

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2015)5

**Report submitted by the Bosnian authorities
on measures taken to comply with
Committee of the Parties Recommendation CP(2013)5
on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

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Bosnia and Herzegovina
Ministry of Security

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Ms Petya Nestorova
Executive Secretary of the Council of Europe Convention
on Action against Trafficking in Human Beings
Secretariat General, Directorate General II - Democracy
Directorate of Human Dignity and Equality
Council of Europe, F-67075 Strasbourg Cedex

Subject: Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina

Your reference: DG-II/PN/DD/mc

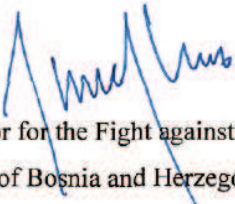
Dear Ms Nestorova,

Please find attached the Report of Bosnia and Herzegovina's Government on the implementation of the Committee of the Parties' recommendation on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina.

The Report contains information on the measures taken to implement the proposals of the Group of Experts on Action against Trafficking in Human Beings (GRETA) listed in Appendix I of GRETA's report on the implementation of the Convention by Bosnia and Herzegovina (document GRETA(2013)7).

I look forward to continue cooperation with you in order to enhance effective implementation of the Convention.

Yours sincerely,

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**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**



**Recommendation CP(2013)5
on the implementation of the Council of Europe
Convention on Action against Trafficking in Human Beings
by Bosnia and Herzegovina**

adopted at the 11th meeting of the Committee of the Parties on 7 June 2013

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as 'the Convention'), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Bosnia and Herzegovina on 11 January 2008;

Having examined the Report concerning the implementation of the Convention by Bosnia and Herzegovina, adopted by GRETA at its 16th meeting (11-15 March 2013) in the framework of the first evaluation round;

Welcoming the measures to combat trafficking in human beings taken by the authorities of Bosnia and Herzegovina, and in particular:

- the appointment of a National Co-ordinator for Combating Trafficking in Human Beings and the setting up of the Strike Force for combating trafficking in human beings and Regional Monitoring Teams;
- the adoption of state action plans for the prevention of trafficking in human beings and the independent evaluation of the implementation of the state action plan for 2008-2012;
- the inclusion on the offence of trafficking in human beings, as defined in the Convention, in the State Criminal Code;
- the criminalisation of the use of services of a trafficked person, with the knowledge that a person is a victim of trafficking;
- the efforts to provide training on trafficking in human beings to relevant professionals.

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Bosnia and Herzegovina, in particular:

- ensuring that the offence of trafficking in human beings is incorporated in a consistent manner in all criminal codes applicable on the territory of Bosnia and Herzegovina;
- strengthening the protection of children against human trafficking, including by ensuring the registration of all children at birth, and ensuring that Roma children have effective access to education as a measure to prevent trafficking;
- improving the identification of victims of trafficking by disconnecting it from the initiation of criminal proceedings, introducing a national referral mechanism and ensuring that relevant professionals adopt a proactive approach to identification;
- ensuring that victims of trafficking have effective access to assistance and protection, regardless of whether they co-operate with the law-enforcement authorities;
- defining in law the recovery and reflection period provided for in Article 13 of the Convention and ensuring that trafficked persons are effectively granted such a period;
- ensuring that victims of trafficking have an effective possibility to obtain compensation from the perpetrators and setting up a state compensation scheme which is accessible to victims of trafficking;
- ensuring that crimes related to trafficking are investigated and prosecuted promptly and effectively, leading to proportionate and dissuasive sanctions.

1. Recommends that the Government of Bosnia and Herzegovina implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Bosnia and Herzegovina (see addendum);

2. Requests the Government of Bosnia and Herzegovina to inform the Committee of the Parties of the measures taken to comply with this recommendation by 7 June 2015;

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3. Invites the Government of Bosnia and Herzegovina to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Bosnia and Herzegovina

Definition of trafficking in human beings

1. GRETA urges the competent authorities to ensure that the offence of human trafficking is incorporated in a consistent manner in all criminal codes applicable on the territory of Bosnia and Herzegovina.

Bosnia and Herzegovina consists of two entities within the state, the Federation of Bosnia and Herzegovina and the Republika Srpska. Each entity has political, legislative, and judicial authority. The Brcko District is a self-governing unit under the jurisdiction of the state. Consequence of such situation is existence of four independent Criminal Codes.

Criminal Code of Bosnia and Herzegovina since 2003 criminalizes trafficking in line with relevant international law. Latest amendments from 2015 further improved legal framework by introduction of non-punishment of victims of trafficking clause.

Federation's government has yet to fully harmonize sub-national laws with the state anti-trafficking law and the 2000 UN TIP Protocol to explicitly criminalize all forms of trafficking.

During the reporting period, Republika Srpska authorities revised Article 198a of their criminal code to bring it into compliance with the definition of trafficking under international law.

During the reporting period, Article 207 Enticement to Prostitution of the criminal code of the Brcko District was amended to include Article 207(a), which criminalizes trafficking in compliance with the definition of trafficking under international law.

Comprehensive approach and co-ordination

2. GRETA urges the authorities of Bosnia and Herzegovina to ensure, in close co-operation with the authorities of the entities and the Brčko District, that anti-trafficking legislation and policies are coherent and are effectively implemented and assessed. Particular attention should be paid to preventing and combating trafficking within Bosnia and Herzegovina. The responsible authorities should also pursue regular exchanges of information concerning all aspects of THB and aim for a greater co-ordination of their activities.

