

TRAFFICKING IN HUMAN BEINGS IN BOSNIA AND HERZEGOVINA: STATE OF THE ART AND ASSOCIATED PUZZLES

Review Paper

TRGOVINA LJUDIMA U BOSNI I HERCEGOVINI: PRIKAZ STANJA I NEDOUMICA

Pregledni naučni rad

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Abstract

Reason(s) for writing and research problem(s): The reason for writing this paper is to research and to shed light on the phenomenon of trafficking in human beings in Bosnia and Herzegovina, elaborate its history, the state of the art, and the exploitation patterns of trafficking.

Aims of the paper (scientific and/or social): The aim of the research is social, targeted on identification of shortcomings that lead to underestimation of the problem, which preclude efforts to develop effective responses to this crime and brutal violations of victims' human rights.

Methodology/Design: The methodology is based on the secondary data and findings from various reports, studies and theoretical debates.

Research/paper limitations: Limitations of the paper are related to the fact that official statistics do not reflect the scale of the problem, due to misinterpretations and lack of the mechanisms to identify victims of new forms of trafficking, other than for sexual exploitation, like labour exploitation, forced begging and commission of petty crimes, fake marriages, removal of organs for transplantation.

Results/Findings: Findings indicate that there are gaps in the mechanism for suppressing trafficking. The findings have important implications for anti-trafficking policies and legislation by trying to improve public and governmental understanding of the magnitude and complexity of the problem.

General conclusion: The secondary data analysis has shown a lack of: vigorous investigation of sex and labour trafficking cases; aggressive prosecution and punishment of trafficking offenders; effective suppression of corruption related to trafficking in human beings; insufficient proactive approach and outreach work on identification of potential victims of traffick-

ing; low levels of public awareness of trafficking in human beings; and absence of any relevant research for a long time which should identify scope and trends as well as factors that support and facilitate trafficking in human beings in Bosnia and Herzegovina

Research/paper validity: This paper points out shortcomings that can lead to an underestimation of the problem of trafficking in human beings in Bosnia and Herzegovina and highlight the research questions to be explored in future studies in Bosnia and Herzegovina.

Keywords

trafficking in human beings, exploitation, patterns, response

Introduction

During the last decades the phenomenon of trafficking in human beings, due to political and socio-economic developments has taken a universal dimension. This form of crime, often organized and trans-border, occurs throughout the South-East European region, including Bosnia and Herzegovina. The region is a source, transit and destination area for recruitment, transportation and exploitation of the victims. Victims coming from Asia and Africa, as well as victims originating in the South-East Europe, transit the region on their way to Western European countries in the hope of a better life. For many, this ends in exploitation, others do not get any further than South-East Europe where they are exploited too. In the past, the sexually exploited adult women were predominantly identified as victims of trafficking, but nowadays increasing numbers of males are likewise identified as victims of trafficking, mainly for labour exploitation. Many of the victims of trafficking are minors and are exploited by organized criminal groups for sex, labour or for committing petty street crimes. Elderly and disabled persons are victims of groups of traffickers who exploit them in begging rackets. A few cases of trafficking for organs and tissues have also been recorded.

As is the case with any other form of crime it is possible to suggest that official statistics do not reflect the scale of the problem, due to misinterpretations of statistical data and lack of existing mechanisms to identify trafficked persons, especially victims of new forms of trafficking. This then inhibits public and governmental understanding of the magnitude and complexity of the problem with negative consequences with regards development of accurate policies of prevention and suppression of trafficking.

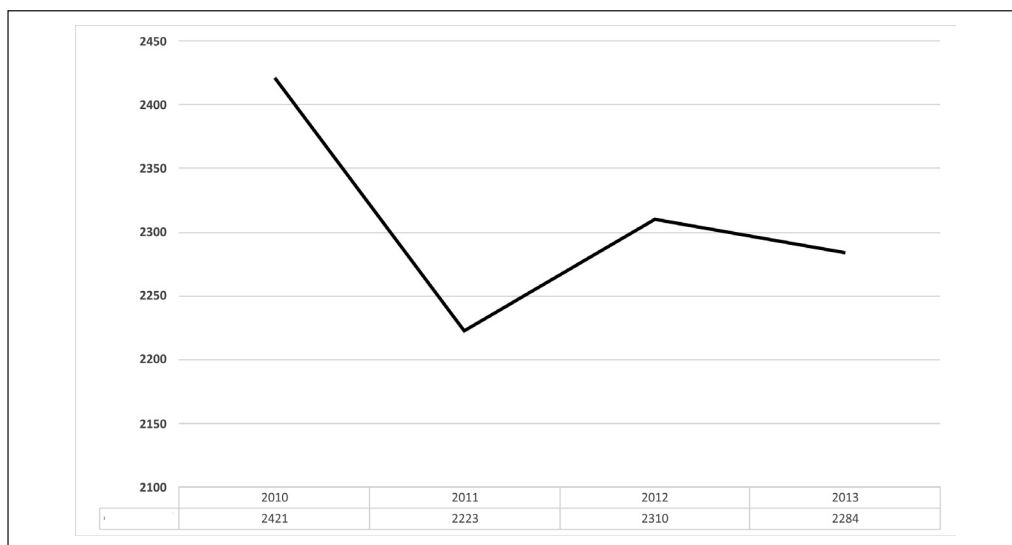
Without a proper understanding of the issue, governments may not afford sufficient priority to combating trafficking; develop a nuanced understanding of the changing modalities of trafficking and specific trafficking networks; or work with the non-governmental organizations and research sectors to develop strong evidence based on which to build counter-trafficking capacities (International Organization for Migration - IOM, 2014).

Because of that, the goal of this paper is to shed light on the phenomenon, its scope and pattern, and to assist Bosnia and Herzegovina in identifying shortcomings that can lead to an underestimation of the problem, which can preclude efforts to develop effective responses to trafficking in human beings. This is important because despite decades of policy making, implementing, defining and redefining human trafficking, there is still little clarity in this field (van Duyne, 2007).

