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Na podlagi drugega odstavka 31. člena in 32. člena Zakona o mednarodnih pogodbah in drugih mednarodnih aktih (Uradni list RS, št. 12/26) Vlada Republike Slovenije sprejme

Sklep o potrditvi Protokola med Ministrstvom za notranje zadeve Republike Slovenije in Ministrstvom za notranje zadeve Črne gore o sodelovanju na področju boja proti trgovini z ljudmi in zlorabi otrok

**1. člen
(vsebina)**

Potrdi se Protokol med Ministrstvom za notranje zadeve Republike Slovenije in Ministrstvom za notranje zadeve Črne gore o sodelovanju na področju boja proti trgovini z ljudmi in zlorabi otrok, podpisan na Brdu pri Kranju 1. decembra 2021.

**2. člen
(besedilo protokola)**

Besedilo protokola se v izvorniku v slovenskem in angleškem jeziku glasi:*

**PROTOKOL
MED
MINISTRSTVOM ZA NOTRANJE ZADEVE REPUBLIKE SLOVENIJE
IN
MINISTRSTVOM ZA NOTRANJE ZADEVE ČRNE GORE
O
SODELOVANJU NA PODROČJU BOJA PROTI TRGOVINI Z LJUDMI
IN ZLORABI OTROK**

Ministrstvo za notranje zadeve Republike Slovenije in Ministrstvo za notranje zadeve Republike Črne gore (v nadaljevanju: pogodbenika) sta se

ob sklicevanju na obveznosti, ki sta jih pogodbenika prevzela ob izvajanju Konvencije Združenih narodov proti mednarodnemu organiziranemu kriminalu, sklenjene 15. novembra 2000, Protokola za preprečevanje, zatiranje in kaznovanje trgovine z ljudmi, zlasti ženskami in otroki, ki dopolnjuje Konvencijo Združenih narodov proti mednarodnemu organiziranemu kriminalu, sklenjenega dne 15. novembra 2000, Konvencije Sveta Evrope o ukrepanju proti trgovini z ljudmi, sklenjene v Varšavi 16. maja 2005, Konvencije Združenih narodov o otrokovih pravicah, sprejete in na voljo za podpis dne 20. novembra 1989, Izbirnega protokola h Konvenciji o otrokovih pravicah glede prodaje otrok, otroške prostitucije in otroške pornografije, sprejetega dne 25. maja 2000, Konvencije Sveta Evrope o zaščiti otrok pred spolnim izkoriščanjem in spolno zlorabo, sklenjene na Lanzarotu 25. oktobra 2007, in drugih mednarodnih instrumentov,

v prizadevanju za usklajeno uporabo določb Sporazuma med Vlado Republike Slovenije in Vlado Republike Črne gore o sodelovanju v boju proti organiziranemu kriminalu, trgovini z ljudmi in ilegalnim migracijam, nezakoniti trgovini s prepovedanimi drogami in predhodnimi sestavinami, terorizmu in drugim kaznivim dejanjem, sklenjenega v Budvi 13. oktobra 2006 (v nadaljevanju: sporazum o policijskem sodelovanju),

ob upoštevanju Konvencije o policijskem sodelovanju v jugovzhodni Evropi, sklenjeni 5. maja 2006 na Dunaju,

ob upoštevanju, da trgovina z ljudmi in zloraba otrok predstavljata najhujše kršitve človekovih pravic,

v prizadevanju, da okrepiata preprečevanje trgovine z ljudmi in vseh oblik zlorabe otrok in učinkovitost pri odkrivanju in pregonu storilcev ter identifikacijo, zaščito, napotitev in sodelovanje v kazenskih in drugih postopkih in pomoč pri prostovoljnem vračanju žrtev in potencialnih žrtev trgovine z ljudmi, ob upoštevanju temeljnih človekovih pravic,

dogovorili:

1. člen **Področje sodelovanja**

1. Ta protokol ureja vprašanja, povezana s preprečevanjem trgovine z ljudmi ter odkrivanjem in pregonom storilcev ter identifikacijo, napotitvijo, zaščito in prostovoljnim vračanjem žrtev ali potencialnih žrtev trgovine z ljudmi.
2. Ta protokol ureja tudi vprašanja, povezana z identifikacijo, zaščito in pomočjo otrokom, ki so žrtve ali potencialne žrtve vseh oblik zlorab:
 - a) spolno izkoriščanje otrok, državljanov držav pogodbenikov protokola, preko interneta in v fizičnem okolju;
 - b) druge oblike nasilja in zlorab otrok državljanov držav pogodbenikov protokola in tretjih držav, če gre za čezmejno delovanje.