Over the last fifteen years, that is, since the time when trafficking in human beings was first observed in Bosnia and Herzegovina, planned and comprehensive measures have been taken to prevent and combat this phenomenon which very often assumes a form of organized crime. Various political and legal documents developed to become strategies, action plans, laws, rulebooks, decisions and other acts defining the fundamental policies and actions aimed at combating THB were adopted and implemented in the past. Within a relatively short time and under the extremely complex circumstances, Bosnia and Herzegovina has achieved important results in combating trafficking in human beings. This is also evidenced by many indicators and reports produced by applying the international monitoring mechanisms which unanimously state that the problem still exists in Bosnia and Herzegovina, but to a much lesser extent than in previous years. Such situation has

primarily been influenced by the activities of the relevant institutions, aimed at preventing and combating trafficking in human beings, along with a significant engagement of civil society and support by international organisations and certain friendly countries.

For the achieved results to be raised to a higher quality level, the Council of Ministers of Bosnia and Herzegovina adopted a new strategic document for the period 2013-2015 which is based on quite an innovative approach. The new approach implied full participation of civil society organizations in the preparation of the draft 2013-2015 Strategy to Counter Trafficking in Human Beings in Bosnia and Herzegovina, including a comprehensive consultation process between all those involved, local, foreign and international. The State Coordinator for Combating Trafficking in Human Beings and Illegal Migrations in Bosnia and Herzegovina was the principal body in the Strategy development and it drafted the document. The content of the Strategy clearly indicates that, by its nature, it is extremely objective, criticism-oriented and methodological, which was certainly contributed by comments, suggestions and proposals of a number of the consulted entities. This is also evidenced by the assessments and evaluations of the current situation in the fight against trafficking in human beings in Bosnia and Herzegovina, which resulted in a range of useful recommendations which constitute an integral part of the Strategy.

The result of the advanced approach to strategic planning of combating trafficking in human beings is a framework strategic document which addresses the human trafficking phenomenon in a broader or narrower sense. With regard to the broader sense, efficient combat against trafficking in human beings is deemed to be an integral part of the efforts to reaching the European Union's standards and harmonisation with Acquis Communautaire, set in the recommendations of the European Partnership and Progress Reports, as well as in the Stabilisation and Accession Agreement. This document's wider strategic perspectives treat human trafficking as being one of the forms of asymmetric threats to the NATO integration process. On the other hand, the narrower perspective observes the efficient struggle against trafficking in human beings through a focus of protection of victims who, after being identified and rescued from the human trafficking chain, should receive all sorts of adequate protection and support which should ensure their reintegration and prevent re-victimisation.

In accordance with the foregoing Strategy and Action Plan for its implementation, the novelty in the system of monitoring of the implementation and reporting by the Council of Ministers is the establishment of the Monitoring Team. Monitoring Team and responsible authorities included in the Team (Ministries on state level, entities and district governments and civil society) through that mechanism pursue regular exchanges of information concerning all aspects of THB and co-ordinate their activities.

3. GRETA considers that the authorities should ensure that meetings of co-ordinating bodies (especially the State Group) take place regularly, and should increase the effectiveness of participation of all public bodies involved in the implementation of anti-trafficking measures at the state and entity levels. GRETA encourages the National Co-ordinator to intensify efforts for greater co-ordination of activities with the Regional Monitoring Teams.

Regular meeting of all co-ordinating bodies are taking place.

Monitoring team

Establishing Monitoring team for implementation of Strategy and Action plan for

fight against THB authorities of Bosnia and Herzegovina increase the effectiveness of participation of all public bodies involved in the implementation of anti-trafficking measures at the state and entity levels. Authorities. Competent ministries on state level, entities and district governments and civil society are members of the Monitoring Team: Monitoring Team pursue regular exchanges of information concerning all aspects of THB and co-ordinate their activities.

Regional Monitoring Teams.

All four Regional Monitoring teams pursue regular meetings, exchange of information and planning and implementation of joint activities targeted towards identification and protection of THB victims, capacity building of institutions and organizations involved in counter trafficking as well as preventative activities.

Strike Force

Strike Force continuously pursue regular meeting and coordination of activities of Law Enforcement Agencies and Prosecutorial Services in order to exchange information, plan and conduct joint investigation and build capacities of Law Enforcement Officers and Prosecutors.

Referral meetings

State Coordinator regularly convene Referral meetings with NGOs and International organizations present in Bosnia and Herzegovina in order to exchange information on planned and implemented actions.

4. Further, GRETA considers that the authorities of Bosnia and Herzegovina, the two entities and the Brčko District should effectively involve NGOs working in the anti-trafficking field in the discussion and elaboration of anti-trafficking policies and promote their participation in the work of the anti-trafficking public bodies.

NGOs are involved in wide spectrum of the activities in the anti-trafficking field. NGO's representatives are members of the Monitoring Team, Regional Monitoring Teams, Strike Force and Referral meetings. Numerous Protocols on Cooperation, Memorandums of Understanding and other documents are concluded between competent institutions and NGOs at all levels.

NGOs were involved in the discussion and elaboration of anti-trafficking policies including recent Strategy and Action Plan for Fight against Trafficking in Human Beings.

NGOs are contracted by public bodies for implementation of many different counter trafficking actions (running of safe houses, preventative activities, researches, capacity building etc.)

