



VAŠA PRAVA BiH
Legal Aid Network

PROTECTION OF VICTIMS OF HUMAN TRAFFICKING IN BiH

Association Vaša prava BiH

COOPERATION OF GOVERNMENTAL AND NON- GOVERNMENTAL SECTOR

- Successful and efficient fight against human trafficking is accomplished through cooperation and coordination among all agencies involved in these activities (governmental and non-governmental sector)- police, prosecutors office, court, NGOs
- Decision on the Procedures and the Way of Coordinating Activities on Anti-Trafficking in Human Beings and Illegal Immigration in BiH and Establishment of the Function of the State Coordinator for Bosnia and Herzegovina (Official Gazette BiH no. 24/03),
- Decision on establishment of the Strike Force for combating human trafficking and organized illegal immigration (Official Gazette no. 3/04)
- Memorandum on cooperation signed between the State Coordinator and the Strike Force in combating human trafficking and organized illegal immigration (signed in December 2005.).



COOPERATION OF GOVERNMENTAL AND NON- GOVERNMENTAL SECTOR

- Agreements on cooperation signed between the Ministry of Security BiH and NGOs.(La Strada, Žena BiH, Medika, Lara and International Forum of Solidarity),
 - The Protocol on cooperation between VPBiH and the Ministry of Security BiH was signed in July 2004
- Association Vaša prava BiH – plays an important role in protection of rights of victims of trafficking, represents the interests of VoT before judicial and other bodies and institutions in BiH.
 - Association "Vaša prava BiH" is the only NGO providing free legal aid to victims of trafficking



LEGISLATION IN BiH

- Law on Movement and Stay of Aliens and Asylum BiH;
- Rulebook on protection of foreign victims of trafficking;
- Procedures for processing victims of trafficking in BiH („Vlašić procedures“).
- Rules on protection of victims and victims appearing as witnesses who are citizens of Bosnia and Herzegovina
- ECHR-integral part of the BiH Constitution, other international instruments contained in Annex I of the Constitution BiH



ASSISTANCE AND PROTECTION OF VICTIMS OF TRAFFICKING

- Medical care;
- Legal aid;
- Psychological aid;
- Education and professional training;
- Right to repatriation;
- Right to asylum
- Other rights;



PROTECTION OF THE VICTIM DURING THE COURT PROCEEDING

- Legal system in BiH is based on the principle of legality which needs to ensure that no one innocent gets convicted, and that criminal-legal sanctions are pronounced to criminal act perpetrators under conditions regulated by BiH Criminal Code and other BiH laws regulating criminal acts, within the procedure regulated by the law
- Fear of revenge is a powerful force which prevents the witnesses-victims to testify before the judicial bodies.
- Unless protection and support are provided it is very unlikely that such witnesses are going to expose themselves to any kind of risk



PROTECTION OF THE VICTIM DURING THE COURT PROCEEDING

- Support and protection of witnesses before, during and after proceedings
- Court BiH-Witness Support Office and Witness Protection Department
- Function- witness protection and support during proceedings before War Crimes Department and Department for organized crime
- Aim- promoting safety and wellbeing of the witnesses during proceedings
- SIPA- Witness Protection Department within the State Investigation and Protection Agency
- Jurisdiction- all issues related to protection of witnesses



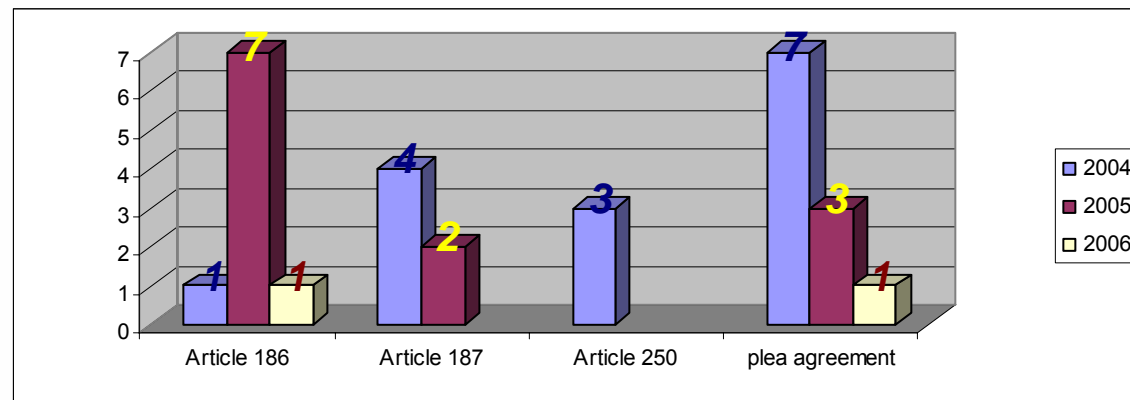
CRIMINAL PROSECUTION

- **Court BiH – delivered the following data about proceedings based on reasonable doubt that criminal acts from Article 186 – Human Trafficking were committed ,**
- **Criminal act from Article 187 International recruitment for purposes of prostitution**
- **and Article 250 Organized crime.**