2. člen **Oblike sodelovanja**

Pristojni organi pogodbenikov tega protokola sodelujejo pri:

- a) preprečevanju vseh oblik trgovine z ljudmi in boju proti njim;
- b) preprečevanju, odkrivanju in preiskovanju vseh oblik zlorab otrok;
- c) izmenjavi informacij in drugih podatkov v predkazenskih in kazenskih postopkih, ki omogočajo hitro odkrivanje in učinkovit pregon storilcev kaznivih dejanj;
- d) izmenjavi vseh potrebnih informacij in podatkov med pristojnimi organi, ki sodelujejo pri identifikaciji in zaščiti zlorabljenih otrok in pri identifikaciji, zaščiti, napotitvi in vračanju žrtev ali potencialnih žrtev trgovine z ljudmi v izvorno državo;
- e) redni izmenjavi informacij o odkritih kriminalnih združbah in novih pojavnih oblikah trgovine z ljudmi in vseh oblik zlorabe otrok;
- f) izvajanju skupnih projektov za ozaveščanje javnosti na področju boja proti trgovini z ljudmi in boja proti vsem oblikam zlorabe otrok;
- g) organiziranju usposabljanj, delavnic in seminarjev ter izmenjavi izkušenj za okrepitev zmogljivosti v boju proti trgovini z ljudmi in boju proti vsem oblikam zlorabe otrok;
- h) izvajanju skupnih dejavnosti za prepoznavanje novih trendov, povezanih s trgovino z ljudmi in vsemi oblikami zlorabe otrok, in zagotavljanju ustreznega odziva.

3. člen

Pristojni organi

Organi, ki so pristojni za preprečevanje trgovine z ljudmi in boj proti njej ter za zaščito žrtev ali potencialnih žrtev trgovine z ljudmi in za boj proti zlorabi otrok in ki spremljajo izvajanje tega protokola (v nadaljevanju: pristojni organi), so:

- za Ministrstvo za notranje zadeve Republike Slovenije:

Služba za preprečevanje in boj proti trgovini z ljudmi;

Generalna policijska uprava, Uprava kriminalistične policije, Sektor za mednarodno policijsko sodelovanje;

- za Ministrstvo za notranje zadeve Črne gore:

Ministrstvo za notranje zadeve, Oddelek za boj proti trgovini z ljudmi;

Policijska uprava, Sektor za boj proti kriminalu.

4. člen

Začetno obvestilo

1. Pristojni organi pogodbenikov se obvestijo o vseh primerih identificiranih žrtev ali potencialnih žrtev trgovine z ljudmi v državah pogodbenikov.
2. Pristojni organi se obvestijo o vseh primerih zlorabe otrok, povezanih z obema pogodbenikoma, in ukrepajo tako, da ravnajo v korist otrok.
3. Pristojni organi se obvestijo o vseh primerih identificiranih in prijatih storilcev ter o načinu storitve kaznivih dejanj, povezanih z obema pogodbenikoma.
4. Začetno obvestilo se pošlje nemudoma po identifikaciji žrtve ali potencialne žrtve trgovine z ljudmi, tj. otroka - žrtve zlorabe, vendar najpozneje v 7 dneh.
5. Če je žrtev ali potencialna žrtev trgovine z ljudmi otrok, pogodbenika sprejmeta vse potrebne ukrepe in dejavnosti, da odločita in ravnata v korist otroka.
6. Ob začetnem obvestilu pogodbenika sprejmeta vse potrebne ukrepe za ocenitev tveganja ter zagotovita pogoje za prostovoljno vrnitev in zaščito žrtev ali potencialnih žrtev trgovine z ljudmi ter otroka, ki je žrtev zlorabe.

5. člen

Zaščita žrtev ali potencialnih žrtev trgovine z ljudmi in otrok, žrtev vseh oblik zlorab

1. Pristojni organi iz tega protokola v skladu s svojimi pristojnostmi in notranjo zakonodajo držav pogodbenikov izvajajo naslednje dejavnosti:
 - a) začetna ocena potreb žrtev ali potencialnih žrtev trgovine z ljudmi in otrok, ki so žrtve zlorabe;
 - b) seznanjanje žrtev z njihovimi pravicami in obveznostmi, povezanimi z nastanitvijo, zdravstvenim in socialnim varstvom, pravno pomočjo itd.;

