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LAW ON CHANGES AND AMENDMENTS TO THE CRIMINAL CODE OF THE BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA

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LAW ON CHANGES AND AMENDMENTS TO THE CRIMINAL CODE OF THE BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA

Article 1

In the Criminal Code of the Brčko District of Bosnia and Herzegovina – Consolidated Version („Official Gazette of the Brcko District of Bosni and Herzegovina“, 47/11), in Article 6, after the words „reprimand „ (suspended sentence), the comma punctuation mark shall be deleted and the word „and“ shall be added, and the words: „re-educational measures“ shall be deleted

Article 2

Article 10 shall be amended to read as follows:

“Criminal legislation in the Brčko District shall be applied to juveniles pursuant to the Law on the Protection and Treatment of Children and Juveniles in the Criminal Proceedings of the Brčko District of BiH”.

Article 3

In Article 43, Paragraph 3 shall be deleted.

Article 4

The entire “**X – CHAPTER TEN - RULES RELATING TO EDUCATIONAL RECOMMENDATIONS, EDUCATIONAL MEASURES AND PUNISHING JUVENILES**, from Article 79 through Article 109”, shall be deleted.

Article 5

In Article 110, Paragraph 1, after the words “sentence of imprisonment”, the words “and juvenile imprisonment” shall be deleted, and the words “shall be carried out” shall be replaced with the words “shall be carried out”.

Article 6

In Article 112, Paragraph 1, after the words “long-term imprisonment”, the text “or juvenile imprisonment” shall be deleted, and after the word “imprisonment” shall be added the word “or”.

Article 7

Article 113 shall be deleted.

Article 8

Article 207 shall be amended to read as follows:

**“Enticing to Prostitution
Article 207**

(1) Whoever, in order to achieve material gain or other benefits, entices, incites or lures another into prostitution or whoever, in any way, enables turning a person over to another for the exercise of prostitution or whoever, in any way, takes part in organizing or managing prostitution.

(2) No account shall be taken or any record of prostitution of any person who has been entices, incited or lured into prostitution under this Article.”

Article 9

After Article 207, new Articles 207a and 207b shall be added:

**“Human Trafficking
Article 207a**

(1) Whoever, by force or threat of force or other forms of coercion, abduction, fraud or deception, abuse of relationship or trust or vulnerability, or by giving or receiving money or other benefits to persuade a person having control over another person, recruits, transports, transfers, delivers, harbours or receives a person for the purpose of exploiting him/her, shall be punished by imprisonment for a term of not less than five years. For the purpose of this Article the exploitation shall mean: prostitution of another person or other forms of sexual exploitation, forced labour or services, slavery or similar relationship, servitude, removal of organs or body parts, or some other form of exploitation.

(2) Whoever recruits, transports, transfers, delivers, harbours or receives a person younger than 18 years of age with the purpose of using or exploiting him/her for prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar relationships, servitude, removal of organs or body parts, or some other form of exploitation, shall be punished by imprisonment for a term of not less than ten years.

(3) If the offences referred to in Paragraphs 1 and 2 of this Article were perpetrated by an official person in exercising his/her duty, she/he shall be punished by imprisonment for a term of not less than ten years

(4) Whoever counterfeits, obtains or issues travel or identification document or uses, seizes, holds, trades, damages, destroys travel or identification document of another person to enable trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(5) Whoever uses services provided by a victim of trafficking, shall be punished by imprisonment for the term between six months and five years.

(6) If due to the criminal offences referred to in Paragraphs 1 and 2 of this Article caused serious health problems, grievous bodily harm, or the death of one or more persons referred to in Paragraphs 1 and 2,

the perpetrator shall be punished by imprisonment for a minimum term of ten years or a long-term imprisonment.

(7) Items, vehicles and facilities used for the perpetration of the offence shall be sized.

(8) The consent of the victim to exploitation shall bear no relevance to the existence of the criminal offence of human trafficking.

(9) The victim of trafficking that was forced by the perpetrator of that criminal offence to take a part in committing another criminal offence, shall not be prosecuted for the offence she/he committed if her/his actions were direct consequence of her/his status of the victim of trafficking.

Organized Trafficking in Human Beings

Article 207b

(1) Whoever organizes or leads a group, an organized group or a criminal group which jointly perpetrates or attempts a criminal offences referred to in Article 207a (Human Trafficking) of this Code,

shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(2) Whoever perpetrates a criminal offence as a member of the group referred to in Paragraph 1 of this Article,

shall be punished by imprisonment of at least one year.

(3) Whoever becomes a member of a group referred to in Paragraph 1 of this Article, shall be punished by imprisonment for a term of at least one year.

(4) A member of a group referred to in Paragraph 1 of this Article who divulges the group may be released of punishment.

Article 10

This Code shall enter into force on the eighth day from the day of its publication in the “Official Gazette of the Brčko District of Bosnia and Herzegovina”.

Article 11

The Legislative Commission of the Assembly of the Brčko District of Bosnia and Herzegovina is obliged to establish the Consolidated Version of the Criminal Code of the Brčko District of Bosnia and Herzegovina within 30 days from the day of entering into force of this Code.