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## SUPPRESSION OF CRIMINAL OFFENCE OF TRANSMISSION OF DANGEROUS INFECTIOUS DISEASES IN THE FUNCTION OF REDUCING HIV / AIDS, MALARIA, COVID-19 PANDEMIC AND OTHER DISEASES

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Sustainable Development Goal 3: Good Health and Well-Being

# Introduction

- Infective diseases are caused by pathogen microorganisms such as bacteria, viruses, parasites or fungi, spreading itself, directly or indirectly, from one person to another.
- The infection source can be a human being, an animal, a substance or things from the cause that is transferred to a person.
- Despite the medicine development the infectious diseases are a significant problem, especially in less developed countries.

# Introduction

- The significance of prescribing the criminal act in the Criminal Law is important, especially in the general prevention sense.
- Our Law is recognizing two criminal acts with the aim of prevention of spreading the infectious diseases:
  - 1) Violation of the Health Regulations for suppression of dangerous infectious diseases
  - 2) Transmission of dangerous infectious diseases

# Millennium Development Goals

- The Millennium Development Goals are eight goals that all 191 member states of the United Nations have agreed to try to achieve by 2015.
- The fight against HIV / AIDS, malaria, and other diseases is defined as the sixth UN goal, which includes:
  - Stopping and reducing the spread of HIV / AIDS (maintaining a low rate of HIV / AIDS prevalence, between 0.01 - 0.02);
  - Stopping and reducing the spread of malaria and other dangerous diseases.

# Millennium Development Goals in MNE

Indicators	starting year	observed values									
		2004	2005	2006	2007	2008	2009	2010	2011	2012	goal in 2015
Target # 1 - Keep low HIV/AIDS prevalence rate (between 0,01 - 0,02)											
1. a. Rate of newly registered HIV cases per 100000 inhabitants	2004	0,15	1,07	0,61	0,92	0,92	1,24	1,24	1,13	0,97	< 1
1. b. Rate of newly registered (in the year) HIV cases per 100000 inhabitants	2004	0,3	1,37	1,07	1,38	1,38	2,16	2,16	1,45	2,1	
2. Rate of voluntary HIV testing per 1000 inhabitants	2005	-	0,16	0,25	0,39	0,68	1,14	1,36	2,1	1,5	1

# Ways of transmitting infectious diseases (HIV, Malaria, Tuberculosis, Covid-19)

**HIV** is transmitted from person to person through blood, most often through non-sterile needles and other medical devices, sexual intercourse, during pregnancy from mother to child or through breastfeeding.

**Malaria** is transmitted by a sting from an infected female mosquito from the genus Anopheles, and in that way it transmits malaria to that person, or by transfusing inadequately obtained blood that contains the causes of malaria.

**Tuberculosis** is a contagious disease that is transmitted through infectious particles that an infected person coughs up or sneezes into the environment.

**Covid-19** is a well-known virus that is transmitted in many ways that involve both spatial distance and quarantine isolation of the person in order to prevent further spread of the disease transmitted by airborne droplets or contaminated surfaces.

# Treatment of mortal remains

- The remains of the deceased are transferred and excavated, in the manner and under conditions that prevent the emergence and transmission of infectious diseases.
- Only infected human remains from the List of Infectious Diseases.
- Every transportation and excavation of infected dead human remains needs to be done by the consignment note and decision.
- The consignment note and the decision are issued on the basis of a public document proving the identity of the deceased and a certificate of cause of death.

# Preventing the introduction of infectious diseases into the country and their transmission to other countries

- 1) A ban on travel to a country where there is an epidemic of a contagious disease;
- 2) Travel conditions for persons traveling to or coming from infected areas;
- 3) Prohibition or restriction of movement of the population in the area affected by a certain contagious disease;
- 4) Prescribed personal protective equipment - masks, and if necessary other elements of equipment, for employees during work;
- 5) Prescribed measure of physical distance between persons;
- 6) Prescribed disinfection of facilities in which the activity or services;
- 7) Prohibition of gathering of the population in closed and open public places;
- 8) Restriction or prohibition of trade in certain types of goods and products;
- 9) Health supervision over means of transport in international traffic and over passengers and their belongings at the border;
- 10) Implementation of emergency vaccination and many more.