- c) priprava osnutka individualnega načrta dejavnosti glede na možnosti, potrebe in koristi žrtve ali potencialne žrtve trgovine z ljudmi, tj. otroka, žrtve zlorabe, v skladu z notranjo zakonodajo;
 - d) pomoč pri pridobivanju dokumentov, potrebnih za ugotavljanje identitete;
 - e) zagotavljanje obdobja odločanja/razmisleka žrtvam trgovine z ljudmi z namenom nudenja pomoči in zaščite v obdobju okrevanja ter preprečevanje vplivanja na žrtve ali potencialne žrtve trgovine z ljudmi;
 - f) izdajanje dovoljenj za začasno prebivanje žrtvam trgovine z ljudmi v skladu z nacionalno zakonodajo;
 - g) zagotavljanje pogojev za sodelovanje žrtve in njenega zakonitega zastopnika s pravosodnimi organi.
2. Pristojni organi sodelujejo z organizacijami civilne družbe, ki žrtvam ali potencialnim žrtvam trgovine z ljudmi ali otrokom, ki so žrtve zlorabe, zagotavljajo oskrbo.

6. člen

Pomoč pri prostovoljnem vračanju žrtev ali potencialnih žrtev trgovine z ljudmi in otrok, ki so žrtve zlorabe

1. Takoj, ko žrtev ali potencialna žrtev trgovine z ljudmi izrazi svojo željo po vrnitvi, ji pristojni organi na začetku obdobja za razmislek zagotovijo informacije o varni vrnitvi v jeziku, ki ga žrtev razume.
2. Za namene izvajanja tega protokola pogodbenika sprejmeta ustrezne ukrepe, s katerimi zagotovita in pravočasno izvedeta neovirano prostovoljno vračanje žrtev ali potencialnih žrtev trgovine z ljudmi in otrok, ki so žrtve zlorabe, ob posebni skrbi za njihovo varnost in socialno zaščito.
3. Ob prejetju začetnega obvestila in zaprosila za pomoč pri prostovoljnem vračanju žrtve ali potencialne žrtve trgovine z ljudmi pogodbenika uskladi in skupaj pripravita individualni načrt dejavnosti ter si po potrebi izmenjata ustrezno dokumentacijo.
4. Če se na podlagi ocene tveganja pojavi domneva ali sum, da so v trgovino z ljudmi vpleteni družinski člani ali zakoniti zastopnik, se sprejmejo ustrezni ukrepi, s katerimi se poskrbi za otrokove potrebe v izvorni državi in za njegovo korist, dokler niso izpolnjeni pogoji za njegovo varno vrnitev.
5. Vsak pogodbenik krije svoje stroške, povezane s pomočjo pri prostovoljnem vračanju na njegovo območje, v skladu s svojo notranjo zakonodajo.

7. člen

Sporazumevanje

1. Sporazumevanje med pristojnimi organi pogodbenikov poteka preko imenovanih točk ali oseb za stike ali neposredno, odvisno od primera, v uradnem jeziku podpisnika ali v angleškem jeziku.
2. Pristojni organi pogodbenikov imenujejo točko ali osebo za stike v 30 dneh od datuma začetka veljavnosti tega protokola in s tem seznanijo drugega pogodbenika.
3. Pogodbenika se pravočasno obveščata o vseh spremembah podatkov o točkah ali osebah za stike.

8. člen
Reševanje sporov

Organi, ki spremljajo izvajanje tega protokola, spore glede razlage ali izvajanja tega protokola rešujejo s posvetovanjem.

9. člen
Začetek veljavnosti, trajanje, spremembe in odpoved

1. Ta protokol začne veljati na dan prejema zadnjega pisnega uradnega obvestila, poslanega po diplomatski poti, s katerim se pogodbenika obvestita o končanih notranjepravnih postopkih, ki so potrebni za začetek njegove veljavnosti.
2. Ta protokol se sklene za nedoločen čas.
3. Pogodbenika lahko ta protokol spremenita in dopolnita le ob vzajemnem pisnem soglasju. Spremembe in dopolnitve začnejo veljati v skladu s prvim odstavkom tega člena.
4. Vsak pogodbenik lahko odpove ta protokol s pisnim obvestilom po diplomatski poti. Protokol preneha veljati po poteku 90. dne po datumu prejema obvestila.

Sklenjeno na Brdu pri Kranju, dne 1. decembra 2021 v slovenskem, črnogorskem in angleškem jeziku, pri čemer so vsa besedila enako verodostojna. Ob razlikah v razlagi prevlada angleško besedilo.

Za
Ministrstvo za notranje zadeve
Republike Slovenije

Aleš Hojs, l.r.

Za
Ministrstvo za notranje zadeve Črne gore

Sergej Sekulović, l.r.

