



EVALUATION REPORT

BOSNIA AND HERZEGOVINA

Third evaluation round

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

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

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CONSEIL DE L'EUROPE

Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Council of Europe
F-67075 Strasbourg Cedex
France

trafficking@coe.int

www.coe.int/en/web/anti-human-trafficking

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Executive summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Bosnia and Herzegovina has continued to develop the legislative and policy framework relevant to action against trafficking in human beings. The provisions related to the criminalisation of human trafficking in the Criminal Code of the Republika Srpska were amended and the non-punishment provision was introduced. Further, the Council of Ministers adopted the Strategy for Combating Trafficking in Human Beings for the period 2020-2023 and an Action Plan for its Implementation. Moreover, the four Regional Monitoring Teams entrusted with the co-ordination of anti-trafficking activities were restructured and 18 smaller co-ordination teams were established. The authorities have also set up a statistics portal about human trafficking victims.

Bosnia and Herzegovina is a country of origin, destination and transit of trafficked persons. The number of identified potential victims of trafficking in the period 2017-2021 was 306, which represents an increase compared to the period covered by the second evaluation report. Most of the identified potential victims were children, citizens of Bosnia and Herzegovina, exploited in begging, primarily by family members.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

The implementation of the duty to inform victims of their rights varies in practice and the right to interpretation is not consistently provided. GRETA considers that the authorities of Bosnia and Herzegovina should strengthen the systematic provision of information to victims of trafficking regarding their rights, the services available, as well as the implications of being identified as a victim of trafficking.

Victims who appear in criminal proceedings against traffickers as witnesses or injured parties are entitled to have a legal representative. However, victims are often not made aware of this right and a legal representative is usually involved at a later stage of the criminal proceedings, on the initiative of lawyers from NGOs. GRETA urges the authorities to ensure that legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of trafficking, and that prosecutors instruct victims on their right to legal representation.

Furthermore, GRETA considers that the authorities should strengthen effective access to the labour market for victims of trafficking and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships.

While welcoming court decisions awarding compensation to victims of trafficking, GRETA is concerned that access to compensation for victims of trafficking remains rare and there are still no possibilities for state compensation. GRETA urges the authorities of Bosnia and Herzegovina to ensure that victims obtain a decision on compensation from the offender as part of the criminal trial and to set up without further delay a state compensation scheme accessible to victims of trafficking.

Noting that the number of prosecutions and convictions for human trafficking is low and that the sentences issued by the courts are generally well below the statutory minimum, GRETA urges the authorities to take measures to strengthen the criminal justice response to human trafficking. This should include steps to ensure that human trafficking offences are prosecuted as such, rather than as lesser offences, every time the circumstances of the case allow this, and lead to effective, proportionate and dissuasive sanctions.

GRETA welcomes the adoption of specific legal provisions on the non-punishment of victims of trafficking for offences committed as a result of being trafficked in all jurisdictions in Bosnia and Herzegovina, but considers that the national authorities should make further efforts to ensure full compliance with the non-punishment provision by developing guidance and training to police officers and prosecutors on its implementation.

GRETA considers that the authorities of Bosnia and Herzegovina should make full use of all available measures to protect victims and witnesses of trafficking and to prevent intimidation during the investigation, as well as during and after court proceedings.

Further, GRETA welcomes the setting up of a network of specialised prosecutors and investigators regarding human trafficking and considers that the authorities should further promote specialisation amongst police, prosecutors and judges.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. While noting positively prevention efforts and awareness raising of the risks of child trafficking, GRETA urges the authorities to strengthen the resources of child protection professionals and social workers, increase the availability of accommodation facilities to meet the needs of emergency protection for children at risk, and provide adequate financial support to day-care centres for children in the street.

Although there have been more investigations and prosecutions of child begging, GRETA is concerned by reports that the authorities do not always react appropriately to cases of child begging and child marriages, especially if they concern the Roma community, and urges the authorities of Bosnia and Herzegovina to ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, including by actively involving, wherever necessary, qualified persons from the Roma community.

Steps have been taken to raise awareness and prevent trafficking for the purpose of labour exploitation, but labour inspectorates remain understaffed and under-resourced, which prevents them from playing an active role in combating human trafficking. Noting the low number of detected victims of trafficking for the purpose of labour exploitation, GRETA urges the authorities to provide labour inspectorates with sufficient staff and resources to enable them to play a frontline role in the prevention and identification of trafficking for the purpose of labour exploitation, and to ensure that labour inspectors, law enforcement officers and other relevant actors increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors. The authorities should also pay increased attention to detecting victims of trafficking amongst migrants and asylum seekers, by providing training and issuing clear operational instructions for frontline professionals on identifying and responding to cases of human trafficking, as well as by recruiting or otherwise engaging a sufficient number of trained interpreters and cultural mediators to more effectively interact with migrants and asylum seekers.

Finally, GRETA notes with concern the absence of assistance to victims who are not in shelters and the lack of funding provided to specialised NGOs, which caused them to cease their anti-trafficking activities, and urges the authorities to allocate adequate funding to and further develop co-operation and co-ordination with NGOs providing accommodation and support to victims of trafficking.

Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

In accordance with Article 38, paragraph 1, of 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 of the Convention 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, 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, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

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, access to translation and interpretation, when appropriate, regularisation of the victim’s stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various 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. GRETA’s findings and analysis of these topics are presented in a separate chapter.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Bosnia and Herzegovina on 1 May 2008. GRETA’s first evaluation report¹ on Bosnia and Herzegovina was published on 14 May 2013, and the second evaluation report² on 17 July 2017.

2. On the basis of GRETA’s second report, on 13 October 2017 the Committee of the Parties to the Convention adopted a recommendation to the authorities Bosnia and Herzegovina, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the authorities of Bosnia and Herzegovina was considered at the 23rd meeting of the Committee of the Parties (9 November 2018), and was made public.³

3. On 25 March 2020, GRETA launched the third round of evaluation of the Convention in respect of Bosnia and Herzegovina by sending the questionnaire for this round to the national authorities. The deadline for submitting the reply to the questionnaire was 15 September 2020 and the authorities’ reply was received on 7 September 2020.

4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the authorities of Bosnia and Herzegovina,⁴ the above-mentioned report, and information received from civil society. An evaluation visit to Bosnia and Herzegovina took place from 6 to 10 September 2021 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Julia Planitzer, Second Vice-President of GRETA;
- Mr Sergey Ghazinyan, member of GRETA;
- Mr Mesut Bedirhanoglu, Administrator in the Secretariat of the Convention;
- Ms Asja Žujo, Administrator in the Secretariat of the Convention.

5. During the visit, the GRETA delegation met Mr Samir Rizvo, Assistant Minister of Security and State Co-ordinator for Combating Trafficking in Human Beings, as well as the representatives of the State Ministries of Security, Human Rights and Refugees, Justice, and Foreign Affairs, law enforcement agencies, the Prosecutor’s Office and the Court of Bosnia and Herzegovina. The GRETA delegation also met with relevant ministries and agencies in the Republika Srpska, the Federation of Bosnia and Herzegovina and the Brčko District, including representatives of law enforcement, prosecutor’s offices, the judiciary, training centres for prosecutors and the judiciary, legal aid centres, and Ombudsperson’s offices. The delegation also held a meeting with the representatives of the newly established local co-ordination teams for combating trafficking in human beings.

6. In the course of the visit, the GRETA delegation visited the Ušivak Temporary Reception Centre for migrants, including unaccompanied children, in the Hadžići Municipality.

¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680630d16>

² <http://rm.coe.int/greta-2017-15-fgr-bih-en/1680782ac1>

³ <https://rm.coe.int/cp-2018-19-rr2-bih-en/16808ef25c>

⁴ <https://rm.coe.int/greta-2018-26-bih-rep-en/1680a10559>

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), victims of trafficking and lawyers. The GRETA delegation also met representatives of the International Organization for Migration (IOM), the Organization for Security and Cooperation in Europe (OSCE), the Office of the High Commissioner for Refugees (UNHCR), and the United Nations Children's Fund (UNICEF).
8. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the appendix to this report. GRETA is grateful for the information provided by them.
9. GRETA wishes to place on record the co-operation provided by the authorities of Bosnia and Herzegovina and in particular by Mr Samir Rizvo, State Co-ordinator for Trafficking in Human Beings, as well as the staff of the Department for Combating Trafficking in Human Beings within the State Ministry of Security.
10. The draft version of the present report was approved by GRETA at its 42nd meeting (22-26 November 2021) and was submitted to the authorities of Bosnia and Herzegovina for comments. The authorities' comments were received on 3 February 2022 and were taken into account by GRETA when adopting the final report at its 43rd meeting (28 March – 1 April 2022). The report covers the situation up to 1 April 2022; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Bosnia and Herzegovina

11. Bosnia and Herzegovina is a country of origin, destination and transit of trafficked persons. According to the data provided by the authorities, there were 83 potential victims of trafficking⁵ in 2017 (58 female and 25 male, including 47 children), 36 in 2018 (21 female and 15 male, including 24 children), 61 in 2019 (49 female and 12 male, including 36 children), 70 in 2020 (51 female, 14 male and 5 unknown, including 35 children), and 56 in 2021 (33 female and 23 male, including 49 children). This represents an increase compared to the period covered by the second evaluation report on Bosnia and Herzegovina.⁶ The majority of the potential victims were children (62 %), many of whom were exploited in begging, primarily by family members. Due to their difficult socio-economic situation, members of the Roma community are particularly vulnerable to this form of exploitation. As regards other forms of exploitation, GRETA was informed that sexual exploitation mostly took place in private accommodation, particularly during the COVID-19 pandemic. Most of the identified potential victims were citizens of Bosnia and Herzegovina (282 out of 306), while the foreign victims originated from Serbia, Montenegro, North Macedonia, Libya, Afghanistan, Syria, Iran, Sri Lanka and the Netherlands.

12. Bosnia and Herzegovina has experienced an influx of migrants and refugees since 2018, as part of the increased migration flows in the region towards Western Europe. Approximately 70 000 migrants, including many unaccompanied children, entered the territory of the country between 1 January 2018 and the end of December 2020.⁷ Only a small percentage of them decided to seek asylum in Bosnia and Herzegovina. While persons on the move are particularly vulnerable to becoming victims of human trafficking, only three victims of THB were identified among them (see paragraph 180).

III. Developments in the legal, institutional and policy framework for action against human trafficking

13. As explained in GRETA's previous reports, the legislative framework for combating THB in Bosnia and Herzegovina reflects the State's organisational structure. Consequently, relevant legislation, including criminal codes, exists at the level of the State, the two entities (the Federation of Bosnia and Herzegovina and the Republika Srpska) and the Brčko District. Following the second evaluation of Bosnia and Herzegovina by GRETA, the Criminal Code (CC) of the Republika Srpska was amended to include the terms "servitude", "forced begging" and "other forms of sexual exploitation" in the provision pertaining to trafficking of adults, and the former two types of exploitation were also added to the provision on trafficking in children. The list of means was expanded to include "abuse of authority or influence," and the means "giving or receiving money or other benefits" was complemented with the term "to achieve the consent of a person having control over another person" (see paragraph 82). The non-punishment principle was also enshrined in the relevant provision of the CC of the Republika Srpska (see paragraph 103).

14. GRETA was informed that, pursuant to the 2020-2023 Strategy for Combating Trafficking in Human Beings in Bosnia and Herzegovina ("Anti-Trafficking Strategy"), the State Ministry of Justice plans to propose amendments to the CC of Bosnia and Herzegovina which would introduce forced begging as a form of exploitation in Article 186.

⁵ A person is given the status of a "potential victim" of trafficking when he/she is identified as such by the relevant authority. In order for a person to be considered as a victim of trafficking, a final conviction for the criminal offence of THB has to be handed down by the competent court (see paragraph 177).

⁶ By way of comparison, in the period covered by GRETA's second report, a total of 145 presumed victims of trafficking were identified (16 in 2013, 49 in 2014, 35 in 2015 and 45 in 2016); 73 of whom were children.

⁷ 69 413 arrivals were detected by the authorities between 1 January 2018 and the end of December 2020. See Report of the fact-finding mission by Ambassador Drahoslav Štefánek, Special Representative of the Secretary General on migration and refugees, to Bosnia and Herzegovina, 24-30 January 2021, paragraph 110.

15. In July 2018, a new Law on the Confiscation of Assets Derived from the Commission of a Criminal Offence was adopted in the Republika Srpska (see paragraph 90).

16. The Strike Force for Combating Trafficking in Human Beings ("Strike Force") continues to co-ordinate the criminal justice response to trafficking in human beings in Bosnia and Herzegovina. The composition of the Strike Force changed in October 2020 to include representatives of the Service for Foreigners' Affairs and the Directorate for the Co-ordination of Police Bodies.⁸ Following this development, staff of the above-mentioned directorate attended six training sessions on THB. The Strike Force is chaired by the Chief Prosecutor of Bosnia and Herzegovina and meets once a month. While it does not investigate individual cases of trafficking in human beings, the Strike Force represents a platform for exchange of information and co-ordination of the work of different agencies in order to ensure consistency of practice.

17. In light of the cumbersome structure of the four Regional Monitoring Teams (RMTs)⁹ and problems in their functioning, the Ministry of Security of Bosnia and Herzegovina launched an initiative for the restructuring of the RMTs in 2018. As a result, 18 smaller co-ordination teams were established in 2020, as follows: one team on the level of the Federation of Bosnia and Herzegovina, one team in each of the 10 cantons in the Federation of Bosnia and Herzegovina, six teams in the Republika Srpska,¹⁰ and one team in the Brčko District. Their task is to co-ordinate the response of relevant institutions when it comes to the prevention, investigation and prosecution of THB cases, as well as the assistance of victims. The teams include representatives of the police, prosecution offices, centres for social work and labour inspectorates, as well as other institutions such as health centres, ministries of justice, finance and education, depending on the decision of the entity, Brčko District or the cantonal government establishing the team. GRETA was informed of frequent changes in the membership of some of the co-ordination teams,¹¹ which makes it difficult for them to work on cases in continuity. GRETA notes the importance of providing systematic and comprehensive training on THB to the members of the newly established co-ordination teams, especially in those jurisdictions which have not had many THB cases in the past or where the local authorities decided to appoint as members of co-ordination teams persons without previous experience in THB.¹²

18. Representatives of NGOs are involved in only a limited number of co-ordination teams,¹³ which is a cause for concern for GRETA. GRETA stresses that a close co-operation between the co-ordination teams and specialised NGOs is crucial for the effective implementation of the Anti-Trafficking Strategy and the Action Plan, since these documents contain several measures related to prevention of trafficking and direct assistance to victims of trafficking, which are implemented predominantly by NGOs. Some co-ordination teams have also established mobile teams for identification of victims, which typically include representatives of the police, centres for social work and sometimes NGOs.¹⁴

⁸ For the previous composition of the Strike Force, see paragraph 19 of GRETA's second report on Bosnia and Herzegovina.

⁹ In some cases, RMTs had up to 60 participants (e.g. in Sarajevo), many of whom were not trained on issues related to THB and did not effectively co-ordinate action on individual cases of trafficking. See GRETA's second evaluation report on Bosnia and Herzegovina, paragraphs 22-23.

¹⁰ In Banja Luka, Prijedor, Doboj, Bijeljina, East Sarajevo and Trebinje, in line with the territorial jurisdiction of district prosecutor's offices.

¹¹ This was noted with regard to the co-ordination teams in the Republika Srpska, as well as the Bosnian-Podrinje Canton Goražde where the co-ordinator changed several times.

¹² GRETA was informed that this was the case in the Zenica-Doboj Canton.

¹³ IFS-EMMAUS is part of the teams of Tuzla Canton and the Federation of Bosnia and Herzegovina; the NGO Zemlja Djece is part of Tuzla Canton's team; the NGOs Vermont and Kali Sara (which is a Roma NGO) are part of the Brčko District's team and the NGO Medica Zenica is part of Zenica-Doboj Canton's team.

¹⁴ According to the available information, such teams exist in the Tuzla and Sarajevo Cantons. The mobile team in Tuzla, whose composition is expected to be formalised in the near future, includes a Roma mediator.

19. The State Co-ordinator for Combating Trafficking in Human Beings co-ordinates the activities of relevant stakeholders at the levels of the State, the two entities, the Brčko District and the local authorities. In addition, each entity, canton and the Brčko District have appointed a representative of the respective Ministry of the Interior as their anti-trafficking co-ordinator, responsible for managing the co-ordination teams and THB related activities. GRETA was informed that there was a lack of co-operation between the Republika Srpska and the state institutions, as well as between the Republika Srpska, the Brčko District and the Federation of Bosnia and Herzegovina, which affects seriously the co-operation among relevant public institutions in combating trafficking, including in areas such as data collection and training. Despite the existence of the State Co-ordinator and two entity co-ordinators, given the fragmented institutional framework of Bosnia and Herzegovina, GRETA is concerned that the strict political and geographical separation of the co-ordination teams might lead to the development of inconsistent standards and practices in combating trafficking and protecting victims' rights.

20. While welcoming the restructuring of the Regional Monitoring Teams, GRETA considers that the authorities of Bosnia and Herzegovina should strengthen the co-operation among different co-ordination teams and with specialised NGOs to ensure coherence across the country in terms of identification of victims and their access to support services. GRETA further considers that the authorities of Bosnia and Herzegovina should ensure that the members of the co-ordination teams receive systematic and continuous training on THB and related topics, especially in those areas which have not dealt with THB cases in the past.

21. On 23 January 2020, the Council of Ministers of Bosnia and Herzegovina adopted the Strategy for Combating Trafficking in Human Beings in Bosnia and Herzegovina for the period 2020-2023. Subsequently, a working group, established by the Ministry of Security, prepared an Action Plan for the Implementation of the Strategy, which was adopted by the Council of Ministers on 22 October 2020. The strategic objectives outlined in the Strategy and Action Plan can be summarised as follows: i) to organise functional and sustainable support systems for the prevention, suppression and, in particular, prosecution of perpetrators of THB in Bosnia and Herzegovina; ii) to develop a proper perception and understanding of citizens and professionals about THB, and mechanisms to prevent and limit the possibility of the emergence and subsistence of THB; iii) to enhance detection and prosecution of perpetrators of THB and the related crimes; iv) to ensure sustainable programmes and procedures for proactive protection and assistance for victims of all forms of THB in Bosnia and Herzegovina, especially for vulnerable groups; and v) to improve the co-operation of competent institutions and authorised organisations, at all levels of government, in order to more effectively confront, suppress, and combat various forms of THB in Bosnia and Herzegovina and at the international level. The evaluation of the implementation of the new Action Plan is entrusted to the Strategy Implementation Monitoring Team set up for this purpose by a decision of the Minister of Security of Bosnia and Herzegovina dated 21 July 2021, led by the State Co-ordinator and including all co-ordinators from the newly established co-ordination teams.