South-East Europe, the region of trafficking

The phenomenon emerged together with the start of transition processes in in the region in the late eighties. The peak, but also the turning point for trafficking in human beings within the region was the year 2002. Since then prevalence and trends related to trafficking in human beings is declining rapidly, and due to the changing patterns of operations, has become less visible. The number of assisted victims started to drop in the second half of 2002 (Limanovska, 2005). Bar raids, at that time still the most prevalent form of anti-trafficking action did not bring many results. Very few victims were identified during these raids. Women judged by the police to be victims of trafficking often refuse assistance, claiming that they are not victims of trafficking but prostitutes/entertainers/waitresses working voluntarily (Limanovska, 2005). That time was also the time of the expedited ratification and implementation of the Convention against Transnational Organized Crime and the Protocols Thereto. Since 2010 situation is mainly stable with slight variations (Southeast Europe Law Enforcement Centre -SELEC), 2014).

Figure 1. *Identified victims of trafficking in humans in South-East Europe 2010-2013 (Source: SELEC South East Europe Law Enforcement Center, Report on Trafficking in Human Beings and Smuggling of Migrants in Southeast Europe, SELEC, 2013.)*



Today, trafficking in human beings in the South- East Europe involves multiple patterns, multiple forms of exploitation, and multiple forms of coercion and vulnerability. However, for sure there are many more cases of trafficking than those detected through official channels (IOM, 2014).

Armed conflicts, political transitions and social and economic turbulence in the South-East Europe during the past three decades, has engendered a major increase in irregular migration from and through the Balkans towards the Western Europe. This upheaval and the flows of human beings that follow from it have also contributed to a rise in trafficking in human beings

from and through the region.

Official statistics of the South- East Europe Law Enforcement Center (SELEC) suggest generally a stable situation in trafficking numbers and trends in recent years, but still, it is necessary to continue to express public and professional concerns about the situation. During 2013, 2.284 victims have been identified while during 2012 that number decreased slightly by 26 victims. The percentage of the adults was 78% of the total victims and 22% for the minors. 49% of the victims have been exploited abroad, out of SELEC region, 35% have been exploited domestically within SELEC countries, 16% have been foreigners coming out of SELEC region and exploited in SELEC region. The number of foreign victims exploited in 2013 in the SELEC area does not keep the decreasing trend from 2010-2012. In 2013 a significant increase of 56% was registered. The number of victims trafficked domestically decreased by 13% in 2013. At regional level, the countries from Western Europe appear to be the main destinations for the victims. 61,4% of the total number of adults victims were sexually exploited and 34,6% exploited for labor. 74,1% of the total number of minors victims were sexually exploited, 10% exploited for labor, and 12% for different street crimes. Suspects investigated for human trafficking in 2013 total 2.098 individuals, an increase of 14% compared to 2012, but 11% lower than 2011.

The SELEC reports also emphasize that the organized crime groups involved in trafficking in human beings are conducting their criminal activity on business like principles. They have an established division of tasks, each member having a certain type(s) of activity. In addition, reports note that it appears that the violence is less used to convince victims of sexual exploitation and that "soft methods" like emotional dependence, "lover boy" tactics, or the sharing of profit with the victims prevails (SELEC, 2013).

During the period 2010-2013, within the region victims of trafficking in human beings mainly originated from Romania (4,139), Bulgaria (2,092) and Moldova (1,102), followed by Greece (382), Turkey (353), Albania (309), Bosnia and Herzegovina (315), Hungary (265), Serbia (265), Croatia (63), Macedonia (55), and Montenegro (19) (SELEC, 2012, 2013).

The changes in the situation are result of the development and implementation of anti-trafficking measures based on international obligations and the policies developed in individual countries as well as within international governmental and nongovernmental organizations. An initial decline and then stabilisation of the situation in trafficking could mean that the anti-trafficking policies over the past decades have been effective and successful and have resulted in suppression of trafficking in the region. On the other hand, it is possible that trafficking has not declined but has become less visible, pushed deeper underground rather than eradicated. It is likely that simultaneously anti-trafficking measures were partially effective resulting in decreasing of the number of identified trafficked women in the region, but that also new trends emerged.

Despite the current period of relative political stability, trafficking in human beings remains a complex security threat and a challenge in the region. A vulnerable group still struggles with very limited opportunities for legitimate work and means of support for themselves and their families. Facing unemployment and very limited opportunities many individuals decide to accept unscrupulous offers of informal work lacking any protective mechanisms of government regulators, labour unions, and legal protections for workers, exposing themselves to risk of falling victim to trafficking.

The exploitation patterns: Old and new forms of trafficking

Globally, in the last decades, sexual exploitation was the most commonly identified form of human trafficking, but as the data shows, it is not the only type of exploitation. The United Nations Office for Drugs and Crime Report on Trafficking in Persons says that forced labor and other forms of exploitation were also detected by the state authorities, NGOs and international organizations (United Nations Office for Drugs and Crime - UNODC, 2009). Trafficking for forced labor is more prevalent in Eastern Europe and Central Asia (35%) than in Western and Central Europe (29%). When trafficking for forced labor was detected in Western and Central Europe, victims were generally exploited in the agriculture, construction or catering sectors. Exploitation of trafficking victims as domestic workers was also reported in Western and Central Europe. The share of victims trafficked for purposes not specified in the Trafficking in Persons Protocol was in the range of 7%. The number of victims of trafficking for the purpose of begging was about 2 per cent of the total detected victims. Episodes of trafficking for forced marriages were documented. Cases of trafficking for exploitation in pornography were also documented, although the proportion of such cases (0.1%) was limited in relation to the total number of victims trafficked for any purpose. Nonetheless, the geographical scope of these detections shows that this phenomenon should not be underestimated in Europe (UNODC, 2012).

The current situation in the region of South-east Europe is that some new trends and types of trafficking are identified as well as new modus operandi (SELEC, 2013). New trends are following: increase of minor victims identified and increase of trafficking within the borders of the countries, without crossing the borders; decrease of trafficking with foreign victims; main exploitation types are sexual exploitation, forced labor and exploitation for committing street crimes but victims are exploited as well for child pornography, forced marriage, pregnant women for selling new born babies and one attempt of trafficking for organs and tissues. For the purpose of labor exploitation victims are mainly exploited in the agricultural, constructions, forestry and domestic servitude (SELEC, 2012).

