

THE PHENOMENON OF CHILD TRAFFICKING IN BOSNIA AND HERZEGOVINA



Mike Dottridge
Olga Lola Ninković
Helmut Sax
Srđan Vujović

June 2021

Funded
by the European Union
and the council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe

THE PHENOMENON OF CHILD TRAFFICKING IN BOSNIA AND HERZEGOVINA

Prepared by:

Mike Dottridge, International consultant on human and child rights
Olga Lola Ninković, Association of Psychologists of Republika Srpska
Helmut Sax, PhD, Ludwig Boltzmann Institute of Human Rights, Austria
Srđan Vujović, PhD, World Vision Bosnia and Herzegovina

June 2021

The phenomenon of child trafficking in Bosnia
and Herzegovina

This publication was produced with the financial support of the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of either party.

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows “© Council of Europe, 2021”. All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int).

All other correspondence concerning this document should be addressed to the Directorate of Human Dignity, Equality and Governance, Avenue de l'Europe F-67075 Strasbourg Cedex, France, Tel. +33 (0)3 88 41 20 00 23
E-mail: Horizontal.Facility@coe.int

© Council of Europe, June 2021.
All rights reserved. Licensed to the European Union under conditions.

Cover design, layout and print: Intea d.o.o.

Photos: © Adnan Karadza

Table of content

LIST OF ACRONYMS	4
EXECUTIVE SUMMARY	5
1. INTRODUCTION	9
2. OVERVIEW OF CHILD TRAFFICKING IN BOSNIA AND HERZEGOVINA	11
2.1. The scope of child trafficking	11
2.2. Forms of child trafficking	15
2.3. Vulnerable categories of children	18
2.4. Profile of child traffickers	20
3. NATIONAL RESPONSES TO CHILD TRAFFICKING	21
3.1. Measures to prevent child trafficking	21
3.2. Identification of child victims of trafficking	22
3.3. Access to justice and effective remedies for child victims of trafficking	26
4. CONCLUSIONS	38
5. PROPOSALS FOR POSSIBLE ACTION	40
ANNEXE 1: KEY INTERNATIONAL STANDARDS ON CHILD VICTIMS' RIGHTS	51
1. United Nations child rights standards	51
2. Council of Europe Convention on Action against Trafficking in Human Beings	54
3. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	57
4. European Union anti-trafficking standards	57
ANNEXE 2 – STATISTICAL AND OTHER INFORMATION	59
ANNEXE 3 - LIST OF INTERVIEWEES	61
ANNEXE 4 - SCHEME OF THE NATIONAL REFERRAL MECHANISM INCLUDING FOR CHILD VICTIMS	62
ANNEXE 5 - SCHEME OF THE NATIONAL COORDINATION MECHANISM	63
BIBLIOGRAPHY	64

LIST OF ACRONYMS

BiH – Bosnia and Herzegovina

BD BiH – Brčko District of Bosnia and Herzegovina

CC – Criminal Code

CoE – Council of Europe

CRC – Convention on the Rights of the Child

CSW – Centre for Social Welfare

FBiH – Federation of Bosnia and Herzegovina

GRETA – Group of Experts on Action against Trafficking in Human Beings

HF – Horizontal facility

INGO – International non-governmental organisation

JIT – Joint investigation team

NGO – Non-governmental organisation

RS – Republika Srpska

SIPA – State Investigation and Protection Agency

THB – Trafficking in human beings

EXECUTIVE SUMMARY

This study was commissioned as part of the Action on “Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina”, implemented within the framework of the joint European Union and Council of Europe Horizontal Facility (HF) Programme for the Western Balkans and Turkey (2019 – 2022). It is also the result of a recommendation in 2017 by the Group of Experts on Trafficking in Human Beings (GRETA), the treaty-monitoring body established by the Council of Europe Convention on Action against Trafficking in Human Beings. GRETA had recommended “commissioning research about the phenomenon of child trafficking in Bosnia and Herzegovina as a basis for designing future prevention measures”. It analyses current trends in Bosnia and Herzegovina (BiH) concerning child trafficking and assesses official responses to child trafficking against international and European regional standards.

The study is based on a literature review, complemented by a series of semi-structured interviews in 2020 with staff from Centres for Social Welfare (CSWs), law enforcement officials, prosecutors, judges and anti-trafficking specialists in civil society organisations. The interviews were conducted during the Covid-19 pandemic, which made it difficult to reach some respondents (or to convince some that their input was needed). It also made any direct observation of how specialists dealt with child trafficking cases impossible. Publications that were reviewed included the annual ‘Trafficking in Persons’ reports issued by the US Department of State, reports issued by GRETA following visits to BiH, as well as its annual reports, and reports by the European Commission.

The way that data about child trafficking in BiH is recorded affected the study: cases are assessed and counted using different criteria in different parts of BiH and by different institutions. On the basis of the information available, the study presents an overview of patterns and trends in child trafficking and highlights existing vulnerabilities and at-risk situations of children in the country, noting where these do not comply with international or regional standards.

