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## Bosnia & Herzegovina Chronicle 4: Human Trafficking

by Helsinki Citizens' Assembly (hCa) Tuzla - Youth Resource Center Tuzla

July 2013

### What is human trafficking?

Human trafficking is a serious violation of human rights. There are many forms of trafficking often disguised and hidden from the government and the public. A well developed crime like this is not only deceiving but it is also serious violation of all essential human rights (forced labor, slavery, etc.). This is really applicable when we are talking about human trafficking for the purpose of labor exploitation. According to recent evaluation of International Labor Organization there is approximately 2,5 million victims of forced labor (including sexual abuse).<sup>1</sup>

United Nations define human trafficking as "the recruitment, transport, transfer, harbouring or receipt of a person by such means as threat or use of force or other forms of coercion, of abduction, of fraud or deception for the purpose of exploitation."<sup>2</sup>



### Human trafficking in B&H

Human trafficking is criminal aspect and represents a global problem, but it is more frequent in countries in economic and social transition, among them is Bosnia and Herzegovina. Socially vulnerable groups from poor countries which migrate to countries with better economy are usually victims of human trafficking. Searching for better living conditions they easily become target of criminal networks and human traffickers. Statistic of registered victims of human trafficking shows that recently Bosnia and Herzegovina becomes less of a country of transit and destination and becomes more of a country of origin and destination.

"Statistic shows that there are a growing number of human trafficking victims which are underage people from Bosnia and Herzegovina. Human trafficking is not happening anymore only in restaurants and other public facilities, human traffickers are now using private properties such as houses and flats which makes detection and documentation of this kind of crime even harder. Human trafficking takes place through different kind of labor exploitation (begging, work on farms, construction work, etc.) In Bosnia and Herzegovina the most prominent problem is begging which is most common with Roma population. This is caused by their lifestyle and increasingly complicated social and economic opportunities in Bosnia and Herzegovina".<sup>3</sup>

Institutional capacities in B&H are making ongoing progress in the field of battle against human trafficking and protection of victims of that crime. According to the annual United States Secretary, human trafficking report from 2010. Bosnia and Herzegovina is classified among the first category of countries that meet minimum standards for the elimination of trafficking in persons.

<sup>1</sup> UN GIFT: Global Initiative to Fight Human Trafficking /: Facts, available at: [http://www.unglobalcompact.org/docs/issues\\_doc/labour/Forced\\_labour/](http://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/)

[HUMAN\\_TRAFFICKING\\_-\\_THE\\_FACTS\\_-\\_final.pdf](#)

<sup>2</sup> <http://www.osceB&H.org/default.aspx?id=71&lang=HR>

<sup>3</sup> Report about the status of the Human trafficking in B&H and report about the implementation of the Action plan for the fight against the human trafficking in B&H for year 2010. Is available at: [http://www.msb.gov.ba/anti\\_trafficking/dokumenti/godisnji\\_izvjestaj/Default.aspx?id=6421](http://www.msb.gov.ba/anti_trafficking/dokumenti/godisnji_izvjestaj/Default.aspx?id=6421)



