



Fighting Human Trafficking

In its fight against human trafficking, the OSCE Mission to Bosnia and Herzegovina monitors all human trafficking cases in Bosnia and Herzegovina and works with local partners and institutions to ensure greater protection and support to trafficking victims. The Mission also monitors domestic criminal legislation and the justice system's ability to effectively sanction trafficking offences.

What is trafficking in human beings?

Trafficking in human beings is a complex problem and a horrific criminal act, often referred to as a modern form of slavery. It violates fundamental human rights and destroys the dignity of survivors long after the exploitation ends. Human trafficking is defined by the United Nations as “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.”

Due to its focus on comprehensive security based on respect for human rights standards, in December 2003, the OSCE Ministerial Council adopted Decision No. 2/03 on Combating Trafficking in Human Beings as an expression of the importance and priority the OSCE places on this issue. The decision establishes OSCE mechanisms to provide assistance to participating states to combat trafficking in human beings including a Special Representative and Co-ordinator for Combating Trafficking in Human Beings based in Vienna and it endorses the *OSCE Action Plan to Combat Trafficking in Human Beings*. The *OSCE Action Plan* is intended as a comprehensive toolkit to assist participating States to implement their commitments towards combating trafficking in human beings through the following measures:

- Prosecution of those who facilitate or commit the crime
- Prevention of trafficking in human beings
- Protection of victims

Trafficking in Bosnia and Herzegovina

In Bosnia and Herzegovina (BiH), the crime of human trafficking increased in the mid to late 1990s, when thousands of women are believed to have fallen subject to organized trafficking rings. The majority of the victims were from Eastern Europe. In 2003, BiH introduced bold measures that enabled effective domestic prosecution of traffickers and strengthened the instruments for early detection of victims at state border crossings and elsewhere. The Court of BiH was vested with jurisdiction over trafficking in human beings through amendments to the BiH Criminal Code in the same year. Further, the State Co-ordinator for Combating Trafficking in Human Beings and Illegal Immigration in BiH was established to monitor and co-ordinate the implementation of the State Action Plan and related anti-trafficking activities at the many government levels in BiH.

Over the past decade, the means and acts of trafficking have started to change globally as well as in BiH. Today in BiH, the typical victim of trafficking is often a BiH citizen and below the age of eighteen. It is increasingly difficult to identify trafficking victims. As a result of the changing patterns, relevant international law is expanding. A notable result is the European Convention on Action against



Trafficking in Human Beings, which entered into force in BiH in 2008. The European Court of Human Rights has also pronounced principles of law relevant to responses from the criminal justice sector to the crime of trafficking in human beings. Against that background, there is a need to continuously analyse the appropriateness of domestic criminal legislation and the justice system's ability to effectively sanction offences of trafficking in human beings.

Mission contribution to anti-trafficking efforts

The Mission has actively supported anti-trafficking efforts since 2003. Initially this took the form of seconding a national professional to provide technical and advisory assistance to the State Co-ordinator for Trafficking in Human Beings. Presently, through its justice sector monitoring programme, the Mission monitors all trafficking trials in BiH and the provision of assistance to victims by the key service providers. As one of the core anti-trafficking activities in the region, the Mission supported the authorities and non-governmental organizations (NGOs) in establishing a referral mechanism for victims of trafficking. The Mission also supports civil society in a variety of awareness raising events.

The Mission works with local partners and institutions to combat human trafficking, to ensure greater protection and support to victims of this serious crime, and to ensure that the appropriate institutional and legislative tools are in place. Following amendments to state-level criminal codes in 2010, which brought trafficking

legislation further in line with international human rights obligations, the Mission called for the adoption of more compliant legislation at the entity level. This is particularly important as internal trafficking instances are misclassified continuously and as a result are not properly addressed. At the beginning of 2011, the Mission began implementing a project to tackle trafficking for labour exploitation.

In 2009, the Mission released a report entitled *Trafficking in Human Beings and Responses of the Domestic Criminal Justice System: A Critical Review of Law and Emerging Practice in Bosnia and Herzegovina in Light of Core International Standards*. This report has served as a useful advocacy tool in discussions with authorities on required amendments to legislation that will ensure the prosecution of trafficking cases in accordance with international standards. The Mission has also supported the production of a documentary film intended to raise awareness of internal trafficking amongst the general public, law enforcement personnel, judicial structures and social welfare professionals. The Mission also assisted the Council of Europe and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in finalizing the *Review of Legislation Pertaining to Combating Trafficking in Human Beings in Bosnia and Herzegovina*.

The OSCE Mission to Bosnia and Herzegovina assists BiH in meeting its OSCE commitments and in progressing towards its stated goal of Euro-Atlantic integration by strengthening security and stability through completion of peace-building within the Dayton framework and developing inclusive political discourse and democratically accountable institutions that respect diversity, promote consensus and respect the rule of law. The Mission takes a comprehensive and integrated approach through its field presence, reflecting an emphasis on developing cohesive communities and on the timely identification of obstacles to progress.