Training of relevant professionals

5. GRETA considers that the authorities at the state, entity and cantonal level in Bosnia and Herzegovina should increase their efforts, including through funding, to provide regular training on THB-related issues to all relevant professionals. Training programmes should be designed in a manner providing practical knowledge and skills for the identification of victims of trafficking, the assistance and protection of victims, and the prosecution of traffickers (see also paragraphs 92, 106, 115 and 159).

Prosecutors and Judges

Centers for Education of Judges and Prosecutors regularly include training related to THB in their Annual programs of education.

Judges and Prosecutors are regularly invited to attend different ad hoc inter-sectorial training designed for all stakeholders involved in counter trafficking.

Law Enforcement

All three police academies have reformed their curriculums for all three types of police trainings (basic training for entrance in the service with high school background, basic training for entrance in the service with university background and in service training for those officers designated to investigate THB cases)

THB training is obligatory for all basic trainings and in service training is obligatory for those working in counter trafficking departments.

Ad hoc trainings are organized continuously within different projects. Below are some of the examples of such activities.

In the course of the implementation of the activities within the project "Efficient Prosecutor and conscious public– in response to trends in the processing of human trafficking", which were taken in cooperation with the Centre for Education of Judges and Prosecutors of the Federation of Bosnia and Herzegovina, Republika Srpska and the Judicial Committee of the Brčko District of BiH, the Association of Prosecutors of the Federation of Bosnia and Herzegovina organised several education occasions for the representatives of the Prosecutor's Offices on the territory of Bosnia and Herzegovina. Education sessions covered the following topics: "Identification of victims and prosecution of perpetrators of the criminal offences of trafficking in human beings", "Protection of and assistance to victims of trafficking in human beings" and "Seizure of illegal gain and damage compensation for victims of trafficking in human beings". Apart from the representatives of the relevant Prosecutor's Offices in Bosnia and Herzegovina, the organised educational events were also attended by the representatives of the law enforcement agencies. During the project implementation, one of the goals was to raise awareness of the fight against human trafficking, therefore, two workshops were organised for that purpose at the Faculties of Law in Sarajevo and in Banja Luka. The Faculty of Law students (120 participants) were presented the human trafficking phenomena (procuring causes, methods and manners, and a review of domestic legislation on this issue and similar). The theoretic part of these workshops included practice/hypothetic cases in order for human trafficking to be better recognised. This method of work was also applied to the organisation of the secondary school workshops, aimed at launching preventive activities and the activities on raising young people's awareness. Continuation of examples of positive practice and exchange of experiences also included a regular annual counselling of Prosecutors at which, apart from the Prosecutors from Bosnia and Herzegovina, representatives of the Prosecutor's Offices from the region also took part. The panel activities "Human trafficking – law, practice and perspectives" was introduced through a projected short animated film "Two Little Girls" (which was the continuation of the civil society organisations' joint activities) and a presentation of positive practices and experiences of prosecutors throughout the region – Slovenia, Croatia and Montenegro.

During 2013, ICMPD continued its activities on the project titled "Capacity building for combating trafficking in human beings for labour exploitation". The project was funded by the Ministry of Foreign Affairs of the Netherlands. The project covered police agencies, Prosecutor's Offices and relevant labour inspections in Bosnia and Herzegovina. The project was basically aimed at improving capacity of the relevant institutions to combat trafficking in human beings for labour exploitation. Apart from the representatives of Bosnia and Herzegovina, the representatives of the relevant institutions from Albania, Serbia, Montenegro, Macedonia and Kosovo also participated in the project. Within the project and during the reported period, two workshops and a final one were organised.

Data collection and research

6. GRETA considers that the authorities of Bosnia and Herzegovina should conduct and support research on trafficking-related issues as an important source of information for future policy measures. Areas where research is particularly needed to shed more light on the extent and nature of the problem of trafficking include child trafficking, internal trafficking, and trafficking in groups particularly vulnerable to trafficking.

Authorities of Bosnia and Herzegovina contracted in January 2015 an independent research institute “Criminal Policy Research Center” to conduct research on trafficking-related issues. Results of the research will be used as an important source of information for future policy measures, including development of new Action Plan for suppression of THB for period 2016-2019. Research will pay an attention to the issues like extend and nature of the problem of trafficking including child trafficking, internal trafficking, and trafficking in groups particularly vulnerable to trafficking. Research Report is expected to be published in September 2015.

7. GRETA also considers that when collecting statistical information from all main actors, the authorities of Bosnia and Herzegovina should take all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the official database.

National Coordinator for fight against Trafficking in Human Beings is annually collecting statistical information from all actors for the purpose of monitoring the situation and reporting to the Council of Ministers and international monitoring bodies. National Coordinator does not request and collect personal data of the victims so there is no possibility that the rights of data subject to personal data protection are violated. Authorities of Bosnia and Herzegovina run official database only for foreign victims of trafficking. That data base and data collected and stored are fully protected and in line with the rights of data subjects. Database of domestic victims does not exist.

Bosnia and Herzegovina has joined EU funded project on Establishment of Pan European Data Base of victims of trafficking and through that project intends to develop new database of trafficking. But that Pan European data base does not use personal data at all so there is not possibility of the violations of the rights of the data subjects.

International co-operation

8. GRETA considers that the authorities of Bosnia and Herzegovina should enhance international co-operation in the investigation and prosecution of human trafficking cases, as well as the assistance of victims of THB.