BiH continues to be a country of origin, transit and destination for human trafficking, where **child victims routinely represent half the identified victims**. Evidence about the prevalence of child trafficking is based on statistics from the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration, who publishes data about the number of presumed trafficking victims (referred to in official publications as “potential victims”) on an annual basis. According to these statistics, the **total number of presumed adult and child victims in BiH in the five-year period from 2016 to 2020 was 298**, mostly women and girls, and most of them BiH nationals.

The staff of both CSWs and specialist civil society organisations noted that cases they believe to involve child trafficking are routinely not been recognised as such by law enforcement officials, suggesting **the total number of child victims may be significantly higher than recorded figures**. They commented that **the main ways in which trafficked children are exploited to earn money in BiH involve forced begging and earning money on the streets**. Law enforcement officials recognise that the organised exploitation of children is a serious problem and sometimes involves members of their own families. However, they report rarely detecting evidence of trafficking. Children are known to have been trafficked from BiH to other countries to earn money for traffickers, notably by committing crimes.

The review of other publications about human trafficking in BiH confirmed that **Roma children are routinely mentioned as one of the groups most at risk of being trafficked**. Some cases of child marriage within the Roma community in BiH have been regarded as child trafficking, but it has proved difficult for non-Roma officials to distinguish between Roma cultural practices that

involve an element of child abuse and graver (criminal) cases of child trafficking. In general terms those interviewed for the study thought that trafficking among the migrant population in BiH, including refugee and migrant children, has not been investigated adequately and deserves more attention. The study concluded that Roma children and migrant children are the most vulnerable to being trafficked in BiH. Official statistics suggest that the majority of child victims are girls, but some interviewees felt that gender stereotypes influence the process of victim identification and inhibit the identification of boy victims.

The analysis of the measures taken by the national authorities and professionals **to prevent child trafficking** in BiH points out a series of shortcomings. **Preventive initiatives were found to be sporadic and lacked coherence.** Most preventive activities over the past three years have been directed toward Roma communities or focused on awareness-raising; they were considered to have had limited impact. Day-care centres (for children) were found to have a significant preventive role. There are 12 day-care centres in BiH, run by civil society organisations, which look after more than 200 children daily. They do not receive any state support, and consequently lack sufficient resources to play an efficient preventive role.

The study identifies a series of **weaknesses in the protection provided to children** and **a series of obstacles to cases of child trafficking being identified and prosecuted** in BiH. Two distinct identification issues arise. First, the identification of individual children who are disproportionately more likely to be trafficked than others (for example, because of their family situation) or seem likely to be trafficked in the near future. This includes **identifying signs that a child is about to be trafficked** (and being able **to trigger a “child protection” response to prevent a child being trafficked**). In effect, **this is a trafficking prevention measure** that involves “identification” in a child protection context, rather than conventional “identification” of a child who has already been trafficked.

Children at high risk of being trafficked for the purpose of labour exploitation or forced begging—often involving Roma children—routinely go unidentified. The work of child protection specialists in CSWs requires reorientation to enable them to respond to the needs of street children, including preventing them from being trafficked. **Child protection specialists and law enforcement officials also require training to enable them to identify the characteristics of forced marriage and to distinguish cases of forced marriage and trafficking for the purpose of forced marriage from arranged marriages** and routine child marriages involving girls aged 16 or 17.

While a multi-disciplinary approach to the detection and identification of child trafficking cases exists in theory, it is still weak in practice and needs to be strengthened, in particular so that multi-disciplinary teams organised at local level can play an effective pro-active role in preventing children from being trafficked. The study notes that most **frontline professionals, including law enforcement agencies, CSW staff, teachers and other education professionals do not currently have the sufficient knowledge or skills to recognise or identify signs of child trafficking.**

The second issue related to identification concerns children who are already in the hands of traffickers or have already been trafficked. This is the conventional identification of a trafficking victim. Most of those interviewed for the study thought that the low number of identified child trafficking victims was related to the lack of a proactive approach by police and prosecutors. **A lack of knowledge and skills among law enforcement officials prevents proactive identification of child victims, which includes recognising the indicators that a child is being trafficked.**

There are no standard protocols in place to guide key actors (both law enforcement officials and others) in recognising the crime of trafficking and identifying victims.

Both **investigators and prosecutors are reported to categorise cases of child trafficking as other types of criminal offence (with less serious penalties)**. For a variety of reasons, such as a lack of evidence, the need to prove “exploitative intent”, lengthy criminal proceedings and the lack of child trafficking-specific training, cases of child trafficking appear to be requalified during the investigation phase either as smuggling of persons, child sexual abuse and exploitation or parental neglect.

