

On new-age slavery, smuggling and exploitation of human beings

Nina Peršak, LL. M., Researcher, Ph. D student, Institute of Criminology at the Faculty of Law, Poljanski nasip 2, 1000 Ljubljana, Slovenia

The article presents the phenomena of "smuggling" and "trafficking" of human beings and the issues connected with them. It starts off by clarifying the terminology, i.e. by distinguishing one phenomenon from the other, and then proceeds to explain them in terms of the Slovenian criminal law. The article then ventures off into the very heart of the phenomena. In the case of trafficking, it adopts the definition of the UN Protocol to the TOC Convention, whose focus in defining the matter is set on the element of "exploitation" of others. Drawing from the said "exploitation", the article examines other everyday practices, which have plenty of the mentioned element yet remain legal, even desired or celebrated as a core societal value. In the case of smuggling the article tries to explain the underlying reasons, that is, to explain why people are willing to flee their own country ("country of origin" in technical terms), why they are willing to subject themselves to extremely dangerous situations (e.g. being locked up with others in some small dark unhygienic compartment behind the truck driver's cockpit), just to reach their "promised land", which does not really promise them anything but a slight possibility of a better life. In explaining the reasons for migration the article makes an attempt to capture these unfortunate people's mind framework, i.e. to see things from their perspective instead of the perspective of the law-maker who often sees in them merely the law-breakers, the persons crossing the border illegally, the criminals.

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