

## BUILDING THE EUROPEAN MECHANISM FOR COMBATING HUMAN TRAFFICKING - A SYSTEM APPROACH

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### Abstract

The paper deals with combating human trafficking in the European area, while respecting the dialectical unity of theory and practice, applying the principles and logic of a system approach. The European mechanism for combating human trafficking, as a regional instrument, was created out of a need to combat human trafficking in an organized and multidisciplinary manner, which has become a serious problem in Europe. Building an effective, comprehensive and multidisciplinary mechanism is based on the greater application of the scientific approach, the harmonization of legal systems and concerted action of states, thereby achieving a synergistic effect. The European mechanism is seen as a complex, open, dynamic and stochastic organizational system, incorporating all European countries (except Russia) as components. Its functioning has achieved a more balanced approach of European countries to the problem and a more coherent operation of national mechanisms. The poly-centricity of the system originated as a consequence of the simultaneous action of the three governing units (the Council of Europe, the European Union, and the OSCE) on national mechanisms, and their lack of coordination complicates the position of the national mechanisms.

**Key words:** combating human trafficking, European mechanism, national mechanisms, system approach, synergistic effect

## ИЗГРАДЊА ЕВРОПСКОГ МЕХАНИЗМА ЗА БОРБУ ПРОТИВ ТРГОВИНЕ ЉУДИМА – СИСТЕМСКИ ПРИСТУП

### Апстракт

У раду се разматра супротстављање трговини људима на европском простору, уз уважавање дијалектичког јединства теорије и праксе, применом начела и логике системског приступа. Европски механизам за борбу против трговине љу-

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дима, као регионални инструмент, створен је из потребе да се приступи организованом и мултидисциплинарном супротстављању трговини људима која је постала озбиљан проблем у Европи. Изградња ефективног, целовитог и мултидисциплинарног механизма заснива се на већој примени научног приступа, хармонизацији правних система и усаглашеном деловању држава, чиме се постиже синергијски ефекат. Европски механизам се разматра као комплексан, отворен, динамичан и стохастичан организациони систем у који су, као компоненте, укључене све државе Европе (осим Русије). Његовим функционисањем постигнут је уједначенији приступ европских држава проблему и усклађеније деловање националних механизма. Полицентричност система, настала као последица истовременог деловања три управљачке јединице (Савет Европе, Европска унија и ОЕБС) на националне механизме и њихова недовољна координација, усложњава положај националних механизма.

**Кључне речи:** борба против трговине људима, Европски механизам, национални механизми, системски приступ, синергијски ефекат.

### INTRODUCTION

In the conditions of globalization (the centralization of resource management on the planet Earth) and the existence of world problems such as poverty, hunger, widespread discrimination on various grounds, wars and similar negative social phenomena, the world is faced with increasing crime, where *human trafficking (trafficking in human beings; trafficking in persons)* is singled out by its unscrupulousness. Human trafficking has become a worldwide phenomenon in recent decades, among other things due to the adequate logistics it supports, and it is one of the most serious forms of human rights violations and a highly profitable form of crime. It affects all countries in the world, both those in transition and developed, as countries of origin, transit and/or destination countries. The spread of human trafficking has brought this phenomenon into the focus of interest of scientists, researchers, international organizations and countries, primarily for the protection of the common goods, that is, for the prevention, direction, and control of this phenomenon and the assistance and protection of victims. The interest of the community for human trafficking in the late 20<sup>th</sup> century, at the global level, led to the cooperation of states and the adoption of an international agreement - the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (UN Protocol), adopted in 2000 as a supplementary protocol to the *Convention against Transnational Organized Crime* (UN Convention) (UNODC, 2000).

The severity of the problems at the global level can be seen from the data of international organizations (although there are significant differences in defining victims according to forms of exploitation). The United Nations Office on Drugs and Crime (UNODC) has collected data, for the period 2003-2016, on about 225 thousand victims detected worldwide, most of them in 2016 - over 24.000 (UNODC, 2018: 7). The data

points to the need for continuous upgrading of existing mechanisms for combating human trafficking (CHT) on global, regional and national levels to increase their effectiveness and efficiency.