Bosnia and Herzegovina authorities have enhanced international cooperation in the investigation and prosecution of human trafficking cases. Cooperation has been implemented through bilateral but also multilateral initiatives like South East Europe Law Enforcement Center (SELEC) or Police Cooperation Convention for South East Europe. Cooperation has been implemented using Mutual Legal Assistance in Criminal Matters, Parallel Investigation but also using Joint Investigation Teams (JIT). JIT established with one of the EU country is the first one ever established in the Balkans.

International cooperation in the assistance of victims of trafficking also has been enhanced especially with the countries in the region and by implementation of Transnational Referral Mechanism. Assistance has been coordinated in the processes of identification and repatriation of the victims.

Measures to raise awareness and discourage demand

9. GRETA considers that the authorities, be it at state or other levels, should launch a comprehensive campaign for the general public as well as targeted initiatives for groups vulnerable to THB, in order to raise their awareness of the risks of human trafficking.

Authorities of Bosnia and Herzegovina implemented several comprehensive campaigns for the general public and vulnerable groups to THB. Some campaigns were implemented by the authorities and some of the campaigns were implemented by incentive and cooperation of civil society organizations.

Currently, authorities are implementing comprehensive campaign for general public and specially targeted to potential clients of the victims and to the children begging on the streets.

Specially designed campaign has continued in high schools. Campaign is targeted to school youth and designed to assist them to recognize and report THB.

10. GRETA considers that future action in the area of awareness raising should be designed in the light of the assessment of previous measures and be focused on the needs identified. Prevention within the Roma community should be strengthened through specific campaigns, using the materials readily understood in these communities. The authorities of Bosnia and Herzegovina should also increase their efforts to raise awareness of THB among the general public, with special attention to children and young people.

During reporting period several awareness raising campaigns have been designed and implemented. Campaigns were developed in cooperation with civil society and were targeted on the most vulnerable groups.

At the beginning of 2015, a new campaign started. This campaign is created in the light of the assessment of previous measures which identified priorities like potential clients of the victims of trafficking, children and young workers. Beside those three groups campaign is also designated to increase awareness of THB among the general public. TV clips, Radio jingles, daily newspapers and other printed materials are produced and will be distributed until end of the year,

Special measures of prevention among Roma population have been implemented through Implementation of Roma Strategy.

11. GRETA considers that the authorities of Bosnia and Herzegovina should take further measures to discourage demand for services of victims of trafficking, including through raising awareness among the general public. In this context, GRETA considers that the state-level offence of the use of services of a victim of human trafficking should be incorporated into the criminal codes of the entities and the Brčko District.

Offence of the use of services of a victim of human trafficking is incorporated in the criminal codes of the Republika Srpska and Brčko District during reform of 2013. Adoption of the same provisions in the Criminal Code of the Federation of Bosnia and Herzegovina is in pipeline.

Government of the Federation of Bosnia and Herzegovina has proposed amendments of the Criminal Code to the Parliament which includes criminalization of the use of services of a victim of human trafficking.

Social, economic and other measures for groups vulnerable to THB

12. GRETA stresses that absence of registration of children is often one of the aspects making this group particularly vulnerable to human trafficking and urges the authorities of Bosnia and Herzegovina to strengthen their efforts to ensure the registration at birth of all children.

Registration at birth of all children is compulsory. Authorities support many campaigns in the past targeted to minority groups which had in practice non registration and through that campaign many unregistered children are registered. Authorities support also every civil society actions targeted to support of non-registered children and their registration. Any children identified as potential victim and non-registered children is registered during process of assistance to potential or identified victims of trafficking.

13. In view of the number of children living in great poverty and at risk of human trafficking, GRETA urges the competent authorities to ensure that drop-in centres for children be provided with sufficient resources to stay open and provide adequate assistance.

During reporting period 6 drop-in centers have been established. All of them stayed open and are functional and provided by sufficient resources either from budget of state or local communities or from donors funds. All drop-in centers offer and provide adequate assistance for children living in great poverty, working on the streets and are at risk of human trafficking. Hundreds of children and their parents have used services of drop-in centers in Sarajevo, Tuzla, Zenica, Banja Luka, Mostar and Bijeljina.

14. Given that forced marriages of children leading to exploitation have been on the increase in the country (see paragraph 11), and considering that Roma children are a particularly vulnerable group, GRETA urges the competent authorities to take all necessary measures to ensure that they have effective access to education as a measures for preventing human trafficking.

Law Enforcement agencies has resume with investigation of cases of the forced marriages and several cases have been investigated each year.

Through implementation of Roma Strategy many resources have been allocated to inclusion of Roma children in education. Currently all Roma children have effective access to education as a measures, among others, for preventing human trafficking. Education is one of the priorities of the Roma Strategy together with housing and employment.

Border measures and measures to enable legal immigration

15. GRETA considers that the authorities of Bosnia and Herzegovina should make further efforts to:

- detect and prevent THB through border control measures;

Border Police of Bosnia and Herzegovina during reporting period strengthened measures of detection and prevention of irregular migration and THB through border control measures. All border crossing points are equipped with document readers and connected to central data bases which are connected as well with INTERPOL data bases and check automatically every persons crossing the border.

Border Police staff in regularly attending trainings which include lessons on detection and prevention of trafficking and smuggling of persons and profiling of traffickers and smugglers.