22. All local and entity jurisdictions have adopted action plans for combating THB, which follow the structure of the state Anti-Trafficking Strategy and outline the activities of the co-ordination teams and the relevant institutions. World Vision and IOM have provided expert support to the local teams in developing the action plans.

23. In 2020, the State Ministry for Human Rights and Refugees finalised the draft Action Plan for the Inclusion of the Roma in Bosnia and Herzegovina for 2021-2025. The action plan has not yet been submitted to the Council of Ministers for adoption, as the opinions of all the relevant local governments are still being collected. GRETA was informed that the priority areas outlined in the Action Plan include civil registration of the Roma population, anti-discrimination, anti-gypsyism, provision of housing, employment, health care and education.

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

24. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

25. The right to effective remedies is a reflection of the human-rights based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.¹⁵

26. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹⁶ the right to an effective remedy is considered to include restitution,¹⁷ compensation,¹⁸ rehabilitation,¹⁹ satisfaction²⁰ and guarantees of non-repetition.²¹ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken

¹⁵ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement of 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

¹⁶ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹⁷ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹⁸ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

¹⁹ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

²⁰ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims or their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

²¹ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

to improve access to justice and fair treatment, restitution, compensation and social assistance for victims of crime.²²

27. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be imposed penalties for their involvement in unlawful activities committed while they were being trafficked. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

28. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.²³

29. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²⁴ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²⁵ and Justice at Last - European Action for Compensation of Victims of Crime,²⁶ which aim to enhance access to compensation for trafficked persons.

30. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²⁷ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁸ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

31. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

²² United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

²³ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8, available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

²⁴ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²⁵ <http://www.compactproject.org/>

²⁶ <http://lastradainternational.org/about-lsi/projects/justice-at-last>

²⁷ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁸ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

2. Right to information (Articles 12 and 15)

32. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

33. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.²⁹

34. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation, and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.³⁰

35. In Bosnia and Herzegovina, victims of human trafficking are supposed to be informed of their rights by the agency or NGO with which they first come into contact. In case of foreign victims, it is the Service for Foreigners' Affairs (SFA) that conducts the first interview with the potential victim. Foreign victims are entitled to be informed of, and to receive legal assistance with regard to their rights and obligations, in a language they understand, by the SFA and the staff of the shelter where they are placed.³¹ The SFA and the NGO Vaša prava have produced information materials for asylum seekers, but there do not appear to be any similar materials with information for potential victims of trafficking.

36. A potential victim of trafficking who is a citizen of Bosnia and Herzegovina may first come into contact with a variety of actors, including the police, social welfare centres, NGOs and legal aid providers. According to Article 11 of the "Rulebook on the Protection of Victims and Victims-Witnesses of THB who are Citizens of Bosnia and Herzegovina", a victim of trafficking will be provided with legal aid which includes information about the relevant judicial and administrative proceedings and assistance in fulfilling their rights to social protection, compensation and other rights. Since the establishment of the new local co-ordination teams, new comprehensive guidelines have been introduced, which provide, *inter alia*, an overview of the Council of Europe Anti-Trafficking Convention and the relevant national legislation, the duties of the members of co-ordination teams and representatives of other relevant institutions with regard to the identification and assistance to victims of THB, instructions on the conduct of interviews with potential victims of trafficking, including children, as well as a detailed list of indicators for different types of exploitation.

37. The implementation of the duty to inform victims of their rights varies in practice and some of the interlocutors met by GRETA stressed the need for more training for representatives of institutions and organisations who interact with victims of trafficking, including centres for social work and shelter staff, especially with regard to the right to legal aid and compensation.

²⁹ See Explanatory Report on the Convention, paragraphs 160-162.

³⁰ See GRETA's 8th General Report, paragraphs 168-169

³¹ Rulebook on the protection of foreign victims of THB, Article 18.

38. Victims of trafficking who participate in criminal proceedings as witnesses or injured parties must be informed of their rights related to the proceedings by the court, the prosecutor, and other officials taking part in the proceedings.³² The Criminal Procedure Codes (CPC) of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and Brčko District also explicitly provide that injured parties shall be informed of their right to file a property claim and asked if they wish to file such a claim.³³ However, GRETA was informed that judges and prosecutors often fail to inform victims of their rights, as the focus is on the rights of the defendants in criminal proceedings. Amendments to the CPC of the Republika Srpska, adopted in March 2021, introduced the possibility for the injured party to take over the prosecution when the prosecutor decides not to pursue the case after the confirmation of the indictment, providing for a number of rights.³⁴ GRETA was told that the working group which is currently reviewing the CPC of the Federation of Bosnia and Herzegovina is also considering introducing amendments which would give more rights to injured parties and consequently impose an explicit obligation on the court and prosecution to inform them of these rights. Amendments to the CPCs of the Brčko District and Bosnia and Herzegovina are also being prepared.

39. GRETA was informed that courts in Bosnia and Herzegovina have witness support sections or staff members who provide psychological support to witnesses and information related to their testimony before the court. Some courts have also developed leaflets on the rights of witnesses in criminal proceedings, including the right to file a property claim.

40. Victims of trafficking who participate in criminal proceedings as witnesses or injured parties are entitled to be provided with interpretation. GRETA was informed that victims of trafficking are also entitled to interpretation whenever they interact with the authorities and in the proceedings concerning their status. However, it appears that interpretation is not provided in other types of civil and administrative proceedings in which they may take part, such as those concerning compensation claims, and if victims do not speak one of the official languages they are obliged to cover the cost of oral and written translation of the proceedings and the evidence presented.³⁵ According to the authorities, the SFA has a separate budget for interpretation services and regularly engages interpreters, some of whom have contracts with the SFA. Interpreters are available for all of the languages in which they have a brochure, and in case of a rarer language, they use interpreters from NGOs. However, GRETA is concerned that the right to interpretation is not consistently provided in practice. GRETA was informed that the Border Police and the SFA do not provide interpretation to foreigners at the initial interview when they are asked whether or not they intend to seek asylum. Moreover, there is no certified interpreter for the Romani language, although GRETA was informed that non-certified interpreters have been engaged in court proceedings when necessary. GRETA was also made aware of a case of two victims of trafficking whose asylum procedure has been delayed for two years due to a lack of certified interpreters for their native language.

41. GRETA considers that the authorities of Bosnia and Herzegovina should strengthen the systematic provision of oral and written information to presumed and formally identified victims of trafficking, in a language they can understand, regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. Law enforcement officers, prosecutors, judges, members of the local coordination teams, as well as the staff of reception centres for migrants and shelters for victims of trafficking, should be trained and instructed further on how to properly explain to victims of THB their rights, taking into account the victim's cognitive skills and psychological state.

³² See Article 12 of the CPC of Bosnia and Herzegovina, Article 13 of the CPC of the Federation of Bosnia and Herzegovina, Article 12 of the CPC of the Republika Srpska, and Article 12 of the CPC of Brčko District.

³³ See Article 86(10) of the CPC of Bosnia and Herzegovina, Article 100(10) of the CPC of the Federation of Bosnia and Herzegovina, Article 151(10) of the CPC of the Republika Srpska, and Article 86(10) of the CPC of the Brčko District.

³⁴ Law on the Amendments to the CPC of the Republika Srpska, 3 March 2021, Article 1.

³⁵ See Articles 11 and 255 of the Law on Civil Procedure before the Court of Bosnia and Herzegovina.

42. **GRETA also considers that the authorities of Bosnia and Herzegovina should take additional steps to ensure the availability of interpreters for different languages, including the Romani language.**

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

43. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³⁶ also recognises, in certain circumstances, the right to free legal assistance in civil matters on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in civil matters, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

44. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³⁷

45. All victims who appear in criminal proceedings against traffickers as witnesses or injured parties are entitled to have a legal representative. However, since the injured party is not a party to the proceedings, the actions that can be undertaken by his/her legal representative are limited to the provision of legal advice in relation to testimony as a witness and assistance in the filing of the property claim (see paragraph 70). An exception to this rule is found in the CPC of the Republika Srpska which was amended in February 2021 to allow for the injured party to take over as prosecutor in case the prosecutor drops the charges against the defendant. In these cases, the injured party, with the assistance of a legal representative, can propose and present evidence. There is still no jurisprudence in relation to the application of the amended provisions of the CPC of the Republika Srpska.

46. GRETA was informed that a lawyer who acts as a legal representative of a child in criminal proceedings must be certified in accordance with the relevant laws on the protection and treatment of children and minors in criminal proceedings. Moreover, a child is automatically entitled to legal aid, by virtue of the application of the relevant conventions on the rights of children. However, in practice, the legal guardian of a child victim of trafficking, appointed by the relevant centre for social work, or staff of the shelter where a child is accommodated may not be sufficiently familiar with the rights of children in court proceedings, including the right to receive free legal aid. GRETA was informed of cases involving child victims of trafficking in which the legal guardian was reluctant or even declined to provide their consent to the request from an NGO to act as a legal representative of a child in criminal proceedings and assist him/her with seeking compensation from the accused.

47. Free legal aid is provided by representatives of free legal aid centres as well as any other lawyers who are members of the relevant Bar Association, in accordance with the laws on free legal aid which exist on the level of State, Republika Srpska, Brčko District and in all cantons in the Federation of Bosnia and Herzegovina except for Central Bosnia Canton. The eligibility criteria and the scope of legal aid provided vary in different jurisdictions and, according to the available information, they are not always consistently applied within one jurisdiction³⁸ (particularly in the cantons where legal aid is provided on the

³⁶ *Airey v. Ireland* judgment, 9 October 1979.

³⁷ See 8th General report on GRETA's activities.

³⁸ Hajrija Hadžiomerović Muftić, Tea Pripoljac and Aida Ćosić, Provision of Legal Aid and Representation for Victims of Trafficking in Persons in Judicial Proceedings, p. 28. The report was prepared as part of a project "Victim-Centered approach to

municipal level). In order to be granted access to free legal aid, the relevant laws require either that the person seeking legal aid be a citizen/resident of Bosnia and Herzegovina with residence in the relevant administrative unit or be a person under international protection (such as a victim of human trafficking or an asylum seeker, in which case the provision of legal aid may not require proof of poor financial status). Although some of the laws mention explicitly victims of human trafficking, GRETA was informed that legal aid centres usually focus on lesser criminal offences and lack the capacity and expertise to deal with cases of trafficking. GRETA was also informed by the authorities of Bosnia and Herzegovina that the staff of legal aid centres are involved in THB-related training in order to strengthen the role of legal aid centres in representing victims of trafficking.

48. Since the adoption of the new Law on Free Legal Aid in the Republika Srpska in 2020, the legal aid centre in this entity³⁹ only provides legal assistance and representation in civil proceedings, while criminal proceedings are covered by lawyers appointed *ex officio*. So far, the legal aid centre has not received any requests from victims of trafficking.

49. Since GRETA's second evaluation of Bosnia and Herzegovina, an office for free legal aid was also established within the State Ministry of Justice,⁴⁰ currently consisting of three staff members. While this office is competent to provide free legal aid before bodies and institutions of Bosnia and Herzegovina, including the Court of Bosnia and Herzegovina, they have so far not had any requests for assistance from victims of trafficking.

50. GRETA was informed that the Office for Legal Aid of the Brčko District employs six lawyers, which was deemed sufficient for the needs of the citizens of the District. Victims of trafficking are entitled to receive free legal aid in both criminal and civil proceedings without means testing, as they fall under the category of cases involving the application of international conventions which are binding for Bosnia and Herzegovina. Although they have provided legal advice to victims of trafficking in the past, there have been no cases in the Brčko District where victims were represented by lawyers of the centre in court proceedings.

51. As a result of the limited capacity of the legal aid centres, legal assistance and free legal aid are mostly provided to victims of trafficking by specialised NGOs, in particular Vaša prava ("Your Rights"), which has a memorandum of understanding with the State Ministries of Security and Human Rights and Refugees for the provision of legal aid to victims of trafficking, and the NGO Centar ženskih prava ("Women's Rights Centre") from Zenica. They are mostly funded by international organisations. Vaša prava has approximately 35 lawyers in different offices around the country, divided into teams which provide legal assistance to migrants, asylum seekers and victims of trafficking. It has recently had to let go a number of staff members due to a cut in funding. Its main focus in the recent years has been on the provision of legal assistance to asylum seekers and its main source of funding is the UNHCR. Centar ženskih prava has nine staff members, three of whom are lawyers. However, only one of them has passed the lawyer's exam and can represent clients in court. Both Vaša prava and Centar ženskih prava closely co-operate with NGOs providing assistance to victims of trafficking, in particular Medica Zenica and IFS-Emmaus, with which they collaborated on the preparation of a manual for provision of legal aid to victims of human trafficking, published at the beginning of 2021.⁴¹ Within the same project, basic and advanced training was provided to 51 representatives of the Bar Associations in the Federation of Bosnia and Herzegovina and Republika Srpska, centres for free legal aid, judicial and prosecutorial training centres,

Prevention of Trafficking in Persons in Bosnia and Herzegovina: Improving Identification, Protection and Access to Justice" implemented by IFS-Emmaus and supported by USAID.

³⁹ The legal aid centre has offices in Banja Luka, Doboj, Bijeljina, East Sarajevo, and Trebinje which employ a total of 12 lawyers, all of whom have passed the bar exam and have at least two years of experience.

⁴⁰ Based on the state-level Law on Free Legal Aid adopted in 2016, which lists victims of trafficking as one of the categories eligible for the provision of free legal aid without means testing. It is sufficient for the person requesting free legal aid to provide a document from the competent authority showing that they are a victim of trafficking.

⁴¹ The manual was prepared as part of the project "Approach to the Prevention of Trafficking in Human Beings in Bosnia and Herzegovina focused on the victim; improving the identification, protection and access to justice – VICAPT," supported by the USAID.

and civil society organisations specialised in the provision of free legal aid. However, GRETA notes that training on THB is not incorporated in the regular curricula for the training of lawyers. Several other NGOs, such as Žena BiH, which provide assistance to victims of violence, including trafficking victims, provide legal counselling but their capacity is limited due to a lack of funding.

52. GRETA was informed that victims of trafficking are often not made aware of their right to free legal aid⁴² and that if a legal representative is involved it is usually at a later stage of criminal proceedings. This was attributed to a lack of co-ordination between the actors involved, namely, shelters where victims are accommodated are often not informed of the criminal proceedings in which a victim appears as a witness/injured party. Moreover, there is a lack of initiative on the part of prosecutors and a lack of understanding among social workers (acting as legal guardians for child victims) and some shelter staff regarding the right of victims to be provided with legal aid and the benefits this may confer on them. It is of note that in the few cases in which victims of trafficking had legal representatives in criminal proceedings who helped them file compensation claims, this was done on the initiative of lawyers from NGOs and/or as part of a project implemented by IFS-Emmaus.⁴³ In such cases, NGOs do not only provide legal representation for victims in court proceedings, but they also often assist them with obtaining personal documents and any financial support they may be entitled to, enrolling in school or opening a bank account.⁴⁴ GRETA was informed that there was an attempt to secure *pro bono* legal assistance for victims of trafficking during workshops in which lawyers took part, but that no lawyers were interested in participating.

53. GRETA urges the authorities of Bosnia and Herzegovina to take further steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that:

- **legal assistance is provided systematically and as soon as there are reasonable grounds for believing that a person is a victim of trafficking;**
- **prosecutors instruct victims of THB on their right to legal representation and such representation is secured at the early stage of criminal proceedings. In this regard, prosecutors and the police should routinely inform shelters where victims are accommodated and legal guardians assigned to child victims that criminal proceedings have been initiated;**
- **centres for legal aid play a greater role in providing free legal aid to victims of trafficking. In this regard, the criteria for receiving free legal aid from the legal aid centres should be harmonised throughout the country;**
- **adequate funding is secured for NGOs and centres for legal aid providing free legal aid to victims of trafficking;**
- **the authorities and the Bar Associations encourage training and specialisation of lawyers to provide legal aid to trafficking victims.**

⁴² This is particularly true in the case of domestic victims of trafficking, as foreign victims are usually informed during the investigation phase.

⁴³ The project "Victim-Centred approach to Preventive Trafficking in Persons in Bosnia and Herzegovina: Improving the Identification, Protection and Access to Justice", supported by USAID.

⁴⁴ Hajrija Hadžiomerović Muftić, Tea Pripoljac and Aida Ćosić, *Provision of Legal Aid And Representation for Victims of Trafficking in Persons in Judicial Proceedings*, p. 26.

4. Psychological assistance (Article 12)

54. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.⁴⁵

55. In Bosnia and Herzegovina, both foreign and domestic victims of trafficking are entitled to receive psychological support, in accordance with Article 15(1) of the Rulebook on the Protection of Foreign Victims of Trafficking in Persons and Article 12(1) of the Rulebook on the Protection of Victims and Victims-Witnesses of THB Who Are Citizens of Bosnia and Herzegovina. Psychological assistance is provided by NGOs, some of which have psychologists among their staff, or through the health care system, mainly through mental health care centres. Migrants who are housed in migration centres and who do not have documents are provided with health care, including psychological support, by the Red Cross. Victims of trafficking who participate in criminal proceedings as witnesses are entitled to psychological support (see paragraph 39).

56. GRETA welcomes the provision of psychological support to victims of trafficking and invites the authorities of Bosnia and Herzegovina to continue their efforts in this regard.

5. Access to work, vocational training and education (Article 12)

57. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.⁴⁶ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁴⁷

58. Vocational training and other measures aimed at assisting victims with reintegration into society are mostly provided by NGOs with the support of international organisations. The NGO IFS-Emmaus prepares an individual programme for the recovery and reintegration of each victim of trafficking. The NGO Medica Zenica also provides victims accommodated in its shelter with courses and workshops on sewing, upholstery, jewellery making, knitting, crocheting and embroidery. GRETA was not informed of any government-sponsored employment programmes for victims of trafficking.

59. GRETA was informed that unemployment is particularly high among the Roma population and although local governments have developed action plans for the education and employment of the Roma, there has not been much effect on the ground due to a lack of funding to implement the measures. A number of other NGOs, such as Bolja budućnost from Tuzla, Lara from Bijeljina and Novi put from Mostar have activities aimed at the education and empowerment of vulnerable persons, particularly from the Roma community. However, GRETA has been informed that the funding is not sufficient to ensure long-term support to victims. Occupational activities are provided also to migrants in the Ušivak and Blažuj reception centres by World Vision BiH and other NGOs.

⁴⁵ OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

⁴⁶ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁴⁷ See 8th General report on GRETA's activities.

60. Primary education is mandatory in Bosnia and Herzegovina and child victims of trafficking in human beings who are accommodated in shelters attend school in the local community. GRETA was informed that if children are unable to attend school for security reasons while they are in the shelter, they are given an opportunity to complete classes at a later time. Roma children who have been victims of trafficking for forced begging or forced marriages are especially vulnerable and at greater risk of being trafficked or re-trafficked if they do not regularly attend school. The NGO Medica Zenica also provides language classes to foreign children accommodated in their safe house in order to enable them to attend local schools.

