



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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Reply from Bosnia and Herzegovina to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties

Third evaluation round

Thematic focus: Access to justice and effective remedies for
victims of trafficking in human beings

Reply submitted on 7 September 2020

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

The Rulebook on the Protection of Foreigners-Victims of Human Trafficking, which is a bylaw of the Law on Foreigners, defines that the Inspector for Foreigners of the organizational unit of the Service interviews the foreigner in the place where the foreigner is found and is suspected of being a victim of trafficking. The Inspector will inform the victim with the Law on Foreigners, as well as with the possibility of using independent legal aid in all stages of the proceedings, and the right to follow the proceedings in a language they understand, and all of this is stated in the minutes. During the criminal investigation phase, during the hearing of the presumed victim or victim of human trafficking, the acting prosecutor informs the victim on the legal possibilities for compensation and other rights victim has in the proceedings.

In accordance with the Criminal Procedure Code of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District, the victim is interrogated in the capacity of a witness. The witness is instructed that the languages of the Serbian, Croatian and Bosniak people are equally used. Two official scripts in use are Cyrillic and Latin, and that the witness has the right to use its mother tongue as well as the right to translation if the witness does not understand the language in which the proceedings are conducted. After that, the witness shall make a statement on the understanding of the language in which the proceedings are conducted.

The witness is instructed of the obligation to tell the truth and not to withhold anything and witness is warned that giving false testimony is a criminal offense. The witness is not obliged to answer certain questions if the true answer would expose the witness to criminal prosecution and it is informed of this. If the witness wants to answer these questions nonetheless, the witness/victim can ask for immunity. The prosecutor grants the immunity. If the witness is granted with the immunity, it is obliged to testify and answer these questions as well, and it will not be prosecuted unless a witness gives a false statement. A witness has the right to ask the court to appoint an advisor if he or she is unable, as a witness, to protect its rights. A witness may request to be heard as a protected or endangered witness in accordance with the Law on the Protection of Threatened or Endangered Witnesses. The witness confirms the understanding thereof by a handwritten signature. The witness answers questions orally. The interrogation of a minor will be conducted with caution to prevent the adverse effect of the interrogation to the mental state of the minor. The interrogation of a minor will be conducted with the help of a pedagogue, psychologist or other professional.

It is not allowed to question an injured party regarding its sexual life before to the occurrence of the criminal offense and should such interrogation be performed - a court decision cannot be based on such statement.

The witness/injured party may be heard by the use of technical devices for the transmission of images and sound so that the parties and the defense counsel may ask questions without being present in the same room with the witness, depending on the age, the physical and mental condition of the witness or other legitimate interests. An expert may be appointed for interrogation.

After the general questions, the witness is invited to present everything it knows about the case, and then the witness will be asked questions to verify, complete and clarify its statements. It is not allowed to use deception or ask a leading question, i.e. questions that already implicate the answer to the question when interrogating the witnesses.

The witness will always be questioned how it knows what he/she is testifying about.

Witnesses may be confronted if their testimonies do not dissent on important facts. Witnesses will be confronted with each other on each dissenting facts and they will be heard separately. This will be recorded in the written minutes. Only two witnesses can be confronted at the same time.

The injured party examined in the capacity of a witness will be asked regarding its right to exercise a property claim in the criminal procedure.

The witness has the right to read the minutes of the hearing or to request reading of the minutes. The witness shall sign each sheet of the minutes. An interpreter, if any, is signed at the end of the minutes.

In accordance with the Law on Protection and Treatment of Children and Minors in Criminal Proceedings, a judge for minors, or a judge with special knowledge, judges the adult perpetrators of criminal offenses when a child and a minor victim of trafficking appear as victims in criminal proceedings. It is of utmost importance to treat with caution minor witness-victim or victim or eyewitness of Human Trafficking in criminal cases against perpetrators of human trafficking to the detriment of children and minors, considering its age, personality traits, education and the circumstances in which a child or a minor lives. This is important in order to avoid possible harmful consequences for its future life, upbringing and development. The interrogation of a child or a minor is usually performed with the help of a pedagogue, psychologist or other professional.

If a child or young minor victim of trafficking is heard as a witness, the hearing cannot be conducted more than twice. The prosecutor or an authorized official shall interrogate the witness by using technical devices for the transmission of images and sound, without the presence of the prosecutor or an authorized official in the room where the witness is located. The interrogation of a child or a minor is usually performed with the help of a pedagogue, psychologist or other professional.

A child or a minor may be heard in its apartment or other accommodation or social work center.

The court interrogates a child or a minor as a witness - a victim of a criminal offense in a way so that the court, the parties to the proceedings and the defense counsel can ask questions. The hearing of a child or a minor is conducted in such a way that questions are asked through the court, and if necessary, with the help of a pedagogue, psychologist or other professional.

If a child or a minor is examined as a witness and it is seriously physically or mentally traumatized by the circumstances under which the crime was committed or suffers from serious mental disorders that make a child or minor particularly sensitive, it is prohibited to confront the this witness with the suspect or accused.

During the interrogation of a minor, the presence of a parent or guardian is mandatory, and if there is a suspicion that the parent is a perpetrator of a criminal offense against a minor, a representative of the guardianship authority will be present, i.e. the Center for Social Work.

If there is a suspicion that a minor is a victim of child trafficking, the competent guardianship authority - the Center for Social Work is immediately notified. Center for Social Work responsible for the protection of the minor victims and placement in appropriate institutions (Safe Houses, Reception Centers, etc.) as well as for provision of other forms of support.

Potential victims of Human Trafficking may be informed during the proceedings by investigators, acting prosecutor, a representative of the Center for Social Work and representatives of non-governmental organizations reference for the provision of protection and services to potential victims of human trafficking.

Non-governmental organizations Association "Medica" Zenica and the International Solidarity Forum EMMAUS, in accordance with the signed Protocols on mutual cooperation with the competent Ministry of Security of BiH and in accordance with the signed Protocol with the Ministry of Human Rights and Refugees of BiH are authorized organizations for housing and supporting potential victims (foreigners and citizens of BiH). The Ministry of Security of BiH is responsible for the providing and supporting foreign-born victims of human trafficking in BiH, and the Ministry of Human Rights and Refugees of BiH is responsible for the providing and supporting BiH citizens, potential victims of human trafficking.

The housing of foreigner-born victims, potential victims of human trafficking in a safe house is implemented with the established procedures, i.e. exclusively through the competent Service for Foreigners' Affairs. When admitting women and children, foreigner-born victims, potential victims of human trafficking, to a safe house, the non-governmental organization informs women and children about the rights or available services within the Safe House service. They focus on the recovery and treatment of users in a safe house according to individual needs. Throughout the treatment, the safe house staff is in contact with the competent services, institutions and organizations in accordance with their competencies. The housing of women and children of potential victims of human trafficking, is implemented through the competent centers for social work and prosecutor's offices. The Safe House informs women and children on the rights or available services within the Safe House service. During the entire treatment, the safe house is in contact with the competent services, institutions and organizations in accordance with their competencies. The competent prosecuting authorities are obliged to instruct the victim during the first contact on its right to legal aid at all stages of the proceedings.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

The Ministry of Justice of Bosnia and Herzegovina ensures legal preconditions for the use of languages that are not in official use in Bosnia and Herzegovina in judicial and other

proceedings. Therefore, and we stress, when it comes to criminal proceedings, Article 8 of the Criminal Procedure Code of Bosnia and Herzegovina provides that witnesses and other participants have the right to use their mother tongue, regardless if this language is the official language in which the criminal proceedings are conducted, and oral translation of what the participants present, as well as translation of documents and other written evidence, will be provided in order for the participants in the criminal proceedings to be fully acquainted with the results of the procedural actions taken. Thus, all participants in the criminal proceedings, including victims of Human Trafficking, were provided with translation orally and in writing, at all stages of the criminal proceedings. In accordance with the Criminal Procedure Code, the witness is instructed that the languages of the Serbian, Croatian and Bosniak people are equally used. Two official scripts in use are Cyrillic and Latin, and that the witness has the right to use its mother tongue as well as the right to translation if the witness does not understand the language in which the proceedings are conducted. After that, the witness shall make a statement on the understanding of the language in which the proceedings are conducted. Acting prosecutor appoints the court expert, i.e. a translation by a certified court interpreter. In civil proceedings before the courts, and in accordance with Article 11 of the Law on Civil Procedure before the Court of Bosnia and Herzegovina, the proceedings are conducted in one of the official languages of Bosnia and Herzegovina.

In administrative proceedings (administrative disputes), the Law on Administrative Disputes of Bosnia and Herzegovina does not contain explicit provisions on the language and script in which the proceedings are conducted but contains a relevant provisions of the law governing civil proceedings (Article 60a of the Law on Administrative Disputes of BiH) are applicable to matters not regulated therein. This implies the similar application of the provisions on the use of language and script, which was answered in the previous paragraph, which means that the procedure is conducted in one of the official languages of Bosnia and Herzegovina.

During the stay in the safe house with foreign-born victims of human trafficking, communication takes place according to the individual capabilities of women and children. This is most often in English or one of the official languages of Bosnia and Herzegovina, if they are foreigner-born, potential victims of human trafficking from the region. As part of comprehensive work with women and children (individual and group therapeutic work, medical support and assistance, occupational therapy and economic empowerment, educational work with children), the safe house adapts content and activities according to language capabilities. Also, especially when it comes to children, care is taken to include children in the educational process. Unfortunately, previous experiences show that the competent Ministries are not able to provide children of foreigners with potential victims of trafficking to attend classes in English or an international school. In this regard, Medica Zenica, within the educational work with foreign children potential victims of human trafficking, is working intensively on learning official languages, so that the child can be more adequately integrated and follow the teaching process. Regarding the statements from women and children, foreigners of potential victims of trafficking in the investigation phase as well as testimony in courts, the competent service for foreigners in cooperation with other agencies provides translators into the mother tongue. In the process of taking statements and testimonies, the safe house, i.e. the professional staff of the safe house, accompanies the person and provides emotional support and assistance to the client, in order to protect him from retraumatization.

