



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
48TH SESSION**

**STATUS OF HUMAN RIGHTS IN BOSNIA AND HERZEGOVINA
FOR THE 48TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in Bosnia and Herzegovina.

Background

2. Bosnia and Herzegovina is a country located in the western Balkan Peninsula of Europe and has a population of approximately 3.4 million people.¹ Approximately 50.7% of the population identifies as Muslim, 30.7% as Orthodox Christian, 15.2% as Catholic, 2.3% as other, and 1.1% as atheist.²

3. Bosnia and Herzegovina's last review was held on November 13, 2019.³ As a result of the review, Bosnia and Herzegovina received 207 recommendations, 204 of which it accepted.⁴ It was recommended by Egypt, and supported by Bosnia and Herzegovina, that the government “[c]ontinue national efforts to combat trafficking in human beings, particularly women and children, and provide the necessary care for victims.”⁵ It was also recommended by Georgia, and supported by Bosnia and Herzegovina, that the government “[f]urther its efforts to combat trafficking in human beings via effective implementation of the relevant action plan.”⁶ There were no recommendations made regarding religious freedom.

¹ *Bosnia and Herzegovina: Facts and Stats*, BRITANNICA, <https://www.britannica.com/facts/Bosnia-and-Herzegovina> (last updated June 5, 2024).

² *Bosnia and Herzegovina*, BRITANNICA, <https://www.britannica.com/place/Bosnia-and-Herzegovina> (last updated June 5, 2024).

³ *Universal Periodic Review – Bosnia and Herzegovina*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/ba-index> (last visited June 10, 2024).

⁴ *Bosnia and Herzegovina – Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/BA/Bosnia_and_Herzegovina_Infographic.pdf (last visited June 10, 2024).

⁵ OHCHR, UPR of Bosnia and Herzegovina (3rd Cycle – 34th Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/BA/MatriceRecommendationsBosniaHezergovina.docx> (last visited June 10, 2024).

⁶ *Id.*

Legal Framework

4. Under Article 2 section 3 (c) of the Constitution of Bosnia Herzegovina protects citizens from slavery, servitude or forced or compulsory labor.⁷

5. Additionally, Article 186 of the Criminal Code of Bosnia and Herzegovina punishes human trafficking for the purpose of exploitation with up to ten years imprisonment.⁸ The same section provides that, in case of a juvenile victim, the imprisonment must not be less than five years.⁹ Anyone who organizes a group for human trafficking shall be punished by imprisonment for a term not less than ten years or a longer term.¹⁰ The term exploitation includes prostitution or other forms of sexual exploitation, forced labor or services, slavery or slavery-like practices, serving under coercion, or removal of organs for the purpose of transplantation.¹¹

6. Furthermore, Article 8 of the International Covenant on Civil and Political Rights (ICCPR), to which Bosnia is a party,¹² holds that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹³

7. Bosnia and Herzegovina is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁴ Under Article 9 section 1 of this protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹⁵

⁷ CONSTITUTION OF BOSNIA AND HERZEGOVINA art. 2 sec. 3, https://www.constituteproject.org/constitution/Bosnia_Herzegovina_2009.

⁸ Criminal Code of Bosnia and Herzegovina art. 186, <https://antislaverylaw.ac.uk/country/bosnia-and-herzegovina/>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Ratification Status for Bosnia and Herzegovina*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=22&Lang=EN (last visited June 10, 2024).

¹³ International Covenant on Civil and Political Rights art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹⁴ *Chapter XVIII Penal Matters: 12. a Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Crime*, UNITED NATIONS TREATY COLLECTION, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en (last visited June 10, 2024).

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime art. 9, § 1, *adopted* on Nov. 15, 2000, 2237 U.N.T.S. 319, https://treaties.un.org/doc/treaties/2000/11/20001115%2011-38%20am/ch_xviii_12_ap.pdf.