- ensure that training on THB and the identification of victims is provided for frontline Border Police staff, immigration officers as well as diplomatic and consular staff, on a regular basis. Such training should underscore the difference between human trafficking and the smuggling of migrants;

During 2014 a reform of police education and training has been implemented which include introduction of new curriculum and syllabus as well as educational materials on trafficking in human beings. All three police academies have reformed their curriculums for all three types of police trainings (basic training for entrance in the service with high school background, basic training for entrance in the service with university background and in service training for those officers designated to investigate THB cases). THB training is obligatory for all basic trainings for newly recruited staff and in service training is obligatory for those working in counter trafficking departments. The part of the education and training is devoted to elaboration of differences between the human trafficking and the smuggling of migrants.

Training of immigration officers as well as diplomatic and consular staff are organized on ad hoc basis because of very limited numbers of new comers to those services (up to 5 yearly). Ad hoc training are always designed in a way that underscore the difference between human trafficking and smuggling of migrants and targeted to provide staff with skills needed for identification of potential victims of trafficking.

- introduce a checklist to identify THB-related risks during the visa application system.

Integrated check list for visa application system is introduced in the system which include THB and irregular migration risk assessment. There is no specific checklist for THB related risks.

More important, consular departments can not issue any visa before checkups are done in the immigration service back in Bosnia and Herzegovina and application is approved by Foreigners' Affairs Service (Immigrations Service). During assessment of the visa application Foreigners Affairs Service is checking all trafficking and smuggling related risks.

Identification of victims of trafficking in human beings

16. GRETA urges the authorities of Bosnia and Herzegovina to:

- disconnect the formal identification of victims of human trafficking from the initiation of criminal proceedings;

Formal identification of victims of trafficking in human beings is disconnected from the initiation of criminal proceedings. All victims are entitled for protection and assistance without any requirement of initiation of criminal proceedings or collaboration with law enforcement agencies.

- establish a multi-agency involvement in victim identification by introducing a national referral mechanism which defines the roles and procedures of all frontline staff who may come into contact with victims of trafficking;

Multi-agency involvement in victim identification is established by Rules for protection of victims and witnesses of Human Trafficking citizens of Bosnia and Herzegovina and by Rulebook on protection of Foreign Victims of Trafficking in Human Beings.

National referral mechanism is composed by above two acts (Rules for protection of

victims and witnesses of Human Trafficking Citizens of Bosnia and Herzegovina and by Rulebook on protection of Foreign Victims of Trafficking in Human Beings) which define the roles and procedures of all frontline staff who may come into contact with victims of trafficking (competent ministries, prosecutors, police, border police, immigration officers, social welfare services, health and education professionals, NGOs).

Multi-agency involvement is institutionalized through Regional Monitoring Teams which have tasks to identify victims, to exchange information, to prepare individual plan or rehabilitation and reintegration and to implement it.

In order to facilitate implementation of National Referral Mechanism and work of Regional Monitoring Teams a several guidelines and handbooks have been prepared and members of Regional Monitoring Teams trained how to implement National Referral Mechanism (Guidelines for Conduct of Regional Monitoring Teams for Fight against Trafficking in Human Beings, Handbook on Direct Assistance to Victims of Trafficking in Human Beings in Bosnia and Herzegovina, Guidelines for Conduct of Social Welfare Centers with Victims of Trafficking, Guidelines for Conduct of Mental Health Centers with Victims of Trafficking, Handbook on Protection of Victims of Trafficking in Bosnia and Herzegovina...).

- provide specialised training on the identification of victims of THB to all frontline staff who may come into contact with possible victims (including law enforcement officials, staff of social welfare centres, staff of child drop-in centres, labour inspectors, medical staff and NGOs);

Specialized trainings on the identification of victims of THB to all frontline staff who may come into contact with possible victims are constantly and regularly organized and implemented. Such trainings include prosecutors, law enforcement officials, staff of social welfare centres, staff of child drop-in centres, labour inspectors, immigration officials, medical staff, mental health staff and NGOs);

For example in first four months of 2015 multi-agency trainings have been implemented for four Regional Monitoring Teams members. During each of four trainings 30 members of Regional Monitoring Teams have been trained. In total 120 prosecutors, law enforcement officials, staff of social welfare centres, staff of child drop-in centres, labour inspectors, immigration officials, medical staff, mental health staff and NGOs members received a comprehensive training related to following topics: THB, history, causes, development, current situation, trends in the world and Bosnia and Herzegovina, ; Strategy and Action Plan to Fight THB in BiH 2013-2015; International and National Legal Framework; National Referral Mechanism, cooperation and identification of victims; New forms of THB, indicators for identification and possibilities for prevention; Protection of victims of trafficking with emphasize on compensation and resocialisation of victims; Case Studies and Discussions....

Until the end of 2015 additional four trainings for additional 120 of prosecutors, law enforcement officials, staff of social welfare centres, staff of child drop-in centres, labour inspectors, immigration officials, medical staff, mental health staff and NGOs members will be trained as well as 20 specialized lawyers who provide free legal counseling and representation of victims and 20 journalist in order to improve media approach on reporting about THB.

- ensure that law enforcement officials, social workers, labour inspectors and other

relevant actors adopt a more proactive approach and increase their outreach work to identify possible victims of trafficking, regardless of the possibility of initiating criminal cases;

Bosnia and Herzegovina constantly invest efforts to ensure that law enforcement officials, social workers, labour inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify possible victims of trafficking, regardless of the possibility of initiating criminal cases. Those topics are part of any training of frontline officers and other stakeholders in fight against trafficking. Outreach work is specially designed and intensified within Drop-in centers and their mobile teams which try to reach street children in a risk of trafficking and their families and to identify possible victims of trafficking.