**PROTOCOL
BETWEEN
THE MINISTRY OF THE INTERIOR OF THE REPUBLIC OF SLOVENIA
AND
THE MINISTRY OF THE INTERIOR OF THE MONTENEGRO
ON
COOPERATION IN THE AREA OF THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS AND
CHILD ABUSE**

The Ministry of the Interior of the Republic of Slovenia and the Ministry of the Interior of the Montenegro (hereinafter the Parties),

Referring to the obligations that the Parties have taken with the implementation of the United Nations Convention against Transnational Organized Crime of 15 November 2000, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000, the Council of Europe Convention on Action against Trafficking in Human Beings done at Warsaw on 16 May 2005, the United Nations Convention on the Rights of the Child adopted and opened for signature on 20 November 1989, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 25 May 2000, Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse done at Lanzarote on 25 October 2007, as well as other international instruments,

Aiming to consistently apply the provisions of the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Montenegro on cooperation in the fight against organised crime, people trafficking and illegal migrations, trafficking in illicit drugs and precursors, terrorism and other crimes done at Budva on 13 October 2006 (hereinafter Police Cooperation Agreement),

Having regard of the Police Cooperation Convention for Southeast Europe done at Vienna on 5 May 2006,

Having in mind that trafficking in human beings and child abuse present the most severe types of human rights violations,

Aiming to improve prevention of trafficking in human beings and all forms of child abuse and efficiency in detection and prosecution of offenders, as well as identification, protection, referral and cooperation in criminal and other procedures, and assisted voluntary return of victims and potential victims of trafficking in human beings, while respecting the basic human rights,

Have agreed as follows:

**Article 1
Scope of cooperation**

1. This Protocol shall govern the issues related to the prevention of trafficking in human beings and detection and prosecution of offenders, identification, referral, protection and voluntary return of victims or potential victims of trafficking in human beings.
2. This Protocol shall also govern the issues related to the identification and protection of and assistance to children who are victims or potential victims of any form of abuse:
 - a) on-line and physical sexual exploitation of children who are nationals of the states of the Parties to the Protocol;

- b) other forms of violence against and abuse of children who are nationals of the states of the Parties to the Protocol or nationals of third countries in case of cross-border activity.

Article 2

Forms of cooperation

The Competent Authorities of the Parties to this Protocol shall cooperate in:

- a) the prevention of all forms of trafficking in human beings and the fight against them;
- b) the prevention, detection and investigation of all forms of child abuse;
- c) the exchange of information and other data in pre-trial and criminal proceedings enabling rapid detection and efficient prosecution of criminal offenders;
- d) the exchange of all relevant information and data between the Competent Authorities involved in identification and protection of abused children and in identification, protection, referral and return of victims or potential victims of trafficking in human beings to the country of origin;
- e) the regular exchange of information on identified criminal groups and new forms of human trafficking and all forms of child abuse;
- f) the implementation of joint awareness raising projects in the field of countering trafficking in human beings as well as in the fight against all forms of child abuse;
- g) the organisation of training, workshops and seminars and exchange of experience aimed at strengthening capacities in the fight against trafficking in human beings as well as in the fight against all forms of child abuse;
- h) the implementation of joint activities for the identification of new trends related to trafficking in human beings and all forms of child abuse, and providing proper response.

Article 3

Competent Authorities

The authorities responsible for the prevention of and fight against trafficking in human beings as well as protection of victims or potential victims of trafficking of human beings, including the fight against child abuse and for monitoring the implementation of this Protocol (hereinafter Competent Authorities) shall be:

- for the Ministry of Interior of the Republic of Slovenia:

Ministry of the Interior, Anti-Trafficking Service,

General Police Directorate, Criminal Police Directorate, International Police Cooperation Division;

- for the Ministry of the Interior of Montenegro:

Ministry of the Interior, Division for fight against trafficking in human beings,

Police Directorate, Sector for the fight against crime.

Article 4

Initial notification

1. The Competent Authorities of the Parties shall inform each other of all identified cases of victims or potential victims of trafficking in human beings in the states of the Parties.

2. The Competent Authorities shall notify each other of all cases of child abuse relating to both Parties and shall act to provide the best interest of the child.
3. The Competent Authorities shall notify each other of all cases involving identified and apprehended offenders, including the modus operandi used to commit crimes relating to both Parties.
4. The initial notification shall be made immediately after identifying a victim or potential victim of trafficking, that is, the child - victim of abuse, yet within 7 days at the latest.
5. If the victim or potential victim of trafficking in human beings is a child, the Parties shall undertake all necessary measures and activities in order to identify and provide the best interest of the child.
6. Upon the initial notification, the Parties shall undertake all necessary measures for risk assessment and shall provide conditions for voluntary return and protection of victims or potential victims of trafficking in human beings/as well as the child - victim of abuse.