Court BiH 2004/2006

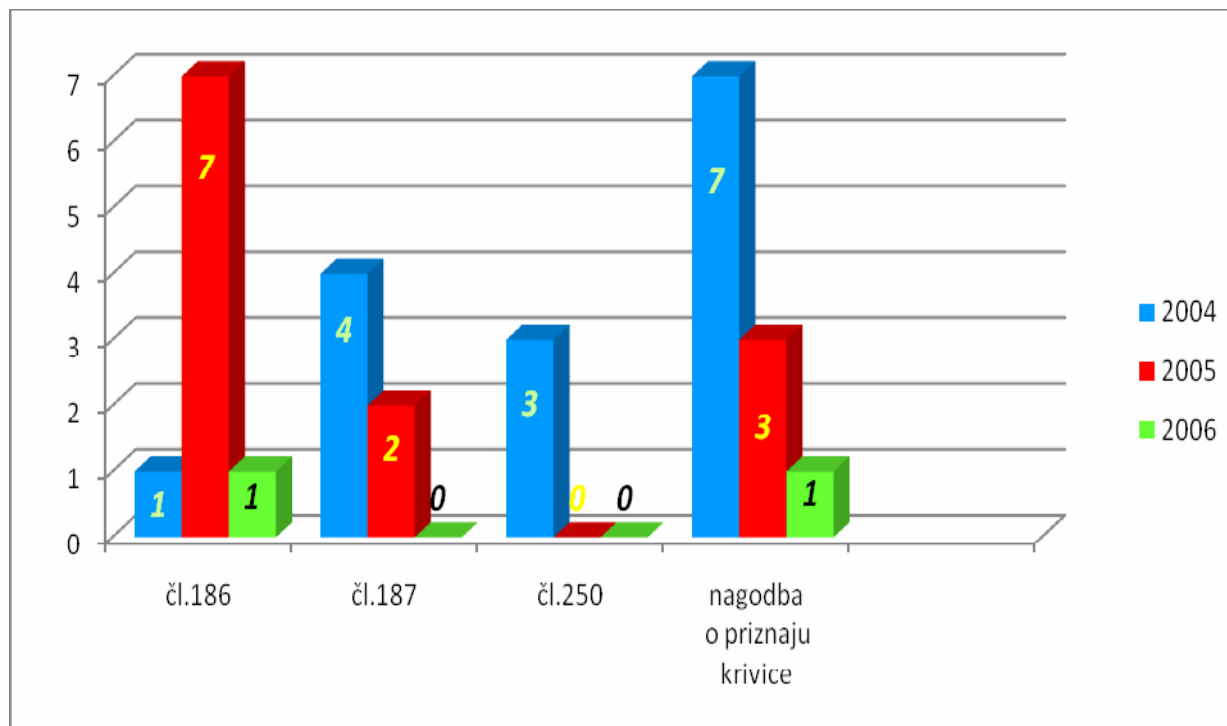
number of court proceedings



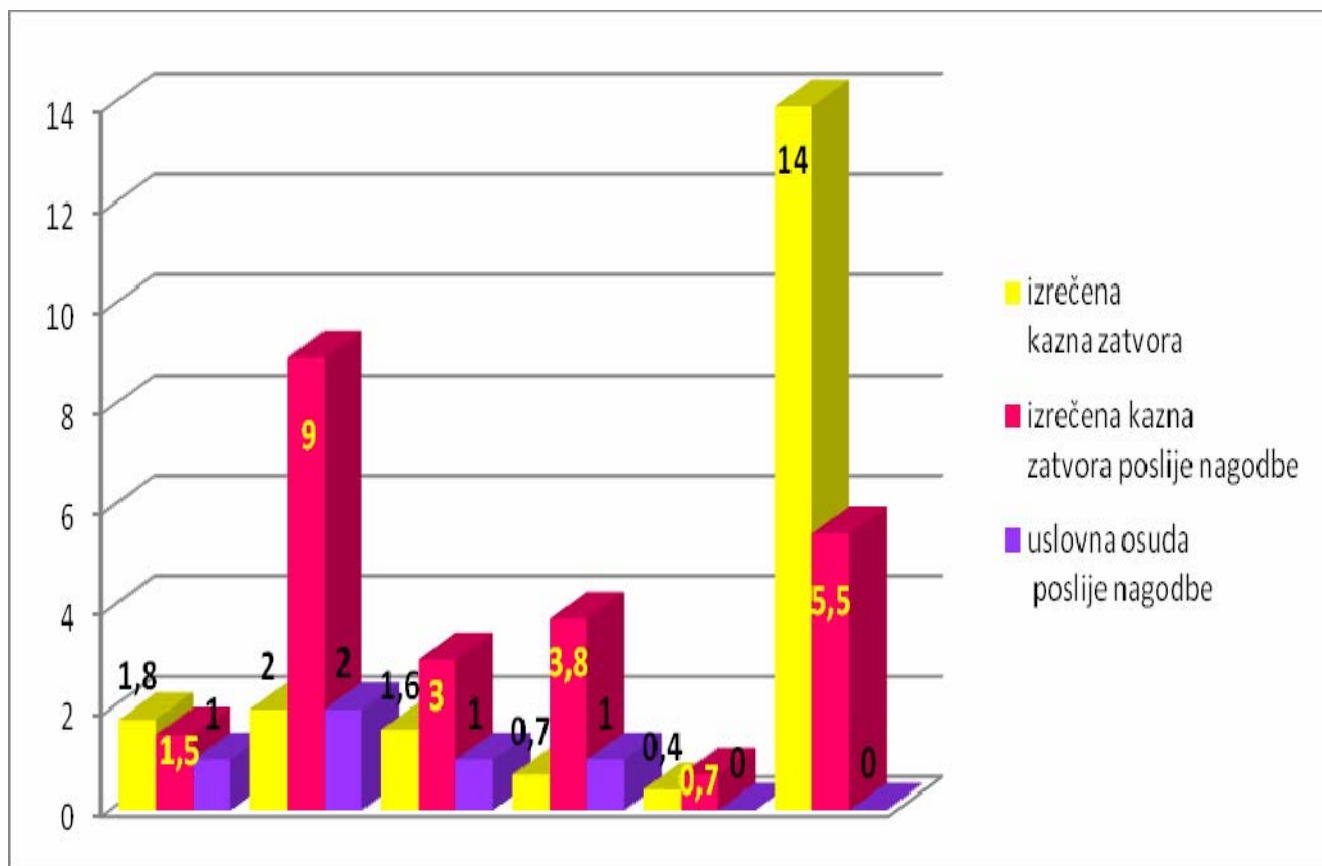
CRIMINAL PROSECUTION

- According to information from the Court BiH during the period 2004 – 2006, the Court BiH had 9 proceedings due to reasonable doubt that criminal act of Human Trafficking was committed,
- 6 proceedings due to doubt that criminal act International recruitment for purposes of prostitution was committed
- and 3 proceedings related to Organized crime.
- 11 court proceedings before this court were closed by settlement/ plea agreement: 7 times during 2004, 3 times during 2005 and 1 time in 2006.





OVERVIEW OF PRONOUNCED SANCTIONS (length of sentences in months)



HISTORICAL RULINGS:

- In case Milaković KPV-03/03-A - based on the plea agreement 9 year imprisonment sentence was pronounced, the accused was found guilty for criminal acts from Articles 186, 187, 247 and 250 of the Criminal Code BiH
- In case Ćupina K-71/05 – imprisonment sentence of 14 years for criminal act from Article 186
- In case Salčin K-19/06 – based on the plea agreement imprisonment sentence for the period of 5 years and 6 months was pronounced and additional fine of 20 000 KM, the accused was found guilty for criminal act from Article 186.



CONCLUSION

- Bosnia and Herzegovina is the country of origin, transit and destination for women and young women trafficked inside and outside the country for sexual exploitation, but it is making great efforts and taking efficient measures in prevention of all kinds of trafficking in human beings.
- The government of Bosnia and Herzegovina is making effort to reach full observance of minimal standards for elimination of human trafficking
- The government is showing determination in resolving human trafficking issues, especially within the field of witness support.
- The government is still actively investigating the cases of human trafficking and providing protection to victims of human trafficking;

Udruženje Vaša prava BiH



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