The study highlights a series of **shortcomings concerning access to justice for child victims of trafficking**. The evidence reviewed suggests that children who are asked to be witnesses at trials need to be better protected and supported, not only by ‘expert associates’ attached to the courts. Social workers from CSWs should play a more active role in supporting children during criminal proceedings (whether the children participate as victims or witnesses). CSW staff expressed the view that there were no significant legal obstacles to the identification and prosecution of child trafficking cases, but they have experienced difficulty in arranging adequate support and protection for victims, in part for administrative reasons and in part to resource constraints. Although CSWs are supposed to provide advice and support to children involved in criminal proceedings, **a gap was noted in the cooperation between judicial institutions and CSWs**, for example because CSWs are not told about the nature of the offences about which a child will be questioned by a prosecutor or in court.

The Task Force for Combating Trafficking in Human Beings and Organised Illegal Immigration is responsible for coordinating criminal justice response to trafficking in adults and children in BiH. However, it does not include either CSW child protection specialists or labour inspectors. Their absence is a particular flaw when it comes to identifying trafficked children (and deserves urgent action to remedy).

Most activities planned in the previous BiH Action Plan to Prevent Trafficking in Human Beings 2016-2019 were carried out. However, it was not mandatory for the institutions responsible for particular activities to provide information about these to the State Coordinator or other monitors. In general key institutions responsible for implementing the previous Action Plan did not coordinate their initiatives (in terms of planning, implementation, monitoring or evaluation of the anti-trafficking activities).

A new **Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023** was adopted in January 2020. It lists a broad range of strategic objectives and devotes an appropriate level of attention to child trafficking and **could have a positive effect if it is supported by adequate resources**. However, the professionals who were interviewed remained unsure that there was sufficient political will or that it would be possible to mobilise sufficient resources in BiH to actually carry out the ambitious programme.

The Strategy is intended to be reflected in a series of action plans adopted at different levels of government, down to canton level. By the end of 2020, two of the intended 14 action plans had been adopted (at state level and also by Republika Srpska). The coordination and monitoring structures envisaged by the Strategy involve 19 separate structures across BiH, which seems unwieldy and unlikely to be feasible to implement. In the absence of accurate monitoring information about ongoing anti-trafficking responses, the authorities will not know whether the new Strategy is being implemented or with what impact, nor what further remedial action is required. The study

carried out a **SWOT analysis of BiH's measures to address child trafficking**, reviewing Strengths, Weaknesses, Opportunities and Threats.

Based on its findings, the study highlights a series of actions that would improve the effectiveness of measures to prevent child trafficking and protect trafficked children. **It emphasises the need to invest specifically in measures to prevent child trafficking** and suggests it would be helpful to reassess current anti-trafficking priorities. The focus here is on deploying child protection experts more effectively and increasing the capacity of CSWs to provide this expertise, not only in protecting children who have already been trafficked, but playing a more proactive role in prevention so that prevention becomes case-based and focuses on individual (vulnerable) children.

The final section of the study summarises six more specific sets of measures to help combat child trafficking:

- to improve planning and coordination of action against child trafficking;
- to address unresolved issues concerning laws against child trafficking and to promote the effectiveness of investigations and prosecution of suspected child traffickers;
- to address the current lack of capacity in official institutions to prevent child trafficking and to protect children who have been trafficked;
- to prevent children from being trafficked;
- to identify, protect and assist children who have been trafficked; and
- to protect child victims who are involved in the criminal justice system as victims or witnesses.

1. INTRODUCTION

Rationale of the research

This research was commissioned as part of the Action on “Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina” implemented within the framework of the joint European Union and Council of Europe Horizontal Facility (HF) Programme for the Western Balkans and Turkey (2019 – 2022). This Programme aims at assisting beneficiary countries in South-East Europe to comply with the Council of Europe standards and the European Union *acquis* in the framework of the enlargement process. Since 2008, Bosnia and Herzegovina (BiH) has been a Party to the Council of Europe Convention on Action against Trafficking in Human Beings, whose implementation is subject to regular independent review by the Group of Experts on Trafficking in Human Beings (GRETA). In 2017, GRETA recommended “commissioning research about the phenomenon of child trafficking in Bosnia and Herzegovina as a basis for designing future prevention measures”.

In 2020 Report on Bosnia and Herzegovina, the European Commission emphasised that the exploitation of children and child begging are issues of concern in BiH. It stressed the need for BiH to develop and adopt a new action plan on child protection, to collect precise and consistent data on child poverty rates and violence against all children, to take measures to protect vulnerable Roma children, as well as unaccompanied migrant children who face specific difficulties.

The research is focused on current trends and developments concerning child trafficking in Bosnia and Herzegovina. The terms “child trafficking” and “trafficking in children” both refer to cases of trafficking in girls or boys under the age of 18. The report identifies groups of children at risk of trafficking and reviews the national capacities and measures to prevent and combat trafficking in children against the applicable international and national legal framework.