The age and the gender influence the type of exploitation, for instance, the young girls are exploited mainly for sexual purposes, while the children more for begging. As a trend noticed, recruitment of victims on voluntary basis and "soft methods" or the sharing of profit with the victims are more and more present, exploitation is made less through physical violence, more prevailing the psychological control and financial dependency. New type of trafficking is called "social tourism", when poor people are trafficked in Western European countries and are offered a residential registration. After starting receiving the financial support, they are sent back to the origin country, while the traffickers keep receiving the social benefits. A further new trend is the trafficking of pregnant women for the purpose of selling the new-born infants. Traffickers are primarily individuals, people close to the family of victims or members of small groups. Some trafficking is highly organized, some is small in groups, and some appears opportunistic. Other small groups are well organised with clear roles: recruiters, transporters, and controller (IOM, 2014). But, organized crime groups are involved in trafficking in human beings. Main characteristics of organized criminal groups involved in trafficking in human beings are: conducting their criminal activity on business-like principles; developing a complex of skills that are an important part of their strategy, based mainly on the use of physical influence and violence over the victims; linking membership of the group to the family ties, ethnicity or mutual interest; increasing number of women involved in criminal activities; and changing their

communication methods to those that are more difficult to be monitored under surveillance by law enforcement (Rizvo, 2010).

The majority of identified victims in the region are young women trafficked for sexual exploitation. A distinct aspect is that female victims are younger in age and are often minors. Most identified victims come from rural areas and poor regions, urban and rural. Common characteristics applicable to the region appear to include a history of domestic violence and physical, psychological, emotional abuse, parental neglect and extreme poverty (IOM, 2014). Victims are mostly recruited in-person, but often it is done by advertisements, on Internet and by private employment agencies. Methods used by recruiters include the promise of a good job, promise of marriage, and the offer of rescue from difficult situations at home. The way that traffickers control victims is changing from strict control of movement and physical violence, towards usage of threats and blackmail, often involving immediate family members, because non-physical forms of coercion are very difficult to prove during prosecution.

Since, irregular migration and trafficking in human beings are closely interlinked phenomenon it is important to emphasise that irregular migration is emerging throughout the region, is rapidly and significantly changing its trends, and provides traffickers with new opportunities. The European Agency for the Management of Operational Cooperation at the External Borders identified a new trend related to migration and trafficking, where criminal groups force irregular migrants with monetary debts to act as guides for other migrants from Asia through the region. Such arrangements, while 'in transit' can last for several years, until the debt is paid off. These cases illustrate an entirely new form of exploitation and trafficking to which responses need to be developed. However despite a moderate effort, the authorities are unable to identify victims of trafficking among these illegal migrants (European Agency for the Management of Operational Cooperation at the External Borders - FRONTEX, 2013).

Based on above facts it could be concluded that Trafficking in Human Beings continues to evolve in the region, changing its trends and patterns, in terms of forms of organization of traffickers, forms of recruitment, exploitation and forms of control over the victims, routes, and persons involved. Such development impose new, complex and on-going challenges to the authorities and societies in the region and emphasise the need for constant awareness raising about the phenomenon for the public and for professionals, and the evolution of counter trafficking policies and actions.

History of Trafficking in Bosnia and Herzegovina

Bosnia and Herzegovina besides being part of the region with a heavy presence of trafficking is a post conflict and country in transition with a very complex political structure. The bad economic situation, very high unemployment rate, poverty, high number of refugees and internally displaced persons, young migration management structure, porous borders and limited law enforcement resources have made it a source, destination and transit country for human trafficking. In the late nineties trafficking emerged exclusively for exploitation of young woman originating from the Eastern Europe in the sex industry in Bosnia and Herzegovina, which at that time had sufficient demand because of a heavy presence of international military, police and other personnel.

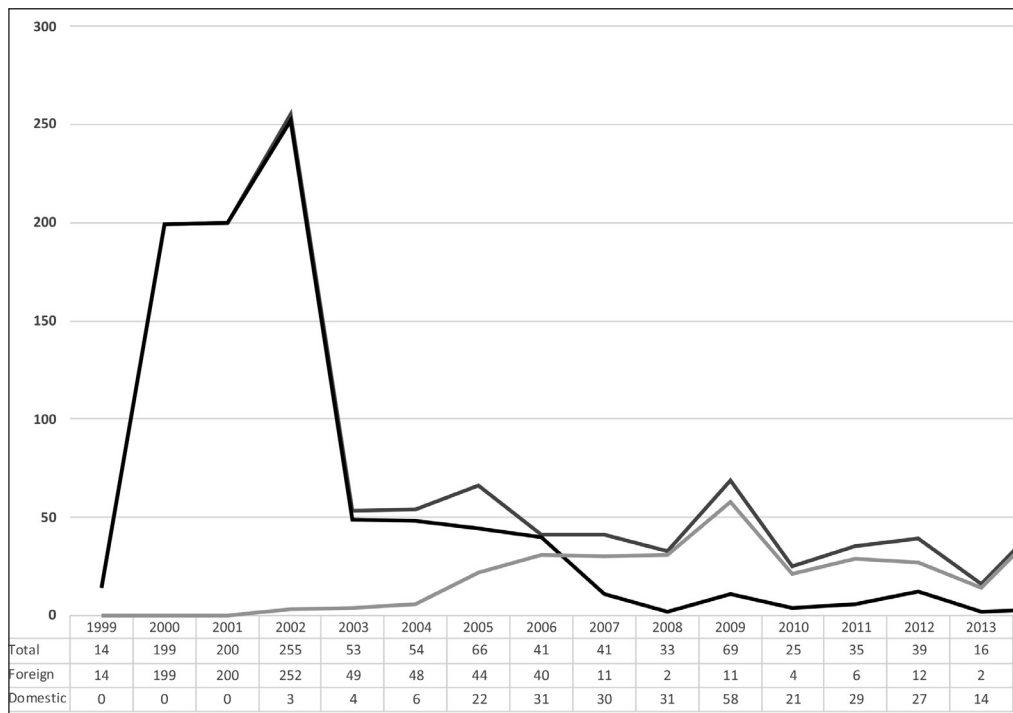
It is very difficult to say when the first cases of trafficking in women were recorded, as the ac-