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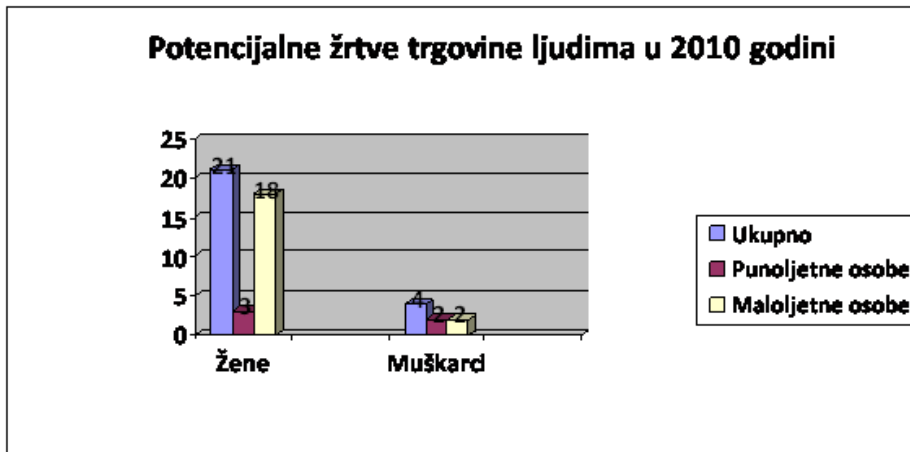
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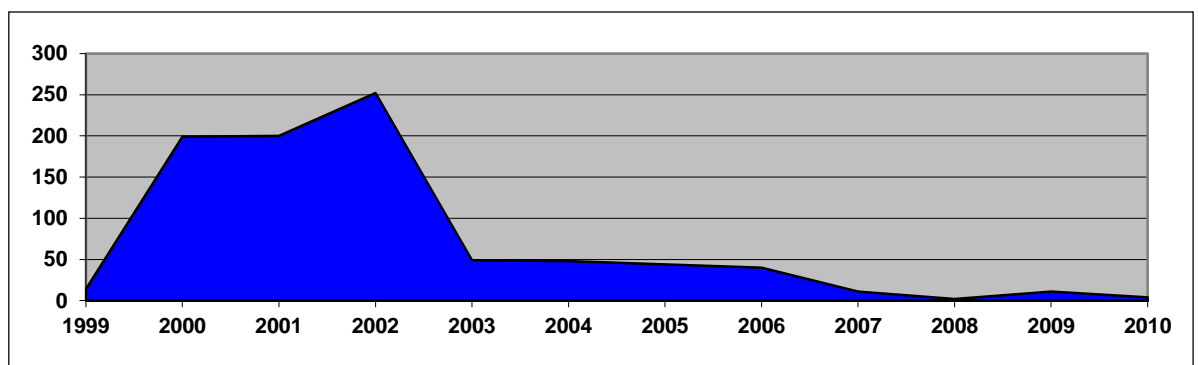
Illegal migration and smuggling of migrants significantly affects this problem. In 2010. Border patrol in B&H submitted 23 reports on the offense of article No. 189. Criminal law of B&H (people smuggling); against 34 people, from which 5 official reports concerning article No.250. Criminal law of B&H (organized crime), against 7 people, and 2 more official reports concerning article No. 249. Act 1. About article No. 198. of criminal law B&H (joining in purpose of committing a felony), against 10 people.

In 2009. There is been 27 official reports to the prosecution of B&H for people smuggling. From those 27 official reports, 11 were concerning article No.250. related to the article No.189. of Criminal Law of B&H (organized crime), 5 of those were concerning article No.149., act 1., related to the article No.189.of Criminal Law of B&H (joinig in purpose of committing a felony). In total there was 77 people reported. Foreign citizens who are subject of smuggling are mainly citizens of Turkey, Albania, citizens of Serbia from Kosovo area, citizens Afro-Asian origin, and there is a tendency of slight increase of smuggling gypsies from Bosnia and Herzegovina.