Methodology of the research

Methodologically, the research draws especially from qualitative semi-structured interviews with social workers and psychologists from Centres for Social Welfare (CSWs), departments for witness support in the judicial system, law enforcement agents, prosecutors and judges, and practitioners from civil society organisations. Interviewees were selected to reflect views from their anti-trafficking experience (for the list of interviewees, see Annex 3).¹

The empirical research was complemented by desk review of existing literature and analysis of available statistical data from the judicial system and the Ministry of Security of Bosnia and Herzegovina. To ensure the high quality of the study, secondary data analysis was also conducted, based on official statistical data.² Based on the empirical analysis, the study presents comprehensive sets of conclusions and measures for the follow-up to this research.

¹ Prior to the interview, each interviewed practitioner/institution received an e-mail with a guideline outlining the scope and purpose of the planned interview, together with the interview protocol (list of questions). Interviews lasted between 45 (CSW) and 120 minutes (Border Police).

² Of particular importance are: statistics prepared by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJCP), for the period 2015-2019; statistics on provided trainings for the representatives of the criminal justice sector in BiH, prepared by the Centre for Judicial and Prosecutorial Training of the Republika Srpska (CJPT RS) and the Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina (CJPT FBiH), for the period 2013-2019; and statistics from annual situation reports on trafficking in human beings, published by the Ministry of Security of Bosnia and Herzegovina, for the period 2014-2019.

Limitations of the research

The research, including its data collection process, was conducted during the period of the COVID-19 pandemic. Some interviews were organised online, other took place in person. Using online platforms was sometimes challenging since some representatives of judicial institutions and law enforcement agencies could not access internet from their official domains. Consequently, there is possibility that above-mentioned circumstances partly limited the data collection process.

In addition, the data collection system currently in place in Bosnia and Herzegovina has also influenced the research. BiH has not yet established a comprehensive data collection system related to trafficking in human beings (THB), especially when it comes to child trafficking. The State Coordinator for Combating Trafficking in Human Beings and Illegal Migration (the State Coordinator) keeps records of the total number of presumed victims of trafficking in human beings, including child victims. These data, which are published annually in THB situation reports, are collected from prosecutors' offices, law enforcement agencies, CSWs, as well as non-governmental organisations (NGOs) throughout Bosnia and Herzegovina, without following unified and clear criteria. In fact, while non-judicial institutions (e.g., CSWs) may count preliminarily identified victims (also known as "presumed victims"), police agencies count the victims when recognised by their own competent units. Prosecutors count only the victims who are party to criminal proceedings. When aggregated at the level of the State Coordinator's reports, the data include the victims of presumed cases – referred to as "potential victims", and also victims of "related criminal offences".³ Such divergent approaches blur the frontier between trafficking in human beings and other crimes, but also lead to misunderstandings in practice about the definition of the victim of human trafficking.

The study below presents an overview of trends in child trafficking, highlighting existing vulnerabilities and at-risk situations of children in the country. It also provides an empirical analysis in terms of current national responses to prevent and fight against child trafficking. Based on this analysis, the study presents a comprehensive set of conclusions and recommendations for the follow-up to this research.

³ For example, abuse of a child or a juvenile for 'pornography', child or juvenile neglect or abuse, introducing 'pornography' to a child.

2. OVERVIEW OF CHILD TRAFFICKING IN BOSNIA AND HERZEGOVINA

2.1. The scope of child trafficking

According to official figures, **the total number of presumed** (also referred to as “potential”) **adult and child victims of trafficking in BiH in the five-year period from 2016 to 2020 was 298, mostly women and girls, and most of them BiH nationals.**⁴ **More than half of the identified victims (152 or 51%) were children.**

Figure 1. Proportion of children among the total number of presumed victims per year (2016-2020)⁵

