



BOSNIA AND HERZEGOVINA
Council of Ministers
State Coordinator for Anti-trafficking in Human Beings and Illegal Immigration

***The Thirteenth Meeting of the OSCE Economic Forum,
Side event – Anti-trafficking Programme
Contribution of the Delegation of Bosnia and Herzegovina***

In the late 1990s trafficking in persons for sexual exploitation became very serious and complex problem in the most post conflict and countries in transition in the southeastern Europe as well as in Bosnia and Herzegovina. Having faced that phenomenon Bosnia and Herzegovina had begun combating trafficking faced with many burdens because of lack of legislative framework, lack of institutional capacities, very low level of public awareness on the problem and transnational nature of this kind of organize criminal activities.

Being aware that only comprehensive approach which includes activities in investigation of trafficking cases, prosecution of traffickers, protection of victims and prevention can suppress trafficking and improve the situation Council of Ministers of Bosnia and Herzegovina has adopted National Action Plan to Combat Trafficking in Human Beings in 2001 and appointed State Coordinator for Fight Against Trafficking in Human Beings and Illegal Migration in 2003.

During the period between 2001-2004 almost all of tasks from the NAP were implemented which provided better legislation and institutional capacities to combat trafficking.

- In 2003 the new Criminal Code which was amended in 2004 came into force and penalized trafficking in human beings and similar activities in full conformity with UN Convention Against Transnational Organized Crime and its Protocols.
- Simultaneously the Criminal Procedure Code came into force and provided to Prosecutorial Services and Law Enforcement Agencies necessary tools to effectively investigate trafficking using special investigation techniques.
- The Law on Court of Bosnia and Herzegovina and Law on Prosecutor's Office of Bosnia and Herzegovina gave exclusive competence to those institutions to prosecute trafficking in human beings.

- The Law on Protection of Witnesses Under Threat and Vulnerable Witnesses and Law on Witness Protection Program were also adopted. Those laws provide for procedural and non procedural protection of witnesses prior, during and after trial. Wide ranges of protective measures are on disposal to the Law enforcement agencies, prosecutors and judges.
- Adoption of the Law on State Border Service and Law on Control and Surveillance of State Border and establishment of State Border Service and its full functioning resulted in improvement of situation in migration and border management and significant decrease of illegal migration creating additional obstacles for traffickers.
- In 2004 the Law on State Investigation and Protection Agency was adopted and that Agency is now established. Within Agency the Special Teams for Fight Against Trafficking in Human Beings and Sexual Offences are formed and partially staffed as well as Witness Protection Unit. Those Teams and Unit will take over competencies in combating trafficking and witness protection from the local police services which have had a lot of problems in the coordination of their activities. The new, centralized approach, should improve situation and increase number of successfully prosecuted trafficking cases as well as prevent police failure to fully investigate possible cases of trafficking.
- The new Law on Stay and Movement of Aliens and Asylum and related by-laws introduced a wide ranges of protective measures for foreign victims of trafficking identified within Bosnia and Herzegovina such as temporary residence permit on humanitarian ground, safe accommodation, medical, psycho-social assistance, legal counseling.

Parallel with adoption of new legislation a significant number of training programmes on combating trafficking and protection of victims have been offered to the law enforcement officials, border guards, immigration officers, prosecutors, judges and other governmental and non-governmental officials.

All above mentioned measures have resulted with first sentences pronounced by the Court of Bosnia and Herzegovina against traffickers in human beings with penalties of up to nine years of imprisonment.

Respecting the work and results of non-governmental organizations to provide support and assistance to the victims of trafficking and in the field of prevention activities and having in mind the best practices of the most developed and democratic societies, authorities of Bosnia and Herzegovina decided to entrust the implementation of protective and most of preventive activities to NGO's signing Protocols on cooperation with them.

In cooperation with several international organisations and NGOs, the authorities of Bosnia and Herzegovina have implemented several awareness raising campaigns targeted at general public, law enforcement agencies, potential clients and vulnerable groups with the aim to strengthen efforts towards combating trafficking and protection of victims. Since September 2003, OSCE Mission to BiH has been directly supporting these efforts of authorities to streamline and coordinate anti-trafficking activities through the secondment of a national professional, focusing on capacity building, awareness raising, coordination of donor assistance, developing partnerships with international and non-governmental organisations and assisting in the process of

revision of the State Action Plan. Additionally, OSCE has provided financial support through a voluntary contribution to the Office of the State Coordinator for Anti-trafficking from permanent delegation of Iceland to the OSCE in order to ensure that the Office has sufficient resources to combat trafficking.

Furthermore, in non-direct assistance to BiH authorities, OSCE plays an important role in information exchange of all actors involved in anti-trafficking efforts through facilitation of several working groups across the country, monitoring prosecution of trafficking cases through its trial monitoring programme and strengthening implementation of relevant legal provisions through legal and policy recommendations.

In the past, Bosnia and Herzegovina was involved in work of all international, regional and bilateral institutions and initiatives working on counter trafficking issues.

Despite difficult political, social and economic situation in Bosnia and Herzegovina combating trafficking will remain one of the high priorities for the authorities in the future. Being aware that there still exists *lacunae* in the legislation, that institutional capacities can be improved, that there is still enough space to act preventively and that international cooperation can be strengthened the Council of Ministers of Bosnia and Herzegovina adopted new, revised National Action Plan to combat trafficking in human beings 2005-2007 which lays out new commitments for the authorities with regards to strengthening the prosecution of traffickers, protection of victims and preventative activities.