2. Legal assistance and free legal aid (Article 15)

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Article 15 of the Rulebook on the Protection of Foreign-Born Victims of Human Trafficking provides for victims placed in a shelter, inter alia:- information on legal status, legal assistance in the procedure of realization of the personal rights, - information on the possibilities and procedure of repatriation and return, and - information on the manner of access to diplomatic and consular missions of the country of origin or the country of usual residence. The purpose is to provide special protection and assistance to victims of trafficking in connection with admission, recovery and return.

Assistance to victims of trafficking referred to in this Article may be provided by non-governmental organizations that have concluded a protocol on cooperation with the Ministry.

The Law on Free Legal Aid of Bosnia and Herzegovina, Entities, Cantons and Districts stipulate that right to free legal aid have natural persons located at the territory of Bosnia and Herzegovina that are under international protection in accordance with international standards, in particular, refugees, persons under temporary victims of trafficking are unable to cover the costs of legal aid.

Legal aid is provided by the Centers for Free Legal Aid, Centers for Social Work, non-governmental organizations that have concluded protocols with the Ministry of Security of BiH. The laws on the provision of free legal aid regulate that legal aid may be provided not only by the legal representatives of the Centers for Free Legal Aid, but also by lawyers who are members of the Bar Associations and associations and foundations for the provision of free legal aid. Legal representatives of the Centers for Free Legal Aid, in addition to the general conditions related to civil servants, have to meet additional requirements, namely passing the bar exam and have 3 years of work experience after passing the bar exam. The Law on Provision of Free Legal Aid regulate the procedure of obtaining free legal aid by submitting the request in writing on the prescribed form. Submission of form is not a requirement when asking for general information on rights and obligations and everyone is entitled to exercise this type of free legal aid. This is pointed out in the form. In terms of free legal aid provided to children, who exercise this right according to their status, all their specifics must be considered, and it is necessary to take into account the area where the interview and free legal aid is provided, the first contact, conducting interviews, asking questions and their child adaptation, use of technology, etc. Furthermore, in order to provide legal assistance to children/minors in criminal / misdemeanour proceedings, legal representatives must have a certificate in accordance with the Law on Protection and Treatment of Children and Minors in Criminal Proceedings and act in accordance with the provisions of the respective Law.

From the moment it becomes known that this is a potential victim of human trafficking, a lawyer from the Centers for Free Legal Aid is hired or by reference non-governmental organizations that provide legal aid. Children are treated in the same way with the mandatory presence of a representative of the center for social work.

Regarding the legal aid and rights of foreign-born victims of trafficking, safe houses of non-governmental organizations notify "Vaša prava", organization competent for provision of legal help to victims of trafficking, on the admission of victims of trafficking who are foreign national within 24 hours upon admission.

Regarding the legal aid and the rights of BiH citizens, potential victims of human trafficking, safe houses use their own resources within the Legal Counselling department, which is one of

its services, as well as other available resources in the community in accordance with the signed Protocols on mutual cooperation and established institutional networks. Legal aid to victims of human trafficking is provided for many years now by the Association „Vaša Prava BiH“, for in accordance with the signed Protocol on Cooperation to the Ministry of Security of BiH, all categories, national and foreign-born victims, and minors based on the approval of the competent Center for Social Work, i.e. guardians in each case.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

The victim may report the criminal offense of Human Trafficking to the police and the prosecutor's office, and accordingly, the victim of Human Trafficking may receive first legal aid from the acting prosecutor, and in accordance with the Criminal Procedure Code, eventual prosecution of the perpetrator. In addition, the court, the prosecutor and other authorities participating in the proceedings are obliged to instruct each person participating in the proceedings on the rights that pertain to them under the criminal procedure codes, so as not to ignore any action in the proceedings or not to use them out of ignorance.

Free legal aid is provided at the request and is provided by the Center for Free Legal Aid.

Legal aid is provided to child victims of trafficking by the acting prosecutor who files an indictment and represents the indictment in court in criminal proceedings, thus protecting the rights and interests of child victims of trafficking. Since children also appear in the capacity of witnesses-victims, criminal proceedings prescribe the treatment of child witnesses, so that the testimony would not adversely affect the mental health of the child or minor.

Presumed victims of trafficking have access to legal aid regardless of immigration status or type of exploitation. The Law on the Provision of Free Legal Aid regulate, among other things, that the beneficiaries of free legal aid are natural persons located at the territory of Bosnia and Herzegovina that are under international protection.

Safe houses inform the organization "Vaša prava" regarding the provision of legal aid, and thereon Vaša prava further inform the potential victim of trafficking on its rights and legal possibilities.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant legal provisions.

Victims of Human Trafficking are entitled to free legal aid based on their victim status.

Free legal aid is provided in administrative proceedings, administrative disputes, civil proceedings, enforcement proceedings and criminal proceedings in accordance with the laws on criminal procedure.

Free legal aid to victims of Human Trafficking provided by the Office for Free Legal Aid is provided in the procedure of the realization of a property claims, in the sense that the Office makes and submits a proposal for realization of a property claim.

When it comes to children as beneficiaries of free legal aid, they are identified as beneficiaries by the laws on free legal aid. Namely, they determine persons whose rights are protected by

the provisions of the Convention on the Civil Aspects of International Child Abduction and the Convention on Alimentation Claims Abroad, in accordance with the Convention on the Rights of the Child, the child is entitled to free legal aid, based on the status itself. If it is an adult victim of human trafficking, its consent is required, if it does not have the financial means, free legal aid is granted, while children are always granted free legal aid. Legal aid is available for all types of proceedings involving potential victims of trafficking.

The Rulebook on the Protection of Foreign-Born Victims of Trafficking contains provisions on the rights of victims of trafficking. It is important to have a reasonable suspicion on a potential victim, and a request for accommodation from the Service for Foreigners. Free legal aid is available for all types of proceedings (administrative, criminal and civil). In terms of compensation, legal aid is available if the victim of trafficking wants to initiate civil litigation through the Association Vaša Prava BIH, given that the state has no other assistance mechanisms (compensation fund). Victims of Human Trafficking who have been subjected to some form of harm may, initiate civil proceedings and demand compensation from the person who caused the damage by filing a lawsuit with the competent court. In addition to the court of general territorial jurisdiction, according to the place of residence of the defendant, the court in whose territory the harmful act was committed or the court in whose territory the harmful consequence occurred also has jurisdiction to conduct the proceedings in these cases. If the damage was caused by death or serious bodily injury, the competent court is the court in whose territory the plaintiff resides or lives. In practical terms, this means that in cases of Human Trafficking, an action for damages can be brought against traffickers or intermediaries in the place where the trafficker or intermediary resides or in the place where the damage occurred.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

Legal representatives of free legal aid centers meet all the requirements for representation in court because they must have the bar exam and at least 3 years of work experience after passing the bar exam. In terms of specialized knowledge on providing legal aid and representation of victims of trafficking, there were no training specialized on this topic. This is because of an insufficient number of legal representatives, and the extremely wide scope and type of areas from which free legal aid is provided and for this reason it is difficult to ensure that any of the legal representatives specializes in a narrower area, including the area of providing legal assistance to victims of trafficking. A special problem in the work of the Institute, i.e. the provision of legal aid are cases where it is necessary to provide translation and interpretation for persons who are foreigners.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

The provision of legal aid and free legal aid to victims of trafficking is financed from the budget of the appropriate level of government providing free legal aid.

Victims are not obliged to pay a fee for the received legal aid if this service is provided by the Association Vaša Prava BIH, which is financed from the grants.

All safe house services are free of charge for victims, i.e. services regarding the housing and comprehensive support and assistance in a safe house for foreigners and citizens, potential victims of human trafficking, are free of charge for victims.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

There are no special provisions on compensation for victims of Human Trafficking, but this is resolved through general provisions on resolving compensation for damages to all victims of crime, and in this sense, the criminal procedure codes contain provisions concerning the realization of property claims, compensation for damages, the return of property or annulment of a certain legal transaction.

The Criminal Procedure Code (Subject of a Property Claim) stipulates that a property claim arising from the commission of a criminal offense will be discussed at the proposal of an authorized person in criminal proceedings if this would not significantly delay this procedure. A property claim can relate to damages, repossession or annulment of a particular legal transaction.

The adjudication of a property claims in whole or in part is possible if the court has pronounced a verdict finding the accused guilty and the data provides a sufficient basis for adjudicating the property claim. If the court renders another verdict (acquittal or verdict rejecting the accusation), the request cannot be adjudicated, and the court must refer the injured party to litigation with a property claim.

With regard to the role of the prosecutor in this regard, in accordance with the laws on criminal procedure, the prosecutor has the right and duty, among other things, to establish all facts and collect evidence of property claims related to the crime, necessary to decide on property claims and on confiscation of proceeds of crime, which is determined in criminal proceedings ex officio. The above provisions of the law in question clearly prescribe the possibility of filing a property claim arising from the commission of a criminal offense, and that the property claim may relate to compensation, restitution and annulment of a particular legal transaction.

Having in mind the scope that the legislator considered when prescribing the provisions related to the property claim, and that all injured parties were given the opportunity to seek compensation for the damage caused by the commission of the crime during the criminal proceedings, we can say that the victims of criminal acts of Human Trafficking can exercise this right through the institute of property claims and through this institute the courts enable victims to receive a certain type of satisfaction.

During the investigation by police officers, the injured victim is given a written form for filling a property claim. The victim fills in this form for material and non-material damage, and the prosecutor may request compensation for a potential victim during the criminal proceedings, so that the victim is not victimized. Also, the potential victim is referred to litigation in order to seek for compensation in which procedure the victim can be provided with free legal aid. Although victims often raise a property claim during criminal proceedings, judges generally refuse to rule on such a claim, and refer applicants to litigation.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injuries/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

The courts have set criteria for calculation of damages and a harmonized legal understanding regarding the orientation criteria for the types of fair monetary compensation for non-pecuniary damages.

