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## **LANZAROTE COMMITTEE**

Committee of the Parties to the Council of Europe  
Convention on the protection of children against sexual  
exploitation and sexual abuse

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**Response of the authorities of Bosnia and Herzegovina to the  
Survey of data collection mechanisms regarding data on child  
sexual exploitation and sexual abuse**

Document adopted by the Committee on 15 February 2024

## Questions

### Survey on mechanisms for data collection on child sexual exploitation and sexual abuse

#### Data collection mechanisms – questions based on the Lanzarote Convention and Lanzarote Committee recommendations

The aim of this survey is to gather information to allow the Lanzarote Committee to assess how data is collected in State Parties and to identify promising practices for data collection.

#### 1. Who collects data?

i. Is there a specific mechanism or focal point responsible for collecting data on child sexual exploitation and sexual abuse? If so, please provide details. (Article 10.2b of the Lanzarote Convention and R13 of the first implementation report of first monitoring round)

##### Answer:

Due to the complex administrative division of Bosnia and Herzegovina, data collection is carried out by multiple levels, i.e. institutions. Namely, Bosnia and Herzegovina is administratively divided into two entities: the Federation of Bosnia and Herzegovina and Republika Srpska, and the Brčko District, which does not belong to either entity, but represents a separate administrative unit over which the institutions of Bosnia and Herzegovina have sovereignty. The Federation of Bosnia and Herzegovina consists of 10 cantons that are further divided into municipalities, while the Republika Srpska is administratively divided into regions and regions further into municipalities.

In general, when it comes to collecting data on child sexual exploitation and sexual abuse, the focus is on the police, the judiciary and on social work centers.

**At the state-wide level of Bosnia and Herzegovina**, the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina acts in accordance with its competences through the NCB Interpol Sarajevo Department, including in cases of sexual exploitation and sexual abuse of children, also the cases where the perpetrators are members of the "circle of trust". However, the largest number of cases are related to sexual offenses against children whose execution is facilitated by the use of information and communication technologies (ICT). Through the Department of NCB Interpol Sarajevo, information is continuously exchanged with other Interpol member states regarding this issue. These are mainly requests for checks in order to identify victims and stop their victimization, i.e. in order to identify and prosecute perpetrators.

When it comes to mechanisms for collecting data on sexual exploitation and sexual abuse of children, the Directorate does not have a summary record of cases, victims or perpetrators of the crimes in question. Available statistics on the number of cases opened in the Sector for International Operational Police Cooperation relating to crimes committed against children are regularly submitted to the competent organizational unit of the Directorate in accordance with the prescribed procedures.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has general data on cases for all criminal offenses prescribed by all criminal laws in Bosnia and Herzegovina. These are entered by courts and prosecutors in the System for Automatic Case Management in Courts and Prosecutor's Offices (CMS/TCMS), including data related to sexual exploitation and sexual abuse of children.

The Ministry of Security of Bosnia and Herzegovina, in order to prepare an annual report on the state of human trafficking, collects data on the number of potential and / or identified victims of human trafficking. The data is collected by the police, prosecutor's offices, social work centers, NGOs and all other relevant actors. The competent cantonal ministries for the field of social protection/ centers for social work submit these data once a year to the Ministry of Security of Bosnia and Herzegovina.

**In the Federation of Bosnia and Herzegovina**, existing general mechanisms collect data generally on criminal offenses prescribed by the Criminal Code of the Federation of Bosnia and Herzegovina. The key institutions for gathering information that is the topic of the questionnaire are the police and the judiciary. Social work centres also keep records of reported cases on child sexual exploitation and sexual abuse. Since such data is sensitive in nature and is often subject to strict privacy protection, it is provided directly to the Ministry of Security of Bosnia and Herzegovina and the relevant ministries of internal affairs, in accordance with relevant laws and procedures, in order to ensure the necessary protection and support for victims.

