

Fighting Human Trafficking



The OSCE Mission to Bosnia and Herzegovina demonstrates a clear commitment to combatting trafficking in human beings (THB) by investing in strengthening domestic authorities' capacity to counter this heinous practice, including through the enhancement of the legislative and policy framework and the professional development of judicial and other relevant stakeholders. Furthermore, the Mission monitors all human trafficking cases in Bosnia and Herzegovina (BiH) and works with local partners and institutions to ensure greater protection of and support to trafficking victims.

What is trafficking in human beings?

Often referred to as a modern form of slavery, THB is a devastating crime that violates fundamental human rights and destroys the dignity of survivors, even long after exploitation ends.

The Palermo Protocol¹ and the European Convention on Action against Trafficking in

Human Beings² provide the internationally accepted definition of human trafficking. According to these instruments, human trafficking consists of three key elements:

1. Acts – recruitment, transportation, transfer, harbouring or receipt of persons;
2. Means – 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; and

3. Exploitative purpose – including but not limited to sexual exploitation, labour exploitation, and removal of organs.

Trafficking of children exists even in the absence of the means element (described above).

In accordance with the OSCE's comprehensive approach to security founded on respect for human rights standards, the OSCE Ministerial Council adopted Decision No. 2/03 on Combating Trafficking in Human Beings in December 2003 as an expression of the importance the OSCE places on this issue³. The decision established OSCE mechanisms

to assist participating States in combatting THB, including the creation of a Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR/CTHB), based in Vienna. It also endorsed the OSCE Action Plan to Combat Trafficking in Human Beings⁴, which, together with its 2005⁵ and 2013 addendums⁶, provides a comprehensive toolkit to assist participating States to fulfil their commitments in combatting THB, including through the following measures:

- Prosecution of those who facilitate or commit the crime of trafficking in human beings
- Prevention of trafficking in human beings
- Protection of victims
- Promoting partnerships between all actors, public and private, involved in combating human trafficking.

¹ United Nations, United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (2000), Article 3.

² Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings (2005), Article 4.

³ Decision No.2/03 Annex, OSCE Action Plan to Combat Trafficking in Human Beings, MC.DEC/2/03, 2 December 2003;

⁴ Decision No.2/03 Annex, OSCE Action Plan to Combat Trafficking in Human Beings MC.DEC/2/03 Annex, 2 December 2003; Permanent Council Decision No.685 Annex Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special Needs of Child Victims of Trafficking for Protection and Assistance, PC.DEC/685 Annex, 7 July 2005; and Permanent Council Decision No.1107/Corr.11 Annex Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later PC.DEC/1107/Corr.11 Annex, 6 December 2013;

⁵ BiH Criminal Code Art. 186, Federation of BiH Criminal Code, Art. 210a, Republika Srpska Criminal Code, Arts. 145 and 146, Brčko District of BiH Criminal Code, Art. 207a.

⁶ OSCE Mission to BiH, Training Manual for Judges and Prosecutors, (2018).

Trafficking in Bosnia and Herzegovina

In BiH, THB increased in the mid to late 1990s, when thousands of women, most from Eastern Europe, are believed to have fallen prey to organized sex-trafficking rings. Over the last two decades, however, the situation has changed. Today, the typical victim of trafficking in BiH is a citizen, often below the age of eighteen, and subject to sexual and labour exploitation, forced begging, or forced criminality. Despite many efforts undertaken by domestic authorities to combat THB, significant shortfalls remain. Although all four BiH criminal codes criminalise THB,⁵ a lack of harmonisation, including in terms of a uniform minimum penalty, hinders effective prosecutions. In addition to lenient and inconsistent criminal sanctions, THB investigations and the identification of victims tend to move quite slowly, and even successful prosecutions rarely result in the awarding of compensation to victims. In addition, traffickers often alter their methods and practices, making it more difficult to detect and combat this lucrative criminal activity.

State Co-ordinator for Combating Trafficking in Human Beings and Illegal Immigration in BiH

Established in 2004, the State Co-ordinator for Combating Trafficking in Human Beings and Illegal Immigration in BiH (State Co-ordinator) monitors and co-ordinates the implementation of relevant strategic documents and anti-trafficking activities throughout all levels of government. Such efforts include co-ordinating meetings with organizations and institutions involved in the prevention of THB and the collection of the data and information needed to prepare annual reports on anti-trafficking measures in BiH.

Mission contribution to anti-trafficking efforts

The Mission works with local partners and institutions to combat human trafficking, to guarantee the provision of protection and support to victims, and to ensure that the required institutional and legislative tools are in place. In addition to providing support to the State Co-ordinator, the Mission conducts a significant number of the capacity building activities-

In particular, the Mission, in co-operation with the Judicial and

Prosecutorial Training Centres (JPTCs), organizes trainings, workshops, and conferences aimed at enhancing judicial responses to THB by sharing knowledge on key issues essential for addressing THB. The Mission's "Training Manual for Judges and Prosecutors"⁶ helps secure the sustainability of such programmes. The Mission also works with law enforcement agencies to strengthen their understanding of and ability to identify and more effectively deal with THB-related crimes. In order to provide a practical tool that enables law enforcement agencies and prosecutors' offices to conduct effective investigations into trafficking cases, with a special focus on protecting victims, the Mission developed its "Manual for Investigating Trafficking in Human Beings"⁷ In addition, the Mission drafted "A Case Law Compendium in Trafficking in Human Beings",⁸ which consolidates relevant judicial decisions.

Primarily intended for use by legal practitioners, the compendium has also proven to be a valuable resource for social workers, academics, and others dealing with issues related to

As an essential aspect of combating human trafficking, especially in terms of human trafficking in mixed migration flows, the Mission works closely with OSCE field operations in the wider region to strengthen regional co-operation in the response to THB. To this end, the Mission translated and promoted a range of OSCE SR/CTHB publications, including "From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows"⁹ and the "Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region"¹⁰.



⁷ OSCE Mission to BiH, Manual for Investigating Trafficking in Human Beings, (2020).

⁸ OSCE Mission to BiH, A Case Law Compendium in Trafficking in Human Beings, (2015)

⁹ OSCE SR/CTHB, From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows, (2018).

¹⁰ Dostupno na <https://www.osce.org/bs/secretariat/399206?download=true>.

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