61. GRETA considers that the authorities of Bosnia and Herzegovina should strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

6. Compensation (Article 15)

62. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

63. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

64. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

65. There have been no changes to the legal framework concerning compensation to victims of trafficking in Bosnia and Herzegovina. GRETA was informed that no progress has been made with regard to the draft law on the setting up of a state-level compensation fund for victims of trafficking in human beings which was developed by a working group set up within the project "Balkans ACT Now!" in 2016 and submitted to the Ministry of Justice for further processing.⁴⁸

⁴⁸ See GRETA's second evaluation report on Bosnia and Herzegovina, paragraph 137.

66. In Bosnia and Herzegovina, victims of trafficking can seek compensation for material and non-material damages from the perpetrator in criminal and civil proceedings. When a property claim is filed by the victim in criminal proceedings, the prosecutor has an obligation to collect and present evidence in support of the claim in the indictment and during the proceedings, and the court must decide on the claim when issuing the first instance verdict. If the court issues a guilty verdict, it can decide to order the defendant to compensate the victim in whole or in part. The victim has the right to appeal the decision on the property claim.⁴⁹ The court may also propose to the injured party and the defence to settle the property claim through mediation. In cases where the defendant and the prosecution conclude a plea-bargaining agreement, before accepting the agreement the court must verify whether or not the injured party was given an opportunity to file a property claim and such a claim is included in the agreement submitted to the court.

67. GRETA was informed that in most criminal cases where the defendant is found guilty judges do not decide on the property claim, based on the assessment that doing so would considerably prolong the proceedings, and they refer victims to civil proceedings instead. It appears that this is at least partly due to the failure of the prosecution to present evidence in support of the claim. However, GRETA was also informed of cases where there was enough evidence to decide on the property claim but the court nonetheless decided to refer the victim to civil proceedings. GRETA was informed that the evidence required to decide on a claim for non-material damages would consist of an assessment and testimony by a psychologist, and there are orientation criteria which can be used to calculate the amount of damages.⁵⁰ In case the defendant is acquitted of the charges, the victim will be referred to seek compensation in civil proceedings.

68. Compensation claims filed in civil proceedings are regulated by the Laws on Obligation of Bosnia and Herzegovina, the entities and Brčko District. If the defendant was acquitted in criminal proceedings or no such proceedings were conducted, in addition to the amount of damage, the victim must prove the basis for his/her claim, i.e. that he/she is a victim of trafficking. As mentioned in GRETA's second evaluation report, the fact that the burden of proof falls on the victim as well as a number of other factors including the high cost of proceedings, discourage most victims from seeking compensation from the perpetrator in civil proceedings.⁵¹ Foreign victims of trafficking can claim compensation in court proceedings after they return to their home country. GRETA was informed of one such case in which four injured parties from Serbia were awarded compensation for non-material damages in civil proceedings before the Basic Court in Doboj in December 2017, based on the convictions for THB for sexual exploitation issued in two criminal cases before the Court of Bosnia and Herzegovina against two accused in 2012 and 2013.⁵² The victims were represented by the NGO *Vaša prava*, upon request from the NGO *ASTRA* from Serbia. It is not known whether the compensation was actually paid out to the victims. It is of note that approximately 70,000 euros of proceeds from the criminal offence were confiscated from one of the defendants during the criminal proceedings.

69. Victims of trafficking for the purpose of labour exploitation can seek compensation for unpaid wages and social security contributions from the employer, on the basis of the relevant labour laws. However, it is not possible to seek compensation for unpaid earnings from prostitution since prostitution is illegal in Bosnia and Herzegovina. GRETA was informed that, under the relevant Laws on Obligation, the proceedings related to violations of labour laws are conducted with expediency and involve shorter

⁴⁹ The procedure for the filing and granting of property claims is set out in Chapter XII of the CPC of the Republika Srpska, Chapter XVII of the CPC of the Federation of Bosnia and Herzegovina and the CPC of the Brčko District. GRETA has received somewhat conflicting information as to whether the victim needs to fill out a form when filing the property claim or it is sufficient to inform the prosecutor and the court of his/her intention to seek compensation, either orally or in writing.

⁵⁰ For example, GRETA was informed that such criteria, applicable to the determination of non-material damages in criminal proceedings, were developed by the Supreme Court of the Federation of Bosnia and Herzegovina.

⁵¹ See GRETA's second evaluation report on Bosnia and Herzegovina, paragraph 135.

⁵² Two of the injured parties were awarded BAM 6 000 (around 3 000 euros) plus interest for pain and suffering as a result of the criminal offence, to be paid by both defendants, while the other two injured parties were awarded, respectively, BAM 1 300 (approximately 650 euros) and BAM 3 500 (approximately 1 750 euros) from the first defendant. The judgment was confirmed by the District Court of Doboj.

deadlines. GRETA was also informed that the relevant criminal codes prescribe the criminal offence of "violation of fundamental rights of workers," which includes "non-compliance with regulations relating to the conclusion of contracts."

70. Victims of trafficking are entitled to receive free legal aid, which includes assistance with the filing of compensation claims in criminal and civil proceedings. Although the evidence in support of a compensation claim is presented by the prosecutor in criminal proceedings, the legal representative of the victim plays an important role in advising and assisting the victim when filing the property claim and throughout the proceedings. In all of the criminal cases in which compensation was awarded by the court the victim was represented by a lawyer working for one of the specialized NGOs. GRETA notes with concern that victims are often not made fully aware of their right to file a property claim in criminal proceedings⁵³ and that the initiative to file a request for compensation and present evidence in support of it is taken by NGOs rather than the acting prosecutor. In this regard, it is also of concern that NGOs which can provide legal assistance to victims are often involved at a late stage of the proceedings and only as a result of information received from other NGOs or international organisations.

71. GRETA was not provided with the official number of claims for compensation that were filed and/or decided in criminal cases during the period covered by the report. According to an analysis of criminal cases in the period 2014-2019, conducted by the NGO Centar ženskih prava, in the vast majority of the analysed cases (involving THB and related offences) where victims were recognised as injured parties, they were referred to seek compensation in civil proceedings without any explanation. This effectively limited their right to appeal the decision before the second instance court. In other cases, the victim was not even recognised as an injured party and/or was not informed of the right to appeal the decision on the property claim. It appears that no victims have been awarded compensation in civil proceedings, apart from the case mentioned in paragraph 68.

72. GRETA was made aware of two criminal cases adjudicated during the period covered by the report in which victims were awarded non-material damages. In the first case, the defendant was found guilty by the District Court of Banja Luka in February 2019⁵⁴ of trafficking in children and sentenced to five years of imprisonment. The court accepted the proposal of the legal representative of the victim, Centar ženskih prava, and awarded her non-material damages in the amount of BAM 7 500 (approximately 3 800 euros) – BAM 2 500 (approximately 1 300 euros) for the fear she suffered and BAM 5 000 (approximately 2 500 euros) for the "diminished life activity".⁵⁵ It is not known whether or not the victim actually received the awarded amount of compensation. The prosecutor in the case had ordered expert opinions from a psychiatrist and a psychologist who also testified during the main trial. The court presented these testimonies in detail in the first instance judgment and relied on them when deciding on the property claim. GRETA was informed that this was the first case in Bosnia and Herzegovina in which a victim of THB was awarded non-material damages in criminal proceedings. The second case, also adjudicated by the District Court of Banja Luka, concerned the criminal offence of trafficking in children in relation to the criminal offence of non-marital co-habitation with a child. The first accused was found guilty of both offences in July 2021 and sentenced to five and a half years of imprisonment.⁵⁶ He was ordered to pay non-material damages to the victim in the amount of BAM 5 000 (approximately 2 500 euros) for the "diminished general life activity." The judgment is not yet final.

⁵³ The obligation to inform the victim of this right stems from the general provision, contained in all four criminal procedure codes, that the court, prosecution and other relevant authorities, shall inform all participants in the proceedings of their rights under the law. Moreover, it is explicitly prescribed that the injured party who is heard as a witness shall be asked whether he/she wishes to file a property claim. See footnotes 38 and 39.

⁵⁴ The judgment was confirmed by the Supreme Court of the Republika Srpska in September 2020.

⁵⁵ The amount was calculated based on the orientation criteria for the calculation of compensation.

⁵⁶ The other two defendants were found guilty of non-marital co-habitation with a child and aiding in the commission of non-marital co-habitation with a child, respectively and were sentenced to a suspended sentence of one year of imprisonment (in the case of one of the accused), and a fine in the case of both of the accused.

73. GRETA was informed that the relevant laws on the state, entity and Brčko District levels provide for the seizure and confiscation of assets obtained through or used in the commission of a criminal offence (see paragraph 90). Seized assets could be used to compensate victims in cases in which the court convicts the perpetrator and approves the property claim filed by the victims. However, GRETA was informed that no assets have been confiscated from perpetrators in THB cases during the period covered by this report.

74. As mentioned above, a draft law on the setting up of a compensation fund for victims of trafficking in human beings was prepared and submitted to the Ministry of Justice of Bosnia and Herzegovina for further processing in 2016. The law would allow victims of trafficking to be compensated out of this fund following the completion of criminal proceedings. Regrettably, there has not been much progress with regard to the adoption of this law, although the establishment of compensation funds for victims of trafficking is one of the measures foreseen in the Strategy for Combating Human Trafficking in Bosnia and Herzegovina (2020-2023) (see paragraph 65). GRETA was informed that this is a contested political issue, since there is no agreement as to which level of government would finance the fund. According to information provided by the authorities, the Council of Ministers decided in January 2020 to form another working group to draft a law on the establishment of a fund for compensation to victims of trafficking in human beings during the period 2022-2023, in line with the Anti-Trafficking Strategy.

75. GRETA was also informed that a number of training sessions on compensation of victims of trafficking had been provided to judges and prosecutors, including one organised by the OSCE at the beginning of September 2021. According to the training programme of the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina, which organises training together with the respective centre from the Republika Srpska, three training sessions on the confiscation of assets obtained through the commission of a criminal offence were provided to about 20 judges, prosecutors and other official persons (per training) during the course of 2021.

76. GRETA welcomes the court decisions awarding compensation to victims of trafficking, as well as the efforts to provide training to judges and prosecutors on this topic. Nonetheless, GRETA is concerned that access to compensation for victims of trafficking remains rare. Considering that the availability of state compensation is a requirement under Article 15, paragraph 4, of the Convention, GRETA is concerned that there is still no state compensation fund for victims of THB in Bosnia and Herzegovina.

77. GRETA urges the authorities of Bosnia and Herzegovina to make further efforts to guarantee effective access to compensation for victims of THB, in particular by:

- **systematically informing victims of trafficking of their right to seek compensation in criminal and civil proceedings and the procedure to be followed, and ensuring that they are provided with effective legal assistance from the early stage of the proceedings in order to exercise this right;**
- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;**
- **ensuring that victims obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered/awarded;**
- **making full use of the legislation on the seizure and confiscation of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;**

- **supporting victims to effectively enforce compensation orders, including by ensuring that they have access to free legal aid;**
- **including the topic of compensation in the regular training curricula for lawyers, prosecutors and judges;**
- **setting up without further delay a state compensation scheme accessible to victims of THB, regardless of their nationality and immigration status.**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

78. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

79. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

80. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

81. As mentioned in the second evaluation report,⁵⁷ the Criminal Codes (CC) in Bosnia and Herzegovina were amended in 2013-2016 to include for the first time the criminal offence of trafficking in human beings on the entity and Brčko District levels and to limit the jurisdiction of the Prosecutor's Office and Court of Bosnia and Herzegovina to "international trafficking in human beings."⁵⁸ The sentences foreseen by the CCs of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Brčko District are harmonised while the CC of the Republika Srpska foresees lower minimum sentences in most cases.⁵⁹

⁵⁷ GRETA's second evaluation report on Bosnia and Herzegovina, paragraphs 147-155.

⁵⁸ Cases involving citizens of Bosnia and Herzegovina who are exploited abroad or foreigners who are exploited in Bosnia and Herzegovina.

⁵⁹ Namely, minimum sentences of five years' imprisonment for the basic form of trafficking/international trafficking (three years in the Republika Srpska), 10 years' imprisonment in case of trafficking/international trafficking of persons under the age of 18/children (five years in the Republika Srpska) and 10 years for offences committed by official persons (in the Republika Srpska: eight years if the victim is an adult and 10 years if he/she is a child), while a minimum sentence of 10 years of imprisonment is foreseen in all codes for cases in which the criminal offence results in serious health damage, grievous bodily harm or death (12 years in Republika Srpska if the victim is a child). The CC of the Republika Srpska prescribes a higher minimum sentence (eight years) for the aggravating form of trafficking in children, namely when one of the means is used.

Harsher punishment is foreseen in all codes in cases where the criminal offence was committed as part of an organised criminal group or by persons in an official position. GRETA notes that the harmonisation of legislation to provide for the same minimum punishment for the basic form of the offence is foreseen in the THB Strategy. According to information provided by the authorities, further amendments to the criminal legislation are currently being prepared by the relevant working groups.

82. Since the publication of GRETA's second evaluation report on Bosnia and Herzegovina, the provision of the CC of the Republika Srpska pertaining to trafficking of adults (Article 145(1)) was amended to include "other forms of sexual exploitation," "forced begging," and "servitude" in the list of forms of exploitation, while "forced begging" and "servitude" were added among the forms of exploitation in the provision on trafficking in children (Article 146(1)). Moreover, "abuse of authority or influence" was included in the list of means, while the means "giving and receiving money or other benefits" was complemented with the term "to achieve the consent of a person having control over another person." GRETA was informed of plans to include forced begging among the types of exploitation in the CC of Bosnia and Herzegovina. GRETA notes several remaining discrepancies in the criminal legislation, in addition to the different minimum penalties described above. Namely, the Criminal Codes of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Brčko District retained the criminal offence "international enticement to prostitution"/"enticing to prostitution,"⁶⁰ while the CC of the Republika Srpska contains the criminal offence "soliciting a child to prostitution,"⁶¹ which appear to contain some overlapping elements with the offence "trafficking of human beings."

83. GRETA welcomes the above-mentioned amendments and invites the authorities of Bosnia and Herzegovina to ensure consistent application of the relevant provisions across the country by providing for the same minimum punishment for the basic offence of THB in all four Criminal Codes and by removing any overlapping elements from the provisions on criminal offences related to trafficking in human beings.

84. All four codes also criminalise the use of services of victims of trafficking.⁶² However, GRETA was informed that there has been no case-law to date regarding the application of these provisions.

85. As described in GRETA's second evaluation report,⁶³ under Chapter 14 of the State CC⁶⁴ legal persons can be held criminally liable for offences perpetrated in the name of, for account of or in favour of the legal person. The penalties include fines, confiscation of property and dissolution of the legal person when its activities were entirely or partly used for the purpose of perpetrating criminal offences. The Criminal Codes of the entities and Brčko District contain similar provisions regarding the criminal liability of legal persons.⁶⁵ According to the authorities, there have been no criminal prosecutions of legal entities for cases involving THB. **GRETA once again invites the authorities of Bosnia and Herzegovina to keep the application of the corporate liability provisions in THB cases under review with a view to ensuring that they are effectively applied in practice.**

⁶⁰ Article 187 of the CC of Bosnia and Herzegovina, Article 210 of the CC of the Federation of Bosnia and Herzegovina, and Article 207 of the CC of the Brčko District, containing similar text, namely, "Whoever, in order to achieve material gain or other benefits, entices, incites or lures another into prostitution or whoever, in any way, enables turning a person over to another for the exercise of prostitution or whoever, in any way, takes part in organising or managing prostitution..."

⁶¹ Article 180 of the CC of Republika Srpska, which reads in paragraph 1: "Whoever, in order to achieve material gain or other benefits, entices, incites or lures a child into prostitution or whoever, in any way, enables turning a child over to another for the exercise of prostitution or whoever, in any way, takes part in organising or managing prostitution, and who has known or had to and could know that it concerns a child, shall be punished by imprisonment for a term of between one and eight years and a fine."

⁶² Article 186(5) of the CC of Bosnia and Herzegovina, Article 210a(6) of the CC of the Federation of Bosnia and Herzegovina, Article 145(4) of the CC of the Republika Srpska and Article 207a(5) of the CC of the Brčko District, all providing for a sentence of between six months and five years of imprisonment. Article 146(3) of the CC of the Republika Srpska also provides for the minimum punishment of five years' imprisonment in the case of child victims.

⁶³ GRETA's second evaluation report on Bosnia and Herzegovina, paragraphs 159 and 160.

⁶⁴ Articles 122-144.

⁶⁵ See Chapter 14 (Articles 126-148) of the CC of the Federation of Bosnia and Herzegovina, Chapter 10 (Articles 103-122) of the CC of the Republika Srpska, and Chapter 14 (Articles 126-148) of the CC of the Brčko District.

86. In Bosnia and Herzegovina, the prosecution and the defendant can conclude a plea-bargaining agreement with regard to any criminal offence, including trafficking in human beings, at any point before the conclusion of the main trial. The plea agreement is submitted to the court together with the indictment, and the prosecutor may propose a sentence below the statutory minimum or a more lenient criminal sanction. Before accepting the agreement, the court must determine, *inter alia*, that the defendant is informed of the possible consequences, including satisfaction of claims for compensation, that there is enough evidence proving guilt, and that the injured party was given an opportunity before the prosecutor to give a statement regarding the property claim.⁶⁶ The court must inform the injured party about the results of the plea bargaining. GRETA was informed that in accordance with an instruction of the Prosecutor's Office of the Federation of Bosnia and Herzegovina, cantonal prosecutors seek the opinion of the injured party (which is not binding) on the content of the plea agreement including the proposed criminal sanction, prior to the conclusion of the agreement, and the prosecutor is obliged to include a section on the compensation claim in the agreement whenever there is evidence to support such a claim. The agreement must be approved by the chief cantonal prosecutor. Similar instructions do not exist in the Republika Srpska, the Brčko District and at the state level.

87. Plea bargaining is being used in human trafficking cases.⁶⁷ In two of the so-called SerbAz cases (see paragraph 99), involving trafficking for the purpose of labour exploitation of citizens of Bosnia and Herzegovina in Azerbaijan, the Court of Bosnia and Herzegovina accepted the plea agreements concluded between the Prosecutor's Office of Bosnia and Herzegovina and the defendants, finding the three defendants guilty of organised crime in connection with trafficking in human beings. Accepting the criminal sanctions proposed in the plea agreements, which were well below the minimum prescribed by law, the court sentenced the two defendants in the first case to one year of imprisonment, which was replaced by 90 days of community service, while the defendant in the second case was sentenced to a suspended sentence of two years in accordance with the relevant provision on organised crime.⁶⁸ In the reasoning of the judgments, the court found that there were a number of highly extenuating circumstances,⁶⁹ allowing the court to impose a sentence below the statutory minimum. Nonetheless, GRETA notes that the sentences imposed are extremely lenient given the seriousness of the criminal offences committed, and that it is questionable whether they are effective, proportionate and dissuasive, within the meaning of Article 23 of the Convention.