tivity was not defined as criminal in Bosnia and Herzegovina until 2003. Cases that could have been defined as trafficking in women were prosecuted as prostitution or as cases of aiding and abetting prostitution. It is a plausible assumption that, although some isolated cases were registered earlier, trafficking really began to take off after the war began in the region (Maljević, 2005). In his research, Obradović found that 93% of victims of trafficking were residents of Moldova, Romania and the Ukraine. The fact that victims of trafficking came predominantly from these three countries, makes it plausible to assume that Bosnia and Herzegovina serves as a destination country with very well established routes for trafficking in women for sexual exploitation. When it comes to means of recruitment, it was found that in the majority of cases traffickers used friends and acquaintances to provide prospective victims with information about seemingly attractive work abroad, and that they did this themselves in only around 18% of cases. Almost 93% of the victims said they had wanted to work abroad in order to make a decent living. Most victims were expecting work as waitresses, shop assistants or something similar. Some were expecting to be employed in a factory, to work in a household or as baby sitters, while some victims assumed they would work as dancers in nightclubs or as sexual workers. Few of the victims openly declared that they were aware of the possibility that they would get involved in some kind of sex-related work (Obradović, 2004).

The presence of trafficking in human beings was officially confirmed in Bosnia and Herzegovina as a phenomenon in 1999, since when official statistics exist. In the period to 2004, Bosnia and Herzegovina has primarily been a country of transit and destination for victims coming from countries of Eastern Europe, mainly the Republic of Moldova, Romania and Ukraine. As of 2004, Bosnia and Herzegovina has increasingly become an origin country for victims - women and girls, but also boys and men, trafficked for purposes of sexual and labor exploitation to Western European countries and other countries of the region, as well as a transit country for trafficking routes from the East and South towards the North and West. In addition, Bosnia and Herzegovina has been increasingly experiencing internal recruitment of its own nationals for purposes of both sexual and labor exploitation in other parts of the country.

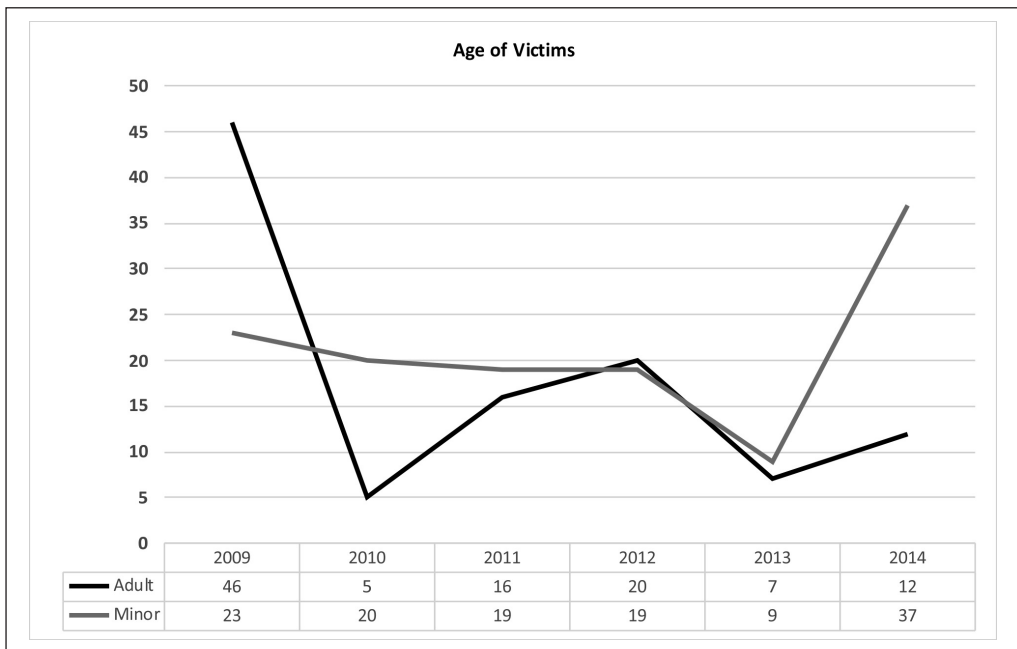
The Government of Bosnia and Herzegovina has taken significant steps to suppress trafficking in human beings by defining national policies since 2001, enacting anti-trafficking legislation and regulations, allocating funds and other resources, developing capacities of responsible institutions and establishment of partnership between authorities and civil society, which led to certain improvements and the decrease in numbers of identified victims of trafficking.

Figure 2. Numbers of the identified victims of trafficking in Bosnia and Herzegovina 1999-2014 (Source: National Coordinator for Fight against Trafficking in Human Beings, Annual Report on Situation on Trafficking in Human Beings in Bosnia and Herzegovina, Sarajevo, 2010, 2011, 2012, 2013, 2014.)



Trafficking in Bosnia and Herzegovina obviously has not been eradicated; it only changed its modus operandi. Since 2004: it has been shifting underground – sexual exploitation has been taking place in motels, private houses and residences, victims are taken abroad for same purposes, or victims are forced into labor and other forms of exploitation. With respect to labor exploitation, a new identified form is the exploitation of Bosnia and Herzegovina nationals, men, on construction sites abroad. The predominant problem is begging, mostly identified in Roma communities, as consequence of more complex economic and social circumstances in the country. Organized and forced child begging involves complex behaviour patterns that keep children locked in a cycle of exploitation when forced to beg for family or criminal groups. Some reports indicate the scale of the problem and possible ways to tackle it (Human Rights Ombudsman, 2010). But the fact is that in the past, the problem of children living and begging on the street had not been classified as human trafficking. So far serious intervention by the competent institutions and services is missing since while sporadic reports, observation and media announcements about children working all day on the streets are present. Cases of forced marriages, as well as forced servitude practices have been reported on a limited basis.