Human Trafficking

8. Bosnia and Herzegovina serves as a source, transit, and destination country for human trafficking.¹⁶ Additionally, Bosnia and Herzegovina is the main route for migrants traveling from the Middle East and Africa to European countries.¹⁷ Due to the strong border controls of neighboring countries, these migrants often find themselves stuck in Bosnia and Herzegovina making them vulnerable to forced labor and sexual exploitation.¹⁸ Children are also victims of human trafficking and are sexually exploited and forced into domestic servitude.¹⁹ They account for approximately 51% of human trafficking victims in Bosnia and Herzegovina.²⁰ Little girls are trafficked and sexually exploited in private homes, motels, and gas stations throughout the country.²¹ Additionally, girls are trafficked outside of the country to Croatia, France, Serbia, Slovenia, and Austria.²² Boys are trafficked for forced labor, often being forced to beg for money for local organized criminal groups in Bosnia and Herzegovina.²³

9. Bosnia and Herzegovina's efforts to combat trafficking is severely lacking as the number of human trafficking prosecutions and convictions remains low.²⁴ Further, perpetrators that are convicted often receive sentences below the statutory minimum and the government does not provide compensation to the victims.²⁵ While judges are permitted to award compensation to the victims from the trafficker, this remains rare.²⁶ Meanwhile, an analysis of sentencing practices shows that prosecuting authorities tend to lower trafficking charges to lesser offences such as enticement to prostitution.²⁷ "This tendency, combined with deficiencies in the co-ordination of anti-trafficking prosecution efforts, results in inconsistent case law, with similar factual circumstances being prosecuted and adjudicated under different qualifications."²⁸ Furthermore, the improper treatment of trafficking victims has led to victim re-traumatization, a failure to protect victim privacy, and consequent retribution by traffickers.²⁹

¹⁶ *Bosnia and Herzegovina*, GLOBAL ORGANIZED CRIME INDEX, https://ocindex.net/country/bosnia_and_herzegovina (last visited June 10, 2024).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ MIKE DOTTRIDGE ET AL., THE PHENOMENON OF CHILD TRAFFICKING IN BOSNIA AND HERZEGOVINA 11 (2021).

²¹ *Bosnia and Herzegovina*, ECPAT, <https://ecpat.org/country/bosnia-and-herzegovina/#facts> (last visited June 10, 2024).

²² *Id.*

²³ *Two Little Girls Bosnia Herzegovina*, RUTH BENI, <https://ruthbeni.com/campaigns/two-little-girls/bosnia/> (last visited June 10, 2024).

²⁴ *GRETA Publishes its Third Report on Bosnia and Herzegovina*, COUNCIL OF EUROPE (June 28, 2022), <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-bosnia-and-herzegovina>.

²⁵ GRETA & COUNCIL OF EUROPE, EVALUATION REPORT BOSNIA AND HERZEGOVINA 4 (June 28, 2022), <https://rm.coe.int/greta-evaluation-report-bosnia-and-herzegovina-3rd-evaluation-round/1680a70b3b>.

²⁶ *Id.*

²⁷ ORG. FOR SECURITY AND CO-OPERATION IN EUROPE MISSION TO BOSNIA AND HERZEGOVINA, ENSURING JUSTICE FOR VICTIMS OF TRAFFICKING IN HUMAN BEINGS: RESPONSE OF THE CRIMINAL JUSTICE SYSTEM IN BOSNIA AND HERZEGOVINA, WITH RECOMMENDATIONS 50 (2021), https://www.osce.org/files/f/documents/6/f/509345_0.pdf [hereinafter ORG. FOR SECURITY AND CO-OPERATION IN EUROPE MISSION TO BOSNIA AND HERZEGOVINA].

²⁸ *Id.*

²⁹ *Id.* at 39-44.

10. In February 2024, three individuals were charged with trafficking a large number of Turkish citizens, including children, from Bosnia and Herzegovina to Europe.³⁰

11. Between February 6 and January 24, 2024, authorities arrested nineteen individuals for operating a human smuggling network across Bosnia and Herzegovina and Croatia.³¹ The individuals were responsible for trafficking individuals from Bosnia and Herzegovina through Croatia in order to reach Western European countries.³²

12. In October 2023, police raided a migration center near Sarajevo and detained seventeen individuals for smuggling people into Bosnia and Herzegovina.³³

13. In July 2023, Border Police in Bosnia and Herzegovina arrested two individuals for human trafficking.³⁴ The two individuals were trafficking migrants from Bosnia and Herzegovina to Croatia and other countries in Europe.³⁵ At least one of the victims was also sexually exploited by the traffickers.³⁶