In order to determine the amount of fair monetary compensation for non-pecuniary damage, it is necessary to perform an expert examination by a medical expert and refer to the set criteria. The criteria do not represent a binding or automatic formula for calculating the amount of damages because all the circumstances related to the case should be taken into account, especially the fact that these criteria were not applied in practice to victims of trafficking. Based on our knowledge, there were no civil proceedings for compensation for the human trafficking, and therefore there is no case law on the issue.

The procedure for compensation for the victim of Human Trafficking as a victim would be to file a lawsuit in the competent court requesting that the defendant undertake:

- *to restore the situation that existed before the damage occurred, and if that is not possible, to pay the injured party the appropriate monetary value in the name of compensation for damage,*
- *in the event of death, bodily injury or damage to health, the victim may request that the defendant be paid a monthly annuity, for a fixed period or for life and that a total sum of money be paid instead of the annuity,*
- *to reimburse the costs of treatment to the victim from the injuries sustained, and the lost earnings if the victim had the opportunity to earn those earnings during the temporary incapacity for work,*
- *to the payment of fair compensation for non-pecuniary damage, physical or mental pain suffered (reduction of life by impaired activity, violation of reputation, honour, liberty or rights of the person, fear),*
- *to the payment of fair compensation in the event that the victim is deceived, coerced or abused by a relationship of subordination or dependence for punishable adultery, lewd acts or another criminal offense against the dignity of the person and morals.*

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

When pronouncing court judgments, the court may order certain compensation and the payment and execution of the court judgment are monitored by bailiffs.

In the current practice, based on the executive and final judgments, the victim of Human Trafficking cannot realize the awarded monetary claims because the convicted persons have no property or other income, and therefore the decision on execution has no legal effect.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

Victims may file civil lawsuits for compensation and/or reimbursement of unpaid wages and social security contributions based on violations of rights, labour, employment or other laws, as well as victims working irregularly or without a contract, may claim unpaid wages and other compensation. Courts in civil proceedings decide on such lawsuits.

The Law on Civil Procedure prescribe the procedure in labour lawsuits as a special procedure, prescribing shorter deadlines and urgency for resolving labour disputes. Having in mind the above provision of the Law on Civil Procedure, victims of Human Trafficking for the purpose of labour exploitation may file civil lawsuits for compensation and/or refund of unpaid salaries and social contributions based on violation of employment rights.

Criminal laws prescribe the criminal offense of "Violation of the fundamental rights of workers", which in its essence includes "non-compliance with regulations relating to the conclusion of contracts".

Labour laws stipulate that if the employer does not conclude an employment contract with the employee before the employee starts working, it is considered that the employee has established an employment relationship for an indefinite period of time on the day of starting work. Having in mind the above-cited provisions of the law, an employed person, i.e. a victim of human trafficking who works in irregular employment or without a contract, may apply to the court and initiate a labour dispute in which he will request that the employment relationship with the employer be concluded indefinitely. At the same time, victim can address the labour inspection, which will perform inspection supervision, file misdemeanour charges against the employer and provide documentation that can later be used in a labour dispute in order to prove the existence of elements of the employment relationship. The Labour Law regulates misdemeanour liability with corresponding monetary fines. The criminal liability of the employer in case of violation of the legal obligation to register workers and conclude employment contracts is also provided.

Through international legal assistance, Interpol and Europol, communication is established with the authorities from which the victim comes.

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Potential victims of Human Trafficking can also exercise their rights through a civil lawsuit, where they can claim all their rights and compensations that they have exercised in a regular or irregular manner, and the exact amount is determined by expert reports.

Victims may file civil lawsuits for compensation and/or reimbursement of unpaid wages and social security contributions based on violations of rights, labour, employment or other laws, as well as victims working irregularly or without a contract, may claim unpaid wages and other compensation. Such lawsuits are decided by the competent court in civil proceedings.

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3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

The Ministry of Security of BiH organizes and conducts, in cooperation with numerous international and domestic partners, continuous multidisciplinary, interdisciplinary education and training for all relevant professionals (police and security agencies, relevant ministries and services, judiciary, prosecutor's office, health care institutions, social welfare institutions, NGOs) involved in providing support and assistance to victims of trafficking, on the topic of stress and trauma-sensitive, psychosocial approach in working with traumatized persons, psychological consequences of trauma, prevention of retraumatization, etc.

In conducting various forms of training of professionals on combating Human Trafficking, one part of the training is dedicated to considering the aspects of the victim's right to compensation for the damages suffered.

The Judicial and Prosecutorial Training Centers adopt a Professional Development and Initial Training Program for each year. The training program includes seminars related to the crime of Human Trafficking with the following topics: definitions of Human Trafficking and smuggling of migrants, review of the international legal framework in the field of Human Trafficking, international cooperation in investigations and prosecutions, mutual legal assistance and joint investigation teams.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

For victims of crime in general, and victims of the crime of Human Trafficking, in Bosnia and Herzegovina no compensation would be paid from the budget of Bosnia and Herzegovina or state compensation, so there are no provisions to exclude certain categories of victims of trafficking. In that sense, access to compensation depends on the outcome of the criminal proceedings and when the court renders a verdict acquitting the accused or dismissing the accusation or suspending the criminal proceedings, it will instruct the injured party to pursue the property claim in civil proceedings, as stated in response to the previous question. Otherwise, the convicted perpetrator compensated the injured party for the damages.

We would like to emphasise that one of the measures envisaged by the Strategy for Combating Human Trafficking in Bosnia and Herzegovina (2020-2023) is to improve the compensation of victims of trafficking through the establishment of special funds for these purposes, which will be operationalized through action plans.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

Any damages claimed in court proceedings are calculated by certified court experts of a certain profession.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Foreign-born victims have the opportunity to claim compensation for damages even after repatriation to their countries of origin.

In previous practice, the organization "Vaša prava" had one case of representation of foreign-born nationals of former victims of trafficking after their repatriation to the country of origin, but at the request of another NGO from that country. In this case of representation, a positive final and enforceable judgment was obtained for three foreign nationals.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

If the victim does not use a lawyer provided by the free legal aid office, victim can hire a lawyer at own expense, while bearing the costs of the fees itself.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

The grounds and method of confiscation of illegally acquired property are regulated by criminal codes, and confiscation procedures are determined by the laws on criminal procedure. For several criminal offenses, including criminal offenses of Human Trafficking, the law prescribes extended confiscation of proceeds of crime, so the court may confiscate the proceeds for which the plaintiff provides sufficient evidence to reasonably believe that such proceeds were obtained by execution criminal offense.

The Criminal Procedure Code also prescribes the temporary confiscation of property for security purposes, which, among other things, prevents the use or alienation of property by the suspect. BiH has all the legal solutions related to the confiscation of illegally acquired property, its freezing, monitoring, as well as permanent confiscation.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

The certain property can be confiscated from convicted persons by a final court judgement, and it can be assigned to the victim only in the part as stated in the court judgment. The confiscated property does not go directly to the victims, nor the compensation fund or the trafficking scheme or other programs to assist or support victims of trafficking.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

The institute of admission of guilt is a general institute of criminal law or criminal legislation and is applied to all criminal offenses, including the criminal offenses of Human Trafficking. For the use of this institute, some conditions must be met and caution must be taken that the plea agreement is not to the detriment of the injured party or the victim of a criminal offense.

During the plea negotiations, it is possible to negotiate the property claim of the victim and the prosecutor with the suspect/accused as a condition for concluding an agreement.

The injured party can also file an appeal and it can challenge the verdict on the court's decision on the costs of the criminal proceedings and the decision on the property claim.

The court may award the property claim to the injured party in full or in part, and refer the remainder to civil proceedings, thus providing the injured party with access to justice.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

There are not many trafficking cases processed. In cases of Human Trafficking, the prosecution gives priority to such cases.

Concerning the issue of the average duration of court proceedings in trafficking cases, as an example we cite the criminal offense under Article 198 b) paragraph 1. "Trafficking in minors", the indictment was filed on June 18, 2018 confirmed on June 20, 2018, that the plea hearing was held on July 20, 2018, and that the first instance verdict was rendered on February 20, 2019. In these cases, the court acts within the legal deadlines, without undue delay and taking into account the special interests of minors, and the specific and particularly sensitive nature of the crimes themselves. (Response of the Banja Luka District Court)

5.5 How do you ensure that sanctions for THB are effective, proportionate and dissuasive?

Criminal laws prescribe criminal offenses of Human Trafficking and penalties for the basic form and qualified forms of criminal offense.

Courts impose sentences based on the prescribed criteria for trafficking offenses, and with the application of provisions on the purpose of criminal sanctions (prevention and repression) and provisions on general rules for sentencing, based on the principle of expediency between the gravity of the offense, the degree of the perpetrator's responsibility and prescribed penalties, and all these provisions are prescribed so that sanctions for all criminal offenses, including criminal offenses of Human Trafficking, are effective, proportionate and dissuasive. With the amendments to the criminal laws in 2015, the criminal framework for these criminal offenses has been increased due to the requirements set by the EU Directive on Combating and Combating Human Trafficking from 2011.

As an example, we state that the court convicted the criminal offense of Trafficking in Minors and sentenced the accused to 5 years in prison, assessing the circumstances of the offense, and determining, as aggravating circumstances that he was previously convicted, the gravity of endangering the protected property, the gravity of the criminal offense (minor's rights to liberty, honour, and reputation have been violated), exploitation of the difficult position of a minor who was not cared for, whose parents were divorced, who was left without support and grew up with grandparents, who independently sought employment, while on the part of the accused the court did not find the existence of mitigating circumstances. Based on the above, and assessing the degree of social danger of the criminal offense and the degree of guilt of the accused, the court imposed the said sentence.

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

The procedural position of a victim of Human Trafficking is not specifically regulated in the criminal legislation of Bosnia and Herzegovina, i.e. it is the same as for all other victims of criminal offenses. The prosecution in court for all criminal offenses is represented by the prosecutor, who in that sense protects the rights and interests of the state and the injured party or the victim of the criminal offense. Given this, there is no possibility for anyone, including the non-governmental sector, to appear as a representative of a victim of the crime of Human Trafficking in criminal proceedings.