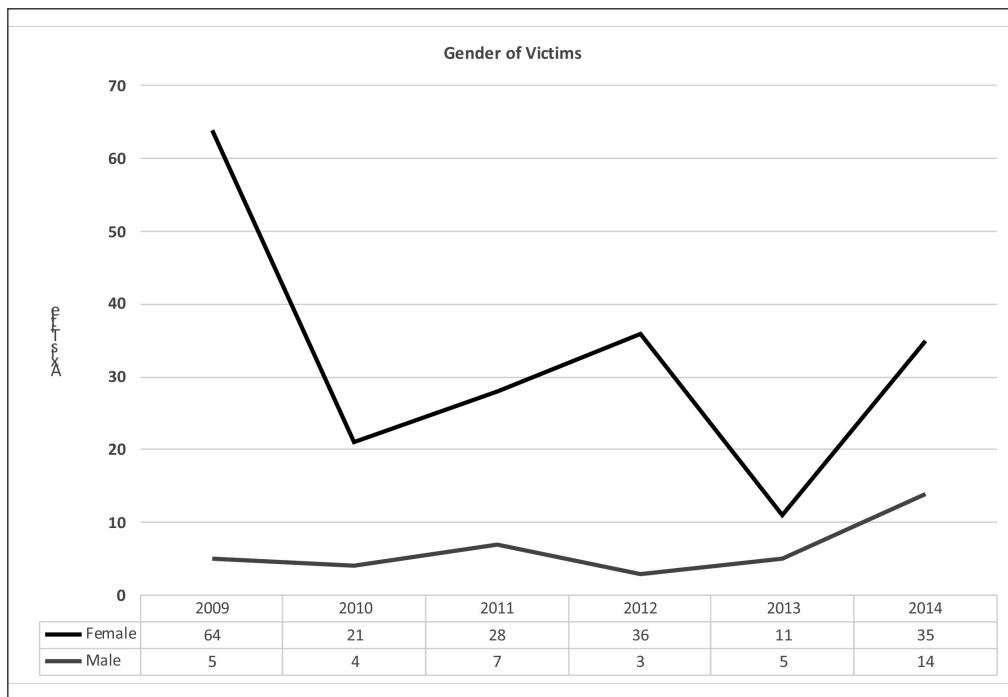
Figure 3. Age of the identified victims of trafficking in Bosnia and Herzegovina 1999-2014 (Source: National Coordinator for Fight against Trafficking in Human Beings, Annual Report on Situation on Trafficking in Human Beings in Bosnia and Herzegovina, Sarajevo, 2010, 2011, 2012, 2013, 2014.)



Reports of the State Co-ordinator indicate that there were no indications that organized crime was a prevalent feature of human trafficking for labour exploitation in Bosnia and Herzegovina since the available information indicate that individuals are the most common perpetrators of trafficking for labor exploitation and the main aim is gaining financial means for themselves. Cases usually involve citizens of Bosnia and Herzegovina but occasionally individuals from neighbouring countries.

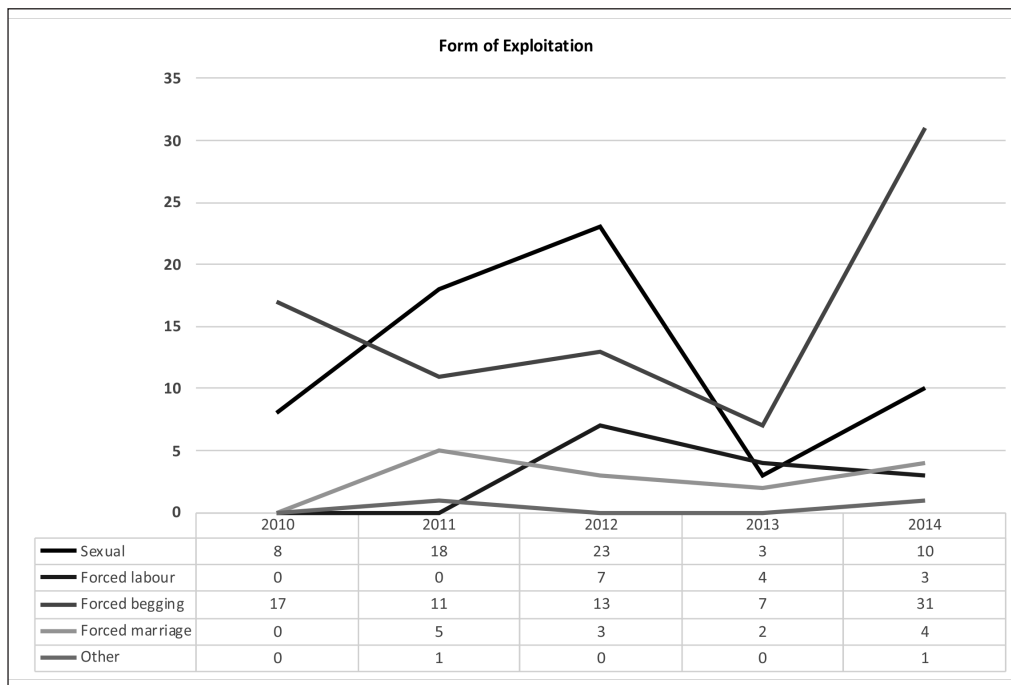
Jurisprudence related to the prosecution of labor exploitation did not indicate a high number of prosecuted cases, mainly due to offence qualification issues and grey areas that should be taken into account when evaluating the prevalence of labor exploitation. In theory it is difficult to make definite differences between trafficking for labor exploitation, forced labor, and illegal employment and violation of labor rights. This is even harder in practice (Organization for Security and Cooperation in Europe - OSCE, 2011).

Figure 4. Gender of the identified victims of trafficking in Bosnia and Herzegovina 1999-2014 Source: National Coordinator for Fight against Trafficking in Human Beings, Annual Report on Situation on Trafficking in Human Beings in Bosnia and Herzegovina, Sarajevo, 2010, 2011, 2012, 2013, 2014.