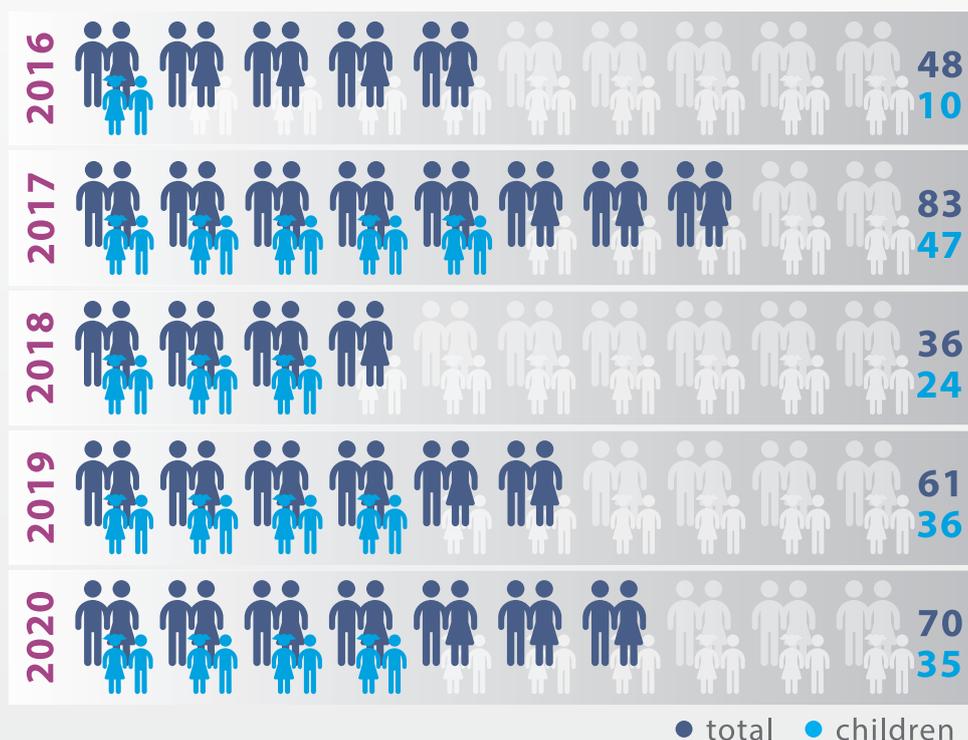
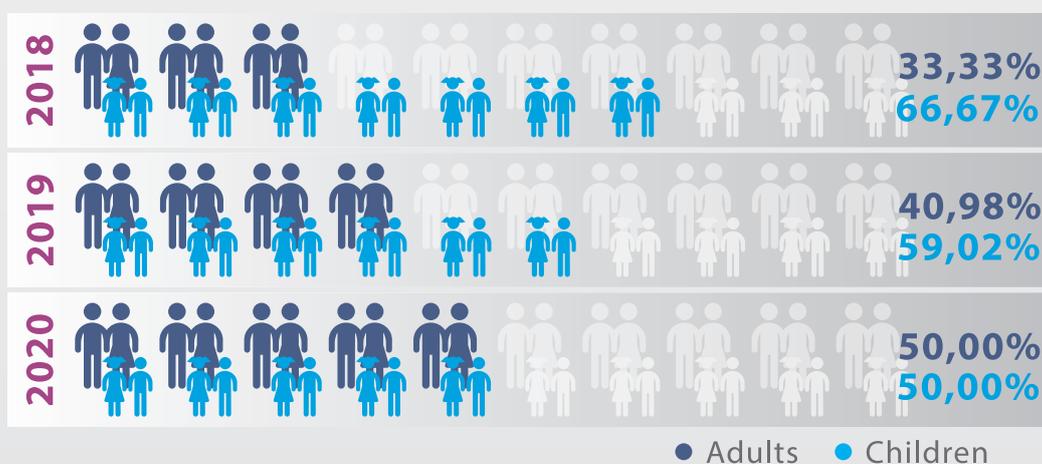


Figure 2. Victims of trafficking in human beings in Bosnia and Herzegovina, adults/children ratio in % for period 2018-2020⁶