Victims of human trafficking may appear in criminal proceedings in the role of witness-victim, and the protection of the victim is indirectly prescribed by the Law on the Protection of Threatened and Vulnerable Witnesses, if it is an endangered witness, i.e. a witness who is seriously physically and mentally traumatized, and the circumstances under which the criminal offense was committed, which makes it extremely sensitive (victim-injured party). Witness protection measures include the provision of psychological, social and professional assistance, changing the order of presentation of evidence at the main trial in relation to the rules prescribed by criminal procedure laws, testifying through technical devices for transmission of images and sound, and removing the accused when there is a justified fear for the accused to influence the victim witness.

There are experts, psychologists, employed in the courts, who provide support to the victim during the entire criminal procedure. Before the case goes to court, the victim is entitled to accommodation in a safe house organized by NGOs where all kinds of assistance to the victim are also provided.

Regarding the issue related to the legal procedural position of the victim in criminal proceedings, and again focusing on the mentioned case of the District Court in Banja Luka, we emphasize that the degree of protection of the rights of the injured party, especially appreciating the fact that at the time of the crime she was a minor person, has achieved to the fullest extent possible, following the established practice of this Court and the obligations of national and international law. Thus, the injured party was represented by a non-governmental organization of the Women's Rights Center from Zenica, she was interrogated as a witness since the expert clinical psychologist gave an assessment and opinion that she could be interrogated as a witness, and she was heard outside the courtroom in a separate room of the Victim Support Department of this court, with the help and presence of a court psychologist, as an expert.

Also, by awarding a property claim within the criminal procedure, the court showed sensitivity towards the injured party and tried to protect her from re-reproduction of the event and possible retraumatization.

In another case (the case cited in the answer to the question relating to the number of convictions, page 23), a 14.4-year-old child, accompanied to the court by a social worker, was heard before the court in the course of the proceedings, and was also heard in a special room of the Witness Department, in the presence of a court psychologist. We also emphasize that she was previously interviewed by a court psychologist, who assessed the victim's ability to testify, and she was questioned in a way that she was asked questions by the presiding judge, in an adequate form that is understandable to her given her age and degree of development and with special sensibility.

This is also the answer to the question about the treatment of child victims of trafficking. Victims of Human Trafficking have the right to access real and practical information about the case, through the Witness Protection Department of this court, and this is the way how they consume this right.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

Regardless of the outcome of the criminal proceedings or the court's judgment and whether criminal proceedings have taken place at all, the settlement of damages can be achieved through a private lawsuit in civil proceedings. If a person considers that his or her basic human rights have been violated and that he or she is a victim of discrimination, he or she may contact the Ombudsman of Bosnia and Herzegovina, as an independent institution dealing with the protection of basic human rights of individuals.

The Law on the Human Rights Ombudsman of BiH stipulates that the institution will consider cases related to poor functioning or violations of human rights and freedoms committed by any government body in BiH, and that the institution will act upon receipt of complaints or ex officio.

Victims have the right to access the Ombudsman for Children of the Republika Srpska. The competencies of the Ombudsman for Children are determined by the Law on the Ombudsman for Children of the Republika Srpska. In performing the tasks within its competence, the Ombudsman for Children acts within the framework of the Constitution, laws and other regulations and general acts, as well as international treaties and generally accepted rules of international law, guided by the principle of justice and morality.

The Ombudsman for Children: 1) monitors the compliance of laws and other regulations in the Republika Srpska relating to the protection of children's rights with the provisions of the Constitution of the Republika Srpska, the United Nations Convention on the Rights of the Child and other international documents relating to the protection of children's rights and interests; 2) monitors the implementation of the obligations of the Republika Srpska arising from the United Nations Convention on the Rights of the Child and other international documents relating to the protection of the rights and interests of the child; 4) monitors violations of the rights and interests of the child; 5) advocates for the protection and promotion of the rights and interests of the child; 6) proposes measures for the protection and promotion of rights, as well as for the prevention of harmful actions that endanger the rights and interests of the child; 7) informs the

public about the state of the rights of the child: 8) perform other tasks determined by the Law on the Ombudsman for Children of the Republika Srpska.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

By direct, telephone and written addressing, to the police and other competent institutions.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Victims of human trafficking may file a private lawsuit against civil servants in civil proceedings, and if they believe that the actions of a civil servant have been committed a criminal offense, they may file a criminal complaint with the police or the prosecutor's office on that basis.

Every victim of trafficking has the right to file a lawsuit against the state or its officials if they believe that there have been any of the listed violations of the law.

Criminal laws prescribe stricter penalties if the criminal offense of Human Trafficking was committed by an official in the performance of his duties.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

The Judicial and Prosecutorial Training Centers adopt a Professional Development and Initial Training Program for each year. The training programs include seminars related to the crime of Human Trafficking with topics: definitions of Human Trafficking and smuggling of migrants, review of the international legal framework in the field of Human Trafficking, international cooperation in investigations and prosecutions, mutual legal assistance and joint investigation teams to strengthen and maintain the capacity of prosecutors of effective processing of human trafficking cases. Numerous events for this purpose are organized in cooperation with international organizations.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Criminal law in Bosnia and Herzegovina explicitly stipulates that a victim of trafficking who has been forced by a perpetrator to participate in the commission of another criminal offense shall not be prosecuted if such conduct was a direct consequence of victim's status as a victim of trafficking. Thus, a victim of trafficking will not be punished for its participation in illegal acts and activities to the extent that the victim was forced to do so, and if that such behaviour of

the victim results directly from its victim status, but not for some other crimes committed by such victim.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Victims of trafficking who have committed the crimes they were forced to, enjoy the same scope of protection in the criminal proceedings for the crime of human trafficking as all other victims of this crime, and in civil lawsuits they can claim compensation for non-pecuniary and material damage they suffered as victims of the crime of human trafficking.

8. Protection of victims and witnesses (Articles 28 and 30)

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

Victims of trafficking in practice are protected from potential retaliation or intimidation: before, during and after legal proceedings, from the detection of a crime by law enforcement authorities informing the competent services (social work center), NGOs with "safe houses" to provide accommodation and assistance to the victim. Then, the victim is protected during the investigation and during the court proceedings (providing support to the victim as a witness by experts) in accordance with applicable regulations.

The Law on Witness Protection in Criminal Proceedings regulate measures to ensure the protection of witnesses under threat and endangered witnesses in criminal proceedings, conducted by courts or prosecutors for criminal offenses within the jurisdiction of courts. A witness under threat is a witness whose personal safety or the safety of his family is endangered due to his participation in criminal proceedings, as a result of threats, intimidation or similar actions related to his testimony. An endangered witness is a witness who is seriously physically or mentally traumatized by the circumstances under which the crime was committed or who suffers from serious mental disorders that make him extremely sensitive, as well as a child and a minor.

Due to long-term exposure to psychological, physical, sexual and economic abuse and various types of manipulation, victims of trafficking find it difficult to establish safety and trust in contact with professionals in health or social care institutions, and the role of professionals involved in the initial contact and later contacts, with the victim is very important for the further situation, as well as for other rights that the victim of human trafficking can exercise. Victims of human trafficking in the health system are provided with psychosocial support in accordance with age, gender, psychological status, and based on the development of an individual protection program developed by professionals, i.e. health workers or associates in mental health centers.

Victims of trafficking are protected by placement in safe houses in accordance with the Law on the Protection of Witnesses and Endangered Witnesses. In a particular case, a multidisciplinary team is formed consisting of the Police, the Prosecutor's Office, centers for social work and non-

governmental organizations, which jointly recommend and assess what protection measure should be taken, all in the best interests of the victim of trafficking.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

Victims of human trafficking are provided with all practical information in the course of the proceedings, especially before going to court, before testifying in order to better prepare the victim and be ready to testify.

According to the assessment of the prosecutor and the police representative, a conclusion is made as to what can be done and at what stage of the procedure information can be provided to the victim.

During the entire stay in the safe house and treatment, the staff of the safe house is in contact with competent services, institutions and organizations in accordance with their competencies. Regular communication with competent institutions and investigative bodies and giving feedback to victims of human trafficking are important in the recovery process itself. Therefore, professional teams of non-governmental organizations regularly communicate with the competent institutions and acquaint clients with the information obtained.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

Respect for victims' rights to safety, privacy and confidentiality during court proceedings is ensured in accordance with legal regulations. All potential victims have the right to security, privacy and confidentiality because all participants or actors who come across certain information in a particular case shall not disclose it elsewhere.

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

There was a total of three cases of the use of witness protection measures to protect victims and witnesses of human trafficking, including children

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

The Ministry of Security and the Ministry of Human Rights and Refugees of Bosnia and Herzegovina have been providing grant funds in their budgets for several years, a non-governmental organization for the protection of victims of trafficking. Funds are allocated based on the public calls to non-governmental organizations that provide direct support to victims of human trafficking. When it comes to cooperation, cooperation takes place in accordance with applicable laws and bylaws governing the fight against human trafficking. The police and the prosecution cooperate with NGO representatives while the victim is in a safe house, as long as the court proceedings are ongoing.

Accommodation of victims of human trafficking in the Safe House is carried out based on the legal regulations or guidelines, depending on whether the victim of human trafficking is a domestic or foreign citizen. Regular communication with competent police agencies conducting the investigation and the prosecutor's office is necessary, and the staff of safe houses performs regular communication with them in order to timely inform competent agencies about the client's condition, but also inform the client about the procedure and stages of the investigation and further steps, especially if they involve the very involvement of the victim of human trafficking.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

Children victims of human trafficking before, during and after court proceedings enjoy special protection in accordance with the laws on the protection of minors, which regulates this matter, and this includes interviews with children in specially designated and adapted spaces, by professionals trained to talk to children and a limited number of hearings of child victims. In addition, prosecutors and judges working on this type of case, where the child is a victim, undergo special specialized training. In human trafficking cases with children as victims, only prosecutors and judges who have undergone this special training can work on this type of case. According to the criminal procedure code, the treatment of children is as follows:

In order to protect the minor witness - victim or eyewitness of human trafficking in criminal cases against perpetrators of human trafficking of children and minors and to avoid possible harmful consequences for child's future life, upbringing and development given the child's age, personality traits, education and the circumstances in which child lives. The hearing of a child or a minor is usually performed with the help of a pedagogue, psychologist or other professional.