As human trafficking is a complex and dynamic social phenomenon, combating it requires an adequate approach based on the dialectical unity of theory and practice. General system(s) theory (GST), a system approach as a methodological approach to scientific research and system(s) analysis as a methodological procedure, provides a good basis for critically scanning existing systems and designing new systems for CHT. The paper is an attempt to, using the systems analysis, perceive the basic functioning of the existing regional mechanism for CHT in Europe, that is, the *European mechanism for CHT* (EM)<sup>1</sup> as a system. The system developed for CHT must follow actors of this process (with characteristic phases, events, and subjects) throughout the “whole life cycle,” throughout the flow (from origin to destination) and through the quality of measures, activities, and procedures that achieve victory in CHT and increase the utility degree of “consequences of victory.”

The paper considers the existing EM as a complex, open, stochastic and dynamic organizational system through the analysis of goals, functions, structure, governing components and feedbacks, as well as the application of multidisciplinary in its construction. EM was built as a hierarchical and monocentric system based on the *Council of Europe Convention on Action against Trafficking in Human Beings* (CoE Convention) (CoE, 2005). With the development and increased engagement of OSCE and EU institutions on CHT, two new governance units were created, giving EM the hallmarks of a system with polycentric governance. The harmonized policies and efforts of the states have strengthened the capacities and improved the quality of national mechanisms for CHT (NM). Integration into EM, due to dynamic interactions in the system, created a new quality of NMs, achieved a more homogeneous treatment, coordinated action and fulfilled the preconditions for the mechanism to accomplish greater effects (synergy of the system)<sup>2</sup>. Further qualitative and quantitative strengthening of the EU institutions and the commitment

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<sup>1</sup> The term *European mechanism* is not in the official use of the Council of Europe and the European Union; it is introduced for the purpose of this paper to cover all relevant anti-trafficking subjects in Europe.

<sup>2</sup> *System synergy* is a complex joint action of system components within the whole when the system properties do not originate from the nature of the components but are the result of the dynamics of the interconnections of the components within the system, which gives the possibility of achieving a synergistic effect. A *synergistic effect* is an occurrence when, by the functioning of the system as a whole, is achieved greater effects than the sum of the effects of all the components, viewed separately; it comes from new quality - *emergent properties* of components when they become part of a larger system.

of States to build the NMs, creates conditions for upgrading the existing system and managing processes more efficiently.

#### *HUMAN TRAFFICKING AND SYSTEM APPROACH TO AN ORGANIZATION*

*Human trafficking.* After the 1980s, interest in human trafficking was intensified by various factors, such as the strengthening of feminist movements, public, government, and international organization's concerns about the exploitation of women, as well as Western and international media and people's concerns about migratory flows from underdeveloped countries. In order to provide interdisciplinary theoretical and empirical analyses and create the necessary measures to combat human trafficking, there was a need to engage experts in various scientific fields. The necessity of a system and multidisciplinary study of the phenomenon and its connections with the problems of economic, social, legal and political nature was noted, as well as the need to apply multidisciplinary in the construction of counteraction mechanisms, which should include measures of prevention and protection of victims and repression.

With the aim of developing a new response to international human trafficking, offering guidelines to states for adoption of national strategies and laws, and assisting them in building national institutions for CHT, the *UN Protocol* has emerged. Among other things, the Protocol contains a broader definition of human trafficking, providing the base for further study of this social phenomenon in contemporary conditions. According to the Protocol, "*trafficking in persons* shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs" (UNODC, 2000: art. 3). Human trafficking is also considered to be any act mentioned in the previous definition (recruitment, transportation or other action), even if there is the victim's consent to the intended exploitation if any of the mentioned means was used (threat of force, use of force or other means). In the case of children as victims (according to the Protocol these are persons under the age of 18), trafficking is also considered to be the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, regardless of whether or not any of the means set forth have been used (coercion, fraud, abuse of power or other) (UNODC, 2000: art. 3). The definition has been

taken up in its entirety in the CoE Convention, and the *EU Directive on preventing and combating trafficking in human beings and protecting its victims* (EU Directive) (EU, 2011: art. 2), with a little extension of the exploitation forms (EU, 2011: art. 2).