The Federal Ministry of Culture and Sports has informed us that the relevant ministries of education in certain cantons prescribe Protocols on the treatment of schools in situations of violence, which are forwarded to all primary and secondary schools. The schools are obliged to include the provisions of the Protocol in the internal acts of the school. The Protocols define the conduct of primary and secondary school workers in cases of sexual harassment/violence/exploitation of pupils/students. Complete procedures of recording, handling, preventive action and work with children – victims of violence, or perpetrators of violence in schools are performed by the professional services of the school: pedagogue, social worker, psychologist, teacher, and then, if necessary, assessment is sent to the Center for Social Work, police, health institutions, mental health centers and other relevant institutions dealing with child protection.

**In the Republic of Srpska**, the Protocol on The Procedure in Cases of Violence, Abuse and Neglect of Children, signed on November 20, 2012<sup>1</sup>, which includes every form of sexual violence against children, among other things defines data collection, record keeping and preparation of an annual report on violence against children. The Ministry of Family, Youth and Sports of the Republic of Srpska is in charge of drafting the report.

Currently, a new Protocol on the Procedure in Cases of Violence, Abuse and Neglect of Children is in its final stage of the drafting and signing. It is expected for the new Protocol to eliminate existing shortcomings and upgrade the system of child protection, as well as data collection and reporting.

The Ministry of Internal Affairs of the Republic of Srpska records all data related to criminal offenses from the group of criminal offenses of Sexual Abuse and Exploitation of a Child (Chapter XV Criminal Code of the Republic of Srpska), as well as criminal offenses from the group of crimes against sexual integrity, where the victims are children (Chapter XIV Criminal Code of the Republic of Srpska). These data include: criminal offenses committed under the Criminal Code of the RS, data on the perpetrator (gender and age), data on the victim – child (gender and age), then the relationship between the perpetrator and the victim, e.g. incest, within the family, the kinship of the perpetrator and the victim, as well as whether it is a

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<sup>1</sup> "Official Gazette of the Republika Srpska" No. 82/13;

question of whether the perpetrator and the victim were previously known, and whether the event took place within the institution, e.g. school, home for abandoned children and the like. Also, within its competence, the Ministry of Family, Youth and Sports of the Republic of Srpska collects and periodically publishes data by subjects of protection according to the Rulebook on the content of records and reports on domestic violence, where data on sexual violence in the family environment are specifically singled out, as follows:

1. The records and reports relating to the formal actions of the subject of protection shall contain information on the number of: a) proceedings initiated; b) completed procedures and c) measures imposed and implemented by the subjects of protection in accordance with the law;
2. Records and reports kept by the subjects of protection in relation to the perpetrator and victim of domestic violence also contain information on: a) the sex of the perpetrator; b) the age of the perpetrator; (c) the sex of the victim; d) the age of the victim; e) the relative or other relationship between the perpetrator and the victim; f) minors and g) persons with disabilities.

**In the Republic of Srpska**, the Law on a Special Register of Persons Convicted of the Criminal Offenses of Sexual Abuse and Exploitation of Children is also in force<sup>2</sup>. This Law prescribes the keeping of a Special Register of persons convicted of criminal offenses on sexual abuse and exploitation of children, determines the personal data that are entered in the Register and the manner of their storage and giving for use, the degree of their confidentiality, as well as special measures that are implemented against persons convicted of criminal offenses on sexual abuse and exploitation of children.

**In the Brčko District of Bosnia and Herzegovina**, courts do not have special mechanisms for collecting data, except for those that can be obtained through the Automatic Case Management System (CMS).

Brčko District Police keep records of criminal offenses on sexual exploitation and sexual abuse of children pursuant to the Law on Police Officers of BD BiH and related bylaws.

Also, in educational institutions in Brčko District, records of children/pupils regarding unacceptable forms of behavior such as peer violence are kept, but there is no general mechanism for collecting data exclusively related to sexual abuse of children.

