget.

Conclusion:Prostitution or sexual exploitation is one of the possible forms of exploitation of trafficked women, and the boundaries between voluntary and forced prostitution and trafficking in women is very difficult to povleche. Iako are international documents and more modern laws distinguish between trafficking in women and prostitution, yet research shows that it is difficult to

perform a clear distinction between these two appear .Prostitution is associated with multiple trafficking .The survey results clearly show that trafficking of women in Macedonia rasprostranetaZhrtvite mostly from Eastern European countries: Albania , Moldova , Bulgaria , Rumunija , Ukraina.Istrazhuvanjata also show that victims are our citizens , women in towns and villages throughout Macedonia and and those who are not polnoletni.Iskustvata show that anyone can become a victim of trafficking regardless of age , nationality , citizenship , obrazovanieto.Zhrtvite in most cases are women who like to keep prostitution , but it was forced but victims can be women who began to voluntarily keep prostitucija.Isto so when it comes to prostitutes , trafficked women , we must not forget that their line of prostitution does not mean approval of slavery and exploitation and they must have the same treatment as other victims of trafficking in women .Macedonia , as the survey results show a transit country for victims of trafficking in women , and country of origin , temporary or permanent destination and a country where trade takes place with local women .

According to data obtained from this study confirms that the most common form of luring women victims of trafficking appears fraud in connection with the work , and the nature of work , the conditions under which you are working and earning .Women victims Trade them recruit their friends, their poznanichki , women who had been involved in the chain of commerce, former prostitutes , couples , and various agencies - for models , fashion models and the like .

Women , victims of human trafficking on the road and in the place of temporary or permanent destination exposed to different forms of victimization : they are sold and resold, their passports are taken away , they restrict freedom of movement . Subjected to physical, psychological and sexual abuse, are exposed to threats and blackmail , it pulled the drug and alcohol and coerced into practicing prostitution .

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