- avoid unnecessary repetition of interviews with victims of trafficking;

Prosecutors, law enforcement, immigration, social welfare and NGO safe houses staff are always coordinated in conduct with victims and try to avoid any unnecessary repetition of interviews with victims of trafficking. Each individual case has its own case manager who takes care about this issue.

- improve the identification of child victims of trafficking, subjected to forced begging and other forms of exploitation targeting children.

Authorities in Bosnia and Herzegovina are paying special attention to improvement of identification of child victims of trafficking, subjected to forced begging and other forms of exploitation targeting children.

During 2014, out of 49 identified victims of trafficking 37 or 75% were children (24 female and 13 male). Out of 24 female children victims of trafficking 6 were sexually exploited, 14 were exploited for forced begging and 4 were exploited for forced marriage and bagging in combination. 13 male children were exploited for forced bagging.

Assistance measures

17. GRETA urges the responsible authorities in Bosnia and Herzegovina to take further measures to provide victims and possible victims of THB with adequate assistance and protection, and in particular to:

- ensure that all assistance measures provided for in law are guaranteed in practice; when assistance is delegated to NGOs as service providers, the state has an obligation to provide adequate financing and ensure the quality of the services delivered by the NGOs;

All assistance measures provided for in law are guaranteed in practice. Bosnia and Herzegovina decided to delegate provision of services to NGOs. Bosnia and Herzegovina provide financing of NGOs providing services to victim. In budgets of the Ministry of Security for foreign victims and Ministry of Human Rights and Refugees for domestic victims is allocated 165.000 BAM (cca. 85.000 EUR) for this purpose. Ministries of Security and Human Rights and Refugees ensure the quality of the services delivered by the NGOs through selection process for delegations of provision of services and through monitoring of services.

In addition some of regional and local authorities finance NGOs for provision of services for persons in need including victims of trafficking inhuman beings.

- ensure that social welfare centres and other public bodies involved in the provision of

assistance to victims have the necessary human and financial resources to ensure their unhindered and effective functioning;

Generally, social welfare centers and other public bodies involved in the provision of assistance to victims of trafficking are lacking necessary human and financial resources to ensure their unhindered and effective functioning. But, it is not a case for victims of trafficking. It is a case with all kind of persons in need of social assistance. Bosnia and Herzegovina is post conflict country with very bad economic situation, high poverty rate and high unemployment rate, heavy presence of refugees and internally displaced persons, numerous population of disabled person as a consequences of recent armed conflict. Despite all problem there are facing, social welfare centers always allocate necessary resources to provide all protection and needs that victims of trafficking need.

- facilitate the reintegration of victims of trafficking into society and avoid re-trafficking by providing vocational training and access to the labour market for victims who are lawfully resident in the country;

National Referral Mechanism is crated in a way that facilitate the reintegration of victim of trafficking into society and avoid re-trafficking. Reintegration of victims is planed in cooperation of all competent institutions and organizations (social welfare services, NGOs, education, health, mental health) and designed in individual reintegration plan agreed with the victims or his/her parents or legal guardians. If needed, providing of vocational training is always part of the Individual Reintegration Plan.

Law on Movement and Stay of Foreigners and Asylum in the last amendments in 2013 introduced right to access to the labour market for victims who are lawfully resident in Bosnia and Herzegovina.

- improve the system for providing assistance to child victims of trafficking, both in terms of accommodation and as regards medium and long-term support programmes tailored to the needs of the children;

System for provision of assistance to child victims of trafficking in terms of accommodation is improved primarily through general measures of improvement of housing situation of minority groups, primarily Roma, and through social housing for the poorest and the most vulnerable population. Since the majority of child victims is originating from these two groups general improvement of their general housing situations improved accommodation of child victims. Also through constant financial support to NGOs running safe houses over 6 last years overall environment in the accommodation facilities has been improved. Ministry of Security in cooperation with European Commission through EU funded programs ensured significant fund for improvement of living conditions in the safe houses. Funds have been used for improvement of security and other infrastructure in the safe houses.

System for provision of assistance to child victims of trafficking as regard medium and long-term support programmes tailored to the needs of the children have been improved both, though work of drop-inn centers and their work on improvement of living conditions of children but also through improvement of cooperation and coordination of activities within Regional Monitoring Teams and planning and implementation of Individual Reintegration Plans for victims of trafficking, including child victims.

- provide specialised training to all persons responsible for the provision of assistance to victims of trafficking.

Specialized training to all persons responsible for the provision of assistance to victims of trafficking is provided regularly and internally by institutions and organization which providing assistance. But also on ad hoc basis joint training are organized. Training are based on the Guidelines for Conduct of Regional Monitoring Teams for Fight against Trafficking in Human Beings, Handbook on Direct Assistance to Victims of Trafficking in Human Beings in Bosnia and Herzegovina, Guidelines for Conduct of Social Welfare Centers with Victims of Trafficking, Guidelines for Conduct of Mental Health Centers with Victims of Trafficking, Handbook on Protection of Victims of Trafficking in Bosnia and Herzegovina

Recovery and reflection period

18. GRETA urges the authorities of Bosnia and Herzegovina to review the regulations in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law.

Currently, Rulebook on Protection of foreign victims, which is bylaw of the of Law on Stay and Movement of Foreigners and Asylum, trafficking in human beings ensures 30 days long recovery and reflection period for victims of trafficking.