**ii. If not:** Do existing general data collection mechanisms collect data on child sexual abuse? Please describe how these mechanism collect data taking into account all forms of child sexual abuse and exploitation, including online. (Article 10.2b of the Lanzarote Convention and R14 of the first implementation report of first monitoring round)

**Answer:**

In the entity police administrations, there are databases in which records of all crimes committed in the area of each of the two entities are kept. Databases of crimes involving forms of sexual abuse and exploitation have not been singled out.

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<sup>2</sup> „Official Gazette of the Republika Srpska“ No. 28/23;

iii. Are data on child sexual exploitation and sexual abuse collected through a multisectoral mechanisms involving more than one sector of public administration? Please list sectors involved and who operates the mechanism.

**Answer:**

As stated in the answer to question number 1, the approach in data collection is multi-sectoral, appreciating the complex administrative division of Bosnia and Herzegovina. In most cases, these are the internal affairs, family, health and social care sectors, the judiciary, as well as the education sector in the domain of its Protocol on the Treatment of Schools in Cases of Violence.

In most cases, data on cases of sexual exploitation and abuse are recorded in the competent police stations where the event was reported (by place of execution), and then forwarded to the competent police administration and further processed according to jurisdictions.

**2. What data is collected?**

i. Does your State collect data in relation to all of the offences covered by Articles 18-23 of the Convention?

Article	Data collected? yes/no/partially?	Can data on this be easily produced? (less than 3 weeks) Yes/No
Sexual abuse (Article 18)	Yes	Yes
Offences concerning child prostitution (Article 19)	Yes	Yes
Offences concerning child pornography (Article 20)	Yes	Yes
Offences concerning the participation of a child in pornographic performances (Article 21)	Yes	Yes
Corruption of children (Article 22)	Yes	Yes
Solicitation of children for sexual purposes (Article 23)	Yes	Yes

**Note:**

**At the state-wide level**, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina collects most of the data listed in the table and it is possible to easily produce them in less than 3 weeks, except for the number of cases in which the victim and the perpetrator were previously known and information about the environment in which the alleged sexual abuse of the child was committed (house, school, workplace, other). Data are partially collected on the number of cases committed in the family, including the extended family of the child-victim and information on the relationship between the victim and the perpetrator. The CMS system allows entering data on the relationship between victim and perpetrator, which lists close to

50 categories of relationships (e.g. marital or common-law partners, brother-sister relationship, father-daughter, daughter-in-law, adoptive-adoptive, etc.).

**In the Federation of Bosnia and Herzegovina**, the Ministry of Internal Affairs stated that for all the above items data is collected partially, and when asked whether it is possible to easily produce the above data, the answer is "no" for all questions. The criminal offenses listed in the table do not belong to the criminal offenses listed in the Criminal Code of the Federation of Bosnia and Herzegovina, but the elements of the being of the criminal offense are found in the articles that are in the Criminal Code, namely in Chapter XIX - Criminal offenses against sexual freedom and morality; Article 203 "Rape", Article 204 "Sexual Intercourse with a Helpless Person", Article 205 "Sexual Intercourse by Abuse of Position", Article 206 "Forced Sexual Intercourse", Article 207 "Sexual Intercourse with a Child", Article 208 "Lechery (Concupiscence)", Article 209 "Satisfying Lust in the Presence of a Child or Juvenile", Article 210 "Pandering", Article 210a "Trafficking", Article 210b "Organized Trafficking", Article 211 "Abuse of a Child or Minor for Pornography", Article 212 "Introducing Pornography to a Child", and Article 213 "Incest".