If a child or young minor victim of human trafficking is interrogated as a witness, the hearing may be conducted no more than twice. The prosecutor or an authorized official shall examine the witness through technical devices for the transmission of image and sound, without the presence of the prosecutor or an authorized official in the room where the witness is located. The hearing of a child or a minor is usually performed with the help of a pedagogue, psychologist or other professional.

A child or a minor may be heard in his or her apartment or other accommodation or social work center. The court examines a child or a minor as a witness - a victim of a criminal offense, so that the court, the parties to the proceedings and the defense counsel can ask questions without being present in the same room with the witness. The hearing of a child or a minor is conducted in such a way that questions are asked through the court, and if necessary, with the help of a pedagogue, psychologist or other professional. If a child or minor who is seriously physically or mentally traumatized by the circumstances under which the crime was committed or suffers from serious mental disorders that make him particularly sensitive is examined as a witness, it is prohibited to confront the suspect or accused. During the hearing of a minor, the presence of a parent or guardian is mandatory, and if there is a suspicion that the parent is a perpetrator of a criminal offense against the minor, a representative of the guardianship authority - the Center for Social Work is present. If there is a suspicion that a minor is a victim of child trafficking, the competent guardianship authority - the Center for Social Work, which is responsible for the protection of the minor victim and accommodation in appropriate institutions (Safe Houses, Reception Centers, etc.), is immediately notified and tasked with providing other

forms of support. Potential victims of human trafficking are treated in accordance with the laws on the protection and treatment of children and minors. The interrogations are conducted in specially designated and provided rooms by professionals to talk to children. Before interviews, the multidisciplinary team prepares for the interview or interview itself, thus limiting the number of interviews.

9. Specialised authorities and co-ordinating bodies (Article 29)

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

The budget, staff and resources, including technical resources, used by law enforcement agencies specializing in the fight and investigation of human trafficking are allocated to all bodies through regular budgets. All police agencies and prosecutors' offices have appointed specialized prosecutors and trafficking officers who, if necessary, receive the necessary staff, resources and technical means to investigate trafficking.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

All police agencies have specialized units for conducting financial investigations. Financial investigations are conducted in trafficking cases if the prosecutor decides. As an example of a successful financial investigation, we cite the financial investigation conducted as part of the Joint Investigation Team with the French in the "CD" case. The financial intelligence unit is located in the State Investigation and Protection Agency and it cooperates with all public and private bodies as prescribed by the Law on Prevention of Money Laundering and Terrorist Financing.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

Cooperation is implemented in accordance with the provisions of conventions and agreements on international cooperation in criminal and civil cases.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

The Law on International Legal Assistance in Criminal Matters provides for the provision of all forms of international legal assistance related to transnational organized crime, including human

trafficking. The possibility of exchanging this data is also provided through INTERPOL, Europol and Selec.

In accordance with the Convention on Police Cooperation, Bosnia and Herzegovina has in the past established Joint Investigation Teams with the police authorities of the Republic of France, the Republic of Austria and the Kingdom of the Netherlands, which resulted in operational action in Bosnia and Herzegovina, Serbia, Austria and the Federal Republic of Germany.

In June 2015, the Prosecutor's Office of Bosnia and Herzegovina, with the support of the State Investigation and Protection Agency and in cooperation with the French Police, conducted an operation codenamed "CD". Within the mentioned action, ten persons were arrested for reasonable grounds that they committed the criminal offense of organized crime in connection with the criminal offense of human trafficking for the purpose of labour exploitation, money laundering, human trafficking, giving gifts and other benefits, etc. In the continuation of the action, an employee of the diplomatic and consular mission of Bosnia and Herzegovina was arrested who, while performing consular work at the Embassy of Bosnia and Herzegovina in Paris, participated in committing several crimes, by illegally issuing travel documents to victims of human trafficking. It charged between 500 and 1,200 euros for these services. The above actions are the result of the establishment of a Joint Investigation Team between the police actors of Bosnia and Herzegovina and France, supported by EUROJUST.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

In 2019, there were a total of 52 cases of international legal assistance related to the criminal offense of human trafficking, of which 32 related to letters of a request sent from Bosnia and Herzegovina, and 20 to letters of request sent to Bosnia and Herzegovina. There were no unsatisfied letters of request regarding them, i.e. all have been met or are still in the process of being implemented.

In 2020 (as of July 22, 2020), there were a total of 20 cases of international legal assistance related to the criminal offense of human trafficking, of which 10 related to letters of request sent from Bosnia and Herzegovina, and 10 to letters of request towards Bosnia and Herzegovina. All 20 letters of request are in the process of realization.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

The Joint Investigation Team proved to be the most useful form of international cooperation.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

Measures to announce the return of the victim to its country of origin, joint risk assessment and informing the victim about the available protection and assistance mechanisms in the country to which victim is returning.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

Bosnia and Herzegovina so far has no experience and cooperation in these cases.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

At the level of Bosnia and Herzegovina, the Law on Provision of Free Legal Aid was adopted, the aim of which is, inter alia, to ensure every natural person effective and equal access to justice in proceedings before bodies and institutions of Bosnia and Herzegovina, before which individual rights, obligations and interests are exercised.

In this way, victims of trafficking are provided with access to justice, as well as persons receiving social assistance, children, persons with legal capacity and the mentally ill, pension beneficiaries up to a certain amount, unemployed persons, victims of domestic violence or gender-based violence, asylum seekers, persons under subsidiary or temporary protection and stateless persons.

Regarding access to effective legal redress, the beneficiary of social protection can be a person in a state of social need, a child and an adult victim of human trafficking, and that the professional workers of the center for social work perform their activities applying modern professional and scientific knowledge legal and other regulations, using the methods of social and other professional work, as well as that the professional work of the center is based on the application of teamwork, professionals propose measures to address the social needs of citizens, organize and implement appropriate forms of social protection, and develop and improve preventive activities that contribute to the prevention and suppression of social problems.

Beneficiaries of social protection can exercise the following rights: financial assistance, allowance for assistance and care of another person, support in equalizing the possibilities of children and youth with disabilities, placement in an institution, foster care, help and care at home, daily care, one-time financial assistance and counselling. The social protection system has a central role in supporting the child as a victim of trafficking and preparing the child to testify in the proceedings, giving expert opinion to the prosecution and court, etc., and, among other things, cooperates with the education and health system, supervises the family, determines the form, intensity and consequences of abuse, plans protective measures and treatment, as well as the application of social protection measures.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

All competent bodies and organizations involved in criminal, civil, labour and administrative proceedings against victims of trafficking are obliged to act and fully implement the law on gender equality.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

To ensure that procedures for access to justice and legal remedies are child-friendly, easily accessible to children and their representatives, and give weight to the child's views, laws on the protection and treatment of children in criminal proceedings have been enacted and fully implemented.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

In order to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of BiH victims, the Council of Ministers has adopted measures in the Anti-Trafficking Strategy for 2020-2023. Access to effective legal redress for victims of trafficking in companies involved in trafficking is ensured in criminal and civil proceedings, and especially through the provisions on the liability of legal persons in criminal proceedings.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

All authorities in Bosnia and Herzegovina have adopted integrity plans. The Agency for Prevention of Corruption rated them positively. Each year, these institutions submit reports on the implemented measures aimed at improving integrity to the Agency for Prevention of Corruption.

So far, one case of corruption and criminal conduct by public officials in trafficking cases has been reported in the "CD" case. The civil servant was sentenced to imprisonment.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

When it comes to trends in human trafficking in Bosnia and Herzegovina in the past 5 years, there was human trafficking, which most often took place within the country's borders. Cases of cross-border trafficking in men, women and children who are victims of trafficking for sexual

exploitation and forced labour were also sporadically reported. Adult and minor women from Bosnia and Herzegovina are trafficked for the purpose of sexual exploitation within the country in private apartments, accommodation and catering facilities and other hidden places. Economically marginalized Roma children are subjected to forced begging, criminal offenses and domestic service against their will in forced marriages. Victims from Bosnia and Herzegovina have been trafficked for sexual exploitation and forced labour in the construction sector and other sectors in other European countries.

According to the experiences of non-governmental organizations, compared to previous years, a larger number of potential victims of trafficking for the purpose of labour exploitation or begging have been recorded, and they are mostly children. They were most often forced to beg by their parents. However, other forms of exploitation, such as sexual exploitation, are still present.

- **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

In May 2015, the Parliamentary Assembly of Bosnia and Herzegovina adopted the Law and Amendments to the Criminal Code of Bosnia and Herzegovina, which amended the provisions relating to human trafficking. Amendments to Articles 186, 187, and 189 and the addition of a new Article 186a were proposed by the State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration as a result of finding solutions to the problems that arose in the investigation and indictment of criminal offenses of human trafficking and related offenses, due to inconsistencies in criminal laws in Bosnia and Herzegovina.