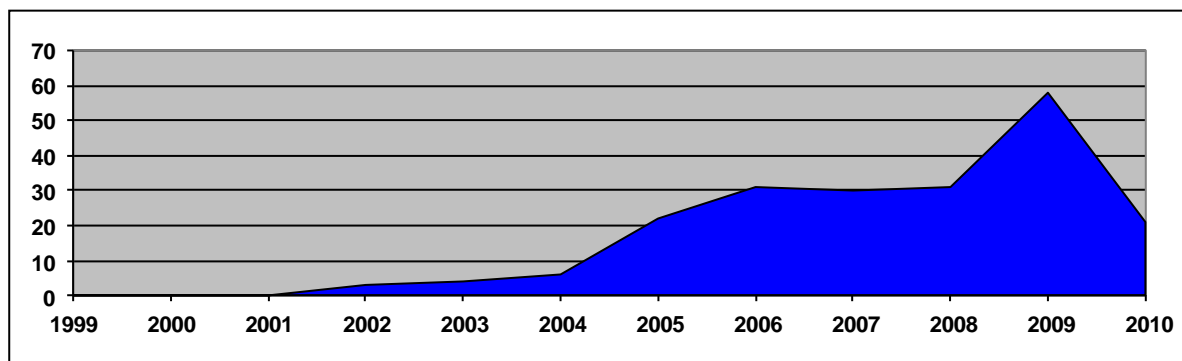
According to the data from border patrol and the estimates from the police authority from neighboring countries there is expectancy of increased influx of illegal immigrants from areas of Palestine, Algeria, and other African-Asian countries. Illegal immigrants from those countries, that have been discovered, do not have any identity documents and discovering their identity is difficult due to political situation in their home countries. The trip illegal immigrants have to take to come to desired countries in Western Europe lasts for several months and they are using the weakness of the legal system in each country they are staying. In the case of being discovered they apply for asylum and after some time they leave the asylum centers voluntary and continue they trip to desire country. Citizens of Albania from December 21st of 2010. are able to travel to all European countries without the requirement of a visa, therefore inflow of illegal immigrants from that country is expected to get reduced.



Potential victims of Human Trafficing in B&H in 2010.



Number of identified foreign HT victims.



*Number of identified domestic HT victims*

According to the official data in Bosnia and Herzegovina in the last three years there is been recorded 81 case of child trafficking. However, according to the experts that number is quite higher because indicators which show the presence of this problem in B&H are not final. Unfortunately indicators show that the age limit of the victims is becoming much lower, therefore the child trafficking is significantly increasing in Bosnia and Herzegovina.

### **Who is trying to prevent human trafficking in B&H?**

NGO sector warns that so far we do not have solution for child trafficking. What makes harder to find solution for this problem is bandwidth and insecure borders, complex causes and insufficient level of awareness about human trafficking, inadequate unadjusted criminal laws.

Even the Ministry of security of B&H emphasizes that most of the children, victims of human trafficking, come from the families without one or both parents, poor families, often disable.

“According to the official date that we have there is 81 children identified as victims of a human trafficking, and majority of them comes from dysfunctional families. Those children are neglected and ignored, which contributes insufficient care of authorized institutions and the lack of protection measures of those children.

Foreign citizens who participate in child trafficking in purpose of begging and prostitution do not find Bosnia and Herzegovina interesting enough because of its economical situation. In most of the cases they bring minors from B&H to Western Europe countries because of a bigger profit. It is important to emphasize that human trafficking is not controlled by state institutions, which deal with human trafficking. A major reason for that is the increased number of registered cases in which victims are usually minors. Other reasons are that we do not know the real number of those crimes, and the global crisis had a big impact on economic situation in B&H which increased human trafficking”, said the Ministry of Security.<sup>4</sup>

The president of the association Network Ring, Mara Radovanovic stated that the accurate number of the victims of child trafficking in purpose of juvenile prostitution can not be determined. However, the fact that more and more children from B&H are the human traffickers target is disturbing, says Mara.

According to her, misunderstanding the laws about human trafficking in RS and FB&H is a huge problem. Because of that, lot of defendants pull through because they are tried for mild offenses such as pandering, introducing a child to prostitution, neglecting a child. “Those are large gaps which have to be resolved as soon as possible. It even happened that the judgment is passed which states that 15-year-old girl, victim of the human trafficking who was forced to engage in prostitution, did it voluntarily. This example says it all. Everybody that is younger then 18 should be considered as victim of human trafficking, but that is not the case here and because of that we do not have accurate records about human trafficking”, says Mara.

Citizens Association “New generation” from Banja Luka have devoted lot of time and attention to children, victims of human trafficking trough their work “Acceptance stations for children found wondering and begging”, and “Day center for children of the streets”. They emphasize that is really hard to find the evidences indicating this kind of exploitation, and that human trafficking is not only happening through B&H borders but also inside this country, and that it is really important to work on rehabilitation of those children.