**In the institutions of Republika Srpska**, the answer to all the questions in the table is "yes".

**In Brčko district institutions**, the response to all criminal offenses for which data is collected is "yes", but it is not possible to easily produce data for all of them (in less than three weeks).

ii. Does your State collect case-based data for child sexual abuse in the circle of trust, including specific aspects mentioned in the table below? (R15 of the first implementation report of the first monitoring round)

	Data collected? yes/no/partially	Can data on this be easily produced? (less than 3 weeks) Yes/No
a. Number of children (under 18) that were victimized, disaggregated by sex/gender	Yes	Yes
b. Number of children (under 18) that were victimized in the context of: i. reports ii. prosecutions iii. convictions	Yes – In the context of reporting and forwarding the report to the prosecution	Yes
c. Number of perpetrators under investigation, disaggregated by sex/gender	Yes	Yes

d. Number of convicted perpetrators, disaggregated by sex/gender	Yes	Yes
e. Number of cases where the person convicted was a minor, disaggregated by sex/gender	Yes	Yes
f. Number of cases where the victim and the perpetrator had a prior acquaintance.	In Republika Srpska – partially, within the report on domestic violence, data on the relationship of perpetrators of domestic violence with the victim	Yes
g. Number of cases where the victim and the perpetrator were strangers.	Yes	Yes
h. Number of cases committed within the family (including extended family) of the child victim.	Yes	Yes
i. Information on the relationship between the victim and the perpetrator.	Yes	Yes
j. Information on the environment in which the child sexual abuse was alleged to be committed (home, school, workplace, other).	In Republika Srpska partially, in the report according to the Protocol for the Ministry of Family, Youth and Sports	Yes
k. Information about the age of the child victim and the perpetrator.	Yes	Yes
l. If you have responded „partially“ to any of the questions above please indicate what data is not collected.		

**Note:**

**In the Federation of Bosnia and Herzegovina and the Brčko District**, the answer to all the questions in the table is "no", while **the institutions of Republika Srpska** answered as stated in the table.

In the Federation of Bosnia and Herzegovina, data based on cases of sexual abuse of children in the circle of trust are not collected, but are collected only by perpetrators or perpetrators of the above-mentioned criminal offenses. Records are not kept by sex/gender of children or by the parameters stated in additional questions, but are kept on the principle of the number of crimes committed according to the above mentioned criminal offenses.

**iii.** Is data collected by relevant agencies specifically on CSEA?

**Answer:**

The Ministries of Internal Affairs of both entities record the aforementioned cases.

**iv.** Does your State collect aggregative data on child sexual exploitation and sexual abuse?

**Answer:**

As in the answer to the previous question, the Ministries of Internal Affairs of both entities have general databases on committed crimes, from which data on sexual exploitation and abuse of children can be generated in relation to the required periods of time.

**v.** Does your State use standardised operational definitions and indicators of CSEA to classify data across administrations and sectors at national level?

**Answer:**

We were unable to get an answer to this question from the competent institutions.

**vi.** Does your State use internationally agreed definitions and indicators, such as the International Classification of Crime for Statistical Purposes, to gather data related to child sexual exploitation?

**Answer:**

We were unable to get an answer to this question from the competent institutions.

**vii.** Does your State collect data on the number of persons convicted of any form of sexual exploitation or sexual abuse of a child committed outside your territory but convicted in your country?

**Answer:**

We were unable to get an answer to this question from the competent institutions.

**viii.** Does your State collect data on the number of persons convicted of any form of child sexual exploitation or sexual abuse committed outside your territory and convicted outside your territory? Please specify if this includes your nationals and persons with habitual residence in your country?

**Answer (only in relation to the entity Republika Srpska):**

The Law on a Special Register of Persons Convicted for the Criminal Offenses of Sexual Abuse and Exploitation of Children in Article 3, Paragraph 2, stipulates that: "Persons who have been convicted of crimes against sexual integrity to the detriment of children and minors and who are kept in criminal records within the competent authorities of the Republika Srpska shall

also be entered in the Register". Article 5 defines: "In the Register referred to in Article 3 of this Law, persons who have been convicted of criminal offenses against sexual integrity committed to the detriment of children and minors, whose criminal records are not kept within the competent authorities of the Republic of Srpska, and who have registered permanent or temporary residence in the Republic of Srpska, shall also be registered."