88. Further, in a judgment from November 2017, the Cantonal Court in Tuzla accepted a plea-bargaining agreement between the prosecution and a defendant who pleaded guilty to forcing his six underage children to beg, sometimes in sub-zero temperatures, to collect and transport iron, as well as to work in a furniture factory. In finding that the defendant committed the criminal offence of trafficking of persons under the age of 18, the court relied, *inter alia*, on the statements of the children as well as evidence collected through special investigative measures, namely, intercepted conversations between the defendant and the children and covert photographs taken by the police. The court sentenced the defendant to five years of imprisonment, which is below the statutory minimum of 10 years.

⁶⁶ See Article 231 of the CPC of Bosnia and Herzegovina, Article 246 of the CPC of the Federation of Bosnia and Herzegovina, Article 246 of the CPC of the Republika Srpska, and Article 231 of the CPC of the Brčko District.

⁶⁷ A case in which the court accepted the plea agreement and sentenced the defendant to one year and nine months of imprisonment was mentioned in GRETA's second evaluation report on Bosnia and Herzegovina (paragraph 175).

⁶⁸ The court imposed the suspended sentence in accordance with Articles 51 and 250(5) of the CC of Bosnia and Herzegovina, which allow to release from punishment a member of an organised criminal group who exposes the group.

⁶⁹ Such as the fact that the defendants agreed to testify about the actions of other members of the organised group, that they are unemployed, of poor health, or that they were caring for their family members. GRETA notes the concern expressed in the report of the OSCE Mission to Bosnia and Herzegovina "Ensuring Justice for Victims of Trafficking in Human Beings: Response of the criminal justice system in Bosnia and Herzegovina with recommendations" (December 2021), covering the period 2009-2020, that in some plea-bargaining hearings "prosecutors, in order to persuade the court to accept the agreement, used arguments that minimized the harm done to victims" (p. 37).

89. As described in the second report, the CPCs of the State, the entities and the Brčko District regulate the use of special investigative measures in criminal cases.⁷⁰ An order for the use of special investigative measures is issued by the court in writing, upon a reasoned motion from the prosecutor. If there is a risk of delay, the measures can be implemented upon a verbal order of a judge, which must be confirmed in writing within 24 hours. Special investigative measures were used in several cases during the reporting period (see paragraphs 88 and 96).

90. The conditions and the procedure for the temporary seizure and confiscation of property used in or acquired through the commission of a criminal offence is regulated by the CC and CPC on the State, entity and Brčko District levels,⁷¹ as well as by the separate laws adopted in the entities and the Brčko District.⁷² The relevant provisions on THB also explicitly provide that items, vehicles and facilities used for the perpetration of the offence shall be confiscated. The CC of Bosnia and Herzegovina also allows for the extended confiscation of assets for which the prosecutor provides sufficient evidence that there is reasonable suspicion it was acquired through the execution of certain criminal offences, including THB.⁷³ Extended confiscation of assets is also allowed in the Republika Srpska pursuant to the Law on Confiscation of Assets Derived from the Commission of a Criminal Offence, adopted in 2018. As described in GRETA's second report, agencies for management of confiscated assets exist in the Republika Srpska and the Federation of Bosnia and Herzegovina.⁷⁴ The authorities of the Brčko District are currently considering whether to establish such an agency, or whether this role can be taken over by one of the already existing entity agencies. According to the information provided by the authorities, there have been no THB cases during the reporting period in which assets were confiscated from perpetrators (however, see paragraph 68).

91. According to the authorities, the Strike Force has taken the position that cases of THB should be treated as a priority by all prosecution offices. GRETA was informed that there are specific guidelines for the investigation of THB cases. However, it was also noted by the Chair of the Strike Force that the number of criminal reports for cases of THB is low and that a more proactive approach to the identification of victims should be taken, particularly with regard to the identification of potential victims in migration centres. GRETA notes the positive example of the Brčko District where, in addition to investigators working on THB cases, uniformed police officers, including members of traffic police, have been trained to recognise potential cases of THB, for example if they notice children being transported to a certain location for the purpose of begging.⁷⁵

92. Law enforcement and prosecution authorities have paid increased attention to cases of trafficking in human beings for the purpose of forced begging, which particularly affects the Roma community. There have been a number of investigations and prosecutions in such cases (see paragraphs 88, 96 and 98), for example in the Sarajevo Canton and the Brčko District. On the other hand, there is a notable absence of cases involving forced labour in the entities and the Brčko District. Labour and sexual exploitation which involve the use of the Internet are recognised as a growing problem, particularly during the Covid-19 pandemic, but these cases are more difficult to investigate. The SIPA does not have a cyber-crime unit, but such units exist in at least some of the police agencies on the entity and Brčko District levels.

⁷⁰ See GRETA's second evaluation report on Bosnia and Herzegovina, paragraph 169.

⁷¹ Chapter XII of the CC and Articles 65-74 of the CPC of Bosnia and Herzegovina, Chapter XII of the CC and Articles 79-88 of the CPC of the Federation of Bosnia and Herzegovina, Chapter V of the CC and Articles 129-139 of the CPC of the Republika Srpska, and Chapter XII of the CC and Articles 65-74 of the CPC of the Brčko District.

⁷² The Law on the Confiscation of Illegally Acquired Property of the Federation of Bosnia and Herzegovina, published in the Official Gazette of Bosnia and Herzegovina No. 71/14 on 3 September 2014; Law on the Confiscation of Illegally Acquired Property of the Republika Srpska (01-103/10), adopted on 25 January 2010; and Law on the Confiscation of Illegally Acquired Property of Brčko District, adopted on 27 July 2016.

⁷³ Article 110a of the CC of Bosnia and Herzegovina.

⁷⁴ See GRETA's second evaluation report on Bosnia and Herzegovina, paragraphs 172 and 173.

⁷⁵ In 2021, the police of the Brčko District carried out two operations as a result of which six Roma children were placed in a safe house and criminal reports concerning the criminal offence of trafficking were submitted to the Prosecutor's Office of the Brčko District. The cases were detected by traffic police who noticed that the children, aged 7-12, were being transported to certain locations in order to engage in begging. One of the children was not registered at birth and was not enrolled in school.

93. According to information provided by the authorities, in 2017 there were 27 investigations against 38 persons for THB and related offences. As a result, 15 indictments were filed against 23 persons, 17 of whom were found guilty and convicted to sentences of imprisonment (14), a suspended sentence of imprisonment (one), or a fine (two). In 2018, the authorities investigated 41 cases involving 79 persons, and filed 26 indictments against 37 persons. Courts acquitted two and issued guilty verdicts against 48 persons, of whom 24 were sentenced to imprisonment, one to a suspended sentence of imprisonment, and two to a fine. In 2019, 37 investigations against 48 persons were carried out, resulting in 26 indictments against 31 persons. The courts acquitted four and convicted 34 persons, of whom 24 were sentenced to imprisonment, one to a suspended sentence of imprisonment, two to a fine and one to mandatory psychiatric treatment. Educational measures were ordered against seven children. In 2020, the authorities carried out 38 investigations against 43 persons, and filed 25 indictments against 27 persons. Thirty persons were convicted, of whom 16 were sentenced to imprisonment and three to a fine. Four educational measures were issued against children. In 2021, prosecutor's offices issued a total of 50 orders against 60 persons to conduct an investigation for THB and related offences, and filed 30 indictments against 37 persons. Courts issued 13 first-instance and 20 final convictions for THB and related offences. However, available information indicates that most of the indictments and convictions concerned not THB, but related offences, such as enticement to prostitution. Thus, the number of indictments filed for THB was two in 2017, one in 2018 and 2019, respectively, four in 2020, and eight in 2021 (concerning 15 persons). Verdicts were issued in two cases in 2018 (one was an appellate judgment and the other concerned a six-year sentence of imprisonment), in three cases in 2020 involving trafficking of children (one conviction, one acquittal, and one judgment of a higher court confirming the first instance conviction), and in two cases in 2021 (one first-instance and one final verdict) concerning three persons sentenced to 10 years' imprisonment each.⁷⁶

94. A number of interlocutors with whom GRETA met raised the issue of requalification of cases of THB as lesser offences (see also paragraph 98), such as enticement to prostitution, child neglect or abuse, or domestic violence, even when there is enough indication that the case involves THB. This is partly due to the fact that some of the lesser offences contain elements of THB and that judges and prosecutors may not be sufficiently trained in order to recognise THB, especially when it comes to domestic victims. Some of GRETA's interlocutors also observed that the criminal offence of THB is relatively new in the CC at the level of the entities and Brčko District, and that more training is required for judges and prosecutors. The court is not bound by the legal qualification presented by the prosecutor, and sometimes prosecutors themselves choose to indict under one of the lesser offences as this is easier to prove. GRETA was also informed that forced begging and forced marriage are often seen as social problems affecting the Roma community, rather than possible cases of trafficking. There also appears to be a lack of understanding of the difference between smuggling of migrants and human trafficking among some judges and prosecutors, resulting in certain cases of THB being treated as smuggling of migrants.⁷⁷ While the requalification or incorrect qualification of THB as a lesser offence may not affect victims' access to assistance, in particular those accommodated in shelters, it does significantly hinder their ability to obtain compensation from the perpetrator.

95. As noted above, the number of prosecutions and convictions for the criminal offence of trafficking in human beings during the period covered by this report is rather low, although a slight increase in the number of cases is noted in the latter period. Moreover, the sentences issued by the courts are generally well below the statutory minimum, with several exceptions (see paragraph 96), which brings into question whether or not they can be considered effective, proportionate and dissuasive within the meaning of Article 23 of the Convention.

⁷⁶ See Situation Reports on Trafficking in Human Beings in Bosnia and Herzegovina for the years 2017, 2018, 2019 and 2020.

⁷⁷ However, GRETA was informed of an ongoing case, in which an indictment was filed with the Court of Bosnia and Herzegovina for both smuggling and THB.

96. The longest sentence was imposed by the Cantonal Court in Tuzla, which found a man and a woman guilty of trafficking in human beings in July 2020, for forcing their four underage children/stepchildren to beg and steal over a period of over one year, and sentenced them to 10 years of imprisonment each. The children were forced to get up early and miss school in order to beg and were often beaten when they did not bring home enough money. Among the evidence presented during the trial were the photographs and transcripts of intercepted conversations between the two defendants which were gathered through the use of court-ordered special investigative measures, and were translated by a court appointed interpreter for Romani. In the reasoning of the judgment, the court made a distinction between trafficking in human beings and the criminal offence of "maltreating or neglecting a child or juvenile," stressing that THB requires the presence of actions such as recruitment, transport and transfer of persons under the age of 18 with the purpose of exploiting them, which are not among the elements of the latter criminal offence. Stressing that the use of coercive means is not required for the existence of THB in cases involving children, the court noted that such means were nonetheless used in this case as the children were not free to return home until they were picked up by one of the defendants and they were beaten when they refused to beg.

97. In another case, the District Court of Banja Luka acquitted two defendants of trafficking in human beings for the purpose of forced marriage between the 13-year-old daughter of the first defendant and the 17-year-old son of the second defendant.⁷⁸ The court found that although the father of the injured party had neglected his duty of parental care, he did not commit any of the actions required for the existence of THB for the purpose of forcing her to marry the son of the second defendant. On the contrary, the injured party had consistently expressed her desire to marry the son of the second defendant and had threatened to run away from home if her father did not allow it. However, the court observed that the fact that early marriages are part of the Roma tradition does not exclude criminal liability, noting that the criminal law is applied to all equally. The girl was evaluated by a psychologist and a psychiatrist prior to her testimony and testified from a separate room in the presence of a psychologist and her legal guardian. She was represented by the NGO Centar ženskih prava which assisted her in filing a property claim for BAM 10 000 (approximately 5 100 euros) for diminished life activity.

98. GRETA was also informed of a case in the Brčko District which had originally been qualified as extortion by the first instance court, but was returned for a retrial by the appellate court, following an appeal from the prosecution. On retrial, the first instance court convicted a defendant of forcing the injured party, his wife and children, to beg in order to repay a debt the injured party owed the defendant. The court found the defendant guilty of THB and sentenced him to one year of imprisonment, a sentence well below the five-year minimum prescribed in Article 207a of the CC of the Brčko District. The court found that there were extenuating circumstances (i.e. that the defendant was married and a father of three children)⁷⁹ indicating that the purpose of the punishment can also be attained by imposing a lesser sentence. The injured parties were referred to civil proceedings in order to pursue their property claims.

99. GRETA refers to the judgment issued by the European Court of Human Rights on 7 October 2021 in the case of *Zoletić and Others v. Azerbaijan* (application no. 20116/12), which concerned 33 Bosnia and Herzegovina nationals who were recruited to work for a construction company, Serbaz Design and Construction LLC, in Azerbaijan. The Court found that the totality of the applicants' arguments and submissions made both before the domestic courts in their civil claim and before the Court (concerning forced excessively long work shifts, lack of proper nutrition and medical care, physical and other forms of punishments, retention of documents and restriction of movement) constituted an "arguable claim" that the applicants had been subjected to human trafficking and forced labour. The Court found that the failure of the authorities of Azerbaijan to conduct an effective investigation into the migrant workers' arguable claims of cross-border human trafficking and forced labour constituted a violation of Article 4, paragraph

⁷⁸ The 17-year-old was acquitted of the criminal offence "sexual intercourse with a child under 15 years of age" under Article 172 of the CC of the Republika Srpska, relying on paragraph 6 of this article which provides that "the offender shall not be punished for the criminal offence under paragraph 1 if there is no significant difference in mental or physical maturity between him and a child."

⁷⁹ The court also found that there were aggravating circumstances, namely the defendant's prior convictions.

2, of the European Convention on Human Rights. As noted in paragraph 87, several nationals of Bosnia and Herzegovina were prosecuted for THB in Bosnia and Herzegovina in relation to this case.

100. GRETA urges the authorities of Bosnia and Herzegovina to take measures to strengthen the criminal justice response to THB, including by:

- **ensuring that human trafficking offences are investigated proactively and promptly, regardless of whether a complaint about the reported crime has been submitted or not, making use of all possible evidence, including evidence gathered through special investigative measures, financial evidence, documents and digital evidence, so that there is less reliance on testimony by victims or witnesses;**
- **ensuring that human trafficking offences are prosecuted as such, rather than as lesser offences, every time the circumstances of the case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;**
- **strengthening efforts to investigate, prosecute and secure convictions in cases of trafficking for the purpose of labour exploitation, with the involvement of labour inspectors and tax inspectors;**
- **intensifying their efforts to identify, seize and confiscate criminal assets generated by trafficking offences.**

101. GRETA further considers that the authorities should provide systematic and continuous training on the application of the provisions of the relevant CC, CPC and other legislation related to trafficking in human beings to police officers, prosecutors and judges. As regards training, reference is made to the recommendations in paragraph 124.

8. Non-punishment provision (Article 26)

102. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁸⁰ Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

103. Following the introduction of a non-punishment provision in the CC of the Republika Srpska in 2017,⁸¹ there is now such a provision in all four Criminal Codes. The development of guidelines for law enforcement and judicial officials is foreseen in the 2020-2023 Anti-Trafficking Strategy. The preparation of such guidelines is also planned to be carried out in the Tuzla Canton, according to the Tuzla Canton Action Plan for the Implementation of the Anti-Trafficking Strategy.

⁸⁰ See GRETA's 2nd General Report, paragraph 58.

⁸¹ Article 145(9) and Article 146(10).

104. GRETA was informed that there is a good understanding of this principle among police officers, prosecutors and judges and that it is consistently applied in practice. According to the authorities, cases in which a victim of trafficking was punished for a criminal offence he/she was forced to commit are rare and only occur if it is not known at the time of the proceedings that the person is a victim of THB. This sometimes occurs in cases where victims are involved in begging, which is a misdemeanour most commonly punishable by a fine. The sanction against the victim may later be used as proof in the case against the trafficker(s). GRETA was also informed of a case in Sarajevo Canton where the victim was convicted of theft. It was only after the judgment became final that the prosecutors became aware of the fact that the person was a victim of trafficking. Criminal proceedings against the alleged trafficker(s) are currently underway. A final judgment cannot be overturned, but the prosecutor can request the court to reopen the proceedings if it is proven in the criminal proceedings against the trafficker that a person was a victim of trafficking in human beings. If this becomes known prior to the end of the case against the victim, the prosecutor will drop the charges. Consequently, the interlocutors with whom GRETA met stressed the importance of continuous training for police and prosecutors to increase their ability to recognise cases of human trafficking at an early stage of the investigation.

105. GRETA welcomes the adoption of specific legal provisions on the non-punishment of victims of trafficking for offences committed as a result of being trafficked in all jurisdictions, and the reported good understanding and application of the non-punishment principle. GRETA considers that the authorities of Bosnia and Herzegovina should make further efforts to ensure full compliance with the non-punishment provision by developing guidance to police officers and prosecutors on its implementation, as well as providing systematic and continuous training.

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

106. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

107. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

108. As explained in GRETA's second report, the protection of witnesses and victims is regulated by the Law on Protection of Witnesses under Threat and Vulnerable Witnesses on the State level and the Laws on Protection of Witnesses in Criminal Proceedings, as well as the relevant CPCs⁸² in the two entities and the Brčko District. The protection measures provided for include giving testimony from behind a screen or by means of audio-visual equipment with the possibility of using image and voice distortion, removal of the accused during the testimony, as well as the possibility to provide anonymity to a witness and a special procedure for a witness protection hearing. Child victims are considered vulnerable witnesses and as such benefit from witness protection measures under the relevant legislation including the Laws on the Protection and Treatment of Juveniles (see paragraph 137). The Witness Support Office at the Court of Bosnia and Herzegovina and corresponding departments in some of the other courts in the country provide psychological support to witnesses, including victims of THB, before, during, and after their testimony before the court. In addition to protective measures under these laws, witnesses and persons close to them who are under threat can be placed in a witness protection programme in accordance with the State Law on the Witness Protection Programme in Bosnia and Herzegovina.

109. According to information provided by the authorities, witness protection measures were used in several THB cases during the reporting period, all of which concerned child victims. There is no information regarding whether or not protective measures were used in any cases involving THB victims who are adults. Representatives of NGOs noted that such measures are underused in cases of THB, thus exposing the victims to re-traumatisation during testimony.

110. As noted in GRETA's second evaluation report,⁸³ according to the Rulebooks on protection of domestic and foreign victims, all professionals involved in the National Referral Mechanism have the obligation to protect the data, privacy and identity of victims of human trafficking. GRETA was informed that all records containing personal data, including records on foreign and domestic victims of trafficking, must be kept in accordance with the Law on the Protection of Personal Data of Bosnia and Herzegovina. GRETA notes the development of guidelines for the protection of the private life and personal data of victims of trafficking,⁸⁴ and the organisation of several training sessions on the basis of these guidelines, as part of the project "Prevention and Fight against Trafficking in Human Beings in Bosnia and Herzegovina" implemented by the Council of Europe under the joint EU-Council of Europe Programme "Horizontal Facility for the Western Balkans and Turkey.