Due to the complexity of human trafficking, it is presented by definition as a process, not as an event or one crime. The complexity of the phenomenon originates from the interactions between supply and demand, the multiple stages through which victims go and the linkage of a variety of factors such as different crimes, a large number of different perpetrators, forms of exploitation, geographical locations and many environmental factors (social, economic, cultural and other). In a broader context, the complexity of CHT is also influenced by a large number of law enforcers and prosecution authorities, government and non-government agencies, civil society organizations, social institutions, and other actors in CHT and victim's protection.

*System approach.* At the basis of GST is the idea that different physical and social phenomena can be considered as wholes (holism) or systems, and the focus of theory lies in the interactions between the components of system and system with the environment. The basic term of GST is the system, and it has many definitions that are conditioned by the ambiance and position of one dealing with system theory (Bailey, 1970; Churchman, 1986; Morgan, 2005; Mele, Pels & Polese, 2010). Most definitions have in common that: a system is created to accomplish an assigned mission and achieve certain goals through the accomplishment of tasks; a system is composed of (interconnected) elements or components that make up the whole and interact (direction, intensity, features); the system transforms input resources into output resources (process results) through internal processes.

System approach, as a methodological and conceptual apparatus for treating phenomena and processes, has become one of the most used in the process of improving organizations and management. The starting point for applying a system approach to organizational systems<sup>3</sup> (organizations) is in the multidisciplinary analysis of the organization as a whole. Organizations are typically complex, stochastic, dynamic, and open systems, and they contain a large number of interconnected components and interact with elements of the environment. They are in a constant process of change and require active governing, and their behavior in the future is difficult to predict. The basic characteristics of organizational systems are

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<sup>3</sup> Organizational systems are designed on the basis of principles of objective and principles of constitution (functional and structural), work organization principles (collective and individual) and workplace organization principles (Andrejić i Milenkov, 2019: 127-128, 142-143).

goal(s), functions, processes, structure, boundaries, environment, interactions, and connections.

Organizational goals (objectives) are values to be achieved or preserved, and the achieved results of the organization represent the degree of goal's achievement. Some goals of the organization may be conflicting, and their relationship is resolved through the optimization of the desired results. According to the defining actors, system goals can be adopted, assigned, or a combination of them.

Organizational structure is the basis for achieving the projected goals; it is made up of components (elements and/or subsystems) and their relationships, with assigned roles, jobs, and tasks, which they execute in accordance with norms, rules, and restrictions. The structure is a source of dynamic interactions with the supra-system and within the system - between its belonging components among which hierarchical relationships<sup>4</sup> are built. Among the components, the most important is the governing component - the unit (decision-maker, individual or group), as dominant and responsible for the system functioning which, through the hierarchical links, provides the mono-centricity of the system. With the advent of multiple governing units at the top of the system, or in its subsystems, the system tends to poly-centricity as a non-hierarchical set of interactions between actors and without a dominant central authority<sup>5</sup> (Morrison et al., 2017: 2). Possible discontinuities in the organization structure between different levels of management and cross-functional discontinuities, weaken the organization structure, creating a series of isolated operational islands, especially in the absence of a unique governing. Opportunities for improving organizations are, precisely, between these operational islands and are reflected primarily in establishing better communication between them.

Organizational environment is composed of all external factors that affect the state of the organization (and the organization affects the state of the elements of the environment). The subjects of the environment are not only physical and topological, but primarily functional, behavioral,

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<sup>4</sup> *Hierarchy* is a term that describes the structuring of a system in ranked order of components, according to levels of importance of each component. Component relationships are arranged such that the component(s) at a lower level is to some degree subordinated to a higher-level component. The existence of a unique governing (one governing component) ensures a certain degree of system centralization (monocentric system).