The main characteristics of registered cases, which mainly coincide with ILO indicators are as follows: usage of the vulnerability of the victims and their health conditions; stay on tourist visas to work; lower salary than promised in the original contract; cessation of payment; long working hours; restriction of freedom of movement; absence of adequate medical assistance following accidents at work; involvement of private recruitments agencies that charged a fee; confiscation of passports; illegal stay abroad; debt bondage as form of control; usage of interest rates to increase the debt; fines for breaking rules, even for breaking rules related to leisure time; infringements; and inflated costs for accommodations, food, transport etc. Yet many victims, despite being in a very difficult position, would rather stay in their exploitive situation than return home empty handed. For those who return home, many are desperate to go abroad again in search of work (OSCE, 2011).

Figure 5. Exploitation forms of identified victims of trafficking in Bosnia and Herzegovina 1999-2014 (Source: National Coordinator for Fight against Trafficking in Human Beings, Annual Report on Situation on Trafficking in Human Beings in Bosnia and Herzegovina, Sarajevo, 2010, 2011, 2012, 2013, 2014.)



Anti-trafficking activities in the country, including problem-oriented police work, investigations, prosecutions and trials, together with legal reforms, have brought several changes in trafficking patterns (Maljević, 2007). But still remains lot of work.

State of the Art of Trafficking in Bosnia and Herzegovina

The political and socio-economic situation in the country still presents an environment which generates trafficking. Bosnia and Herzegovina is still post-conflict and a country in transition. As an emerging democratic state with many factors which present pull and push factors for trafficking, such as: the position of women; the position of children; the position of persons with disabilities; the position of national minorities, especially Roma; widespread corruption and its connections with trafficking; bad economic situation and unemployment; insufficient mechanisms for protections of victims' rights,

Stereotyped gender roles continue to be the determining factor in choice of profession and employment of women. A large number of women is employed in the informal economy and have a limited access to managerial and other well-paid positions on the labor market. However, despite progress in regards to development of the formal and legal framework and public policies in the field of promoting and protecting women's rights, women in Bosnia and Herzegovina do not have equal opportunities. Women in Bosnia and Herzegovina need a non-dis-

criminally approach to exercising their rights (Helsinki Citizens' Assembly and Rights for All, 2013) Policy measures are aimed at promoting and realizing gender equality, and combating violence against women that should lead to changes in the status of women, and realization of their basic rights.

Child rights are still being neglected and there are insufficient funds for child protection policies. Neglect is obvious in non-implementation of laws, non-existence of a budget for children, lack of data about children, insufficiently developed cooperation between NGOs and authorities, the increase in violence against children, growth in juvenile delinquency, and the lack of proper schooling including insufficient training of teachers, inadequate programs and a low level of children's participation (Informal Network of NGOs "Stronger voice for children", 2011)

The Law on the Protection of National Minorities recognizes and protects the position of 17 national minorities in Bosnia and Herzegovina. They are: Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Roma, Slovaks, Slovenians and Ukrainians. The Law ensures that, besides enjoying the rights that all other citizens of Bosnia and Herzegovina enjoy, the minorities enjoy extra protection and rights in the fields of history, culture, customs, tradition, languages, script, education and religious freedom. Roma are the most numerous national minority in the state, but are also in the worst social and economic position. A total number of 17.000 Roma were registered in 2013, but the estimate is that there are between 30.000 – 40.000 Roma in Bosnia and Herzegovina (Ministry of Human Rights and Refugees, 2013). Despite limited numbers of Roma, very complex challenges in addressing the housing, education, employment, and health care needs persist (Human Rights Ombudsman of Bosnia and Herzegovina, 2012). Such a situation, together with some cultural prejudices and stereotypes creates an environment with potential for trafficking in persons especially, in minors for sexual and labour exploitation and forced and arranged marriages.

The correlation between the corruption and trafficking, and the actual impact of corruption on trafficking in persons, are generally neglected in the development and implementation of anti-human trafficking policies and measures. Corruption among local police also contributes to the trafficking infrastructure in Bosnia and Herzegovina (Balkans ACT (Against Crime of Trafficking) Now, 2013). The number of prosecutions of high profile cases is limited, with the few who are convicted spending little or no time in prison (Brady, 2012). Such approach may undermine initiatives to combat trafficking in persons substantially and prevent the effectiveness of the responses.

The bad economic situation is probably the most important factor in explaining human trafficking in Bosnia and Herzegovina. The Gross Domestic Product (GDP) in Bosnia and Herzegovina was worth 17,83 billion US dollars in 2013. The GDP value of Bosnia and Herzegovina represents 0.01 % of the world economy. Gross national income (GNI) was worth 4,740 US dollars in 2013. National poverty rate indicates that 17, 9 percentage of the population live below the national poverty line (World Bank, 2014). The unemployment Rate in Bosnia and Herzegovina increased to 44.54 % in December of 2012 from 44.38 % in November of 2012 (BH Labour Force Survey 2012: Unemployment rate 2010-2011-2012: females 23%; males 26%).

Insufficient protection of victims' rights is also one of the factors contributing to the existence of trafficking in Bosnia and Herzegovina. During criminal proceeding victims enjoy only some general rights that are proscribed for any person who is participating in proceedings. The right to information is allowed as a general rule for any person who is subject to, or participant in,

criminal proceedings. Any person which suffered some kind of damage from criminal act has the right to be informed about the status of the criminal procedure and the actions of prosecutor, but these legal instruments do not recognize specific categories of victims of any violent crimes including victims of trafficking in human beings. Protection of witnesses in criminal procedure and out of criminal procedure is regulated by *Law on protection of witnesses under threat and vulnerable witnesses* and the *Law on Witness Protection Program and is applicable to victims of trafficking in human beings*.