Following the recommendation of GRETA from this point, Ministry of Security drafted new Law on Immigration which will replace current Law on Stay and Movement of Foreigners and Asylum which will be soon sent to parliamentary procedure for adoption. Draft Law moved provision on recovery and reflection period from the bylaw to the law.

19. Further, GRETA urges the authorities to ensure that trafficked persons are systematically informed of the possibility to use this recovery and reflection period and are effectively granted such a period.

Pursuant Rulebook on Protection of Foreign Victims of Trafficking in Human Beings, immigration official is obliged before starting interview inform victim with rights and obligations established by law and on possibilities of provision od independent legal assistance during entire process and on right on interpretation in language the he or she understand. This include provision of information related to the possibility to use this recovery and reflection period and are effectively granted such a period.

Victim accommodated in the NGO safe house is informed about rights including recovery and reflection period and as well NGO which providing free legal assistance also inform victim about all rights including recovery and reflection period too.

Residence permit

20. GRETA considers that the authorities of Bosnia and Herzegovina should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit in compliance with Article 14 of the Convention, including those who were identified but whose case did lead to any criminal prosecution.

Article 54 (Temporary residence on humanitarian grounds) of the Law on Stay and Movement of Foreigners and Asylum provides that: Temporary residence on humanitarian grounds may be granted to an alien in the following cases:

where an alien who has been a victim of organized crime and/or trafficking of human beings, for the purpose of providing protection and assistance for his/her rehabilitation and repatriation into the country of his/her habitual residence, or a country which will admit the alien;

An alien who has been granted temporary residence on humanitarian grounds as a victim of trafficking in persons and whose residence in Bosnia and Herzegovina is necessary for the purpose of cooperation with competent bodies in an investigation aimed at detection and processing of criminal offence of trafficking in persons, has the right to: an adequate and safe accommodation, access to emergency medical protection, psychological assistance, be informed on his/her legal status, legal assistance during criminal and other proceedings in which he/she is granted other rights, access to job market under the same conditions applying to aliens, as well as access to professional training and education. A child who holds an approved temporary residence permit as a victim of trafficking in persons shall have access to education.

Temporary residence issued on humanitarian grounds shall be granted for the period of up to 6 (six) months.

Renewal of the temporary residence may be approved at the alien's request, but only on the same grounds on which the alien was granted the temporary residence whose renewal he/she has requested

Compensation and legal redress

21. GRETA urges the authorities of Bosnia and Herzegovina to:

- review the existing legislation on compensation with a view to ensuring that victims of human trafficking have an effective possibility to obtain compensation from the perpetrators, including by providing effective access to legal aid and information in this respect;

The review of the existing legislation on compensation has been conducted in 2014. The review was conducted with a view to ensuring that victims of human trafficking have an effective possibility to obtain compensation from the perpetrators, including by providing effective access to legal aid and information in this respect. Results of the review indicated that legislative framework exist and that is sufficient for its goals. Compensation can be granted either in criminal or in civil procedure.

But review also indicated very modest and limited jurisprudence and results in application of the legislation and necessity to raise awareness of judges and prosecutors and to training them on effective application of relevant legislation.

Because of that separate Manual for Judges and Prosecutors on Compensation of Victims of Trafficking in Human Beings has been published and is used during training of judges and prosecutors.

- set up a state compensation scheme, such as a compensation fund, accessible to victims of trafficking in order to resolve the current difficulties for them to receive compensation from the perpetrators.

Bosnia and Herzegovina did not set up the state compensation scheme. Compensation fund, accessible to victims of trafficking in order to resolve the current difficulties for them to receive compensation from the perpetrators does not exist such as any other form of such fund, not only for victims of trafficking in human beings but also for other types of victims of violent crimes, in line with Council of Europe binding obligations.

Repatriation and return of victims

22. GRETA considers that the authorities of Bosnia and Herzegovina should take further steps to ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings; this includes protection from retaliation and re-trafficking.

All foreign victims of trafficking in human beings identified in Bosnia and Herzegovina are returned to their countries of origin or residence with due regard for the rights, safety and dignity of the person and the status of legal proceedings including protection from retaliation and re-trafficking.

Victims are returned always on voluntary bases and without any use of force or deportation. Victims cannot be returned if there is any possibility of their exposure to violence or any other violation of their rights safety and dignity.

Procedures or return are regulated in the Law on Stay and Movement of Foreigners and Asylum and Rulebook for protection of foreign victims of trafficking in human beings. Further, entire procedure is practically elaborated in the Handbook on Procedures of Return of Victims of Trafficking in Human Beings.

Non-punishment of victims of human trafficking

23. GRETA urges the authorities of Bosnia and Herzegovina to take legislative or other measures, such as issuing guidance to investigating and prosecuting authorities at state and entity level, allowing for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities to the extent that they were compelled to do so.

Amended Criminal Codes of Bosnia and Herzegovina (2015) and Brcko District (2013) introduced non-punishment of victims of human trafficking clause.

Amended Criminal Code of Republika Srpska does not contain such provision.

Draft amendments to the Criminal Code of Bosnia and Herzegovina which is in the parliamentary adoption procedure contains non-punishment of victims of human trafficking clause.

Law on Stay and Movement of Foreigners and Asylum and related secondary legislation contain non-punishment of victim of human trafficking clause for breaches of the immigration legislation.