Article 186 has been amended to clearly prescribe jurisdiction between the BiH Criminal Code and the Entity and Brčko District Criminal Code, which means that the crime of "human trafficking" contains elements of exploitation in a state where the injured party has no citizenship or residence remains in the Criminal Code of Bosnia and Herzegovina, while other criminal offenses of human trafficking are covered by the criminal laws of the Entities and the Brčko District of BiH. Specifically, the victims of the criminal offense under the Criminal Code of Bosnia and Herzegovina are stateless persons of Bosnia and Herzegovina or residence in Bosnia and Herzegovina or a citizen of Bosnia and Herzegovina abroad. Therefore, in paragraph (1) a reorganization of the elements of the crime was made which will contribute to clarity in the interpretation of the elements of the crime and retain all elements prescribed by international standards, the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings. The amendment relating to the residence or citizenship of the victim in exploitation is an element of foreignness that is hereby explicitly defined in order to divide the actual jurisdiction between the Criminal Code of Bosnia and Herzegovina and other criminal laws in Bosnia and Herzegovina. These amendments address the problem of conflict of jurisdiction that existed in practice during the prosecution of this type of crime, given that the criminal laws of the entities and the Brcko District prescribe elements of the crime of human trafficking within the crime of "inducing prostitution", i.e. "human trafficking for the purpose of

prostitution." The element of foreignness is also included in paragraph (2), which refers to human trafficking committed against persons under the age of 18. These amendments provide for stricter penalties for these criminal offenses, so the criminal offense referred to in paragraph (1) of Article 186. a prison sentence of at least five instead of three years is envisaged, while for the criminal offense referred to in paragraph (2) a prison sentence of at least ten instead of the previous five years is envisaged. The new paragraph (10) of Article 186 is in line with the Council of Europe Convention on Action against Trafficking in Human Beings, which stipulates that penalties shall not be imposed on victims for their participation in illegal activities to the extent that they have been compelled to do so. New Article 186a. prescribes organized international trade as a separate criminal offense and provides elements of this criminal offense. The amendment of Article 187 implies amendments that harmonize with the provisions on inducing prostitution from the criminal laws of the entities and the BD BiH, since in practice there was a different interpretation of the legal qualification, and thus a conflict of jurisdiction. In this way, this provision in the CC BiH reads as in the criminal laws of the entities, with the proviso that the CC BiH also contains an element of foreignness.

In June 2016, amendments to the Criminal Code of the Federation of BiH were adopted, introducing Articles 210a. relating to human trafficking and 210b. which refers to organized human trafficking. The sentences provided by the Criminal Code of the Federation of BiH for the criminal offense of human trafficking range from 6 months to a long-term imprisonment. With the introduction of these articles in the Criminal Code of the FBiH, the process of amending all criminal laws in Bosnia and Herzegovina has been completed, and now human trafficking is prescribed by state and entity laws as well as the law of the Brčko District of BiH. It is important to note that now all laws in Bosnia and Herzegovina that deal with human trafficking are fully in line with international recommendations and standards.

The Criminal Code of the Republika Srpska was adopted in 2017 and contains the criminal offenses of human trafficking: Art. 198a (Human trafficking), Art. 198b (Trafficking in minors), Art. 198v (Organizing a group or criminal association for the commission of criminal offenses of human trafficking and trafficking in minors);

The Criminal Code of the Brčko District from 2017 contains criminal offenses: Art. 207a (human trafficking), Art. 207b (Organized human trafficking).

Bosnia and Herzegovina has adopted a new Law on Foreigners, which entered into force on November 25, 2015. year ("Official Gazette of BiH", 88/15). The provisions of the Act are in line with the Council of Europe Convention on Action against Trafficking in Human Beings and Directive 2004/81 EC of the European Parliament and the Council of 29 April 2004 on residence permits issued to third-country nationals who are victims of trafficking or assistance in illegal immigration, and cooperate with the competent authorities. The provisions relate to the protection and assistance of victims of trafficking who have been granted temporary residence on humanitarian grounds in BiH.

In 2016, a new Rulebook on the Protection of Aliens Victims of Trafficking in Human Beings was adopted, harmonized with the provisions of the Aliens Act as well as international documents: Directive 2004/81 / EC of the European Parliament and of the Council of 29 April 2004. on a residence permit issued to third-country nationals who are victims of human trafficking or who have been provided with assistance in immigrating illegally and cooperating with the competent authorities, Directive 2011/36 / EU of the European Parliament and of the Council of

05.04.2011. on the Prevention of and Fight against Trafficking in Human Beings and the Protection of Victims and the Council of Europe Convention on Action against Trafficking in Human Beings.

- **the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

At the end of 2018, the Ministry of Security of Bosnia and Herzegovina launched an initiative for the reconstruction of regional monitoring teams for the fight against human trafficking in Bosnia and Herzegovina. Considering that 4 regional monitoring teams for the fight against human trafficking were established in 2008 in Sarajevo, Mostar, Tuzla and Banja Luka, and included a large number of officials who participated in the work of the above, it turned out that the teams were too cumbersome and the team was dysfunctional. With that in mind, coordination teams have been formed throughout Bosnia and Herzegovina, and there will now be 17 coordination teams in each canton (10), Republika Srpska (6), and Brčko District of BiH (1). The teams, i.e. the coordinators, are headed by representatives of the Ministries of Interior and the police of the Brčko District of BiH. The tasks of the Coordination Teams are to perform professional, operational and administrative-technical tasks on strengthening functional ties and cooperation between the competent authorities and non-governmental organizations that carry out activities in their areas of competence in order to combat and prevent human trafficking.

- **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

At the proposal of the Ministry of Security, the Council of Ministers of Bosnia and Herzegovina, at its 2nd session held on January 23, 2020, adopted the Strategy for Combating Trafficking in Human Beings in BiH 2020-2023. The strategy consists of five strategic goals: support, prevention, protection of victims, criminal prosecution of perpetrators of the crime of human trafficking, and partnership.

By implementing the policies defined in this Strategy, the authorities in Bosnia and Herzegovina will, in addition to meeting the general and specific strategic goals of preventing, combating and combating human trafficking, fulfil their obligations arising from a number of international documents, primarily the United Nations Convention against Transnational Organized Crime, and its accompanying Protocol to Prevent, Suppress and Punish Trafficking in Human Beings, Especially Women and Children, and the Council of Europe Convention on Action against Trafficking in Human Beings, and meet the recommendations of international monitoring mechanisms, primarily the Council of Europe and the United States Department of State.

By implementing the policies defined in this Strategy, the authorities in Bosnia and Herzegovina will also meet the recommendations of the European Commission from the Analytical Report with the Opinion on Bosnia and Herzegovina's application for membership in the European Union from 2019, and of the European Commission's Anti-Trade Report conducted in 2018, and make progress in meeting the obligations of Directive 2011/36 / EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human trafficking and protecting victims of trafficking.

The strategy will be effectively implemented through action plans for its implementation, which will be adopted by the Council of Ministers of BiH for the state level, and the governments of

Republika Srpska, the Federation of Bosnia and Herzegovina, cantons and Brcko District of Bosnia and Herzegovina for institutions within its competence.

Funding for the implementation of measures from the Strategy will be defined through the above-mentioned Action Plans, but certainly as before, the help of international donors will be needed. We must point out that when it comes to funding, there are four (4) ongoing projects implemented by the Council of Europe, German Giz, World vision, IOM, and that three of these projects are directly supported by the Government of the United States.

After the adoption of the Strategy, the Ministry of Security of Bosnia and Herzegovina initiated activities on the development of the Action Plan for Combating Trafficking in Human Beings 2020-2023. The Minister of Security of Bosnia and Herzegovina has made a Decision on the establishment of a working group for the development of the Action Plan. The draft Action Plan was prepared after a series of meetings, and after the procedures for obtaining opinions from all involved actors involved in the fight against human trafficking, it will be sent to the Council of Ministers of Bosnia and Herzegovina for adoption. According to the decisions on the formation of coordination teams for the fight against human trafficking, the governments of the entities, cantons and Brcko District are obliged to adopt action plans that will refer to their territorial jurisdiction.

➤ **recent case law concerning THB for different forms of exploitation.**

The proper indictment, stating relevant facts and circumstances, is extremely important for determining the elements of a criminal offense. It should not happen that the prosecution, by not filing an indictment against the users of the services of victims of human trafficking, abolishes them from criminal liability. Such omissions by the prosecution not only do not contribute to the prevention and suppression of this form of crime, but also undermine public confidence in the judicial system.

When it comes to the interpretation of certain elements of criminal offenses, a significant number of verdicts showed that there is a mismatch of views on the essence of certain forms of criminal offense, which is expressed to the extent that one panel does not find elements of the offense, while another panel in the same factual description and with the same evidence, it argues the existence of the criminal offense of this criminal offense. Such practice shows that there is still a misunderstanding of the essence of human trafficking, especially when voluntary prostitution occurs as a form of exploitation. Confiscation of proceeds of crime is a criminal measure

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation 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 THB cases;**

Within the project "Short-Term and Medium-Term Support to Strengthen Efforts to Combat Human Trafficking in BiH" and implemented by the International Organization for Migration with the support of USAID, in cooperation with the Ministry of Security of BiH, and in accordance with recommendations from GRETA, the aforementioned project also supported the development of a statistical portal for identified victims of trafficking in BiH. The statistical portal was created and is the same after it has been tested and donated to the BiH Ministry of Security.

➤ **enhance efforts to prevent and combat trafficking for the purpose of labour exploitation;**

*Bosnia and Herzegovina is constantly taking steps to prevent and combat human trafficking for the purpose of labour exploitation. These steps relate primarily to the training of law enforcement agencies, the training of judges and prosecutors, representatives of social work centers, and to further improve their skills in these cases. In all three police academies, the mandatory topic of human trafficking has been introduced in the basic training curricula for police officers, inspectors and the training of investigators working on human trafficking cases. Educational material for all three types of training and material for lecturers were developed. One of a series of training held in recent years was held in cooperation with the United Nations Office on Drugs and Crime with the support of the Office to Monitor and Combat Trafficking in Persons of the United States State Department in cooperation with the Ministry of Security of Bosnia and Herzegovina in September and October in 2019 entitled "Identification and investigation of cases of human trafficking for the purpose of forced labour in Bosnia and Herzegovina". The purpose of the training was to train participants from police agencies, prosecutors' offices and courts from Bosnia and Herzegovina on the topics of identification, investigation, indictment and adjudication of cases of *human trafficking* for the purpose of forced work. The main objectives of the training are to provide participants with theoretical knowledge of human trafficking, to present a conceptual and legal framework on human trafficking; promotes a victim-centered approach in conducting investigations and resolving problematic situations in a practical sense; simulate critical thinking in research and solving practical situations; greater institutional cooperation between institutions involved in criminal proceedings and the exchange of best knowledge and practice between participants.*

➤ **strengthen efforts to prevent child trafficking;**

Capacity-building activities are a significant part of the work of the Ministry of Security of Bosnia and Herzegovina. Thus, with the support of the OSCE Mission, the activities of the Judicial and Prosecutorial Training Centers (CEST) were supported. In this context, the Mission, in cooperation with CEST of the Federation of Bosnia and Herzegovina, organized training on February 1, 2018, focusing on the difference between the crime of human trafficking and the crime of neglect or abuse of a child or minor. More than thirty (30) prosecutors and judges from all over Bosnia and Herzegovina attended this training, which aimed to improve participants' practical and theoretical knowledge of the elements of trafficking-related crimes for the purpose of forced begging (children).