111. GRETA was informed that the names of victims of THB, including children, are often published by the media and that even the use of initials does not properly protect the victims as their identity can be guessed from the context of the article, especially in case of persons residing in rural areas. A number of interlocutors with whom GRETA met expressed the opinion that the media are primarily interested in sensational news and often stigmatise victims of sexual exploitation as prostitutes. Civil society has organised workshops on the topic of THB for representatives of the media, but only a small number of journalists reportedly attended.

112. GRETA considers that the authorities of Bosnia and Herzegovina should make full use of all available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation, as well as during and after court proceedings.

⁸² GRETA was informed of plans to include a provision in the CPC of the Federation of Bosnia and Herzegovina allowing for victims of certain criminal offences, including victims of trafficking, to be heard in their apartment or another location (this option is currently available for witnesses who are not able to come to court due to their age or health condition).

⁸³ See GRETA's second evaluation report on Bosnia and Herzegovina, paragraph 115.

⁸⁴ Guidelines for the Development and Adoption of Instruments at All Levels of Government in Bosnia and Herzegovina for the Protection of the Private Life and Personal Data of Victims of Human Trafficking. Available at: <https://rm.coe.int/hf20-guidelines-private-life-eng/1680a4b6b8>

113. GRETA invites the authorities of Bosnia and Herzegovina to ensure the protection of the private life and identity of victims of trafficking, in line with Article 11 of the Convention, through the issuance of appropriate instructions to all relevant professionals. Further, GRETA considers that the authorities should take measures to encourage the media to protect the identity and private life of victims of THB through self-regulation or regulatory/co-regulatory measures.

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

114. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

115. Public prosecutors and police inspectors who are appointed to the newly established local co-ordination teams form a network of specialised prosecutors and investigators, set up at the beginning of 2020 with the aim of advancing investigations of THB and related offences. This network currently includes 21 prosecutors and 27 investigators, who are meant to meet every two or three months. GRETA was informed that the main purpose of the network is to allow for exchange of information between prosecutors and investigators, which is especially useful in cases involving migrants who are on the move and possible conflicts of jurisdiction which may arise in such cases. In June and July 2020, they had their first constituent meetings, which allowed them to identify the areas where there is a need for improvement, namely better identification, more intensive prosecution, and assistance to victims.

116. A Section for Smuggling of Persons and Trafficking in Human Beings was formally established within the Organised Crime Department of the Prosecutor's Office of Bosnia and Herzegovina in July 2021.⁸⁵ GRETA was informed that all three prosecutors currently assigned to this team have received training on THB. The team co-operates closely with the State Investigation and Protection Agency (SIPA) and other police agencies.

117. In 2020, the SIPA, which is in charge of investigating international THB cases, set up a special unit for THB cases, consisting of 20 specialised police officers. Police agencies of some cantons and the Brčko District have also started to assign investigators to only THB cases. In the remaining police agencies, police officers trained to work on THB cases continue to be part of more general departments dealing with organised crime or sexual offences. A recent report on the phenomenon of child trafficking in Bosnia and Herzegovina, prepared within the project "Prevention and Fight against Trafficking in Human Beings in Bosnia and Herzegovina" implemented by the Council of Europe under the joint EU-Council of Europe Programme "Horizontal Facility for the Western Balkans and Turkey", points out that each police agency has at least one or two inspectors who have basic knowledge on the identification and investigation of THB, however only few of them have more than five-years' experience in working on these cases.⁸⁶ More experienced officers usually move to other departments with different focuses.

118. Since 2014, the three existing police academies (in the two entities and the Brčko District) have included human trafficking as a mandatory topic in the basic training curricula for police officers, inspectors and investigators working on THB cases. When it comes to the continuous training (re-training), since law enforcement agencies have extremely limited budgets for professional development, it is ensured almost exclusively through the participation of police officers in events organised by NGOs and international organisations.

⁸⁵ Amendments to the Rulebook on the Internal Organisation of the Prosecutor's Office of Bosnia and Herzegovina, Official Gazette of BiH No. 41, 2 July 2021, p. 11.

⁸⁶ M. Dottridge, O.L. Ninković, H. Sax; S. Vujović, *The phenomenon of child trafficking in Bosnia and Herzegovina*, June 2021, p. 28.

119. Judges and prosecutors have to follow a three-day in-service training on topics chosen by them. The Judicial and Prosecutorial Training Centre (JPTC) of the Federation of Bosnia and Herzegovina and the JPTC of the Republika Srpska have organised two THB-related training courses for judges and prosecutors in 2018 and three in 2019. These courses included one-day, two-day and three-day training sessions, with 25-40 attendees per event. In 2020, the JPTC of the Republika Srpska held six training activities on THB, which were attended by 25 judges, 9 prosecutors and 2 court associates. In 2019 and 2020, the JPTC of the Federation of Bosnia and Herzegovina organised 16 educational activities about various topics, such as forced begging and prosecution of THB cases, in which around 100 judges, prosecutors, SIPA officers and police officers took part. The training programme of the JPTC of the Federation of Bosnia and Herzegovina for 2021 foresees four training sessions and one round table on topics such as THB for the purpose of labour exploitation, prosecution of THB cases within mixed migration flows, and the application of the new CC provisions on THB. Some of these training activities were carried out together with international partners. By way of example, the Council of Europe conducted three online training sessions on THB in March-August 2020 through the HELP online platform for legal professionals, with the aim of increasing their ability to detect, identify, investigate, and prosecute trafficking cases and to protect victims' rights. Fifty-three participants completed the training, including members of the network of specialised prosecutors and investigators. The OSCE organised a training in Banja Luka in February 2020 focusing on best practices in conducting investigations and criminal proceedings in THB cases. Furthermore, in September and October 2019, the United Nations Office on Drugs and Crime organised training sessions on identification, investigation, indictment and adjudication of cases of trafficking for the purpose of forced labour.

120. Within the project mentioned in paragraph 117, two training sessions were organised in 2021 on trafficking for the purpose of labour exploitation, with 40 participants (including labour inspectors, representatives of employment agencies, members of local coordination teams, and union and private sector representatives). Ten more training sessions for labour inspectors, police officers, healthcare providers, and education professionals are planned under the same project.

121. In 2019, the OSCE Mission held capacity-building training for law enforcement officers, including the border police, in several cities. Additionally, a THB handbook for judges and prosecutors was published in April 2018⁸⁷ and distributed to relevant professionals. Moreover, in 2020, the OSCE developed a Manual for Investigating Trafficking in Human Beings, which has been used for various training activities.⁸⁸

122. Despite the above-mentioned training, some of GRETA's interlocutors noted that due to a high turnover among police officers and prosecutors, more training is needed.

123. GRETA welcomes the setting up of a network of specialised prosecutors and investigators regarding THB as well as the THB units within the Prosecutor's Office of Bosnia and Herzegovina and the State Investigation and Protection Agency and considers that the authorities of Bosnia and Herzegovina should further promote specialisation amongst police, prosecutors and judges.

124. GRETA also considers that the authorities of Bosnia and Herzegovina should take additional steps to ensure that relevant professionals are trained on preventing THB, identifying and interviewing victims, referring them to assistance, as well as on prosecuting THB offenders. Continuous training should be integrated in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff.

⁸⁷ <https://www.osce.org/mission-to-bosnia-and-herzegovina/376705>
⁸⁸ <https://www.osce.org/mission-to-bosnia-and-herzegovina/447337>

11. International co-operation (Article 32)

125. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another “to the widest extent possible”. This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁸⁹ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

126. International legal co-operation related to action against THB is regulated by the State Law on International Legal Assistance in Criminal Matters, and it is implemented in accordance with the relevant international conventions and agreements. The Ministry of Justice of Bosnia and Herzegovina is the central authority for processing requests for international legal assistance. Bosnia and Herzegovina has concluded bilateral agreements on legal assistance in civil and criminal matters with a number of countries, including neighbouring countries. Exchange of information is also carried out through Interpol, Europol and SELEC. In 2020, the Directorate for Co-ordination of Police Bodies of Bosnia and Herzegovina provided all competent law enforcement agencies with access to the Interpol information system. This includes the International Child Sexual Exploitation Database (ICSE). Access is also being provided to the Automated Fingerprint Identification System (AFIS), the database of travel documents (EidsonTD) and the DIAL DOC database containing warnings regarding forged documents.⁹⁰

127. Bosnia and Herzegovina has participated in Joint Investigation Teams (JIT) in human trafficking cases with Austria, France and the Netherlands. As mentioned in GRETA’s second evaluation report, one of those cases, known as the “Hamidović case,” concerned citizens of Bosnia and Herzegovina trafficked to France and forced to pickpocket and steal.⁹¹ The case led to the conviction of an official of the Ministry of Foreign Affairs, the former Consul of Bosnia and Herzegovina in France, for corruption related to the issuance of travel documents to persons involved in the case. The proceedings against eight other defendants are still ongoing before the Court of Bosnia and Herzegovina.⁹²

128. According to information provided by the authorities, in 2019 there were a total of 52 cases of international legal assistance related to THB, of which 38 were requests sent by Bosnia and Herzegovina and 14 were received from other countries. In 2020, the number of cases at the Ministry of Justice was 30, of which 20 were requests sent by Bosnia and Herzegovina and 10 were requests received from other countries. In 2021, there were 27 cases of international legal co-operation concerning THB, of which 17 concerned requests sent by the authorities of Bosnia and Herzegovina and 10 were received from other countries. GRETA was informed that one case can contain up to 20 different requests (e.g. requests for interviews of witnesses, assets used in the commission of the criminal offence, identification of suspects). In 2019, the SIPA had 70 THB cases in which international co-operation was established (13 cases from BiH agencies and 57 requests from abroad), while that number was significantly lower in 2020 – a total of 33 requests (eight from BiH agencies and 25 from abroad). From January-September 2021, there were 21 such cases (four from BiH agencies and 17 based on requests from abroad). The average time for the processing of requests for mutual legal assistance by the Ministry of Justice is two to three months. In the last three years, there have been three extraditions in relation to cases of trafficking in human beings.

⁸⁹ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

⁹⁰ Ministry of Justice of Bosnia and Herzegovina, Situation Report on Trafficking in Human Beings and the Implementation of the Strategy to Combat Trafficking in Human Beings in Bosnia and Herzegovina for 2020, pp. 38-39.

⁹¹ See GRETA’s second evaluation report on Bosnia and Herzegovina, paragraph 174.

⁹² Under the indictment filed in 2018, the defendants are charged, *inter alia*, with organised crime in connection with international trafficking in human beings. In March 2021, the Court of BiH ordered detention against three of the accused.

129. GRETA welcomes the participation of the authorities of Bosnia and Herzegovina in international co-operation and invites them to continue their efforts in this respect, particularly with regard to a greater use of Joint Investigation Teams in the investigation of cases of THB.

12. Cross-cutting issues

- a. gender-sensitive criminal, civil, labour and administrative proceedings

130. As noted in the Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁹³ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁹⁴ GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or childcare.⁹⁵ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁹⁶

131. As a result of a gender analysis conducted in the field of combating THB in Bosnia and Herzegovina at all levels, specific recommendations for integrating the gender perspective into the Action Plan for the Implementation of the Strategy for Combating Trafficking in Human Beings 2020-2023 were prepared within the previously mentioned project implemented by the Council of Europe under the Horizontal Facility Programme, and submitted in July 2020 to the Ministry of Security of Bosnia and Herzegovina. Within the same project, Guidelines for the integration of the gender perspective into local action plans were developed and distributed in October 2020 to the local co-ordination teams. GRETA was informed that the gender perspective is integrated in the Action Plan for the Implementation of the Anti-Trafficking Strategy 2020-2023.

132. The Anti-Trafficking Strategy 2020-2023 includes a section on special protection of women victims of trafficking that should be ensured through specific measures such as strengthening the capacities of police officers and prosecutors to get an understanding about the traumas of sexual violence and the consequences that trafficking for the purpose of sexual exploitation has for victims as well as ensuring that in investigating THB offences, where potential victims are women, there are female police officers included as the investigators, especially in situations suspected to involve sexual exploitation.

⁹³ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015

⁹⁴ Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁹⁵ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁹⁶ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

133. In 2018, with the financial support of the High Judicial and Prosecutorial Council (HJPC), the NGO Zemlja djece developed a handbook on dealing with cases of gender-based violence against women and children, intended for police officers, prosecutors and judges, as well as conducted two training activities on gender-based violence in 2019, including trafficking for sexual exploitation, which were attended by some 45 prosecutors and judges.

134. GRETA refers to the CEDAW's 2019 concluding observations regarding Bosnia and Herzegovina, in which CEDAW raised concerns about the insufficient access to free legal aid for women, especially those belonging to disadvantaged groups and in rural areas, who wish to complain about gender-based discrimination and violence.⁹⁷

b. child-sensitive procedures for obtaining access to justice and remedies

135. The obligation to apply the "best interests of the child" principle in all decisions and actions relevant for children is enshrined in the national legislation and integrated in the procedures (e.g. Article 19 of the Rulebook on the Protection of Foreign Victims of Human Trafficking) and guidelines for the protection of and the provision of assistance to child victims of trafficking. "Guidelines on Assessing and Determining the Best Interests of the Child", including measures for determining the best interest of the child in each field, were prepared by the "Stronger Voice for Children" Network with the support of UNICEF.⁹⁸

136. Every unaccompanied child should be represented by a legal guardian, who has a duty to make decisions in the best interests of the child. The legal framework prescribes that if there are grounds for suspicion that a victim is under the age of 18, that person is entitled to special protection measures provided for children before it is confirmed that he or she is above 18.

137. Laws on the Protection and Treatment of Children and Juveniles in Criminal Proceedings have been adopted by the two entities and the Brčko District, in addition to the relevant provisions of the criminal procedure codes. Pursuant to these laws, the police, prosecutor and judge involved in the proceedings concerning a child must have followed specialised training. Children under the age of 16 can be questioned a maximum of two times, the questioning must be audio-video recorded, and children should be questioned in the presence of a pedagogue, psychologist or other specialised expert. While in practice greater protection is always given to children under the age of 16, upon the decision of the prosecutor, this protection may also be applied to all children under the age of 18.

138. In regard to children under the age of 16, during the investigation stage, the prosecutor or police officer should question the child remotely; this is done from a nearby room, while the child is accompanied by a specialised expert. Similarly, the child should be questioned from a separate room using technical devices for the transmission of images and sounds during the trial proceedings; the parties to the proceedings shall pose their questions to the child through the presiding judge who puts them in a way adapted to the child's age and degree of development. They can see the child through a screen, but the latter cannot see them. By way of example, in one of the cases adjudicated during the reporting period, the victim, who was represented by the NGO Centar ženskih prava, was heard through a video link from a separate room, in the presence of a psychologist from the witness support department of the District Court in Banja Luka, and in a hearing closed to the public. Prior to her testimony, the witness was evaluated by a psychologist in relation to her needs and ability to testify. A similar procedure was followed in the other cases involving child victims of trafficking.

139. Furthermore, the laws on the protection of witnesses in criminal proceedings of the Brčko District, the Federation of Bosnia and Herzegovina, and the Republika Srpska provide further protection for the child as the injured party. Article 3 of these Laws defines "a child or juvenile" as a vulnerable witness, which allows them to benefit from the measures available to vulnerable witnesses, such as changing the order of witness testimony and making an exception to the rule on direct presentation of evidence so that the child's statement made during the investigation can be accepted as evidence at the main trial. GRETA

⁹⁷ CEDAW, [Concluding observations on the sixth periodic report of Bosnia and Herzegovina](https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2019020112314016eng.pdf), 12 November 2019.
⁹⁸ https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2019020112314016eng.pdf.

was also informed that the High Judicial and Prosecutorial Council (HJPC) has adopted standards for child-friendly proceedings.

140. Prosecutor's offices and police stations in larger cities and all the cantonal/district courts have child-friendly rooms equipped with the necessary audiovisual equipment. All cantonal/district courts and many prosecutors' offices (e.g. Sarajevo, Tuzla, Zenica, Banja Luka, Brčko, Bihać) also have victim support services where victim/witness support officers (who can be psychologists or social workers) prepare child victims for interviews and are present during the interview. In some places, these services also have a designated room with audiovisual equipment for interviews. Nevertheless, reports indicate that prosecutors' offices that do not have a victim/witness support officer experience difficulties in finding an appropriate expert to support the child during the interview.⁹⁹ Victim/witness support officers are almost non-existent in the police and police officers usually contact an external expert, such as a psychologist from a centre for social welfare, to be present during the questioning of a child victim/witness. GRETA was informed by the authorities that victim/witness support staff are regularly invited to attend THB-related training.

141. GRETA was also informed that all judges, prosecutors and police officers who work with children in criminal proceedings are required to undergo relevant training, including with regard to interviewing children, and must be certified in order to participate in criminal proceedings involving children. Nonetheless, some civil society representatives met by GRETA considered that police officers and judicial actors lacked sufficient training in how to interview children. GRETA was informed that the NGO Save the Children is currently conducting training activities in this regard for police officers and judicial actors in the framework of a programme on the prevention of digital abuse of and violence against children.

142. The above-mentioned Laws on the Protection and Treatment of Children and Juveniles in Criminal Proceedings stipulate that all cases involving child victims/witnesses are urgent.¹⁰⁰ However, no deadlines are included in these Laws to ensure the timely resolution of these cases. There is no system to prioritise a case involving a child victim/witness. GRETA was informed that the average length of criminal proceedings in THB cases involving children is approximately eight months.

143. Whilst welcoming the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies, GRETA considers that the authorities of Bosnia and Herzegovina should strengthen their efforts to ensure that child victims of THB who are older than 16 are in practice afforded special protection measures, like younger children. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, which recommend that all professionals working with children receive appropriate interdisciplinary training on the rights and needs of children.¹⁰¹

c. role of businesses

144. The 2020-2023 Anti-Trafficking Strategy and the Action Plan for 2020-2023 on its implementation contain objectives and actions aimed at establishing co-operation with the private sector with the aim of promoting workers' human rights and preventing trafficking for the purpose of labour exploitation. The Action Plan 2016-2019 also provided for encouraging the private sector to promote principles of human rights protection and basic freedoms of workers in supply chains to prevent exploitative situations conducive to trafficking.

⁹⁹ Hrlje, M. and Tosić, S., *Children's Equitable Access to Justice in Bosnia and Herzegovina*, UNICEF, Sarajevo, 2015, p. 100.

¹⁰⁰ See Article 190 of the Republika Srpska Law on the Protection and Treatment of Children, Article 191 of the Law on the Protection and Treatment of Children of the Federation of Bosnia and Herzegovina and Article 190 of the Brčko District Law on the Protection and Treatment of Children.

¹⁰¹ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

145. However, GRETA was informed that there had not been any specific initiatives to prevent and eradicate trafficking from companies' supply chains. Moreover, GRETA did not receive any information on engagement of businesses in supporting the rehabilitation and recovery of victims, or in providing access to effective remedies explicitly aimed against trafficking.