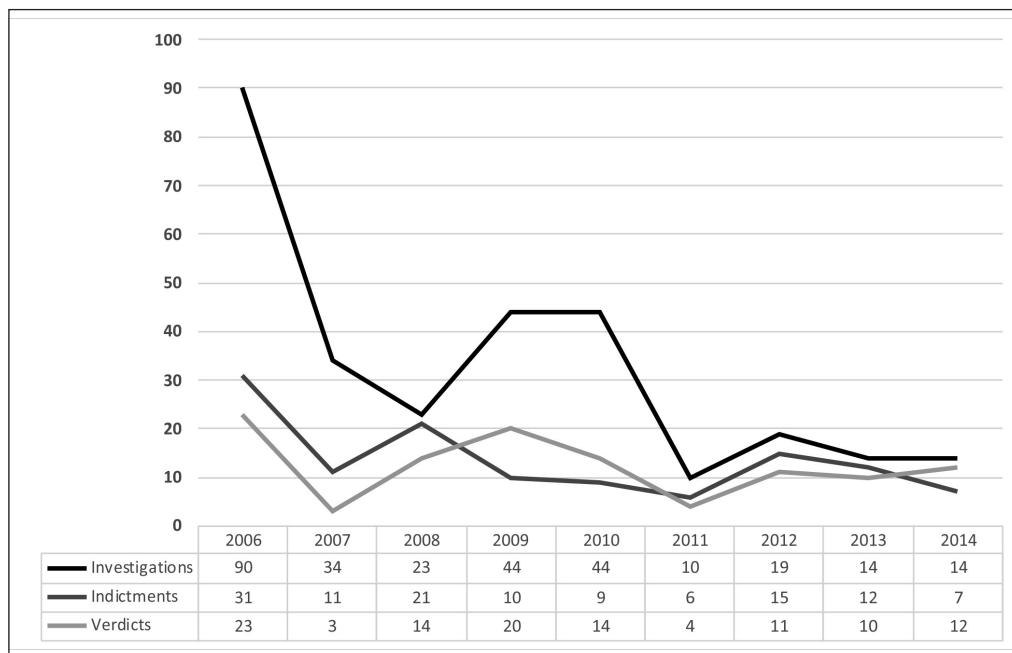
Another lack is related to compensation for victims which is also very general and almost not applicable in the cases of trafficking in human beings. Any injured party in criminal procedure in Bosnia and Herzegovina can make a property claim during the criminal procedure. In cases where the injured party is being examined as a witness, he or she shall be asked about his or her desires with respect to the satisfaction of a property claim in the criminal proceedings. A claim under property law may pertain to reimbursement of damage, recovery of items, or annulment of a particular legal transaction. But despite this legal basis there are few cases when this provision was applied in practice.

There are some good solutions for protection of victims of trafficking like Immigration legislation which allows temporarily stay of foreign victims of trafficking in Bosnia and Herzegovina on the basis of humanitarian reasons. All potential victims have the right to assistance including: accommodation, food, clothing, hygienic supplies, medical care, psychological support, legal assistance and representation, reintegration services, access to the labor market and access to education and training, including work occupational therapy, on the job training, professional education etc.

Prosecution of traffickers is likely inefficient and insufficient. The number of investigations and indictments oscillate and are steadily decreasing. The average number of investigations was 34,8 while average number of prosecutions was 14,3 per year. Reasons for such unstable numbers in comparative review are not so clear. The number of verdicts is similar, 12,4 per year. In an absolute numbers it is 278 investigations and 115 prosecutions toward 99 verdicts for the analysed period, 2006-2013.

The general practice of courts is the imposition of sanctions close to the minima prescribed in criminal codes. This is also the case with human trafficking penal policy which is quite seen as commensurate in relation to proscribed sanctions for such serious crime such as human trafficking (Balkans ACT (Against Crime of Trafficking) Now, 2013). Traffickers are not convicted and sentenced in all cases, plea bargaining is sometimes applied and confiscation of illegally obtained property is not so effectively used. The average penalty imposed on traffickers in 2013 was 2 years of imprisonment (National Coordinator for Fight against Trafficking in Human Beings, 2013). Forced labor is still not fully recognized as form of human trafficking in the domestic judicial system, especially in cases of child begging on the streets, so that cases are being often prosecuted as minor criminal offences or even as a misdemeanour with children as offenders.

Figure 6. Numbers of the investigations, indictments and verdicts related to the Trafficking in Human Beings in Bosnia and Herzegovina 2006-2014 (Source: National Coordinator for Fight against Trafficking in Human Beings, Annual Report on Situation on Trafficking in Human Beings in Bosnia and Herzegovina, Sarajevo, 2010, 2011, 2012, 2013, 2014.)



New forms of child exploitation have emerged in Bosnia and Herzegovina. Child beggars now have a more heterogeneous background, and their begging activities are organized by exploitative criminals. However, this form of human trafficking is often disregarded by the relevant actors in the system due to the lack of knowledge about the problem and about forms of human trafficking other than sexual exploitation. Perpetuated by the lack of will to undertake necessary counter-trafficking measures or due to discrimination, the system fails to react properly to prevent or punish child trafficking (IOM, 2014). Recent reports indicate an increase in the incidence of forced marriages of children leading to exploitation, with Roma children particularly vulnerable to this form of exploitation (Group of Countries against Trafficking in Human Beings (GRETA), 2013). In the past, the problem of children living and working on the street had not been classified as human trafficking but authorities have begun recognizing the problem of child begging in connection with trafficking for the purpose of labor exploitation (National Coordinator for Fight against Trafficking in Human Beings, 2010). Nevertheless, the response has been inadequate to the multiple reports of “children working all day on the streets” without “the competent institutions” providing “serious interventions” or services (OSCE, 2011).

Missing pieces of the puzzle

The first and main missing piece in the puzzle of the fight against trafficking in Bosnia and Herzegovina is the lack of vigorous investigation of sex and labour trafficking cases and aggressive

prosecution and punishment of trafficking offenders. It coincides with the general perception of the public that criminal justice response to trafficking in human beings is very weak. Most of the problems connected with the effective prosecution of human trafficking are connected with different interpretations of human trafficking criminal offences which lead to differences in application of the legislation by police and prosecutors and finally to a very confusing jurisprudence. It sometimes results in initiation of the criminal investigation as human trafficking crime but with the continuation of the investigation as mediation or forcing to prostitution or as some crime against parental obligations. There are not clear criteria for competences between different prosecutors' offices, leading to a certain level of legal insecurity and discrimination toward potential victims. Consequences for victims could be very serious, especially since prosecutors do not have the same standards and level of expertise in prosecution of human trafficking cases.