➤ **take additional steps to improve identification of victims of human trafficking;**

Bosnia and Herzegovina is continuously engaged in the fight against human trafficking, both through the adoption of strategic documents related to this area, and through amendments to criminal laws, and toughening penalties for perpetrators. Through improving the identification of victims of trafficking, protection and support through strengthening national and transnational referral mechanism; increase prosecution through enhanced national and transnational cooperation between law enforcement agencies as well as through strengthening the capacity of law enforcement agencies, the judiciary and NGOs to effectively combat trafficking, improve coordination and cooperation between key actors through improved Eu and non-EU partnerships.

- **ensure that all possible and formally identified victims of trafficking receive adequate assistance in accordance with their needs;**

All potential victims of trafficking in accordance with positive legal regulations receive assistance in accordance with their needs, and assistance is reflected in the legal sense, medical, accommodation, in accordance with the signed protocols between relevant ministries and NGOs, they are obliged to provide any assistance victims of trafficking, starting with health, social, legal and other forms of assistance that are necessary for the victims of trafficking to be able to reintegrate into society.

- **make efforts to improve the identification of and assistance to child victims of trafficking;**

Relevant institutions in BiH are proactively approaching and increasing their activities to detect child victims of trafficking and the continuation of activities to monitor children on the streets when it comes to begging, is included. These activities are already underway, and criminal investigations have been conducted in specific cases with the intention of continuing the activities, through the work of police representatives and prosecutors within the Anti-Trafficking Task Force.

- **spell out the procedure for granting a recovery and reflection period and issue the authorities performing identification with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention.**

A recovery and decision-making period of at least 30 days is guaranteed to any person when there are reasonable grounds to believe that he or she is a victim. During that time, no removal of that person will be imposed. During this period, persons are entitled to all measures of assistance and protection for victims. There is no obligation if this is prevented by reasons of public order, or if it has been established that the victim's status has been requested in an inappropriate manner. The right to a humanitarian residence permit is regulated by this Law, which includes first contact with the authorities, access to information on legal and administrative procedures in a language that victims can understand, as well as the right to counsel and free legal aid in accordance with domestic law. The law also guarantees the victim the right to return to the country of citizenship or permanent residence at the time of entry into the territory of the host country, without undue or unreasonable delay, taking into account the rights, safety and dignity of the victim. The rights of victims and their protection are prescribed in more detail by the Rulebook on the Protection of Foreign-Born Victims of Trafficking in Human Beings, and the Rules on the Protection of Victims of Trafficking in Human Beings by Citizens of Bosnia and Herzegovina. Representatives of law enforcement agencies in cooperation with non-governmental organizations that have accommodation facilities to help victims of trafficking achieve continuous cooperation when it comes to accommodation of victims, their recovery and thinking.

Part III - Statistics on Human Trafficking

14. Please provide the following statistics, per year starting with 2015, where available disaggregated as indicated below:

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

2015

According to the data collected by prosecutors, law enforcement services, centers for social work and non-governmental organizations, which are needed to compile the annual report on the state of human trafficking in Bosnia and Herzegovina, it was determined that in the period January - December 2015 identified/assisted a total of 35 potential victims of trafficking/inducing prostitution and/or sexual exploitation/trafficking for the purpose of begging/"sale, i.e. for the purpose of marriage"/extramarital union with a minor.

Of the total number of potential/identified victims of human trafficking (35) in 2015: 18 are adults and 17 are minors. Of the 35 potential/identified victims of trafficking, 27 are women (14 minors and 13 adults) and 8 are men (3 minors and 5 adults). Of the recorded 27 potential/identified victims of trafficking - women, 13 are adults, 6 sexual exploitation, 6 beggings and 1 prostitution. There are 14 minors, 10 beggings, 4 sales for forced marriage/marital union with a minor. Of the recorded 8 potential / identified victims of trafficking in men, 5 adults are victims of trafficking on average and 3 minors are victims of trafficking on average. During this period, 14 potential victims of trafficking were assisted in safe houses/shelters, while 21 potential victims were not assisted in shelters.

2016

According to the data collected by prosecutors, law enforcement services, centers for social work and non-governmental organizations, which are needed to compile the annual report on the state of human trafficking in Bosnia and Herzegovina, it was determined that in the period January - December 2016 identified/assisted a total of 48 potential victims of trafficking/labour exploitation/inducement to prostitution and/or sexual exploitation/trafficking for the purpose of begging/"sale, i.e. for the purpose of marriage"/production. Of the 48 potential victims of trafficking in 2016, 38 are adults and 10 are minors. 30 are females and 18 are males. 7 were sexually exploited, 12 were exploited for labour, 22 were exploited for begging, 1 was sold for forced marriage, 1 was exploited in combination with sexual exploitation, 5 was exploited in begging in combination with sexual exploitation. 5 are foreign citizens of Serbia, Gambia, Ukraine and Cuba (3 females - 2 males), the remaining 43 victims of trafficking are citizens of Bosnia and Herzegovina. During this period, 15 potential victims of trafficking were assisted in safe houses/shelters, while 33 potential victims were not assisted in shelters. In the activities that are realized by the organizations and associations that administer, i.e. provide day-care services 28 juvenile potential victims of trafficking have been registered.

2017

According to the data collected by prosecutors' offices, law enforcement services, social work centers and non-governmental organizations, which are needed to compile the annual report on the state of human trafficking in Bosnia and Herzegovina, a total of 83 potential victims of trafficking were identified/assisted in 2017 in people/labour exploitation/incitement to prostitution and / or sexual exploitation/human trafficking for the purpose of beggings/"selling, i.e. for the purpose of marriage"/lewd acts and other. Out of the total number of potential victims of human trafficking, 36 victims are adults and 47 are minors. Of the stated number, 58 victims are females and 25 are males. When it comes to the form of exploitation of victims of trafficking, the following was found: 10 sexually exploited/induced prostitution, 7 labour exploitation, 52 beggings, 5 sale for forced marriage (combined with sexual exploitation or beggings), 4 lewd acts, 1 sexual intercourse with a child, 2 extramarital affairs with a minor child, 1 minor was found at the border without documents (assisted by a CSR) and 1 adult did not specify the type of exploitation. Out of the total number of victims of human trafficking, 2 victims are foreign citizens (1 adult - a citizen of the Netherlands, 1 minor - a citizen of Libya), while the remaining 81 victims of human trafficking are citizens of BiH. During the reporting period, 26 potential victims of trafficking were assisted in safe houses/shelters, while 57 potential victims were not assisted in shelters.

2018

According to the data collected by prosecutors, law enforcement services, social work centers and non-governmental organizations, which are needed to compile the annual report on the state of human trafficking in Bosnia and Herzegovina for 2018, a total of 36 potential victims have been identified/assisted in human trafficking/labour exploitation/inducement to prostitution and/or sexual exploitation/human trafficking for the purpose of beggings/"selling, i.e. for the purpose of marriage"/lewd acts and other. Out of the total number of potential victims of human trafficking (36) in the period January-December 2018, 21 victims are female, and 15 victims are male. Out of the total number of potential victims of human trafficking (36) in the period January-December 2018, 12 victims are of legal age (9 are female and 3 are male), and 24 victims are minors (12 are female and 12 are male). Out of the total number of potential victims of human trafficking (36) in the period January - December 2018, the following forms of exploitation were recorded: 12 beggings, 9 sexually exploited, 6 sales for forced marriage (combined with sexual exploitation or beggings), 1 labour exploitation, 1 sexual intercourse with a child, 1 lewd acts, and 6 others. Out of the total number of potential victims of human trafficking (36) in the period January - December 2018, 8 victims are foreign citizens, and 28 victims are citizens of Bosnia and Herzegovina. When it comes to foreign nationals, of which a total of 8 victims: 3 victims are citizens of Montenegro (2 minors/male, 1 minor/female), 2 victims are citizens of Afghanistan (2 minors/male), 2 victims are citizens Sri Lanka (1 adult/ female, 1 minor/male) and 1 victim is a citizen of Macedonia (adult/male). During this period, 10 potential victims of trafficking and 26 potential victims of trafficking were assisted in safe houses/shelters. not assisted in safe houses / shelters.

2019

According to the data collected by prosecutors, law enforcement services, social work centers and non-governmental organizations, which are needed to compile the annual report on the state of human trafficking in Bosnia and Herzegovina for 2019, a total of 61 potential victims have been identified/assisted in human trafficking/labour exploitation/incitement to prostitution and / or sexual exploitation/human trafficking for the purpose of beggings/"selling, i.e. for the purpose of marriage"/lewd acts / exploitation of a child or minor for pornography and other. Out of the total number of potential victims of human trafficking (61) in the period January - December 2019, 49 victims are female, and 12 victims are male. Out of the total number of

potential victims of human trafficking (61) in the period January - December 2019. 25 victims are adults (21 are female and 4 are male), and 36 victims are minors (28 are female and 8 are male). Of the total number of potential victims of human trafficking (61) in the period January - December 2019, the following forms of exploitation were recorded: 36 beggings, 15 sexually exploited, 3 sales for forced marriage (combined with sexual exploitation or begging), 4 child exploitation or minors for pornography and 3 others. Out of the total number of potential victims of human trafficking (61) in the period January - December 2019, 6 victims are foreign citizens, and 55 victims are citizens of Bosnia and Herzegovina. In the case of foreign nationals, a total of 6 victims: 2 victims are Sri Lankan nationals (1 minor/male, 1 adult/female), 2 victims are Afghan nationals (2nd minor / male) and 2 victims are citizens of the Republic of Serbia (1 adult/female and 1 minor/female). During this period, 42 potential victims of trafficking were assisted in safe houses/shelters, while 19 potential victims of human trafficking were not assisted in safe houses/shelters.