**ix.** Does your State collect data on the numbers of suspected cases of CSEA which are not substantiated after investigation?

**Answer:**

We were unable to get an answer to this question from the competent institutions.

**x.** Does your State collect data relating to the identity and genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention? (Article 37 paragraph 1 of the Lanzarote Convention)

**Answer:**

**In the Federation of Bosnia and Herzegovina and the Brčko District** no data related to the genetic profile (DNA) of persons are collected.

**In the Republic of Srpska**, the Law on Database of DNA Results<sup>3</sup> prescribes the establishment and content of the database, the results of DNA analysis for the purposes of criminal and other court proceedings, the conditions and manner of taking samples of biological origin, which are used for DNA analysis, the manner and deadlines for storing samples, and the deadlines for storing and removing DNA profiles from the database. The Rulebook on the Method of Collection, packing and transporting samples of biological material taken for DNA analysis purposes is also relevant in this field.

The Institute of Forensic Medicine of the Republic of Srpska conducts DNA analysis, conducts comparison of the results of DNA analysis and performs statistical calculations. Data on DNA analysis performed are kept in the records of the Institute. The establishment and maintenance of the Database of DNA profiles of suspects and convicted persons, missing and unidentified persons and DNA profiles obtained from the disputed biological traces found in relation with the criminal offense is carried out by the Ministry of Internal Affairs of the Republic of Srpska.

**xi.** Is it possible for information about the identity and genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention to be transmitted to the competent authority of another Party? (Article 37 paragraph 3 of the Lanzarote Convention)

**Answer (only in relation to the entity Republika Srpska):**

According to Article 20. Of the above mentioned Law, the Ministry of Internal Affairs compares the DNA profiles submitted within the framework of international cooperation with the DNA profiles contained in the database and informs the competent authority on the results of the comparison through which international assistance was requested.

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<sup>3</sup> „Official Gazette of the Republika Srpska“ No. 121/12.

xii. Does your State collect the data referred to above in accordance with relevant provisions on the protection of personal data) (as provided for by Articles 10 paragraph 2 and 37 paragraph 1 of the Lanzarote Convention)

**Answer (only in relation to the entity Republika Srpska):**

According to Article 17. of the Law on the Database of Results of DNA Analysis, the data contained in the database are considered confidential and can only be used in accordance with the Law. The access to DNA samples in the archives of DNA samples is granted only to persons who are authorized to process and preserve samples.

### **3. Use of data collected**

i. Does your State provide data on CSEA to international organisations such as: Council of Europe, World Health Organisation, EUROSTAT, UN Office on Drugs and Crime and UNICEF?

**Answer:**

Yes, upon their request.

ii. Has your State appointed a national or local agency tasked with providing periodic reports on aggregated data or recording information on child sexual abuse committed in the circle of trust? Please specify the agency responsible. (R20 of the first implementation report of first monitoring round).

**Answer:**

The representative of Bosnia and Herzegovina in the Lanzarote Committee of the Council of Europe is an employee of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina. This focal point has direct contact with the Lanzarote Committee and collects responses to the Committee's questionnaires, and compiles periodic reports with data provided by the competent institutions from all levels of government.

In the Federation of Bosnia and Herzegovina, most such data are held by police authorities (line ministries of internal affairs), as well as the Federal Ministry of Labour and Social Policy. In The Republic of Srpska, most of these data are held by the Ministry of Family, Youth and Sports and the Ministry of Internal Affairs.

### **4. Evaluation of data collection mechanisms**

i. How does your State evaluate the effectiveness of the mechanisms or focal points for data collection (for example through audits) as regards the accuracy and reliability of the data collected, including any issues of under-reporting? (R21 of the first implementation report of first monitoring round)

**Answer:**

We were unable to get an answer to this question from the competent institutions.

ii. Is there a system in place to validate the data?

**Answer:**

We were unable to get an answer to this question from the competent institutions.