<sup>5</sup> A *polycentric governance system* consists of several formally independent autonomous units, whose autonomy implies that they act independently and without centralized coordination, and that they make decisions through processes of cooperation, competition, conflict and conflict resolution (Ostrom, 1999: 225). When there is an overlap of strategies and international institutions in one area, the effectiveness of complex governance depends on the cooperation of those governing institutions.

and communicational (Cilliers, 2001: 5); they are other systems, events, processes, space, time, legal instruments, and others. The permeable system boundaries allow the system to obtain the necessary input resources (information, finances, material, etc.) and to get output resources at the system's exit, as a consequence of the processes in the system (information, products, or other resources). System *input* means any action directed at the system, and system *output* - any action that originates from the system (Kast & Rosenzweig, 1972: 450). Information about the processes in the system and the achieved effects on the output, represents *feedback* and provides a new influence on the system through input changes to correct the process and achieve projected results. The concept of feedback is generally defined as part of a system (Skytter, 2005: 87-89), but external influences (elements of the environment) usually occur affecting the system inputs and changing its state, by modifying the outputs.

#### *THE EUROPEAN MECHANISM FOR COMBATING HUMAN TRAFFICKING AS AN ORGANIZATIONAL SYSTEM*

The renewed interest in human trafficking at the end of the last century initiated the creation of regional instruments for CHT, in addition to the global ones. The EM was created to address organized and multi-disciplinary combat against human trafficking in Europe. This requires special efforts and skills, actors of different knowledge and fields of work (law enforcement, judiciary, social and health care, civil society, and media) and their coordination. Most countries in Europe, at the end of the 20<sup>th</sup> century, were unable to efficiently combat human trafficking in their territory or the problem was treated as less important. The lack of harmonization between the legal systems of states or even the refusal of individual states to acknowledge the existence of trafficking (Savona & Stefanizzi, 2007: 2) hindered the adequate response and cooperation of states in solving this problem.

#### *Normative Framework and Objectives of Building the European Mechanism*

The first step in creating a unified and comprehensive system - the mechanism for CHT in Europe - was the adoption of the CoE Convention in 2005. The Convention upgrades on existing international instruments, primarily on the UN Protocol, but also exceeds accepted standards and introduces additional measures for the protection of victims. It has been ratified by all European countries except Russia (28 EU members and 19 non-members), committing themselves to regulate this area in national legislations and to build NMs as components of EM. The Convention, as a binding instrument, provides the so-called 'hard law', establishes a monitoring system and the possibility of holding each member state ac-

countable for default on commitments (Piotrowicz, 2017: 41). An important document for the construction of the mechanism is also the EU Directive as a binding instrument for the EU member states as well as for the state signatories to the EU association agreements. The Directive adopts an integrated and holistic approach to CHT based on human rights and includes actions in third countries (countries of origin and transit of victims) (EU, 2011: 1). The EU oversees the implementation of CHT instruments through its bodies, but also provides financial and other assistance to countries to strengthen NMs.

The overall objective of EM creation<sup>6</sup> is not only legislative measures but also the totality of multidisciplinary measures and activities covering the prevention of human trafficking and victim assistance and protection. The subsystem of objectives includes: preventing and combating human trafficking; protecting and assisting victims and witnesses; ensuring effective investigation and prosecution of perpetrators; and, the promotion of international cooperation (CoE, 2005: 1), indicating the application of a multidisciplinary and holistic approach in defining them. Due to the existence of more relevant objectives, the adopted strategy for CHT endeavored to ensure a balance between criminalization, the investigation's efficiency and human rights protection, including the gender equality of victims. To a large extent, the EM objectives subsystem has been designed for states as the carriers of primary activities for establishing and/or strengthening policies and programs for CHT (CoE, 2005). On this basis, states have defined obligations to establish and upgrade NMs in accordance with real needs.

