

CRIMINAL CODE of the Republic of Serbia

(Official Gazette of RS, Nos. 85/2005, 88/2005, 107/2005)

With added amendments from 31 August and 29 December 2009 and 24 December 2012

Excerpts

Illegal Crossing of State Border and Smuggling of Migrants

Article 350

- (1) Whoever without a required permission crosses or attempts to cross the border of Serbia, under arms or by use of force,
shall be punished by imprisonment up to one year.
- (2) Whoever enables another illegal crossing of the Serbian border or illegal sojourn or transit through Serbia with intent to acquire a benefit for himself or another
shall be punished by imprisonment of six months to five years.
- (3) If the offence specified in paragraph 2 of this Article is committed by a group, by abuse of authority or in a manner endangering the lives and health of persons whose illicit crossing of the Serbia's border, sojourn or transit is being facilitated or if a larger number of persons is being smuggled
the perpetrator shall be punished by imprisonment from one to ten years.
- (4) If the offence referred to in paragraph 2 hereof has been perpetrated by an organized crime group,
the offender shall be punished with imprisonment of three to twelve years.
- (5) The means intended or used for commission of the offence specified in paragraphs 1 through 3 of this Article shall be impounded.

Human trafficking

Article 388

- (1) Whoever by force or threat, deception or maintaining deception, abuse of authority, trust, dependency relationship, difficult circumstances of another, retaining identity papers or by giving or accepting money or other benefit, recruits, transports, transfers, sells, buys, acts as intermediary in sale, hides or holds another person with intent to exploit such person's labour, forced labour, commission of offences, prostitution, mendacity, pornography, removal of organs or body parts or service in armed conflicts,
shall be punished by imprisonment of three to twelve years.
- (2) When the offence specified in paragraph 1 of this Article is committed against a minor, the offender shall be punished by the penalty prescribed for that offence even if there was no use of force, threat or any of the other mentioned methods of perpetration.
- (3) If the offence specified in paragraph 1 of this Article is committed against a minor,
the offender shall be punished by imprisonment of minimum five years.
- (4) If the offence referred to in paras 1 and 2 of this article resulted in severe bodily harm, the perpetrator shall be punished with imprisonment from five to fifteen years, and in case of severe bodily harm to a juvenile person due to the offence referred to in para 3, the perpetrator shall be punished with minimum five years' imprisonment.
- (5) If the offence specified in paragraphs 1 and 3 of this Article resulted in death of one or more persons,
the offender shall be punished by imprisonment of minimum ten years.
- (6) Whoever habitually engages in offences specified in paragraphs 1 and 3 of this Article or if the offence is committed by a group,
shall be punished by imprisonment of minimum five years.

(7) If the offence referred to in paragraphs 1 through 3 hereof has been perpetrated by an organized crime group, the offender shall be punished with imprisonment of minimum ten years.

(8) Whoever knows or should have known that a person is a victim of human trafficking and abuses their position or allows another to abuse their position for the purpose of exploitation referred to in paragraph 1 hereof shall be punished with imprisonment of six months to five years.

(9) If the offence referred to in paragraph 8 hereof has been committed against a person whom the offender knows or should have known is a minor, the offender shall be punished with imprisonment of one year to eight years.

(10) Person's consent to be exploited or held in slavery or servitude referred to in paragraph 1 hereof shall not prejudice the existence of the criminal offence stipulated under paragraphs 1, 2, and 6 hereof.

Trafficking in Minors for Adoption

Article 389

(1) Whoever abducts a child under sixteen years of age for the purpose of adoption contrary to laws in force or whoever adopts such a child or mediates in such adoption or whoever for that purpose buys, sells or hands over another person under fourteen years of age or transports such a person, provides accommodation or conceals such a person, shall be punished by imprisonment of one to five years.

(2) Whoever habitually engages in activities specified in paragraph 1 of this Article or if the offence is committed by a group, shall be punished by imprisonment of minimum three years.

(3) If the offence referred to in paragraph 1 hereof has been perpetrated by an organized crime group, the offender shall be punished with imprisonment of minimum five years.

Holding in Slavery and Transportation of Enslaved Persons

Article 390

(1) Whoever in violation of international law enslaves another person or places a person in similar position, or holds a person in slavery or similar position, or buys, sells, hands over to another or mediates in buying, selling and handing over of such person or induces another to sell his freedom or freedom of persons under his support or care, shall be punished by imprisonment of one to ten years.

(2) Whoever transports persons in slavery or other similar position from one country to another, shall be punished by imprisonment of six months to five years.

(3) Whoever commits the offence specified in paragraphs 1 and 2 of this Article against a minor, shall be punished by imprisonment of five to fifteen years.