➤ **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**

During the reporting period, no victims of trafficking were identified in the asylum procedures, nor was refugee status or subsidiary protection status granted due to the fact that the asylum seeker is a victim of trafficking.

➤ **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

	<i>Gender</i>	<i>Age</i>	<i>Citizenship</i>	<i>Form of exploitation</i>	<i>Domestic or transnational trafficking</i>
1.	<i>F</i>	<i>17</i>	<i>Sri Lanka</i>	<i>/</i>	<i>Transnational</i>
2.	<i>F</i>	<i>26</i>	<i>Bosnia and Herzegovina</i>	<i>Labour exploitation</i>	<i>Domestic</i>
3.	<i>M</i>	<i>2</i>	<i>Bosnia and Herzegovina</i>	<i>Labour exploitation</i>	<i>Domestic</i>
4.	<i>F</i>	<i>16</i>	<i>Bosnia and Herzegovina</i>	<i>Sexual exploitation</i>	<i>Domestic</i>
5.	<i>F</i>	<i>15</i>	<i>Bosnia and Herzegovina</i>	<i>Sexual exploitation</i>	<i>Domestic</i>
6.	<i>F</i>	<i>11</i>	<i>Bosnia and Herzegovina</i>	<i>Labour exploitation</i>	<i>Domestic</i>
7.	<i>F</i>	<i>12</i>	<i>Bosnia and Herzegovina</i>	<i>Labour exploitation</i>	<i>Domestic</i>
8.	<i>F</i>	<i>25</i>	<i>Serbia</i>	<i>Sexual exploitation</i>	<i>Transnational</i>
9.	<i>F</i>	<i>26</i>	<i>Gambia</i>	<i>Labour exploitation</i>	<i>Transnational</i>
10.	<i>F</i>	<i>26</i>	<i>Gambia</i>	<i>Labour exploitation</i>	<i>Transnational</i>
11.	<i>F</i>	<i>36</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Transnational</i>
12.	<i>F</i>	<i>13</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Transnational</i>
13.	<i>F</i>	<i>36</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was</i>	<i>Transnational</i>

				<i>trafficking</i>	
14.	<i>M</i>	<i>13</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Transnational</i>

➤ **Number of child victims of THB who were appointed legal guardians.**

	<i>Gender</i>	<i>Age</i>	<i>Citizenship</i>	<i>Form of exploitation</i>	<i>Domestic or transnational trafficking</i>
<i>1.</i>	<i>F</i>	<i>17</i>	<i>Sri Lanka</i>	<i>n/a</i>	<i>Transnational</i>
<i>2.</i>	<i>F</i>	<i>11</i>	<i>Bosnia and Herzegovina</i>	<i>Labour exploitation</i>	<i>Domestic</i>
<i>3.</i>	<i>F</i>	<i>12</i>	<i>Bosnia and Herzegovina</i>	<i>Labour exploitation</i>	<i>Domestic</i>

➤ **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**

	<i>Gender</i>	<i>Age</i>	<i>Citizenship</i>	<i>Form of exploitation</i>	<i>Approved stay</i>
<i>1.</i>	<i>F</i>	<i>17</i>	<i>Sri Lanka</i>	<i>n/a</i>	<i>Stay for humanitarian reasons</i>
<i>2.</i>	<i>F</i>	<i>25</i>	<i>Serbia</i>	<i>Sexual exploitation</i>	<i>Stay for humanitarian reasons</i>
<i>3.</i>	<i>F</i>	<i>26</i>	<i>Gambia</i>	<i>Labour exploitation</i>	<i>Stay for humanitarian reasons</i>
<i>4.</i>	<i>F</i>	<i>26</i>	<i>Gambia</i>	<i>Labour exploitation</i>	<i>Stay for humanitarian reasons</i>
<i>5.</i>	<i>F</i>	<i>36</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>
<i>6.</i>	<i>M</i>	<i>13</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>
<i>7.</i>	<i>F</i>	<i>36</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>
<i>8.</i>	<i>M</i>	<i>13</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>

- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**

	<i>Gender</i>	<i>Age</i>	<i>Citizenship</i>	<i>Form of exploitation</i>	<i>Approved stay</i>
9.	<i>F</i>	<i>17</i>	<i>Sri Lanka</i>	<i>/</i>	<i>Stay for humanitarian reasons</i>
10.	<i>F</i>	<i>25</i>	<i>Serbia</i>	<i>Sexual exploitation</i>	<i>Stay for humanitarian reasons</i>
11.	<i>F</i>	<i>26</i>	<i>Gambia</i>	<i>Labour exploitation</i>	<i>Stay for humanitarian reasons</i>
12.	<i>F</i>	<i>26</i>	<i>Gambia</i>	<i>Labour exploitation</i>	<i>Stay for humanitarian reasons</i>
13.	<i>F</i>	<i>36</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>
14.	<i>M</i>	<i>13</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>
15.	<i>F</i>	<i>36</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>
16.	<i>M</i>	<i>13</i>	<i>Sri Lanka</i>	<i>An investigation by the competent institutions determined that it was trafficking</i>	<i>Stay for humanitarian reasons</i>

- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**

During the reporting period, no victims of trafficking were identified in the asylum procedures, nor was refugee status or subsidiary protection status granted due to the fact that the asylum seeker is a victim of trafficking.

- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**

In case no. 11 0 K 020196 18 K in which the first instance verdict was passed, the District Court in Banja Luka obliged the accused to pay the total amount of 7,500.00 BAM to the injured party (compensation for non-pecuniary damage) (for suffering fear and psychological pain due to reduced general life activity). During the hearing, the court informed the injured party about

her rights regarding the filing of a property claim. In connection with this and the issue focused on the role of the prosecutor in this regard, we point out that in the present case, the prosecutor presented special evidence, relating to the property claim (examination of neuropsychiatrist and clinical psychologist, and material evidence in the form of written findings and opinions. We emphasize that in the case in question, the court accepted the proposal of the property claim of the Center for Women's Rights, as the lawyer of the injured party, because it considered that the amount of the requested fair compensation for non-pecuniary damage was correctly calculated applying the Orientation Criteria for determining its amount, and estimating that the minimum amounts were proposed, and that the existence of such non-pecuniary damage was proved in the criminal sub-procedure. In awarding compensation, the court especially assessed that the injured party was a minor at the time of the commission of the crime and that she still occasionally had psychological pain, so that the litigation could unnecessarily adversely affect the injured party by requesting re-reproduction of all events (which was also the position of a neuropsychiatrist, whose opinion was accepted by the court).

- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**

No cases of other forms of financial support from the state have been reported.

- **Number of victims of THB who received free legal aid**

All identified victims were aware of their rights and were provided with free legal aid according to their needs.

- **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**

In the reporting period, there were two voluntary returns (adults) from Slovenia and Croatia (labour exploitation), and 1 acceptance of a potential victim of human trafficking from Hungary (a minor).

- **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

In 2015, prosecutors ordered 20 investigations against 30 individuals.

In 2016, prosecutors ordered 7 investigations against 33 individuals.

In 2017, prosecutors ordered 27 investigations against 38 individuals.

In 2018, the Prosecutor's Office issued 41 orders to conduct the investigations against 79 individuals.

In 2019, the prosecutor's office issued 37 orders to conduct the investigations against 48 individuals.

- **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

In 2015, the prosecution filed 9 indictments against 15 individuals.

In 2016, the prosecution filed 5 indictments against 25 individuals.

In 2017, the prosecution filed 9 indictments against 15 individuals.

*In 2018, prosecutors filed 26 indictments against 37 individuals.
In 2019, prosecutors filed 20 indictments against 31 individuals.*

➤ **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

2015. During 2015, the courts handed down 10 convictions against 14 individuals, of which 7 were prison sentences against 9 persons and 3 suspended sentences against 4 individuals. There was also one acquittal against 2 people.

2016. During 2016, the courts pronounced 4 convictions against 10 individuals, of which 4 were prison sentences against 7 individuals and 1 suspended sentence against 3 individuals. Also, there was one acquittal against 1 individual.

2017- During 2017, the courts pronounced 17 convictions against 17 individuals, of which 14 were prison sentences against 14 individuals and 1 suspended sentence against 1 individual, and 2 fines against 2 individuals. Also, in the reporting period, there were 3 acquittals against 3 individuals.

2018- During 2018, the courts handed down 48 convictions against 48 individuals. When it comes to the types of sentences imposed by the courts, the following were imposed: 24 prison sentences against 24 individuals and 1 suspended sentence against 1 individual and 2 fines against 2 individuals. Also, in the reporting period, 2 acquittals were handed down against 2 individuals.

2019- During 2019, the courts pronounced 34 convictions against 34 individuals. The courts issued 4 decisions against 4 individuals rejecting the appeal as unfounded and confirming the first instance verdict. In the reporting period, 7 decisions on imposing educational measures against 7 minors were issued. When it comes to the types of sentences imposed by the courts, the following were imposed: 24 prison sentences against 24 persons and 1 suspended sentence against 1 individual, and 2 fines against 2 individuals. 1 measure of obligatory psychiatric treatment and custody in a health institution was also adopted. Also, in the reporting period, 4 acquittals were handed down against 4 individuals.

➤ **Number of judgments in THB cases resulting in the confiscation of assets.**

No cases of confiscation of property were reported.

➤ **Number of convictions of legal entities for THB.**

No cases have been reported in which convictions for legal persons for human trafficking have been pronounced.