<sup>4</sup> <http://etrafika.net/dosije/trgovina-djecom/16794-sve-vise-djece-u-B&H-u-kandzama-trgovaca-ljudima>

Adviser for combating human trafficking in OSCE's mission in B&H, Selma Zekovic said that there is big number of offenses related to the sexual exploitation due to human trafficking of minors. According to her in Bosnia and Herzegovina the typical victim of human trafficking is a citizen of B&H, a child younger than 18, forced to be sexually exploited inside the country of Bosnia and Herzegovina.

"Individuals or groups involved in this kind of crime are abusing the trust of their victims, often holding them in hidden places, such as private apartments or summer houses. Unlike the international, internal human trafficking is a growing trend in the whole world. Because of that, new relevant international regulation is adopted which are establishing a counterweight to that change by mode of action. Now that has to be done in Bosnia and Herzegovina. Currently the priority is to adopt the amendments in criminal law which would define human trafficking according to international standards. Problem here is that, only on the level with B&H and since recently Brcko district and RS, criminal laws are coordinated with UN and European convection. There is only Federation of Bosnia and Herzegovina left to adopt amendments, and then to keep track of progress of implementation on other levels", said Selma.

According to the last report of State Department it is said that B&H is the source, destination, transit point for trafficking of men, women and children, victims of sexual exploitation and forced labor. "Women and girls, kept in motels, private apartments and gas stations all around the country, are subjected to sexual exploitation. Also exploitation of Roma population by forced begging held by organized criminal groups is a growing problem", it is said in this report. Not only citizens of B&H are victims of this crime, it is emphasized that victims of sexual exploitation are also citizens from Serbia, Bulgaria, Germany, and Ukraine. Also it is important to say that victims, citizens of B&H, have been exploited in Serbia, Slovenia, Macedonia, Azerbaijan, Spain, Croatia, Italy and some other countries in Europe.

It is particularly worrying that, as stated in the report, the fact that children, victims of prostitution, according to the entity legislation are treated as committer not like victim. "Although, there was not any cases like this during these reports, observers report that children, victims of human trafficking, are still treated like a committers and are subjects to the police investigations by police", it is said in the report.

### **Human trafficking for the removal of organs in member states of OSCE**

Maria Garzia Giammarinaro, special representative and coordinator of OSCE for combating human trafficking, presented a research about human trafficking in purpose of organ harvesting, which represents a form of human trafficking which is insufficiently explored by society." Victims of trafficking in purpose of organ harvesting are subjected to particularly cruel sufferings during and after surgery ", said Maria. She also said that victims are not aware that all through their lives they would suffer the consequence of organ harvesting.

After joining UN convection on the fight against organized criminal and its additional protocol on the prevention, suppression and punishing human trafficking, Bosnia and Herzegovina conducted three action plans till now. Council of Ministers of B&H is recently adopted the strategy and action plan about opposing the human trafficking for the time between 2013. to 2015. According to the new strategic documents special attention is given to the prosecution of traffickers, protection of the victims and prevention of this crime.

### **Human trafficking cases**

#### **1.Underaged girls from B&H forced to be in prostitution: I only wished I can die!**

*Shocking confession*



"My body was becoming worse and worse, and my soul was already dead. As my appearance was changing, so was my status. From the bar I went to the streets. My body was burned with cigarette butts, butchered, destroyed", said one girl, victim of child trafficking in purpose of prostitution, in her written statement.

As a sixteen-year-old-girl from the poor family she was deceived and brought from B&H to Italy and been sold. She was forced to be a prostitute for ten years. During that time she had different owners, her life becomes a living hell, and according to her the only way out was death.

## **2.New horrors are revealed: She was without food for seven days.**

"They would not let me eat, even if they had food, sometimes I did not have food or water even for seven days." These new horrors were told to investigators by German citizen Karla Singer (19) who was abused for 8 years and kept by married couple Milenko (52) and Slavojka Marinkovic (45) from Gojcin.



"Then I stole a piece of homemade bread and meat and ran to the forest", Karla stated in her shocking report. This girl who almost got wild was saved thanks to local of Gojcin Sead Makalic, who took a picture of her and brought it to the police.