#### *Boundaries and Environment of the European Mechanism*

Between the structure, boundaries, and environment of the mechanism, there is a direct interdependence and conditionality. The EM structure includes organizational components (CoE, EU and OSCE bodies, NGOs, and countries - NMs), their links and relationships (formal and informal) and related regulations, and the system boundaries and environment are determined in relation to it. To define the environment, a combination of two basic concepts was applied in the paper: an objective and an enacted environment (Mele et al., 2010: 130-131). *The objective environment* (elements are material entities) comprises all non-member countries of the CoE Convention, that is, the system as basic components contains countries located geographically on the European continent; it is

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<sup>6</sup> The objectives of the EM have been adopted within the CoE Convention and the objectives of the NMs have been assigned in part by the CoE Convention ratification and partly are adopted according to real threats and needs in national contexts and they are changeable over time.

significant because some countries of the environment are countries of origin and/or transit of a large number of victims. *The enacted environment* of the mechanism includes legal instruments and institutions with which the mechanism interacts, regardless of geographical space. The most important elements of an enacted environment are international regimes (e.g. Universal Declaration of Human Rights, UN Convention, UN Protocol), international institutions (e.g. UNODC, UNHCR, UN.GIFT, ICAT, ILO), NGOs, the private sector, as well as the political, economic and cultural environment. The combined approach of defining the environment places EM and the Member States (NMs) in a set of international relations with countries outside Europe and in defined and accepted relations with international organizations and agencies relevant for CHT, in accordance with applicable international legal instruments.

In defining the environment and/or boundaries of the mechanism, particular consideration should be given to the place of human trafficking as a process, that is, whether trafficking is part of the mechanism or its environment, with answers to the questions: is trafficking relevant to the mechanism and whether it is under its control. Human trafficking is significant for EM, as it is the sole reason for its organization, but the mechanism does not have control over the processes and different systems of trafficking, which means that trafficking is not a component of EM. However, the mechanism has control over individual segments, i.e. victims or potential victims, who are identified and who are given assistance and protection, as well as the traffickers identified and put under control by law enforcement and judicial authorities. Therefore, trafficking can only be seen as a process that is outside the mechanism and is also an input into the mechanism, either as information on human trafficking flows or as identified victims and traffickers available to the subjects of the mechanism.

### *THE STRUCTURE AND THE FUNCTIONING OF THE EUROPEAN MECHANISM*

The structure of the EM cannot be viewed only within the system established under the CoE Convention, as the real mechanism is also made up of bodies formed within the EU and the OSCE, with which states and NMs interact in parallel. The most important components of EM (Figure 1), in addition to countries, civil society organizations and private sector partners, according to governing function holders, are:

Council of Europe:

- *Committee of the Parties* – the political body composed of member states' representatives of the CoE Convention (CoE, 2005: art. 37);
- *Group of Experts on Action against Trafficking in Human Beings (GRETA)* – a multidisciplinary technical body of the CoE, with the mandate

to monitor and evaluate the implementation of the CoE Convention (CoE, 2005: art. 36);