14. In June 2023, authorities stopped parents from selling their thirteen-year-old daughter to be married to a fifty-year-old man in Serbia.³⁷ According to authorities, the girl's parents took her out of school and put her in a wedding dress.³⁸ The director of the Kalesija Center for Social Work shared the following:

We stopped a wedding convoy of seven cars, three cars had Serbian license plates. We are like a guardianship authority found a little girl in one of the cars. We identified her as a thirteen-year-old girl who had a veil on her head and a wedding dress on. We took the little girl out, and the participants were taken to the police department.³⁹

15. Since Bosnia and Herzegovina's last UPR, it has taken some steps to address human trafficking. For example, the government restructured its Strike Force for Combatting Trafficking in Human Beings and its Regional Monitoring Teams in order to include members of the police, social work centers, educational institutions, and the Ministry of Justice.⁴⁰ Additionally, the government implemented various measures to streamline its efforts to combat human trafficking.⁴¹ Additionally, the government has drafted a new Strategy to Suppress

³⁰ *Three Persons Charged with Human Trafficking from Bosnia Into EU*, N1 (Feb. 27, 2024), <https://n1info.ba/english/news/three-persons-charged-with-human-trafficking-from-bosnia-into-eu/>.

³¹ Ingrid Jones, *Major Smuggling Network Dismantled: 19 Arrests in Bosnia and Herzegovina and Croatia*, THE DAILY SCRUM NEWS (Mar. 13, 2024), <https://www.thedailyscrumnews.com/major-smuggling-network-dismantled-19-arrests-in-bosnia-and-herzegovina-and-croatia/>.

³² *Id.*

³³ *Bosnian Police Raid Migrant Center, Make Arrests for Drug Trafficking*, RADIO FREE EUROPE (Oct. 23, 2023), <https://www.rferl.org/a/bosnia-migrant-center-arrests-drug-trafficking/32650206.html>.

³⁴ *Two Afghans Arrested in BiH for Smuggling and Human Trafficking*, SARAJEVO TIMES (July 24, 2023), <https://sarajevotimes.com/two-afghans-arrested-in-bih-for-smuggling-and-human-trafficking/>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Human Trafficking is One of the Most Pressing Problems in Bosnia and Herzegovina*, SARAJEVO TIMES (June 4, 2023), <https://sarajevotimes.com/human-trafficking-is-one-of-the-most-pressing-problems-in-bosnia-and-herzegovina/>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Fiona Clunan, *Bosnia and Herzegovina Makes Strides in Anti-Human Trafficking Efforts, Although Shortcomings Persist*, BALKAN DISKURS (Dec. 12, 2022), <https://balkandiskurs.com/en/2022/12/12/bih-makes-strides-in-anti-human-trafficking-efforts-although-shortcomings-persist/>.

⁴¹ *Id.*

Trafficking in Human Beings in Bosnia and Herzegovina for 2024-2027, but it has yet to be adopted.⁴² However, despite these recent efforts, prosecutions for human trafficking have decreased and in some cases, convicted human traffickers were sentenced below the statutory minimum.⁴³

Recommendations

16. While Bosnia and Herzegovina' has taken some steps to address human trafficking, it is clear that it must do more. To combat human trafficking, the government must allocate resources and training to law enforcement so that they are equipped to identify victims of human trafficking and properly investigate cases of human trafficking. Further, prosecutors must ensure that human traffickers are prosecuted to the fullest extent of the law and are not let off the hook with lenient sentences. Additionally, because Bosnia and Herzegovina is largely used as a transit country for human trafficking, we urge the government to work with other countries in the region to combat human trafficking in the Balkans.

⁴² *Ending Labour Trafficking and Empowering its Victims*, COUNCIL OF EUROPE (Feb. 28, 2024), <https://www.coe.int/en/web/sarajevo/-/ending-labour-trafficking-and-empowering-its-victims>.

⁴³ ORG. FOR SECURITY AND CO-OPERATION IN EUROPE MISSION TO BOSNIA AND HERZEGOVINA *supra* note 27 at 32.