Investigation, prosecution and procedural law

24. GRETA urges the authorities of Bosnia and Herzegovina to:

- identify gaps in the investigation procedure and the presentation of cases in court, inter alia, with a view to ensuring that crimes related to THB are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions;

The main gap identified in the investigation procedure and the presentation of cases in court with a view to ensuring that crimes relate to THB are investigated and prosecuted effectively, was very limited prosecutorial capacities. Until 2013 Prosecutor of Bosnia and Herzegovina was exclusively authorized to prosecute THB related crimes because Trafficking in Human Beings was criminalized only in the Criminal Code of Bosnia and Herzegovina. Such situation prevented jurisdiction of entities and District prosecutors to investigate and prosecute trafficking in human beings. With legislative reform from 2013 on,

and introduction of Trafficking in Human Beings crimes in entities and District Criminal Codes, jurisdiction to prosecute THB is expanded to cantonal and district prosecutorial services and many more prosecutors are now authorized to procedure trafficking related crimes. By that measure, capacity limitations do not exist anymore.

- take measures to ensure that crimes related to THB are investigated and prosecuted promptly and effectively, in order to avoid undue delays in criminal proceedings;

Prosecutor offices and Courts in Bosnia and Herzegovina are doing their best to ensure that crimes related to trafficking in human beings are investigated and prosecuted promptly and effectively, in order to avoid undue delays in criminal proceedings. But they are facing similar requests from another international monitoring mechanisms asking for the very same approach in proceeding related to torture, corruption, drugs trafficking, arms trafficking, terrorism, money laundering, smuggling of migrants, child sexual abuse online, cyber-crime, financial frauds.... Because of that prosecutors and judges try to make a balance among all those requirements.

The majority of cases are of transnational nature and require international legal assistance in criminal matters. In the previous years prosecutors have been facing many problems and long lasting procedures to collect information and evidences in the investigations and prosecutions of THB related crimes. Because of that some investigations lasted up to five years. Also, prosecutors and courts are facing problems in bringing witnesses from abroad to testify at trials. Those reasons sometimes cause delays in procedures.

- strengthen their efforts to proactively investigate THB offences, with a special emphasis on cases involving trafficking for the purpose of labour exploitation and trafficking of children

Law Enforcement Agencies and Prosecutorial Offices have strengthened their efforts to proactively investigate THB offences with a special emphasis on cases involving trafficking for the purpose of labour exploitation and trafficking of children.

In addition efforts are strengthened to simultaneously conduct financial investigations in order to identify, freeze and confiscate illegal assets of traffickers.

Such approach has been applied in the investigation and prosecution of huge labour exploitation of construction workers from Bosnia and Herzegovina, Serbia and Macedonia in Azerbaijan (Serbaz Case) and case of trafficking of children from Bosnia and Herzegovina in the countries of Western Europe. In case of labour exploitation in Azerbaijan comprehensive measures of international legal assistance in criminal matter have been used while in the case od children from Bosnia and Herzegovina exploitation in Western European countries for first time ever in the Balkans Joint Investigation Team (JIT) has been established and used as well as special investigative measures such as wire taping, surveillance and deployment of police liaison officers.

Also, as a new trend in counter trafficking and confirmation of efforts to prosecute labor and children exploitation, several domestic trafficking cases involving children labour exploitation, mainly for organized begging and committing petty crimes, have been investigated and prosecuted. Indictments are confirmed and trials are ongoing.

25. Further, GRETA considers that the knowledge and awareness of judges, prosecutors, investigators and lawyers about THB needs to be improved, including as regards specific elements of the offence, the rights of victims and access to compensation. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals

which enable them to effectively assist and protect victims of trafficking, and to ensure traffickers receive adequate convictions. During the training, particular attention should be paid to overcoming entrenched negative attitudes and prejudices vis-à-vis victims of trafficking.

Centers for Education of Judges and Prosecutors regularly include trainings related to trafficking in human beings in their Annual programs;⁸ of education. Training programmes are designed with a view to improving the knowledge and skills of judges and prosecutors which enable them to effectively assist and protect victims of trafficking, and to ensure traffickers receive ;adequate convictions. During the training, particular attention is paid to overcoming entrenched negative attitudes and prejudices vis-à-vis victims of trafficking. For that purpose staff of safe houses run by NGOs and other specialist are engaged in the training.

Judges and Prosecutors are regularly invited to attend different ad hoc inter-sectorial training designed for all stakeholders involved in counter trafficking (police, immigration officers, social protection services, educational institutions, general health and mental health services, non-governmental organization running safe houses for victims and working on other reintegration assistance programmes for victims). Such training sensitize judges and prosecutors and give them possibility to have another perspective of the entire phenomenon and especially all suffering of the victims during trafficking process.

Protection of victims and witnesses

26. GRETA urges the authorities of Bosnia and Herzegovina to take legislative and practical measures to ensure the effective protection of victims of THB, especially children, during the investigation and to prevent their intimidation during and after court proceedings.

Both entities and Brcko District have introduced special laws on protection and processing with children and minors in criminal procedures which ensure the effective protection of victims of THB, especially children, during the investigation and to prevent their intimidation during and after court proceedings. Those laws provide for special protection of minors as perpetrators of crime but also as victims and witnesses.

Practical measure are undertaken in order to build capacities of prosecutors and judges to effectively implement provision of those laws, namely training for efficient implementation of the laws. Prosecutors and judges processing children in criminal procedure have go through very intensive training and have to be certified. Without proper certificate they cannot proceed cases which involve children.