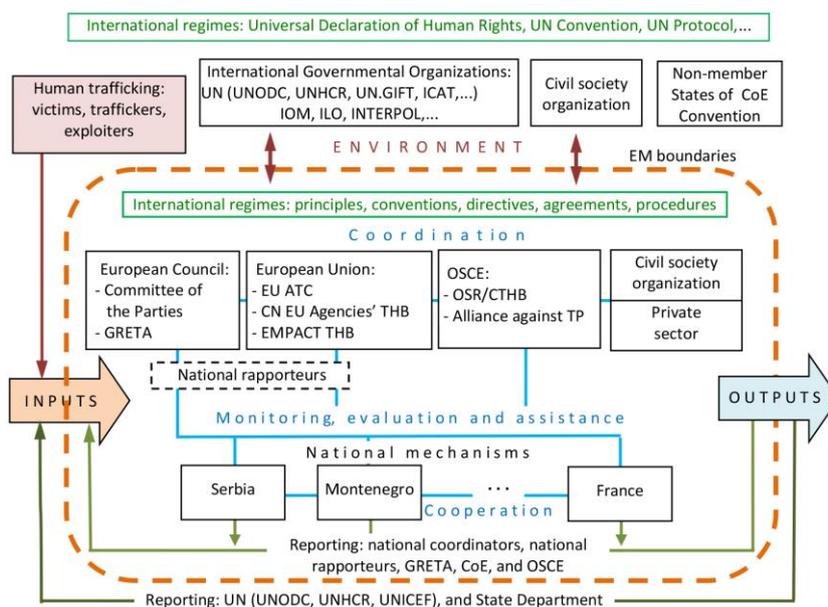


Figure 1. European mechanism for CHT as a system

#### European Union:

- *EU Anti-Trafficking Coordinator (EU ATC)* – responsible for coordination and coherence between EU institutions and agencies, Member States, international actors, and development of EU policies for CHT (EC, 2019);

- *European Multidisciplinary Platform Against Criminal Threats – Trafficking in Human Beings (EMPACT THB)* designed to combat organized and serious crime in the field of human trafficking and to strengthen cooperation between relevant services of EU countries, institutions and agencies, as well as third countries (Europol, 2019);

- *Coordination Network of the EU Agencies' contact points on THB (CN EU Agencies' THB)* – formed from ten EU agencies relevant for CHT in the domain of police, justice, asylum, and others, committed to work together in CHT (EC, 2019);

- *Civil society organizations* – The basic platforms that associate organizations from Europe and other regions are the *EU Civil Society Platform against THB* and *ePlatform against THB* (EC, 2019);

#### Organization for Security and Co-operation in Europe:

- *Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB)* represents the OSCE,

coordinates the work of OSCE structures and institutions and assists Member States (OSCE, 2019);

- *Alliance against Trafficking in Persons* is a broad international forum, under OSCE mandate, involving international, non-governmental and inter-governmental organizations for CHT (OSCE, 2020).

*States - national mechanisms.* The results of the organizational system are achieved (or not achieved) horizontally (cross-functional), not hierarchically. Therefore, in the EM the focus must be on the horizontal dimension, i.e. that NMs efficiently carry out the projected activities and cooperate. NMs as components of EM have different structures, depending on economic development, organizational level of the police and judicial system, social protection level, care for human rights and others.

*The functioning of the EM* is based on the international regimes (principles, norms, and procedures) contained in conventions, agreements, recommendations, and on national levels - on national laws and procedures. The main subjects of the mechanism established under the CoE Convention were the States (NMs) and the CoE institutions (Committee of the Parties and GRETA) as the unique governing component of the system. That defined the mechanism as mostly a monocentric system, especially in relation to non-EU countries. With the strengthening of EU institutions and the more active role of the OSCE, the mechanism has increasingly taken on the characteristics of a polycentric complex system. In such circumstances, mechanism governing is characterized by a combination of autonomous behavior and flexible interrelationships of governing components, although the system was originally designed as hierarchical and monocentric. The negative consequences of polycentric governance are diminished by the unity of the projected goals and the great overlap between the CoE, EU and OSCE CHT strategies, as well as the enviable level of construction and efficiency of NMs in most countries. There is a need for greater cooperation, coordination of policies and activities of states and the governance function holders. However, for this activity there is no official body (such as ICAT in the UN), nor is it assigned to any of the existing coordinators or GRETA.