The girl said that she was brought to Kalesija in 2004. By her mum Kristina Singer. She left her with Milenko Marinkovic, whom she married in 2006. as his second wife. The girl told us that she begged her mum to bring her home out of B&H. Her mom promised her that she will, but she remained in the house of her abusers. She kept telling her mom what is going on in that house, but she was not listening. Karla was found on March 17th in the forest not far enough for Marinkovic's property. The eyewitnesses say that she had only about 88 pounds and that she was in really bad health condition. She was taken to the Safe House.

"Milenko and Slavojka Marinkovic were accused of a crime of unlawful deprivation of liberty committed in a particularly cruel manner that lasted for long period of time. This criminal offense is punishable by 2-8 years in prison", said Admir Arnautovic, spokesman for the prosecutor's office of Tuzla Canton.

## **Press Releases/contributions/News:**

*Featured projects to prevent and combat trafficking in B&H*

Ministry of Security of Bosnia and Herzegovina in cooperation with NGOs and with the support of US Embassy in B&H organized in Sarajevo a public presentation of the project to prevent and combat human trafficking in B&H. On that public presentation spoke Minister of Security B&H, Fahrudin Radoncic and ambassador of USA Patrick Moon.

<http://msb.gov.ba/vijesti/saopstenja/default.aspx?id=9170&langTag=bs-BA>

Ambassador of USA in B&H, Patrick Moon, said that "combat against human trafficking- which represents a modern day slavery, is one of top priorities of USA government". He also pointed out that Ministry of Security of B&H and NGO will have a full support of USA when it comes to combating human trafficking.

The objective of the Ministry of Security of B&H is to vigorously prevent, combat human trafficking and punish the perpetrators of the crime. Because of that they built the strategy and action plan to counteract human trafficking.

Head of the International Forum of Solidarity, EMMAUS, Amela Efendic introduced a new national web portal [www.B&Hat.ba](http://www.B&Hat.ba) as a part of the project "Raising awareness and prevention of human trafficking in B&H".

President of the Association of Prosecutors FB&H, Hajrija Hadziomerovic, presented the results of the project "Efficient prosecutor and conscious public - in response to trends in the processing of human trafficking."

In the past year, in Bosnia and Herzegovina 37 victims of human trafficking were identified. The prosecutor's offices ordered 19 investigations against 42 people for human trafficking and crimes related to human trafficking in 2012. There were 15 indictments against 22 people. Competent courts imposed 11 convictions against 13 persons.

*Recommendations for B&H:*

- To vigorously investigate these crimes and to punish offenders adequately
- To harmonize the laws and to explicitly criminalize specific acts
- To vigorously prosecute officials involved in these activities
- To decriminalize child victims of sexual abuse
- To increase the allocations in order to protect victims

#### **The news taken from the portal:**

18 people were accused of human smuggling, among them there were three Croats. In Bosnia and Herzegovina, on Tuesday, there were 13 people arrested accused of human smuggling, which was confirmed by Border Police. They also pointed out that it is about operation being carried out in collaboration with Ministry of Interior of the Croatia. As stated in a statement issued in Sarajevo, action codenamed "South" was carried out by order of the Court.

- Action started early in the morning, and all the arrested are suspected of organizing the transfer of illegal immigrants from Kosovo and Turkey. During the action B&H police searched fourteen different locations in Bijeljina, Mostar, Citluk, Ljubuško, Gruda and Bugojno.

#### **RELATED NEWS**

- 21 human smugglers have been arrested
- B&H- 18 people were accused of human smuggling, among them there were three Croats

Police officers involved in human trafficking in B&H. It becomes increasingly difficult to make perpetrators of offenses face the justice.

Even some members of B&H police are involved in human trafficking, which is stated in the latest report on human trafficking for the year of 2012 by the U.S. State Department." According to available reports, and police complicity in the crimes of human trafficking, as well as the insensitivity of the government towards children victims of trafficking, makes difficult to bring the perpetrators of these crimes to justice", the State Department warns.

***Miralem Tursinovic***

***Mirjana Stamenkovic - Tursinovic***