146. GRETA considers that the authorities of Bosnia and Herzegovina should proactively engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights¹⁰² and the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business,¹⁰³ with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains, to support the rehabilitation and recovery of victims, and to provide access to effective remedies.

d. measures to prevent and detect corruption

147. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). GRECO notes that corruption represents one of the most pressing challenges in Bosnia and Herzegovina. According to GRECO's 2016 report on Bosnia and Herzegovina, while the legal framework is mostly in place, its implementation is weak and inconsistent.¹⁰⁴ GRECO's Second Compliance Report,¹⁰⁵ adopted in 2020, concludes that overall, no tangible progress had been made in implementing its recommendations.

148. The High Judicial and Prosecutorial Council (HJPC) adopted in July 2016 Guidelines for the prevention of conflicts of interest in the judiciary and made progress in setting up a mechanism to supervise and enforce the application in practice of these Guidelines. In September 2018, a Rulebook on the submission, verification and processing of the financial statements of judges and prosecutors was issued, and, in September 2019, a Manual for Disciplinary Procedure of the HJPC.

149. GRETA was informed that all public institutions in Bosnia and Herzegovina, including police and judicial institutions have adopted integrity plans, in compliance with the country's Anti-Corruption Strategy and Action Plan 2015-2019. Each year, these institutions submit reports on the implemented measures to the Agency for Prevention of Corruption and Coordination of the Fight against Corruption (APIK), established in 2009.

150. The authorities informed GRETA that except for the Hamidović case, described in GRETA's second report, in which the former Consul of Bosnia and Herzegovina in France had been sentenced to 11 months' imprisonment for corruption, later replaced by a fine, there has been no case of corruption or any other criminal conduct by public officials in trafficking cases. However, GRETA was informed of a judgment issued on 15 March 2018 by the Gračanica Municipal Court (number: 28 0 K 054266 15 K) against an advisor to the Federal Ministry of the Environment and Tourism for the offence of receiving gifts and other benefits from a person who was accused in the same case of inciting several girls, including secondary school students, to prostitution. The advisor had used the sexual services of these children several times and, in exchange, helped his co-accused to receive in 2013 a public grant of 45,000 euros. As he had concluded a plea agreement, he was convicted to a suspended prison sentence of six months. As for the co-accused, no judgment has yet been delivered. Although the case is not prosecuted as a THB case,

¹⁰² http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

¹⁰³ [Recommendation CM/Rec\(2016\)3](http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=1680a0bb7e) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

¹⁰⁴ [http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId](http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=1680a0bb7e)

¹⁰⁵ <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a0bb7e>

GRETA notes that since the case involved the use of sexual services of children, both accused could have also been charged with THB (see paragraph 100 in this regard).

151. GRETA considers that the authorities of Bosnia and Herzegovina should introduce measures aimed at addressing corruption in a THB context in its anti-corruption policies and initiatives.

V. Follow-up topics specific to Bosnia and Herzegovina

1. Data collection

152. In its second evaluation report, GRETA urged the authorities to set up a comprehensive statistical system on THB by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of THB cases. GRETA stressed that the collection of data should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection.

153. Within the project "Short-term and medium-term support to strengthen efforts in the fight against trafficking in human beings", implemented by IOM with the support of the United States Agency for International Development (USAID), a Statistics Portal about THB victims was set up and donated to the Ministry of Security of Bosnia and Herzegovina in June 2020. The Portal allows for disaggregation of victims by sex, age, type of exploitation and country of origin. Names of victims are substituted by numbers. Data concerning victims is collected separately by governmental bodies and NGOs, applying different criteria. The government statistics are limited to victims who have participated in criminal proceedings, whereas the statistics from NGOs, such as IFS-EMMAUS, include also presumed victims who did not take part in criminal proceedings, but nevertheless received assistance. At the time of the GRETA visit in September 2021, there were 180 potential and identified victims registered in the Portal.

154. Only the THB co-ordinators are allowed to enter and edit data in the Portal, but all NGOs and international organisations involved in THB related activities also have access to the Portal. The Portal also contains a list of training activities related to combating THB provided by different actors including international organisations. At the end of each year, they are invited to provide data on victims and/or training activities carried out. The THB co-ordinators are responsible for ensuring that potential victims who take part in criminal proceedings and those who are assisted by NGOs are not counted twice. GRETA was informed that there are currently 22 user accounts on the Portal, including NGOs and international organisations. All users have undergone training on how to access and use the portal and have been provided with guidelines on how to collect, store and exchange data.

155. GRETA welcomes the steps taken to set up a comprehensive and coherent statistical system regarding THB victims and considers that the data collection should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection including ensuring that the confidentiality of sensitive information is protected. In this context, GRETA refers to the recently published Guidelines for the Development and Adoption of Instruments at All Levels of Government in Bosnia and Herzegovina for the Protection of the Private Life and Personal Data of Victims of Human Trafficking (see paragraph 110).

2. Prevention of child trafficking

156. In its second evaluation report, GRETA urged the authorities of Bosnia and Herzegovina to strengthen their efforts to prevent child trafficking, including by strengthening the role and capacity of centres for social welfare, tackling low school attendance of Roma children, performing risk assessment before children are returned to their families and expanding foster care placements.

157. Although the new Strategy to suppress trafficking emphasises the importance of the prevention of child trafficking, there is no comprehensive and coherent prevention strategy. In the reporting period, some projects aimed specifically at preventing child trafficking have been implemented. By way of example, in 2018 and 2020, NGO Novi put conducted, with the support of international donors, six projects in four cantons (Sarajevo, Herzegovina-Neretva, Zenica-Doboj and West Herzegovina), consisting of holding lectures and workshops for primary and secondary school students, parents, educators and the general public, distribution of information materials in the street, and online campaigns on the NGO's website and social media in order to raise awareness about, amongst others, child trafficking and online abuse.

158. Children of Roma ethnicity account for the largest proportion of the detected child victims of trafficking. Therefore, most of the abovementioned measures to prevent THB are targeting the Roma population. However, as these activities are mainly focused on awareness-raising, they do not address the root causes of the Roma children's vulnerability to THB that are poverty, social exclusion, low school attendance and discrimination. There have been some projects, mainly conducted by NGOs, to help the Roma community to access the labour market and their children to attend school. In 2018, the NGO Novi put organised a literacy course for Roma girls. Some schools provide free meals and books and have volunteers who work with children. GRETA was also informed that in the Brčko District in order to receive child support from the government parents must provide proof that children are regularly attending school, which has led to an increase in enrolment.

159. In November 2018, the first Centre for Safe Internet in Bosnia and Herzegovina was established by IFS-EMMAUS as part of a project aimed at the prevention of violence against children in the digital environment. As part of its prevention and awareness-raising activities, the Centre has organised several panels, workshops and presentations for children, teachers and parents. In this regard, civil society actors stressed a need for a more active involvement of the education system in the prevention of THB, through the information on the phenomenon of THB and different forms of exploitation.

160. Since 2010 IFS-EMMAUS runs a SOS internet abuse reporting hotline and a helpline that provides information, advice, and support from psychologists to children, youth, and parents on how to deal with harmful content, contacts and online conducts. During October and November 2019, IFS-EMMAUS signed two Protocols with the Federal Police Administration and the Brčko District Police to foster co-operation in combating violence against children in the digital environment. These protocols define in detail how to handle reports submitted by IFS-EMMAUS and the Centre for Safe Internet regarding violence against children and harmful content.

161. As a good practice in terms of the prevention of child trafficking, GRETA also would like to refer to the mapping activity conducted in 2019 by NGO Zemlja djece in partnership with the Social Work Centre and the city administration in two settlements of Tuzla in which child exploitation was prominent. During this activity, consisting of mapping the socio-economic situation and needs of each family of those local communities, a significant number of children without health insurance as well as school-age children who do not attend primary education were identified and included in the health care and education system. However, civil society actors explained that due to the poor economic conditions of their parents the enrolment of children in the street situation in school does not guarantee that they will not go back to begging. GRETA has been informed that due to the lack of staff and financial resources, Centres for Social Work cannot fulfil their role in preventing child exploitation, which entails working with poor families to find solutions to their socio-economic problems.

162. To better combat child trafficking in the Tuzla canton there is a binding protocol indicating the responsibilities of all relevant authorities and NGOs in combating child exploitation. In 2018 a mobile team for the prevention of begging, child abuse and other forms of child exploitation, consisting of a representative of the NGO Zemlja djece, a social worker and a police officer, was formed. In 2019 and 2020, the team registered 42 children who were begging and placed 27 of them in the cantonal shelter for children. At the time of the visit, all 16 beds of the cantonal shelter were occupied. The lack of

accommodation facilities to meet the needs of emergency protection for children at risk of violence and exploitation remains one of the major obstacles in terms of prevention throughout Bosnia and Herzegovina. This is particularly problematic in some areas, such as the Republika Srpska.

163. Day-care centres have a significant preventive role in the field of trafficking, especially THB for the purpose of forced begging. According to the above-mentioned report on the phenomenon of child trafficking in Bosnia and Herzegovina¹⁰⁶, more than 200 children visit the 12 day-care centres that exist currently in the country on a daily basis, where they are provided with meals and sometimes with educational support and counselling; most of them are Roma children begging in the streets. GRETA was told that the number of children visiting day-care centres has almost tripled in some areas during COVID-related lockdowns as parents could not provide even the basic needs to their children. Although ensuring their sustainability is presented in the current Anti-Trafficking Strategy as one of the measures to enhance the prevention of trafficking in children and the 2016-2019 Action Plan provided for strengthening their human and financial resources, only few day-care centres receive State support and most centres continue to struggle to survive because of limited budgetary resources.

164. GRETA was also informed of the recruitment of young girls by means of advertisements displayed in a university campus proposing employment offers for working as escort girls in EU countries. Reportedly, despite being alerted by NGOs, the law enforcement authorities did not prevent the recruitment and transportation of many young girls to Germany where they fell victim to trafficking.

165. Unaccompanied or separated migrant children are another group vulnerable to being trafficked. The number of such children in Bosnia and Herzegovina is estimated to be between 500 and 600, but it may be higher because some children claim to be adults in order to avoid being appointed a guardian and move more easily through the country to reach the EU. According to the UN Committee on the Rights of the Child,¹⁰⁷ the insufficient capacity of reception centres to accommodate unaccompanied or separated children resulted in them being forced to sleep on the streets in unsafe and unsanitary conditions and with little or no access to support.

166. Recalling the recommendations made in its second evaluation report, GRETA urges the authorities of Bosnia and Herzegovina to strengthen their efforts to prevent child trafficking, including by:

- **sensitising and training child protection professionals and social workers on child trafficking, and strengthening their resources across the country;**
- **raising awareness of the risks of human trafficking, including recruitment and abuse through internet/social networks, and trafficking for sexual exploitation abroad;**
- **developing programmes for rehabilitation of children in street situations, by offering them and their families alternative opportunities such as vocational training, employment opportunities, placement in alternative care, based on the best interests of the child;**
- **providing adequate financial support to day-care centres for children in the street to guarantee the sustainability of their activities;**
- **increasing accommodation facilities to meet the needs of emergency protection for children at risk of exploitation;**

¹⁰⁶ M. Dottridge, O.L. Ninković, H. Sax; S. Vujović, *The phenomenon of child trafficking in Bosnia and Herzegovina*, June 2021, p. 21.

¹⁰⁷ Concluding observations on the combined fifth and sixth periodic reports of Bosnia and Herzegovina, adopted by the Committee at its eighty-second session (9–27 September 2019).

- **providing sufficient human, technical and financial resources to increase the capacity and improve the conditions of government-run reception centres to accommodate all migrant and asylum-seeking children.**

3. Measures to prevent and combat trafficking for the purpose of labour exploitation

167. In its second evaluation report, GRETA urged the authorities of Bosnia and Herzegovina to enhance their efforts to prevent trafficking for the purpose of labour exploitation, in particular by strengthening the monitoring of employment agencies, sensitising relevant officials about THB for the purpose of labour exploitation and the rights of victims, strengthening efforts to curb fraudulent job offers disseminated by means of the Internet, and working closely with the private sector.

168. During the reporting period, several projects have been conducted by NGOs and international organisations to prevent and combat trafficking for the purpose of labour exploitation. By way of example, in 2020 the NGO Novi put implemented the campaign "Do you know your labour rights?" aimed at raising awareness of the increased risk of trafficking in the context of the COVID-19 pandemic. The previously mentioned project implemented by the Council of Europe (see paragraph 120) has as one of its thematic focuses combating THB for labour exploitation, including research, capacity building and awareness raising.¹⁰⁸ With financial support from this project, the NGOs Lara Foundation and Ja BiH Eu conducted some 30 activities, such as public debates, street actions, video conferences, social media campaigns and distribution of promotional materials.

169. The Guidelines for Competent Institutions and Authorised Organisations Related to Combatting THB in Bosnia and Herzegovina introduced in 2020 clearly define the responsibilities of labour inspectorates. The newly established local co-operation teams include labour inspectors (see paragraph 17).

170. During the reporting period, labour inspectors carried out inspections in various sectors, including joint operations with law enforcement officials, in particular at construction sites and in the catering industry, resulting in a considerable number of workers having been found working without contracts and insurance. No victims of THB have been identified during labour inspections. Labour inspectors have also conducted inspections of private employment agencies and issued numerous misdemeanour warrants, mainly due to the illegal practice of leasing workers to other employers on the basis of a contract for technical cooperation. Some representatives of labour inspectorates met by GRETA pointed out that penalties in the Labour Codes are generally lenient and do not allow to efficiently combat violations of labour legislation. GRETA was told by the labour authorities in Banja Luka that the possibility to amend the Labour Code of the Republika Srpska to allow employment agencies to legally lease workers was under discussion.

171. The obligatory training programme of labour inspectors does not cover THB, but optional training sessions have been organised, most recently by the Ministry of Security of Bosnia and Herzegovina and IOM in January 2020 (attended by 29 labour inspectors) and the Council of Europe in December 2020, January and March 2021 (attended by 21 labour inspectors).

172. The website of the Labour and Employment Agency of Bosnia and Herzegovina contains some information about legal and safe labour migration, working conditions and the protection of labour rights abroad, but this concerns only some countries, in particular those with which Bosnia and Herzegovina has concluded international agreements on employment in order to facilitate safe labour migration (Germany, Serbia, Slovenia and Qatar). Negotiations to conclude similar agreements with Croatia, Montenegro and Russia are ongoing. Despite the existence of agreements, many nationals of Bosnia and Herzegovina travel abroad to work without a work permit, and when they fall victim to labour exploitation, they rarely seek help from the authorities or the diplomatic missions of Bosnia and Herzegovina in the countries of destination as they work illegally and thus fear prosecution.

¹⁰⁸

[Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina \(coe.int\)](https://www.coe.int/en/web/preventing-and-combating-trafficking-in-human-beings-in-bosnia-and-herzegovina)

173. Whereas there are many persons and agencies offering jobs abroad and the number of nationals looking for job opportunities has increased considerably since the beginning of the COVID-19 pandemic, there is no authority monitoring job ads to take action or inform workers against fraudulent advertisements in the media and online. With the support of the German Society for International Cooperation (GIZ), in 2019 an Info Desk for potential migrants to the EU was set up in three locations (in the premises of the Day Centre for Children at Risk in Tuzla, in Kiseljak and in the refugee settlement Mihatovići). The NGO Novi Put has a telephone line providing information on safe and legal migration and checking suspicious ads.

174. GRETA welcomes the above-mentioned steps taken to raise awareness and prevent THB for labour exploitation, but at the same time notes with concern that labour inspectorates are understaffed and under-resourced, which prevents them from playing an active role in combating human trafficking. Consequently, **GRETA urges the authorities of Bosnia and Herzegovina to take additional steps to prevent and combat THB for labour exploitation, and in particular to:**

- **ensure that sufficient staff and resources are made available to labour inspectors to enable them to play a frontline role in the prevention and identification of THB for the purpose of labour exploitation;**
- **ensure that labour inspectors, law enforcement officers and other relevant actors increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as the construction and catering industries;**
- **strengthen co-operation between law enforcement officers, labour inspectors, financial police, tax authorities, trade unions, and other civil society actors, with a view to identifying victims of THB for the purpose of labour exploitation and collecting the evidence necessary for successfully prosecuting those cases.**

175. **Further, GRETA considers that the authorities of Bosnia and Herzegovina should:**

- **train labour inspectors, law enforcement officers, prosecutors and judges throughout the country, including through joint training, on THB for the purpose of labour exploitation and the rights of victims;**
- **strengthen the monitoring of recruitment and private employment agencies, as well as business supply chains;**
- **strengthen efforts to curb fraudulent job offers, in particular those disseminated by means of the Internet.**

4. Identification of victims of trafficking

176. In its second evaluation report, GRETA urged the authorities of Bosnia and Herzegovina to take additional steps to improve the identification of victims of human trafficking, in particular by strengthening multi-disciplinary co-operation in the identification process, and ensuring that law enforcement officials, labour inspectors, social workers, NGOs and other relevant actors adopt a more proactive approach and increase their outreach work to identify victims of human trafficking. GRETA also requested the authorities to step up their efforts to detect potential victims at border crossings, including among asylum seekers.

177. The procedure for the identification of victims of THB continues to be regulated by two pieces of secondary legislation: the "Rules on the protection of victims of THB who are nationals of Bosnia and Herzegovina" and the "Rulebook on the protection of foreign victims of trafficking in persons". Any institution, NGO, physical or legal person who suspects or has information that a person might be a victim of trafficking should promptly inform the State Investigation and Protection Agency (SIPA) and the State Prosecutor's Office or the prosecutor's offices and police departments of the entities or the Brčko District. Victims who are nationals of Bosnia and Herzegovina are identified by the law enforcement agencies and prosecutors. In the case of foreigners, the competent authority performing identification is the Service for Foreigners' Affairs of the State (SFA). If the relevant authority concludes that a person is a victim of trafficking, he or she is given the status of "potential victim" and is accommodated, at the written order of a prosecutor, in a safe house accredited by the authorities where assistance is provided irrespective of whether there was a criminal report filed or an indictment raised. NGOs, social workers or local co-operation teams do not play an active role in the victim identification process. For a person to be considered as a victim of human trafficking, a final conviction for the criminal offence of THB should have been handed down. According to NGOs, out of approximately 70 persons given the status of "potential victims" in 2020, only a few were identified as victims of trafficking through criminal proceedings. It should be stressed that there is no difference between a potential victim and a victim in terms of access to assistance.

178. There are guidelines to assist different professional groups in the identification and assistance of THB victims, some of which include lists of indicators for identifying victims. According to civil society actors met by GRETA, despite some training offered to frontline professionals (paragraph 185), the identification of THB victims remains problematic, and many victims go undetected. Although during the reporting period there has been an increase in the total number of detected potential victims of trafficking or related offences (paragraph 11), the number of identified potential victims of trafficking for the purpose of labour exploitation remains very low.