According to the GRETA report, CHT is one of the priority areas of co-operation between the CoE and the OSCE, but co-operation “which has continued to strengthen” is mainly based on participation in conferences and other events organized by one of these institutions, the coordination of working visits states and collecting data on NMs functioning (CoE, 2019: 34). The cooperation between GRETA and the EU bodies is based only on individual exchanges of experience and opinions on some current topics such as the structures of organized crime groups or the role of civil society actors in the CHT (CoE, 2019: 34). Such individual events do not represent the cooperation necessary for the efficient governing and development of EM, given the scale of human trafficking and the new

methods and technologies applied by traffickers. For example, no report mentions the joint work of expert teams and other activities to refine CHT strategies and policies or the impact of a complex governance mechanism on NMs. Conditionally seen, these interrelationships of governing units create three hierarchically structured systems with common components – NMs, and generally unique goals, which negatively affects the effectiveness of NMs due to multi-party engagement and increased administration.

Intrinsic and extrinsic feedback, as an incentive for maintaining the stability and efficiency of the system, is provided by reports of national coordinators and rapporteurs and monitoring by GRETA, the EC, the OSCE, and the State Department. The results of the mechanism's functioning, as an output from the system, can be used to assess efficiency and effectiveness of EM and NMs, based on indicators of financial and human resources, identified and cared victims, the importance of interrupted flows of trafficking, identified and sanctioned traffickers and others. In the available official acts of the CoE, EU or OSCE, the evaluations of the overall efforts of EM are mostly generalized, while assessments of the functioning of the NMs, as well as recommendations for their further development, are more detailed. According to the EC and State Department ratings for 2018, most states in Europe have made progress over the previous period in shaping their NMs and implementing measures for CHT. The basic failures of NMs' functioning lie in the impunity of traffickers and the identification of victims and their limited access to rights of protection, compensation, and non-impunity (EC, 2018; Department of State, 2019).

### *CONCLUSION*

Human trafficking has become an international problem that is burdensome for all states, which has prompted societies to launch various initiatives to prevent, direct, control and eradicate this negative complex phenomenon. An adequate response to the increased scope of human trafficking at the world level is based on the 2000 UN Convention and the Supplementary Protocol. The most significant step at the regional level – in Europe, was made in 2005 with the adoption of the CoE Convention and its ratification by European states, which shaped the multi-year initiative of European states and international organizations to work together in CHT. The CoE Convention and the subsequent EU Directive adopted an integrated and holistic approach in CHT, as a basis for the organization of EM, harmonization of national legislation, and the construction of NMs. From the aspect of general system theory, it can be concluded that a set of conventions, directives, agreements, national laws, protocols, and procedures, existing European subjects and national bodies and institutions, involved civil society organizations and the private sector for CHT, and their relations, constitute a unique organizational system.

The European mechanism is designed to enable multidisciplinary identification, definition, and implementation of measures, activities, and procedures, related to trafficking in the domain of criminal law, active prevention of trafficking, assistance to victims, and their protection. It provides a unique approach to the content of combating human trafficking on national levels, the extension of national legislation and mechanisms. The Mechanism promoted cooperation among the states and made progress within the law enforcement and judicial authorities in combating human trafficking when it has an organized and transnational character.

The existence of three governing units in the mechanism (CoE, EU, OSCE) makes it an imperfect organizational system and requires greater cooperation and better coordination of policies and activities among them, especially due to the lack of a unique coordinating body. From the point of view of NMs, due to monitoring, evaluation and obligations toward more governing subjects, the interactions of NMs with these units are complex for all European countries, less for members, and more for non-members and candidates for EU accession. In the absence of the necessary level of coordination of the governing units, their relationship must be directed at expanding cooperation and building a common strategy, norms, rules, and decision-making principles. However, the unity of the NMs' objectives and the EM's government units reduce the negative impacts on the execution of the projected EM's mission. Strengthening EU institutions, establishing co-operation with third countries in the field of justice and police, as well as financial and other assistance to countries to upgrade NMs, strengthens EU interactions with the Member States and non-member countries, making EU institutions for CHT a potentially dominant component of the mechanism.

Although no accessible document can be extracted assessing the effectiveness and efficiency of the overall mechanism, partial data such as the number of reported, identified, and cared victims, the number of convicted persons or NMs' ratings, show significant progress in the functioning of the mechanism. According to the State Department, as an independent institution, most European countries fully meet the minimum standards required for CHT or their governments make significant efforts to reach those standards.