Article 5

Protection of victims or potential victims of trafficking in human beings and children who are victims of all types of abuse

1. The Competent Authorities under this Protocol shall carry out the following activities in accordance with their competence and the national legislation of the states of the Parties:
 - a) initial assessment of the needs of victims or potential victims of trafficking and children who are victims of abuse;
 - b) informing the victims of their rights and obligations concerning accommodation, healthcare and social protection, legal assistance etc.;
 - c) drafting an individual plan of activities in accordance with the possibilities, needs and interests of the victims or potential victims of trafficking in human beings; that is, the child victim of abuse, in line with the national legislation;
 - d) assistance in acquiring documents needed for the establishment of the identity;
 - e) providing a period for decision making/reflection to victims of trafficking in human beings in order to provide assistance and protection in a period of recovery and to avoid the influence on the victims or potential victims of trafficking in human beings;
 - f) issuing temporary residence permits to victims of trafficking in human beings in accordance with the national legislation;
 - g) providing conditions for cooperation of the victim and his or her legal guardian with the judicial authorities.
2. The Competent Authorities shall cooperate with civil society organisations providing services to victims or potential victims of trafficking in human beings and children who are victims of abuse.

Article 6

Assisted voluntary return of victims or potential victims of trafficking in human beings

1. The Competent Authority shall, immediately after a victim or potential victim expresses his or her wish to return, provide the victim with information on safe return at the beginning of the decision making/reflection period in a language that the victim understands.
2. For purposes of implementing this Protocol, the Parties shall take appropriate measures to ensure and facilitate effective assisted voluntary return of victims or potential victims of trafficking in

human beings and children who are victims of abuse in due time, and with particular care to their security and social protection.

3. Upon receipt of the initial notification and a request for assisted voluntary return of a victim or potential victim of trafficking in human beings, the Parties shall coordinate and jointly prepare an individual plan of activities and share the necessary documentation.
4. When a risk analysis raises an assumption or suspicion that family members or the legal guardian are involved in trafficking in human beings, appropriate measures shall be taken to meet the child's needs in the country of origin and the child's best interests until the conditions for the child's safe return have been met.
5. Each Party shall bear the costs related to assisted voluntary return to their territory, in compliance with their national legislation.

Article 7 Communication

1. Communication between the Competent Authorities of the Parties shall be conducted through designated points of contacts or contact persons or directly, as the case may be, in the official language of the signatory party or in English.
2. The Competent Authorities of the Parties shall appoint points of contacts or contact persons in 30 days from the date of entry into force of this Protocol, and shall notify the other Party thereof.
3. The Parties shall timely inform each other of any changes in the points of contact or contact persons in due time.

Article 8 Resolution of disputes

Disputes concerning the interpretation or implementation of this Protocol shall be settled by consultations between the authorities responsible for monitoring the implementation of this Protocol.

Article 9 Entry into force, duration, amendments and termination

1. This Protocol shall enter into force on the date of receipt of the last written notification, through diplomatic channels, through which the Contracting Parties shall notify each other of the completion of the internal legal procedures necessary for its entry into force.
2. This Protocol shall be concluded for an indefinite period of time.
3. This Protocol may be amended only by mutual written consent of the Parties. The amendments shall enter into force in accordance with paragraph one of this Article.
4. Either Party may terminate this Protocol by written notification through diplomatic channels. The Protocol shall cease to be in force after the 90th day following the receipt of such notification.

Done in/at Brdo pri Kranju on 1 December 2021 in the Slovenian, Montenegrin and English languages, all texts being equally authentic. In case of divergence in interpretation the English text shall prevail.

For the
Ministry of the Interior of the
Republic of Slovenia

Aleš Hojs (s)

For the
Ministry of the Interior of
the Montenegro

Sergej Sekulović (s)

3. člen
(pristojni organi za izvajanje)

Za izvajanje protokola skrbi ministrstvo, pristojno za notranje zadeve.

4. člen
(začetek veljavnosti)

Ta sklep začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije.

Št. 00704-142/2026/8

Ljubljana, dne 14. maja 2026

EVA 2026-1811-0015

Vlada Republike Slovenije
dr. Robert Golob
predsednik

* Besedilo sporazuma v črnogorskem jeziku je na vpogled v Sektorju za mednarodno pravo Ministrstva za zunanje in evropske zadeve.