# Prevention of the spread of infectious diseases, preventive measures to combat the spread of infectious diseases

- 1) Infectious disease is a disease caused by a specific causative agent resulting from the transmission of an agent or its toxic products from an infected person or other reservoir to a susceptible host, either directly from person to person or indirectly through contaminated food, water, common objects, transient host, vectors or inanimate media, and the exchange of fluid contaminated with the causative agent.
- 2) The cause of an infectious disease is a pathogenic microorganism, its toxic product or prion.
- 3) Contact is a person who has been exposed to a case of an infectious disease or animal or polluted environment in such a way that there was a possibility of infection.

- An epidemic of an infectious disease is an outbreak of an infectious disease unusual in the number of cases, time, place and population affected, or an unusual increase in the number of patients with complications or death.
- Implementation of measures for the purpose of prevention and control, as well as removal and eradication of certain infectious diseases is determined by special programs, plans and professional-methodological instructions, in accordance with the law.
- Measures for the protection of the population from infectious diseases are a set of all activities planned, organized and implemented by state authorities, autonomous provinces, local self-government units, economic entities and legal entities, public health institutes and institutes and other health institutions, health workers and health associates, and natural persons in order to protect the population from infectious diseases.
- Protection of the population from infectious diseases is carried out by implementing general, special, extraordinary and other measures for the protection of the population from infectious diseases.

- Like other countries in transition, Montenegro has been facing health threats since the 1990s.
- Various factors, which consequently caused the macroeconomic crisis, had a negative impact on the health of the population.
- Within the epidemiological transition, which Montenegro is also going through, the burden of chronic non-communicable diseases has increased, but in recent decades we have increasingly witnessed that the danger of infectious diseases has not passed.
- Although advances in the development and use of vaccines for the prevention of infectious diseases, therapies for their treatment and improvement of general hygiene have led to a reduction in morbidity and mortality from infectious diseases, it is necessary to continuously monitor and control infectious diseases and take all measures bearing in mind the increased cross-border threat of communicable diseases, given the openness of borders and mobility (tourism, trade, asylum).

# Prevention of the crime of spreading infectious diseases

- The Law on the Protection of Population from Infectious Diseases served as a good basis for the prevention, surveillance, control and epidemiological response to infectious diseases. The most recent example is in the case of a pandemic disease caused by the coronavirus (COVID-19). In our country, the application of this law has had an impact on the timely detection of sources of infection, routes of transmission and specific measures to prevent infectious diseases. The communities have fought and so far managed to stabilize the situation caused by this virus.
- In a country, the functioning and cooperation of all necessary capacities enables early detection of potential bioterrorist acts that would have a great impact on the health of the population. The use of microbiological agents is rare and also contrary to international law.

# Prevention of the crime of spreading infectious diseases

- An important document for Montenegro in this area is the Action Plan for Improving the System for Surveillance and Response to Infectious Diseases 2017-2022, prepared in agreement between the ECDC (European Center for Disease Control and Prevention) and the Institute of Public Health of Montenegro. Also, the recommendations of the World Health Organization are of great significance.
- The whole situation related to the pandemic that affected the world, changed the way all of us function, led to the modernization of the surveillance system and improved effective control of infectious diseases in accordance with European Union directives and European Commission recommendations, namely: developing epidemiological intelligence, proper management of emergency situations, inter-institutional cooperation, strengthening microbiological diagnostics, and respect for patients' rights.

# Basic State Prosecutor's Office, Podgorica (2021)

- Due to the criminal offence of non-compliance with health regulations for the suppression of dangerous infectious diseases, 426 persons were reported (632 persons in 2020)
- For the same criminal offense, on the basis of 9 adopted agreements, the court imposed a prison sentence against 2 persons, a suspended sentence against 2 persons and a fine against 5 persons.
- There were charges against 345 people in court. The court passed 224 convictions, 9 imprisonment sentence, 24 with a fine, 162 with a suspended sentence, and 20 were given the community service sentence. Court reprimands were issued against 9 people. One case ended with a rejecting verdict and another one with an acquittal verdict.
- At the end of 2021, 119 charges remained unresolved.
- Having in mind that the protective object of this crime is the state, it can be said that it was damaged in 426 cases.

# Conclusion

- Bearing in mind aforementioned, the significance of the Law is great, as it is the only one to prevent spreading the infections or to buy some time until the adequate therapy is invented.

**Thank you for your attention.**