The needs of the practice, the demands of time and contemporary trends in science and operational practice indicate the need for a multidisciplinary approach and holism in the studies of phenomena, processes, and systems; general system theory, especially system approach as its methodological procedure, are well suited for this purpose. Significant improvements in existing solutions or in the design of new ones can be achieved by respecting the unity of matter, information and measure, as this provides complete knowledge as opposed to fragmentary and factually knowledge that creates a kaleidoscopic picture of objective reality.

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## **ИЗГРАДЊА ЕВРОПСКОГ МЕХАНИЗМА ЗА БОРБУ ПРОТИВ ТРГОВИНЕ ЉУДИМА – СИСТЕМСКИ ПРИСТУП**

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### **Резиме**

Трговина људима, према опште прихваћеној дефиницији из Протокола УН (2000), је сложен процес који се састоји од радње (врбовање жртава и др.), средста (употреба силе и др.) и сврхе (експлоатација проституције и др.). Сложеност појаве захтева адекватан приступ супротстављању заснованом на дијалектичком јединству теорије и праксе. Са циљем мултидисциплинарног одговора на трговину људима у Европи, развијен је регионални механизам – Европски механизам за борбу против трговине људима, на основу Конвенције Савета Европе о борби против трговине људима (2005) и Директиве ЕУ о спречавању и сузбијању трговине људима и заштити њених жртава (2011). Изградња ефективног, целовитог и мултидисциплинарног механизма заснована је на већој примени научног приступа, хармонизацији правних система и усаглашеном деловању држава, чиме се постиже синергијски ефекат.

Системски приступ као методолошки приступ и системска анализа као методолошки поступак, пружају добре могућности за системско скенирање механизма. Европски механизам се разматра као комплексан, отворен, динамичан и стохастичан организациони систем, у који су, као компоненте, имплементиране све државе Европе (осим Русије), са циљем анализе његових основних параметара: циљева, структуре и окружења, као и функционисања. Општи циљ механизма је доношење и примена мултидисциплинарних мера, активности и поступака (процедура) које се односе на трговину људима, у домену кривичног права, активног спречавања трговине људима, помоћи жртвама и њихове заштите. Структуру механизма сачињавају органи Савета Европе, ОЕБС и ЕУ, национални механизми европских држава, организације цивилног друштва и приватни сектор и њихове везе и односи. Пропусне границе система омогућавају интеракције са окружењем које чине неевропске државе и инструменти и институције са којима је механизам у интеракцији, без обзира на географску локацију. Трговина људима као појава због које механизам постоји је део окружења, осим идентификованих жртава и трговаца који су под контролом механизма.

Са аспекта опште теорије система, може се закључити да скуп конвенција, директива, споразума, националних закона, протокола и процедура, постојећи европски субјекти и национални органи и институције, ангажоване организације цивилног друштва и приватни сектор и њихови односи, представљају јединствен организациони систем. Механизам је изграђиван као моноцентричан систем са органима Савета Европе као јединственом управљачком јединицом и са хијерархијским односима према националним механизмима. Током времена и јачањем институција ЕУ и ОЕБС, механизам је попримао карактеристике сложеног система са полицентричним управљањем које одликује комбинација аутономног понашања и флексибилних међусобних односа управљачких компоненти. Овакав систем захтева висок степен сарадње, координације политика и активности носилаца управљачке функције што, према доступним извештајима, није постигнуто у механизму. Негативне последице полицентричног управљања умањене су јединством пројектованих циљева и великим преклапањем стратегија Савета Европе, ЕУ и ОЕБС, као и завидним нивоом изграђености и ефикасности националних механизма.

Потребе праксе, захтеви времена и савремени трендови у науци и оперативној пракси упућују на неопходност мултидисциплинарног приступа и холизма у изучавању појава, процеса и система; општа теорија система и посебно системски приступ као њен методолошки поступак, јако су погодни за ту сврху.