



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

**Recommendation CP(2017)27
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Bosnia and Herzegovina**

*adopted at the 21st meeting of the Committee of the Parties
on 13 October 2017*

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;

Recalling Committee of the Parties' Recommendation CP(2013)5 of 7 June 2013 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina and the report of the authorities of Bosnia and Herzegovina on measures taken to comply with this recommendation, submitted on 25 May 2015;

Having examined the second report concerning the implementation of the Convention by Bosnia and Herzegovina, adopted by GRETA at its 28th meeting (27-31 March 2017), as well as the comments of the Government received on 4 July 2017;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, including the introduction of the criminal offence of trafficking in human beings in the criminal codes at entity level and the adoption of provisions on the rights of victims of trafficking in the new Law on Foreigners;
 - the enlargement of the composition of the four Regional Monitoring Teams set up to improve anti-trafficking co-ordination by including labour inspectors, representatives of mental health centres and day centres for children;
 - the efforts made to provide training to relevant professionals and to expand the categories of staff targeted, in partnership with NGOs and international organisations;
 - the measures taken to raise awareness of human trafficking among the general public and targeted groups and the preventive activities promoting the online safety of children;

- the efforts made in the area of international co-operation, including through participation in Joint Investigation Teams set up to deal with transnational human trafficking cases;
- the adoption of a legal provision on the non-punishment of victims of trafficking for offences committed as a result of being trafficked in the criminal codes of the State, the Federation of Bosnia and Herzegovina and the Brčko District.

2. Recommends that the authorities of Bosnia and Herzegovina take measures to address the following issues for immediate action identified in GRETA's report:

- set up a comprehensive statistical system on data related to measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases; statistics regarding victims should be collected from all main actors at the State, entity and district levels, and should allow disaggregation by sex, age, type of exploitation, country of origin and country where the exploitation took place; this should be accompanied by 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 national database;
- intensify their efforts to prevent trafficking for the purpose of labour exploitation, in particular by:
 - strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework, including by considering the introduction of licensing procedures;
 - sensitising relevant officials, in particular the police, prosecutors and judges, about trafficking for the purpose of labour exploitation and the rights of victims;
 - strengthening efforts to curb fraudulent job offers disseminated by means of the Internet;
 - working closely with the private sector, in line with the Guiding Principles on Business and Human Rights;
- strengthen their efforts to prevent child trafficking, including by:
 - sensitising and training child protection professionals across the country;
 - strengthening the role and capacity of social work centres to prevent trafficking in children and play a proactive role in alerting other relevant authorities to possible cases of trafficking and exploitation, including by providing sufficient means for trainings of social workers;
 - increasing efforts to tackle low school attendance of Roma children and their over-representation in special schools;
 - performing risk assessment before children are returned to their families and expanding foster care placements;
 - commissioning research about the phenomenon of child trafficking in Bosnia and Herzegovina as a basis for designing future prevention measures;
- take additional steps to improve the identification of victims of human trafficking, in particular by:
 - ensuring that the formal identification of victims of human trafficking does not depend on their co-operation with the investigating and prosecuting authorities;
 - strengthening multi-disciplinary co-operation in the identification process, by involving specialised NGOs, labour inspectors, social workers and other front-line professionals and ensuring that stakeholders are trained to use victim identification tools and indicators;

- ensuring that law enforcement officials, labour inspectors, social workers, NGOs and other relevant actors adopt a more proactive approach and increase their outreach work to identify victims of human trafficking for all forms of trafficking;
- ensure that all possible and formally identified victims of trafficking, irrespective of their nationality and regardless of whether they co-operate with the investigating/prosecuting authorities and are accommodated in shelters, receive adequate assistance in accordance with their needs, including by:
 - ensuring adequate funding for NGO service providers to work with victims of human trafficking;
 - ensuring access to health care to all victims of human trafficking;
 - developing capacities for assistance, including safe accommodation, adapted to the specific needs of male victims of trafficking;
 - facilitating the reintegration of victims of trafficking into society by establishing long-term programmes and providing them with vocational training and assistance to find employment;
- improve the identification of and assistance to child victims of trafficking, in particular by:
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, including by continuing to pay attention to children in street situations;
 - providing further training to stakeholders (police, prosecutors, NGOs, centres for social welfare, child specialists) and guidance on the identification of child victims of trafficking, based on an agreed understanding of the concepts of trafficking for the purpose of forced begging, forced criminality and early, child or forced marriages;
 - providing support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
 - ensuring long-term monitoring of the reintegration of child victims of trafficking;
 - ensuring that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child;
- facilitate and guarantee access to compensation for victims of trafficking, in particular by:
 - reviewing the criminal and civil procedures regarding compensation from perpetrators with a view to improving their effectiveness;
 - ensuring that victims of trafficking are systematically informed of their right to claim compensation and the procedures to be followed;
 - enabling victims of trafficking to exercise their right to compensation by guaranteeing them effective access to legal aid;
 - strengthening the capacity of law practitioners to help victims to claim compensation and incorporating the issue of compensation in the training programmes for members of law enforcement agencies and the judiciary;
 - setting up a State compensation scheme accessible to victims of THB, regardless of their nationality and immigration status;
- complement the criminalisation of trafficking in human beings in the Republika Srpska by inserting “servitude” and “other forms of sexual exploitation” into the list of forms of exploitation, adding the means “abuse of power” and complementing the means “giving or receiving money or other benefits” with the term “to achieve the consent of a person having control over another person”.

3. Requests the Government of Bosnia and Herzegovina to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **15 October 2018**.
4. Recommends that the Government of Bosnia and Herzegovina takes measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Bosnia and Herzegovina to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.