Prioritisation of actions against trafficking for sexual exploitation with foreign victims was the right choice in the 1990s. Domestic trafficking in persons was invisible for a longer period of time. The police, faced with the prevalence of female foreign citizens, was overly focused on the obvious indicators for identifying foreign victims of trafficking, such as: confiscated travel documents; illegal residence; visible traces of physical violence; restricted freedom of movement; and unfamiliarity with the local language. Law enforcement officials lacked the experience and training necessary to identify cases of domestic trafficking. As this phenomenon has now been well documented, recognition of the problem might account for the current rise in identifications. Also, since trafficking involves many other forms, mainly of labour exploitation, authorities in Bosnia and Herzegovina must develop a wider range of actions. Forced labour is still an unknown form of human trafficking for the domestic judicial system. Especially in cases of child begging and the commission of petty crimes on the streets, the transgressions are often prosecuted as minor offences with children as offenders.

In order to integrate this missing piece it is necessary to identify gaps in the prosecution procedure, ensuring that trafficking crimes are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, with a special emphasis on new forms involving trafficking for the purpose of labour exploitation and trafficking of children. It includes enhancement of utilisation of special investigative means.

The second missing piece of the puzzle is the effective suppression of corruption related to trafficking in human beings. Trafficking in persons and corruption are closely linked criminal activities, whose interrelation is frequently noted. Integration of this missing puzzle depends on ways used to meet this challenges. First and foremost, it requires recognition of the existence and the effects of corruption in general and in the context of trafficking in particular. It is thus important to examine how corruption plays a role in human trafficking and actually contributes to its continuation. Second, once recognised, trafficking related corruption calls for vigorous investigation and prosecution. This includes work on the identification of the most common forms of corruption related to the trafficking.

Both can be done by improving the legal framework that regulates this matter and by harmonising practices and experiences of the institutions involved in combating trafficking with the aim to enhance their capacities for recognition of this crime.

The third missing piece of the puzzle is the insufficient proactive approach and outreach work on identification of potential victims of trafficking, especially those subjected to forced beg-

ging and other forms of exploitation of children. Bosnia and Herzegovina must ensure that law enforcement officials, labour inspectors, social workers, and other relevant authorities adopt a more proactive approach and undertake intensive actions in order to increase the identification and the rescue of potential victims of trafficking, especially the most vulnerable, like child victims of trafficking. At the same time, further measures must be taken to provide victims of trafficking (and those at risk) with appropriate assistance and protection. Also, action must be taken to facilitate the reintegration of victims of trafficking into society, including compensation, with a view to ensuring that victims of human trafficking have an effective possibility to obtain compensation from the perpetrators. Together, any future training should be designed with a view to improving the knowledge and skills of professionals on effective assistance and protection of victims of trafficking.

The fourth missing piece of the puzzle is the low level of public awareness of trafficking in human beings, especially of the newer forms, mainly concerning labour exploitation and exploitation of children on the streets. It is necessary to launch a comprehensive campaign for the general public and design special initiatives for vulnerable groups. Those preventative activities must be supported with broad actions related to the improvement of the overall situation of vulnerable groups like women, children, minorities, refugees and internally displaced persons.

The fifth and final piece missing in the puzzle is related to the enduring absence of any relevant research to identify scope and trends of trafficking as well as factors that support and facilitate trafficking in human beings in Bosnia and Herzegovina, and identify recommendations for further defining policy and actions of the authorities and civil society in combating human trafficking.

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Sažetak

Inspiracija za rad i problem(i) koji se radom oslovljava(ju): Razlozi za pisanje ovog rada su istraživanje i osvjetljavanje fenomena trgovine ljudima u Bosni i Hercegovini, elaboracija njebove istorije, prikaz stanje i eksploatacijskih tendencija trgovine ljudima.

Ciljevi rada (naučni i/ili društveni): Cilj ovog istraživanja je društveni, usmjeren na utvrđivanje nedostataka koji vode podcjenjivanju problema, koji umanjuju napore na razvijanju efektivnog odgovora na ovu vrstu kriminala i brutalno kršenje ljudskih prava žrtava.

Metodologija/Dizajn: Metodologija je zasnovana na sekundarnim podacima i nalazima iz različitih, izvještaja, studija i teroretskih debata.

Ograničenja istraživanja/rada: Ograničenja rada su vezana za činjenicu da zvanične statistike ne odražavaju obim problema, zbog pogrešnog tumačenja i nedostataka mehanizama za identifikaciju žrtava novih oblika trgovine, drugačijih od seksualne eksploatacije, poput radne eksploatacije, prisilnog prosjačenja i činjenja manjih krivičnih djela, ugovoreni brakova, oduzimanja organa radi transplantacije.

Rezultati/Nalazi: Nalazi ukazuju da postoje praznine i nedostajući dijelovi mozaika mehanizma suzbijanja trgovine ljudima, koji imaju značajne implikacije na politike i zakone protiv trgovine ljudima, kroz pokušaje unaprjeđenja razumjevanja javnosti i vlasti o magnitudi i kompleksnosti problema koji može imati negativne posljedice po razvoj odgovarajućih politika suzbijanja trgovine ljudima.

Generalni zaključak: Analiza sekundarnih podataka je pokazala nedostatak: odlučnog istraživanja slučajeva seksualne i radne trgovine ljudima i agresivnog optuživanja i kažnjavanja počinitelaca kriminala trgovine ljudima; efektivnog suzbijanja trgovine ljudima povezane sa korupcijom; nedovoljno proaktivnost pristupa i dalekosežnog rada na identifikaciji potencijalnih žrtava trgovine ljudima; dosta nizak nivo svijesti javnosti o trgovini ljudima i odsustvo relevantnih istraživanja, već duže vrijeme, koje bi trebalo otkriti obim, trendove i faktore koji podržavaju i olakšavaju trgovinu ljudima u Bosni i Hercegovini.

Opravdanost istraživanja/rada: Ovaj rad ukazuje na nedostatke koji mogu voditi potcjenjivanju problema trgovine ljudima u Bosni i Hercegovini i naglašava istraživačka pitanja koja treba korisiti u budućim studijama u Bosni i Hercegovini.

Ključne riječi

trgovina ljudima, eksploatacija, obrazac, odgovor

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