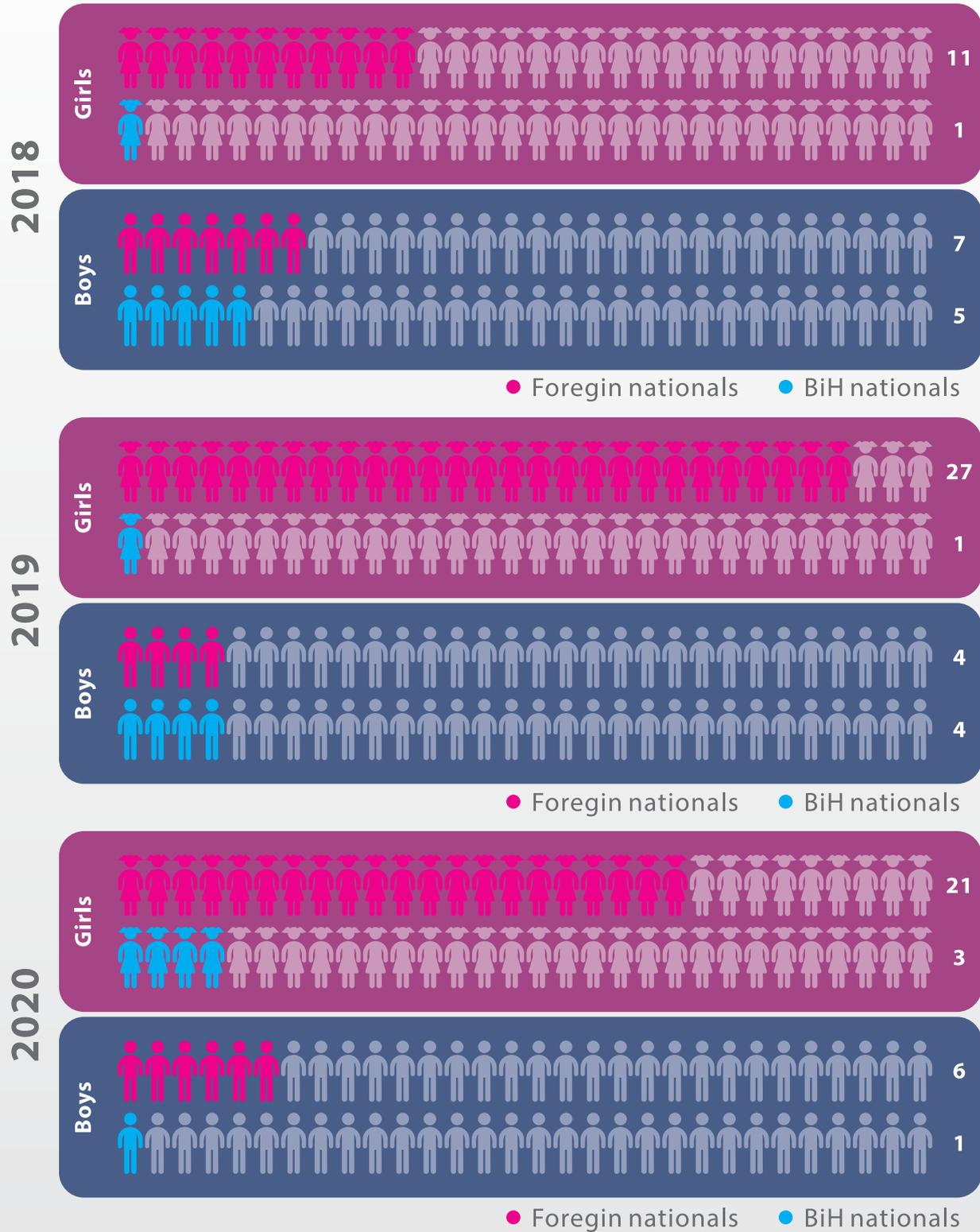


⁴ Annual situation reports on THB in BiH, prepared by the state coordinator. Available at: http://msb.gov.ba/anti_trafficking/dokumenti/godisnji_izvjestaj/Archive.aspx?pageIndex=1&langTag=en-US

⁵ ibid

⁶ ibid

Figure 3. Child victims of human trafficking in Bosnia and Herzegovina, disaggregated by gender and foreign/BiH nationals, period 2018-2020⁷



National and international reports (e.g., State Coordinator’s Situation reports 2015-2019,⁸ Bosnia and Herzegovina Government’s Reply to GRETA’s Questionnaire in 2016,⁹ US Department of State Trafficking in Persons Report, etc.) state that **BiH continues to be a country of origin, transit and destination for human trafficking, where child victims represent a significant proportion.**

⁷ ibid

⁸ ibid

⁹ Available at <https://www.coe.int/en/web/anti-human-trafficking/bosnia-and-herzegovina>.

'Dark figures' and the identification of child victims

Although contemporary criminology has developed methods to estimate so-called 'dark figures' of crimes (estimated number of unreported criminal offences), the real scope of trafficking of children in BiH has never been seriously and comprehensively assessed to come up with a meaningful estimate. Consequently, the gap between reported and unreported cases of trafficking in children, and in human beings in general, challenges the official statistics, and calls for additional victim studies that could provide an insight into the amount of unreported criminal offences.

Interviewed professionals from Centres for Social Welfare (CSWs), as first responders in many cases, **believe that internal child trafficking is relatively widespread**. They revealed that they have detected and reported many cases in which they have recognised elements of child trafficking. Moreover, they have also detected many children who were at risk of being trafficked. Representatives of police agencies believe that child trafficking cases are not as widespread as they could appear. They emphasised that all reported cases have been verified and investigated, but rarely contained all elements of child trafficking. The cases which did include elements of trafficking were reportedly referred to the competent prosecutor's office. Prosecutors confirmed, in their turn, that they **rarely received reports from the police, which contained elements of child trafficking**.

All interviewees agreed that **most frontline professionals**, including law enforcement agencies, CSWs, teachers, and other education professionals, **do not have the sufficient knowledge or skills to recognise or identify signs of child trafficking**. In addition, competent professionals from different institutions understand the concept of child trafficking differently (e.g. incorrectly assuming that the actual occurrence of the exploitation of children is a precondition to qualify a criminal offence as child trafficking). Lack of knowledge among professionals **prevents proactive identification of child victims**, which includes recognising the indicators of trafficking. Moreover, **there are no standard protocols** in place to guide key actors in recognising the crime of trafficking and identifying victims, which make the situation even worse.