179. As noted in paragraph 12, since the beginning of 2018, Bosnia and Herzegovina has witnessed a significant increase in the number of migrants entering its territory.¹⁰⁹ Only a few migrants submit a request for asylum in Bosnia and Herzegovina as their goal is apparently to reach an EU country.¹¹⁰ GRETA was told that migrants express intention to seek asylum in Bosnia and Herzegovina in order to have a letter of intention which allows them to enter and stay in a reception centre until they find a way to cross the border with Croatia.

180. According to the authorities, staff of the agencies in charge of migrants and asylum seekers have been trained to recognise signs of THB. However, as of the end of 2020, no victims of trafficking had been identified as part of the asylum procedure. GRETA was told by representatives of the SFA that in 2021 three persons have been identified in reception centres as potential victims of THB. According to further information provided by the authorities, it was determined in criminal proceedings that these individuals were not victims of trafficking in human beings.

181. The identification of potential victims of trafficking among migrants and asylum seekers is very challenging for various reasons, especially because of issues of communication due to the language barrier, lack of capacity and staff of the authorities in charge of migrants and lack of trust in public authorities, in particular the police. Further, many interlocutors met by GRETA underlined that due to their fast transit through the country, it was very difficult to establish trust with migrants in order to identify potential victims of trafficking among them. Some civil society representatives indicated that except in the winter, migrants, including unaccompanied children, usually leave the reception centre approximately 10 days after their admission into the centre. GRETA was informed that the legal guardianship of unaccompanied children expires 48 hours after the children have gone missing from the centre.

¹⁰⁹ The total number of recorded arrivals between January and November of 2018 was 23,271, which was 20 times more than the arrivals in 2017.

¹¹⁰ 69,413 arrivals were detected between 1 January 2018 and the end of December 2020, of whom 64,943 migrants (94%) expressed intention to seek asylum. Of these, only 2,601 (4%) formally lodged an asylum claim. Only four persons have received refugee status, 88 persons were granted subsidiary protection and 136 asylum requests were rejected. UNHCR, Fact sheet December 2020, Bosnia and Herzegovina <https://data2.unhcr.org/en/documents/download/84288>.

182. GRETA visited the Ušivak open reception centre, inaugurated three years ago. It predominantly accommodates families and unaccompanied children. At the time of the visit, about 400 migrants, including around 100 unaccompanied children,¹¹¹ were accommodated in the centre but closer to the winter the centre usually reaches its full capacity of 800 migrants. Once migrants reach the centre, they are registered, provided with an identity card and informed about their rights and the services available in the centre. Unaccompanied children have a guardian appointed. Communication between the staff of the centre and migrants is possible through cultural mediators who cover all the languages spoken by migrants in the centre (Arabic, Urdu, Pashtu and Farsi). There are different agencies and international organisations (UNHCR, IOM, UNICEF, etc.) providing a variety of services, such as sociopsychological assistance and educational activities. Some of the staff confirmed having received training on THB. There is also a co-ordinator for vulnerable groups who checks suspicious situations, such as possible cases of exploitation. However, no victims of trafficking have so far been detected in the centre.

183. A report issued in January 2021 by the Special Representative of the Secretary General of the Council of Europe for Migration and Refugees,¹¹² following his visit to Bosnia and Herzegovina, points out that migrants were not well informed about their rights and the asylum procedure. Although leaflets on migrants' rights were provided by the NGO Vaša Prava in a range of languages to the SFA and Border police, it is not certain that they were widely distributed. GRETA was told by specialised NGOs that migrants regularly claim that they have not been given any type of information even in writing. According to civil society, lack of interpretation during asylum procedures also remains a recurring challenge, despite the support provided by international partners. In addition, according to UNHCR, the number of cultural mediators and interpreters available in reception facilities remains insufficient. GRETA notes that these shortcomings may severely hamper the capacity of the authorities to detect potential victims of trafficking.

184. GRETA was informed by the UNHCR office in Sarajevo that, despite the large number of migrants who came to or transited through the Una-Sana Canton (USC) since 2017 with the aim of crossing the border with Croatia, there are no known activities of the cantonal coordination team to provide education, raise awareness, facilitate identification and referrals among the migrant population, as the team has no funding available for any specific activities requiring financial support.

185. Some efforts have been made to improve the identification of victims of trafficking within the migrant population. In May 2019, a conference on "THB in the conditions of the migrant crisis" was held in Sarajevo and gathered more than 50 representatives of relevant governmental and non-governmental actors. Two of the recommendations of the conference were the introduction of clearer procedures to identify victims of THB among migrants and the creation of a database to be properly informed on the number of migrants. Further, in November 2018, IOM organised a training entitled "Checking, identifying and referring potential victims of trafficking and vulnerable migrants in mixed migration flows". In 2020, 250 IOM employees working in reception centres in Bosnia and Herzegovina attended online training on THB to improve the identification of victims of trafficking. Also in 2020, IFS-EMMAUS conducted 11 training sessions for 280 professionals from the Border Police, the SFA, Centres for Social Work and Centres for the Protection of Mental Health to improve the identification of victims of THB, including within mixed migration flows. Further, the OSCE Mission conducted in 2020 training sessions for employees of relevant international organisations in order to improve their ability to recognise indicators for identifying potential victims of trafficking among migrants.

186. IOM informed GRETA of the ongoing negotiation with the authorities of the Republika Srpska to create mobile teams which would conduct screening at the border to identify vulnerable migrants when they enter the country. GRETA was also informed that the authorities were working with UNHCR on developing screening tools to detect vulnerabilities of migrants, including victims of THB. A strategy and action plan on migration (2021-2025), which include a chapter dedicated to THB, are soon to be adopted.

¹¹¹ In total, 332 unaccompanied children were registered in the Ušivak centre in 2019, 738 in 2020 and 591 until September 2021.

¹¹² <https://rm.coe.int/report-of-the-fact-finding-mission-by-ambassador-drahoslav-stefanek/1680a2fd03>.

187. GRETA was informed that a number of nationals of Bosnia and Herzegovina who had joined the so-called "Islamic State" (IS) organisation have been repatriated to Bosnia and Herzegovina. This group includes women and children, as well as a number of men who were prosecuted in Bosnia and Herzegovina upon their return. GRETA notes that some of these persons might have joined IS as a result of coercion or deceit or when they were still children. GRETA was informed that the Ministry of Security of Bosnia and Herzegovina does not have any information which would indicate that there are potential THB victims among the nationals of Bosnia and Herzegovina detained in the refugee camps in North-East Syria. GRETA stresses the importance of proactively investigating any allegation of trafficking in human beings, including in cases of potential victims of trafficking recruited on national territory to join a terrorist organisation abroad, ensuring that victims of trafficking are identified as such and receive the support and assistance provided for by the Convention, and applying the non-punishment principle.

188. While welcoming the increased number of identified presumed victims of trafficking in general, GRETA is concerned about the low number of detected victims of THB for labour exploitation and the low number of identified cases of trafficking within mixed migration flows. **Referring to the recommendations made in its second evaluation report, GRETA urges the authorities of Bosnia and Herzegovina to:**

- **increase their efforts to proactively identify victims of trafficking, especially trafficking for the purpose of labour exploitation;**
- **pay increased attention to detecting victims of trafficking amongst migrants and asylum seekers, by providing training and issuing clear operational instructions for frontline professionals on identifying and responding to cases of human trafficking and on conducting gender- and culturally-sensitive interviews with migrants and asylum seekers, as well as by recruiting or otherwise engaging a sufficient number of trained interpreters and cultural mediators to more effectively interact with migrants and asylum seekers.**

5. Assistance to victims

189. In its second evaluation report, GRETA urged the authorities of Bosnia and Herzegovina to ensure that all possible and formally identified victims are accommodated in shelters and receive adequate assistance in accordance with their needs.

190. The scope and procedure of assistance for victims and potential victims of trafficking, defined in the "Rules on the protection of victims who are nationals of Bosnia and Herzegovina" and the "Rulebook on the protection of foreign victims of trafficking in persons", remain unchanged. Nationals of Bosnia and Herzegovina are entitled to safe accommodation, financial aid, counselling, psychological support, health protection and assistance in terms of their inclusion into the programme of resocialisation. The programme of resocialisation is individually planned according to the needs of the victim and includes education, vocational training, assistance in employment and other social measures. When it comes to foreign victims, they are entitled to receive assistance only if they are placed in shelters. The assistance to them is limited to access to psychological support, legal aid in matters concerning their status, vocational training and education as well as access to the labour market under the conditions applying to all foreigners.

191. Emergency medical care is free of charge and accessible to everyone living in the country, including foreign victims of trafficking. However, problems may arise in the case of prolonged care or any other additional treatment for foreign victims who do not have health insurance. These expenses are usually covered by NGOs managing shelters where they are accommodated and funded through grants or as part of larger projects.

192. Accommodation and other types of support are provided by NGOs that have concluded co-operation agreements with the State Ministry of Security (regarding assistance to foreign victims) and with the State Ministry of Human Rights and Refugees (regarding assistance to victims who are nationals of Bosnia and Herzegovina). Following GRETA's recommendation,¹¹³ in May 2020, these two ministries concluded an agreement to create a common fund of BAM 130 000 (66 486 euros) for assistance to all victims of trafficking.

193. IFS-EMMAUS is the only NGO funded by the authorities for accommodation and care of both foreign and national victims. It runs the largest safe house in the country, with the capacity of 80 places, for protection and assistance of women, men and child victims of trafficking. At the time of GRETA's visit, 22 children and three women were accommodated in the safe house.

194. Besides IFS-EMMAUS, in 2020, an agreement for accommodation and assistance to victims was concluded with the Lara Foundation in Bijeljina, Medica Zenica in Zenica, Association of Citizens Budućnost in Modriča and Žena BiH in Mostar. They all operate safe houses for victims of violence, including victims of trafficking, and provide them with various types of support. According to information provided by the authorities, no agreements for the provision of assistance to victims of THB were concluded between the Ministry of Security of Bosnia and Herzegovina and NGOs in 2019 and 2021, due to the fact that the State budget for 2019 and 2021 had not been adopted.

195. According to the State Co-ordinator's situation reports for 2019 and 2020,¹¹⁴ out of 70 potential victims of trafficking identified in 2020, 41 were assisted in safe houses, and out of 61 potential victims of trafficking identified in 2019, 42 were assisted in safe houses. The information provided by the authorities indicates that a total of 137 victims of trafficking were provided with accommodation and assistance in the period 2015-2020.

196. In the absence of a safe house for THB victims in the Republika Srpska, THB victims are transferred to the IFS-EMMAUS safe house. In the past, female victims were accommodated in the three safe houses for victims of domestic violence (in Banja Luka, Modriča, and Bijeljina). GRETA was informed that the authorities of the Republika Srpska were exploring the possibilities of using foster families or developing the capacity of the existing three safe houses to accommodate victims of THB.

197. Adult victims can stay in a safe house up to three months which can be extended twice. Centres for Social Work decide on how long a victim can stay in a safe house. A foreign victim of trafficking may remain in a safe house until repatriation or expiry of the right to temporary residence for humanitarian reasons and, in the cases where the victim had filed a request for asylum, until a final decision on the asylum request is taken. For example, GRETA was informed of two foreign victims of trafficking who stayed in a shelter for one and a half years while they applied for asylum. The problems referred to in GRETA's second report concerning the absence of state-funded structures for assisting victims of THB outside safe houses/shelters and the lack of human and financial resources of Centres for Social Work to support this category of victims have reportedly continued.

198. The only form of financial benefit that an adult victim of trafficking can receive if he or she is in a social need is a one-time financial assistance, the amount of which is insignificant. The authorities acknowledged that there had been cases where THB victims had fallen victim to trafficking after having left a shelter. Although victims can be supported by NGOs even if they are not in a shelter, GRETA was informed that many NGOs with significant expertise in the field of combatting THB have ceased their anti-trafficking activities due to lack of funding. The State does not finance anti-THB activities apart from partly financing NGOs that concluded agreements with the authorities and allocating some amounts to the implementation of the action plans on combating THB, which are, reportedly, extremely low. According to the information provided by the authorities, in 2017, 2018 and 2020, BAM 60 000 (around 30 000 euros) per year was allocated by the State Ministry of Human Rights and Refugees to NGOs providing direct

¹¹³ See GRETA's second evaluation report on Bosnia and Herzegovina, paragraph 99.

¹¹⁴ Available at http://www.msb.gov.ba/anti_trafficking/dokumenti/godisnji_izvjestaji/Archive.aspx=en-US

assistance to victims of THB who are citizens of Bosnia and Herzegovina, while no funds were provided in 2019 and 2021 due to the non-adoption of the State budget. Further, funds in the amount of BAM 90 000 (approximately 45 000 euros) were allocated by the Ministry of Security for NGOs providing assistance to foreign victims of THB in 2018.

199. On a positive note, GRETA was informed that the Minimum Standards for Provision of Quality Assistance and Support to Victims of Trafficking, Especially Children had been prepared within a project implemented by IFS-EMMAUS. They contain practical guidance for professionals in relation to the different forms and phases of support provided to victims of trafficking, including identification, referral to competent services, access to health care, education and vocational training, legal aid and support during criminal proceedings, as well as repatriation and reintegration. These standards should establish a uniform practice when assisting all victims throughout the country as currently the level of assistance changes depending on the entity and canton. GRETA was informed that the Minimum Standards had been submitted to the Council of Ministers of Bosnia and Herzegovina, but their adoption was being delayed due to the current political situation.

200. There have been no changes in the rules related to the granting of the recovery and reflection period and residence permits. GRETA was informed that, during the period covered by this report, eight victims of trafficking (six female and two male, including three children) were granted a recovery and reflection period and residence permits. The victims originated from Gambia, Sri Lanka and Serbia.

201. GRETA is concerned by the absence of assistance to victims who are not in shelters and the lack of funding provided to specialised NGOs, which caused them to cease their anti-trafficking activities. Consequently, **GRETA urges the authorities of Bosnia and Herzegovina to:**

- **allocate adequate funding to and further develop co-operation and coordination with NGOs providing accommodation and support to victims of THB;**
- **develop programmes for long-term support and integration of victims of THB.**

6. Identification of, and assistance to, child victims of trafficking

202. In its second evaluation report, GRETA urged the authorities of Bosnia and Herzegovina to make efforts to improve the identification of and assistance to child victims of trafficking, in particular by ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB and by providing further training to stakeholders and guidance on the identification of child victims of THB as well as support and services adapted to the needs of child victims of trafficking, including appropriate accommodation.

203. The identification procedure described in paragraph 177 applies also to children. As noted in paragraph 11, the majority of the potential victims of THB identified in the reporting period have been children (around 60%). The actual number of child victims is probably significantly higher, as many child trafficking cases are not recognised as such by law enforcement and judicial authorities (see paragraph 204). Children are most frequently subjected to forced begging and forced labour in the streets, sometimes with involvement of their families, but also to trafficking for the purpose of early and forced marriages and exploitation in prostitution.

204. Day-care centres for children and some Social Work Centres (e.g. in Sarajevo) operate mobile teams for outreach work and report possible victims of trafficking to the responsible authorities. However, GRETA is concerned by reports that the authorities rarely react appropriately to cases of child begging or child marriages, especially if they concern the Roma community, as they tend to see them as part of a "traditional Roma way of life". Therefore, usually those children would not be identified as THB victims but returned to their families even when their families have been involved in their exploitation and, consequently, they would continue to be exploited. By way of example, the State Co-ordinator's 2018

situation report refers to a case of two Roma children (a boy and a girl) who were accommodated together with their mother in the Lara Foundation's safe house, and who had apparently been subjected to forced begging by their mother's common law husband. Reportedly, no investigation was conducted, the mother and the two children left the safe house at the mother's request, and the children returned to beg in the street. Civil society actors pointed out that since many forced begging cases were not treated as THB cases, it was not rare to see the same children begging in the street after having spent some time in a safe house. They referred to cases where children had been accommodated four times in a safe house but returned to the street at the end of each stay. The opposition of some officials to recognise forced begging as THB is not only explained by the lack of specialised knowledge on trafficking but also by the significant number of child beggars and the lack of capacity of the authorities to investigate each case of child begging.

205. GRETA notes that although many street children and victims of child, early or forced marriages belong to the Roma community,¹¹⁵ there are no Roma representatives either in the former regional monitoring teams or in the newly established local co-ordination teams (except for the Brčko District's team). This seriously hampers the identification of THB cases among Roma children.

206. GRETA notes as a positive practice the fact that the uniformed police in the Brčko District are trained to recognise indicators of trafficking among children in street situations, and that social workers from the Department of Education who work with children are sensitised to notice relevant changes in behaviour (such as school absences) among children. In 2020 and 2021, IOM offered training for police officers, social work centre staff and representatives of NGOs on the importance of early identification of (potential) victims of child begging in the context of THB. The training aimed to break down prejudices and stereotypes to provide adequate protection to victims belonging to the Roma population.

207. GRETA was informed about cases of exploitation in prostitution of girls as young as 14 recruited from among vulnerable persons in the Roma communities and the collective refugee centre of Mihatovići, one of the biggest centres accommodating people who were internally displaced after 1991 because of the war and other vulnerable categories. Although there were some prosecutions of such cases, they were apparently finally dropped because victims may have been forced to testify that they had had sexual relations with their consent.¹¹⁶ The authorities of Bosnia and Herzegovina were not able to confirm this information.

208. Unaccompanied foreign victims and children who cannot be returned to their families have a guardian appointed, who is usually a social worker. GRETA has been informed that social workers were overburdened with the number of guardianships they have to take on at the same time. Child victims are placed in a safe house and are granted a 30-day reflection period. This is followed by the development of an individual assistance plan for the child, which addresses, among others, access to education and health care. Pursuant to Article 20 of the "Rulebook on the protection of foreign victims of human trafficking", a foreign child victim enjoys the same rights to care and protection as a child victim who is a citizen of Bosnia and Herzegovina.

¹¹⁵ According to the most recent Multiple Indicator Cluster Survey (MICS), 15% of Roma women aged between 20-49 years were married before the age of 15 while 48% were married before the age of 18. Pilav, A., Lolić A. et al. (2013, February), [Bosnia and Herzegovina Multiple Indicator Cluster Survey \(MICS\) \(2011- 2012\)](#).

¹¹⁶ Sexual intercourse with children who are 14 years or older in the Federation of Bosnia and Herzegovina and the Brčko District and 15 years or older in the Republika Srpska is not criminalised.

209. There is no specialised safe house for child victims of THB in Bosnia and Herzegovina. Identified child victims of THB are first placed in emergency shelters where they stay from seven to 10 days. Later, they are placed either in institutions for children without parental care (orphanages) or housed in safe houses which are intended for adult victims, where the protection measures are adjusted to the needs of the child.¹¹⁷ The placement in a safe house takes place only with a prosecutor's order who first needs to investigate the case to decide if the child is a potential victim of trafficking. The average length of time for child victims of trafficking to be accommodated in a safe house, funded by the State, is 12-18 months. After this period, the child victims are in most cases placed in orphanages or alternative accommodation such as SOS Children's Villages, established by the Federation of Bosnia and Herzegovina. GRETA was told that it was very rare that a child victim of trafficking is placed in foster care.