Almost all interviewees agree that the low number of identified cases is also related to the lack of a proactive approach from police and prosecutors.¹⁰ There are few cases, which can serve as a good practice example, where they have used specialised evidence-gathering techniques as an essential part of proactive investigations. GRETA has also urged the authorities to take a proactive approach and increase their outreach work to identify child victims.¹¹

'Grey field' in the prosecution of cases

When it comes to the investigation and prosecution of child trafficking, it was observed that police inspectors and prosecutors tend to categorise cases of child trafficking as other types of criminal offence. Although the law enforcement agencies conduct investigations concerning each reported case of presumed child trafficking, in the **last three years police agencies in BiH have recorded only a few cases in which they found elements of child trafficking or related criminal offences**. Those have been forwarded to the police. The researchers were told by a police inspector that some cases were not prosecuted because of the lack of evidence that a criminal offence had been committed. Moreover, reports underline that "law enforcement personnel and prosecutors are often unwilling to pursue investigations and prosecutions against parents involved in the trafficking of their children, particularly for forced labour, and the shelters

¹⁰ Details and good examples of proactive investigation are described in the OSCE, Resource Police Training Guide: Trafficking in Human Beings, TNTD/SPMU Publication Series Vol. 12, 2013.

¹¹ See report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, GRETA (2017)15, paragraph 114.

subsequently return the children to the parents who trafficked them.”¹²

Children living away from home resort to imaginative ways to earn enough to survive, such as scavenging, washing car windows at traffic lights, begging, and committing petty crimes such as theft. When a child earns money from begging and keeps the earnings for him or herself, the practice does not involve child trafficking. However, begging may constitute a form of servitude or forced labour if a child is required to hand over the money earned from begging to someone who is either organising or profiting from the child’s efforts. This would apply to any begging ring in which some element of coercion is used by a beggar master to compel a child to beg, including a younger child’s dependency upon their adult controller. In some countries, situations in which someone other than a child’s own parent profits from the earnings of a child beggar are regarded as a criminal offence (known as ‘exploitation of a child’s begging’ or ‘forced begging’); these are cases which constitute ‘sale of children’ under international law (see Annex 1). In a few countries, the authorities also regard children who beg and pass the money to one of their parents as a case of trafficking (rather than children ‘helping their family’) when the entire family are migrants from another country. However, entrusting a child to a relative, friend or acquaintance who promises to find him/her work, may appear acceptable to parents who are unaware of the actual conditions that will be encountered away from the home, particularly in a foreign country. Further, some parents who are trapped in poverty are coerced into entrusting their child to someone else as a result of debts they have incurred.

For a variety of reasons, such as the lack of evidence of the criminal offence, the need to prove the “exploitative intent”, lengthy criminal proceedings, the limitations of the system, and the lack of child trafficking-specific training, cases of child trafficking appear to be requalified during the investigation phase either into smuggling of persons, child sexual abuse and exploitation, or parental neglect. Some interviewees pointed out that, on the one hand, requalification occurs at the request of prosecutors, and, on the other hand, police inspectors and prosecutors appear disinclined to treat cases as trafficking in human beings for the reasons mentioned above. The lack of motivation and the lack of knowledge about THB appear to be the main reasons for switching responsibility between law enforcement agencies or dropping cases by considering them as misdemeanours.

Consequently, **there are several criminal cases in the courts that involve children and only a few reach a final verdict on charges of child trafficking**, creating gaps concerning both the protection of victims and the punishment of offenders. The very limited jurisprudence also creates a gap in the practical knowledge of prosecutors and judges. This needs to be filled so that they can respond to trafficking in children more effectively.

The identified **disparity between a high number of estimated victims, a much lower number of formally identified victims, and a very low rate of prosecution and convictions indicate serious problems in the identification and prosecution of child trafficking**. This is also recognised by GRETA, which recommended improvements in these fields in the two reports it has published after visits to BiH.¹³

¹² Bureau of International Labor Affairs “U.S. Department of Labor’s 2018 Findings on the Worst Forms of Child Labor, Bosnia and Herzegovina”, 2018, 222-233, at https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/ChildLaborReportBook.pdf

¹³ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, GRETA (2017)15, and Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina GRETA (2013)7.

2.2. Forms of child trafficking

Forced begging and forced street labour

According to the literature that was reviewed and information provided by professionals from CSWs and NGO representatives, child trafficking in Bosnia and Herzegovina is most frequently manifested as **forced begging and forced work in the street**.¹⁴

Law enforcement agencies in BiH recognise that the organised exploitation of children, sometimes with the involvement of the families, is a serious issue, but to a significantly smaller extent than perceptions by CSWs and NGOs. The difference in the way child begging is viewed is due to the context of each reported case and the difficulty of obtaining evidence on whether a child is being exploited by someone else or not: initial investigations may not identify any evidence of child trafficking or related criminal offences. For this reason it is often more appropriate for child protection specialists, from CSWs or NGOs, to make initial contact with the children concerned, for example by providing them with services in the places where they beg or in a nearby drop-in centre where they are provided with a meal or snack, for there is often a child protection concern (if the child is suffering from neglect) even if there is no evidence of exploitation.

Forced criminality

Children have also been trafficked out of BiH to beg or earn money in criminal activities in other countries. The best documented case involved children and young adult women exploited in France.