210. At the time of the visit, IFS-EMMAUS' Safe House was accommodating 22 children. All the children had been detected as a result of actions carried out by coordination teams from Tuzla Canton, Sarajevo Canton and the Brčko District. Almost all of them were begging in the street. Child victims of THB benefit from various types of assistance and support, including psychological and therapeutic support, medical care, on-the-job training, reintegration support, and legal advice. GRETA was informed that in 2018 and 2019 six potential victims of trafficking for sexual and/or labour exploitation and forced begging (one adult female, one boy and four girls) were accommodated in the Lara Foundation's Safe House. Further, in June 2018, one foreign boy and his mother were placed at the request of the SFA in Medica Zenica's Safe House as potential victims of trafficking, where they were provided with all the necessary supplies, vocational education and medical care including long term therapy work. They spent one and a half years in the shelter after which they moved into private accommodation, financed by the UNHCR, and are currently waiting for the completion of the asylum proceedings.

211. Although the authorities are committed to deinstitutionalisation of childcare and try to develop foster care, according to civil society actors met by GRETA, orphanages remain the first choice for a child as, unlike foster families, children can be easily and immediately placed there. According to experts dealing with children, orphanages cannot provide for the adequate psychological and social rehabilitation of child survivors of trafficking or similar trauma. Reports indicate that in some cases the exploitation of trafficked children has even continued in orphanages.¹¹⁸

212. While some civil society actors indicated that co-operation between specialised NGOs providing accommodation and assistance to victims and the authorities has improved since the restructuring leading to the establishment of local co-ordination teams, an NGO representative noted that the restructuring caused severe disruption of co-operation among actors in some areas. In this regard, reference was made to a case of forced begging concerning 22 children from three families discovered in 2021. Children were sent to a safe house and 20 days later parents went to the safe house to take back their children, without any warning from the authorities, and later it was understood that the prosecutor in charge of the file had ordered the return of children to their mothers who were also considered to be victims. However, the security of the safe house had been compromised due to communication gaps among relevant actors. Three fathers, accused of exploiting their children and their mothers, were released three months later from custody with an order not to approach the victims. The indictment was submitted in April 2021.

¹¹⁷ There are eight safe houses in Bosnia and Herzegovina run by NGOs: five in the Federation of Bosnia and Herzegovina (Sarajevo, Zenica, Tuzla, Bihać, Mostar) and three in the Republika Srpska (Banja Luka, Modriča, Bijeljina). They provide on average 20 places.

¹¹⁸ M. Dottridge, O.L. Ninković, H. Sax; S. Vujović, *The phenomenon of child trafficking in Bosnia and Herzegovina*, June 2021.

213. GRETA once again urges the authorities of Bosnia and Herzegovina to improve the identification of, and assistance to, child victims of trafficking, in particular by:

- **ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, including by continuing to pay attention to children in street situations and by actively involving, wherever necessary, qualified persons from the Roma community;**
- **providing further training to police, prosecutors, NGOs, centres for social welfare, and child specialists and guidance on the identification of child victims of THB, based on an agreed understanding of the concepts of trafficking for the purpose of forced begging, forced criminality and early, child or forced marriages;**
- **ensuring that day-care centres for children and Social Work Centres are adequately funded and that social workers are adequately equipped with resources to effectively act as temporary legal guardians;**
- **ensuring that child victims of THB across the country benefit from appropriate accommodation, especially by setting up specialised safe houses for children in all regions of the country.**

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA considers that the authorities of Bosnia and Herzegovina should strengthen the systematic provision of oral and written information to presumed and formally identified victims of trafficking, in a language they can understand, regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. Law enforcement officers, prosecutors, judges, members of the local co-ordination teams, as well as the staff of reception centres for migrants and shelters for victims of trafficking, should be trained and instructed further on how to properly explain to victims of THB their rights, taking into account the victim's cognitive skills and psychological state (paragraph 41);
- GRETA also considers that the authorities of Bosnia and Herzegovina should take additional steps to ensure the availability of interpreters for different languages, including the Romani language (paragraph 42).

Legal assistance and free legal aid

- GRETA urges the authorities of Bosnia and Herzegovina to take further steps to facilitate and guarantee access to justice for victims of THB, in particular by ensuring that:
 - legal assistance is provided systematically and as soon as there are reasonable grounds for believing that a person is a victim of trafficking;
 - prosecutors instruct victims of THB on their right to legal representation and such representation is secured at the early stage of criminal proceedings. In this regard, prosecutors and the police should routinely inform shelters where victims are accommodated and legal guardians assigned to child victims that criminal proceedings have been initiated;
 - centres for legal aid play a greater role in providing free legal aid to victims of trafficking. In this regard, the criteria for receiving free legal aid from the legal aid centres should be harmonised throughout the country;
 - adequate funding is secured for NGOs and centres for legal aid providing free legal aid to victims of trafficking;
 - the authorities and the Bar Associations encourage training and specialisation of lawyers to provide legal aid to trafficking victims (paragraph 53).

Psychological assistance

- GRETA welcomes the provision of psychological support to victims of trafficking and invites the authorities of Bosnia and Herzegovina to continue their efforts in this regard (paragraph 56).

Access to work, vocational training and education

- GRETA considers that the authorities of Bosnia and Herzegovina should strengthen effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 61).

Compensation

- GRETA urges the authorities of Bosnia and Herzegovina to make further efforts to guarantee effective access to compensation for victims of THB, in particular by:
 - systematically informing victims of trafficking of their right to seek compensation in criminal and civil proceedings and the procedure to be followed, and ensuring that they are provided with effective legal assistance from the early stage of the proceedings in order to exercise this right;
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigation with a view to supporting compensation claims in court;
 - ensuring that victims obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered/awarded;
 - making full use of the legislation on the seizure and confiscation of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
 - supporting victims to effectively enforce compensation orders, including by ensuring that they have access to free legal aid;
 - including the topic of compensation in the regular training curricula for lawyers, prosecutors and judges;
 - setting up without further delay a state compensation scheme accessible to victims of THB, regardless of their nationality and immigration status (paragraph 77).

Investigations, prosecutions, sanctions and measures

- GRETA invites the authorities of Bosnia and Herzegovina to ensure consistent application of the relevant provisions across the country by providing for the same minimum punishment for the basic offence of THB in all four Criminal Codes and by removing any overlapping elements from the provisions on criminal offences related to trafficking in human beings (paragraph 83);
- GRETA once again invites the authorities of Bosnia and Herzegovina to keep the application of the corporate liability provisions in THB cases under review with a view to ensuring that they are effectively applied in practice (paragraph 85).

- GRETA urges the authorities of Bosnia and Herzegovina to take measures to strengthen the criminal justice response to THB, including by:
 - ensuring that human trafficking offences are investigated proactively and promptly, regardless of whether a complaint about the reported crime has been submitted or not, making use of all possible evidence, including evidence gathered through special investigative measures, financial evidence, documents and digital evidence, so that there is less reliance on testimony by victims or witnesses;
 - ensuring that human trafficking offences are prosecuted as such, rather than as lesser offences, every time the circumstances of the case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;
 - strengthening efforts to investigate, prosecute and secure convictions in cases of trafficking for the purpose of labour exploitation, with the involvement of labour inspectors and tax inspectors;
 - intensifying their efforts to identify, seize and confiscate criminal assets generated by trafficking offences (paragraph 100);
- GRETA considers that the authorities should provide systematic and continuous training on the application of the provisions of the relevant CC, CPC and other legislation related to trafficking in human beings to police officers, prosecutors and judges. As regards training, reference is made to the recommendations in paragraph 124 (paragraph 101).

Non-punishment provision

- GRETA welcomes the adoption of specific legal provisions on the non-punishment of victims of trafficking for offences committed as a result of being trafficked in all jurisdictions, and the reported good understanding and application of the non-punishment principle. GRETA considers that the authorities of Bosnia and Herzegovina should make further efforts to ensure full compliance with the non-punishment provision by developing guidance to police officers and prosecutors on its implementation, as well as providing systematic and continuous training (paragraph 105).

Protection of victims and witnesses

- GRETA considers that the authorities of Bosnia and Herzegovina should make full use of all available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation, as well as during and after court proceedings (paragraph 112);
- GRETA invites the authorities of Bosnia and Herzegovina to ensure the protection of the private life and identity of victims of trafficking, in line with Article 11 of the Convention, through the issuance of appropriate instructions to all relevant professionals. Further, GRETA considers that the authorities should take measures to encourage the media to protect the identity and private life of victims of THB through self-regulation or regulatory/co-regulatory measures (paragraph 113).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the setting up of a network of specialised prosecutors and investigators regarding THB as well as the THB units within the Prosecutor's Office of Bosnia and Herzegovina and the State Investigation and Protection Agency and considers that the authorities of Bosnia and Herzegovina should further promote specialisation amongst police, prosecutors and judges (paragraph 123);
- GRETA considers that the authorities of Bosnia and Herzegovina should take additional steps to ensure that relevant professionals are trained on preventing THB, identifying and interviewing victims, referring them to assistance, as well as on prosecuting THB offenders. Continuous training should be integrated in the regular training curricula of different professional groups, including law enforcement officials, prosecutors, judges, lawyers, labour inspectors, social workers, child welfare staff, health-care staff, and diplomatic and consular staff (paragraph 124).

International co-operation

- GRETA welcomes the participation of the authorities of Bosnia and Herzegovina in international co-operation and invites them to continue their efforts in this respect, particularly with regard to a greater use of Joint Investigation Teams in the investigation of cases of THB (paragraph 129).

Child-sensitive procedures for obtaining access to justice and remedies

- Whilst welcoming the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies, GRETA considers that the authorities of Bosnia and Herzegovina should strengthen their efforts to ensure that child victims of THB who are older than 16 are in practice afforded special protection measures, like younger children. In this context, GRETA refers to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, which recommend that all professionals working with children receive appropriate interdisciplinary training on the rights and needs of children (paragraph 143).

Role of businesses

- GRETA considers that the authorities of Bosnia and Herzegovina should proactively engage with the private sector, in line with the UN Guiding Principles on Business and Human Rights and the Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains, to support the rehabilitation and recovery of victims, and to provide access to effective remedies (paragraph 146).

Measures to prevent and detect corruption

- GRETA considers that the authorities of Bosnia and Herzegovina should introduce measures aimed at addressing corruption in a THB context in its anti-corruption policies and initiatives (paragraph 151).

Follow-up topics specific to Bosnia and Herzegovina

Developments in the legal, institutional and policy framework for action against human trafficking

- GRETA considers that the authorities of Bosnia and Herzegovina should strengthen the co-operation among different co-ordination teams and with specialised NGOs to ensure coherence across the country in terms of identification of victims and their access to support services. GRETA further considers that the authorities of Bosnia and Herzegovina should ensure that the members of the co-ordination teams receive systematic and continuous training on THB and related topics, especially in those areas which have not dealt with THB cases in the past (paragraph 20).

Data collection

- GRETA welcomes the steps taken to set up a comprehensive and coherent statistical system regarding THB victims and considers that the data collection should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection including ensuring that the confidentiality of sensitive information is protected (paragraph 155).

Prevention of child trafficking

- GRETA urges the authorities of Bosnia and Herzegovina to strengthen their efforts to prevent child trafficking, including by:
 - sensitising and training child protection professionals and social workers on child trafficking, and strengthening their resources across the country;
 - raising awareness of the risks of human trafficking, including recruitment and abuse through internet/social networks, and trafficking for sexual exploitation abroad;
 - developing programmes for rehabilitation of children in street situations, by offering them and their families alternative opportunities such as vocational training, employment opportunities, placement in alternative care, based on the best interests of the child;
 - providing adequate financial support to day-care centres for children in the street to guarantee the sustainability of their activities;
 - increasing accommodation facilities to meet the needs of emergency protection for children at risk of exploitation;
 - providing sufficient human, technical and financial resources to increase the capacity and improve the conditions of government-run reception centres to accommodate all migrant and asylum-seeking children (paragraph 166).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA urges the authorities of Bosnia and Herzegovina to take additional steps to prevent and combat THB for labour exploitation, and in particular to:
 - ensure that sufficient staff and resources are made available to labour inspectors to enable them to play a frontline role in the prevention and identification of THB for the purpose of labour exploitation;
 - ensure that labour inspectors, law enforcement officers and other relevant actors increase their outreach work to identify victims of human trafficking for the purpose of labour exploitation, paying particular attention to at-risk sectors, such as the construction and catering industries;
 - strengthen co-operation between law enforcement officers, labour inspectors, financial police, tax authorities, trade unions, and other civil society actors, with a view to identifying victims of THB for the purpose of labour exploitation and collecting the evidence necessary for successfully prosecuting those cases (paragraph 174);
- GRETA considers that the authorities of Bosnia and Herzegovina should:
 - train labour inspectors, law enforcement officers, prosecutors and judges throughout the country, including through joint training, on THB for the purpose of labour exploitation and the rights of victims;
 - strengthen the monitoring of recruitment and private employment agencies, as well as business supply chains;
 - strengthen efforts to curb fraudulent job offers, in particular those disseminated by means of the Internet (paragraph 175).

Identification of victims of trafficking

- GRETA urges the authorities of Bosnia and Herzegovina to:
 - increase their efforts to proactively identify victims of trafficking, especially trafficking for the purpose of labour exploitation;
 - pay increased attention to detecting victims of trafficking amongst migrants and asylum seekers, by providing training and issuing clear operational instructions for frontline professionals on identifying and responding to cases of human trafficking and on conducting gender- and culturally-sensitive interviews with migrants and asylum seekers, as well as by recruiting or otherwise engaging a sufficient number of trained interpreters and cultural mediators to more effectively interact with migrants and asylum seekers (paragraph 188).

Assistance to victims

- GRETA urges the authorities of Bosnia and Herzegovina to:
 - allocate adequate funding to and further develop co-operation and coordination with NGOs providing accommodation and support to victims of THB;
 - develop programmes for long-term support and integration of victims of THB (paragraph 201).

Identification of, and assistance to, child victims of trafficking

- GRETA urges the authorities of Bosnia and Herzegovina to improve the identification of, and assistance to, child victims of trafficking, in particular by:
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, including by continuing to pay attention to children in street situations and by actively involving, wherever necessary, qualified persons from the Roma community;
 - providing further training to police, prosecutors, NGOs, centres for social welfare, and child specialists and guidance on the identification of child victims of THB, based on an agreed understanding of the concepts of trafficking for the purpose of forced begging, forced criminality and early, child or forced marriages;
 - ensuring that day-centres for children and Social Work Centres are adequately funded and that social workers are adequately equipped with resources to effectively act as temporary legal guardians;
 - ensuring that child victims of THB across the country benefit from appropriate accommodation, especially by setting up specialised safe houses for children in all regions of the country (paragraph 213).

Appendix 2 - List of public bodies, intergovernmental organisations and civil society actors with which GRETA held consultations

Public bodies

Bosnia and Herzegovina

- National Co-ordinator for Combating Trafficking in Human Beings
- Ministry of Security
- Ministry of Human Rights and Refugees
- Ministry of Foreign Affairs
- Ministry of Justice
- Court of Bosnia and Herzegovina
- Prosecutor's Office of Bosnia and Herzegovina
- State Investigation and Protection Agency (SIPA)
- Directorate for Co-ordination of Police Bodies
- Office of the Ombudsman of Bosnia and Herzegovina

Republika Srpska

- Ministry of the Interior
- Ministry of Justice
- Ministry of Labour and Veterans' Affairs
- Ministry of Health and Social Welfare
- Ministry of Family, Youth and Sports
- Ministry of Education and Culture
- Judicial Authorities
- Prosecutor's Office
- Labour Inspection
- Centre for Free Legal Aid
- Judicial and Prosecutorial Training Centre
- Ombudsman for Children

Federation of Bosnia and Herzegovina

- Ministry of the Interior
- Ministry of Justice
- Ministry of Education and Science
- Ministry of Health
- Ministry of Labour and Social Policy

-
- Labour Inspectorate
 - Supreme Court of the Federation of Bosnia and Herzegovina
 - Federal Prosecutor's Office
 - Prosecutor's Office of Canton Sarajevo
 - Judicial and Prosecutorial Training Centre

Brčko District

- Police of Brčko District
- Department of Education
- Subdivision for Social Protection
- Prosecutor's Office of Brčko District
- Judicial Authorities
- Judicial Commission
- Office for Legal Aid

Intergovernmental organisations

- International Organization for Migration (IOM)
- Organization for Security and Co-operation in Europe (OSCE)
- United Nations Children's Fund (UNICEF)
- United Nations High Commissioner for Refugees (UNHCR)
- Delegation of the European Union and European Union Special Representative in Bosnia and Herzegovina

Non-governmental organisations

- ISF Emmaus
- Medica Zenica
- Nova generacija
- Save the Children
- Vaša prava
- Zemlja Djece
- Centar ženskih prava
- Foundation Lara Bijeljina
- Udruženje Žena BiH
- Novi put
- Bolja budućnost
- Naša djeca

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Bosnia and Herzegovina

GRETA engaged in a dialogue with the authorities of Bosnia and Herzegovina on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the authorities of Bosnia and Herzegovina on 21 April 2022 and invited them to submit any final comments. The comments of the authorities, submitted on 16 June 2022, are reproduced hereafter.

Bosna i Hercegovina
Ministarstvo sigurnosti



Босна и Херцеговина
Министарство безбједности

Ministry of Security of Bosnia and Herzegovina

Sektor za međunarodnu saradnju i evropske integracije Sector for International Relations and European Integration

Ref: 05- *M-1-6746-25/21*

Sarajevo, 15 june 2022.

Petya Nestorova
Executive Secretary of the Council of Europe Convention on
Action against Trafficking in Human Beings Directorate of Human
Dignity and Equality
Council of Europe

Subject: Final report from GRETA

Dear Ms Nestorova,

We acknowledge receipt of the report from GRETA concerning the implementation of the Council of Europe convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina.

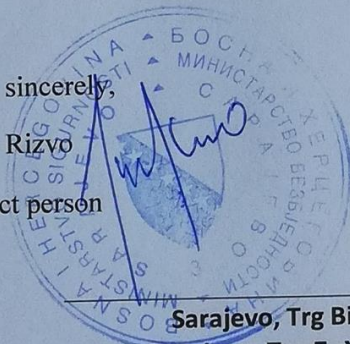
We would like to express our strong appreciation of the work carried out by GRETA in the process leading up to the final report. The evaluation process has been a positive contribution to our efforts to improve response to the challenges of trafficking in human beings. Discussion with GRETA has influenced our plans for future actions.

We have no need to give any further comments to the report.

Yours sincerely,

Samir Rizvo

Contact person



Sarajevo, Trg BiH 1; Tel: 033 213 623; Fax: 033 213 686
Сарајево, Трг БиХ 1; Тел: 033 213 623 ; Факс: 033 213 686