“HAMIDOVIC CASE”¹⁵

The BiH Prosecutor’s Office prosecuted eight individuals charged with organised crime and criminal offences committed in the period 2011–2015 on the territories of Bosnia and Herzegovina and France, including transnational human trafficking in women and children for forced criminality (pickpocketing and stealing in Paris and other cities in France), as well as corruption and obtaining illegal property worth 5.8 million BAM (approximately 2.7 million EUR).

The investigation was initiated by the French police in about 2008 in response to reports of thefts in metros, museums and other tourist sites in Paris and across France. By 2010 they had reportedly concluded that more than 100 children, most of them girls, had been deployed in Paris to earn money for a criminal network based in the town of Zenica (BiH). During a subsequent joint inquiry (2013-2015) involving a Joint Investigation Team (JIT) composed of both Bosnian and French investigators, young adult women were found to be victims as well: men from Zenica were found to have established extramarital relationships with women in BiH whom they obliged to travel to France and commit thefts, threatening to hurt the women’s children who remained in BiH if they did not earn at least 300 EUR per day. The travel and identity documents used for these purposes were obtained from the BiH Consulate in France and involved a BiH civil servant, who eventually signed a plea-bargaining agreement. A total of 22 children were found in BiH and referred to the IFS-EMMAUS shelter for assistance. The organiser of the groups was sentenced to 10 years’ imprisonment. In addition, Fehim Hamidović and others were prosecuted and convicted at several trials in France.

¹⁴ <https://www.unicef.org/bih/en/reports/status-roma-children-and-families-bosnia-and-herzegovina>

¹⁵ Court of BiH, Department II, Case number S1 2 K 028556 18 K. See also ‘Podignuta optužnica u slučaju Hamidović i drugi, istragom obuhvaćen i službenik Ambasade BiH u Parizu’ at <https://www.klix.ba/vijesti/bih/podignuta-optuznica-u-slucaju-hamidovic-i-drugi-istragom-obuhvacen-i-sluzbenik-ambasade-bih-u-parizu/180510018>; and ‘Young girls stealing on the metro’ in O. Peyroux, *Fantasies and Realities. Fueling Child Trafficking in Europe*, Ecpat France, 2015.

Forced marriage

Centres for Social Welfare and NGO representatives mentioned two other forms of exploitation: **forced marriages** and **child sexual exploitation and abuse**. It appears that in prosecuted cases, the offenders involved were not charged with child trafficking, but for related offences such as child sexual abuse, abuse of a child or juvenile for production of child sexual abuse materials, sexual intercourse with a child or helpless person.

According to UNICEF, in most of the Balkan countries, half of all Roma women aged 20-24 were married before the age of 18, compared to around 10 per cent in national statistics. Child marriage and school drop-outs are closely linked, particularly for girls, and such marriages also expose girls to the dangers of early pregnancy and childbirth, as well as a high risk of domestic violence".¹⁶ [...]

It is important not to confuse 'forced marriage' and 'arranged marriage' and also not to assume that all 'child marriages' are 'forced marriages'. Some legal systems refer to 'unlawful marriages', the penalty for which may be relatively minor if it is not recognised as a form of exploitation that is a purpose of trafficking. A child marriage is any marriage in which either partner is aged under 18 at the time of marriage. While international organisations discourage any marriage involving a child under 18, the harm inflicted tends to be greater when younger girls are involved, such as those under 15. Older children may marry by choice, while children under the age of 15 who marry (most are girls) routinely have their marriages arranged by relatives. While this does not automatically mean the marriage is 'forced' or exploitative, it is questionable whether such young children have given their informed consent. The harms attributed to child marriage are due partly to the subservient status of married girls in many societies and perceptions that she is powerless, obliged to do as she is told and deprived of opportunities she would have had if she had not married, and partly due to health risks associated with early childbirth.

As a result of cultural or criminal practices, some girls are married by force and moved into situations which have some of the characteristics of slavery or forced labour. These practices include some proscribed by the UN and others which involve clear evidence of coercion or abuse. They do not include 'arranged marriages', which occur in many parts of the world and were described by The UN Special Rapporteur on contemporary forms of slavery in 2012 as being "based on the consent of both parties, whereas forced marriages do not involve the consent of the parties or, at any rate, both of the parties".¹⁷

In various parts of the world, traffickers recruit girls and women and deliver them to a man who forces the woman concerned to marry him (or deceives her about the situation, for example to force her subsequently to earn money for him, either via commercial sex or by committing crimes).

Sexual exploitation of children

Child sexual exploitation is a purpose of trafficking in many regions and was the most frequently reported form of exploitation of trafficked children in BiH in the 1990s. Boys as well as girls are exploited in this way (although the cases reported in BiH focused on girls), although cases involving boys are seldom reported and seldom come to the attention of specialist anti-trafficking investigators.

Child sexual abuse is not in itself a purpose of trafficking, although girls who are trafficked have often previously suffered sexual abuse. It is just one of various forms of abuse to which child victims of domestic violence are subjected and which may be factors in their subsequently being trafficked.

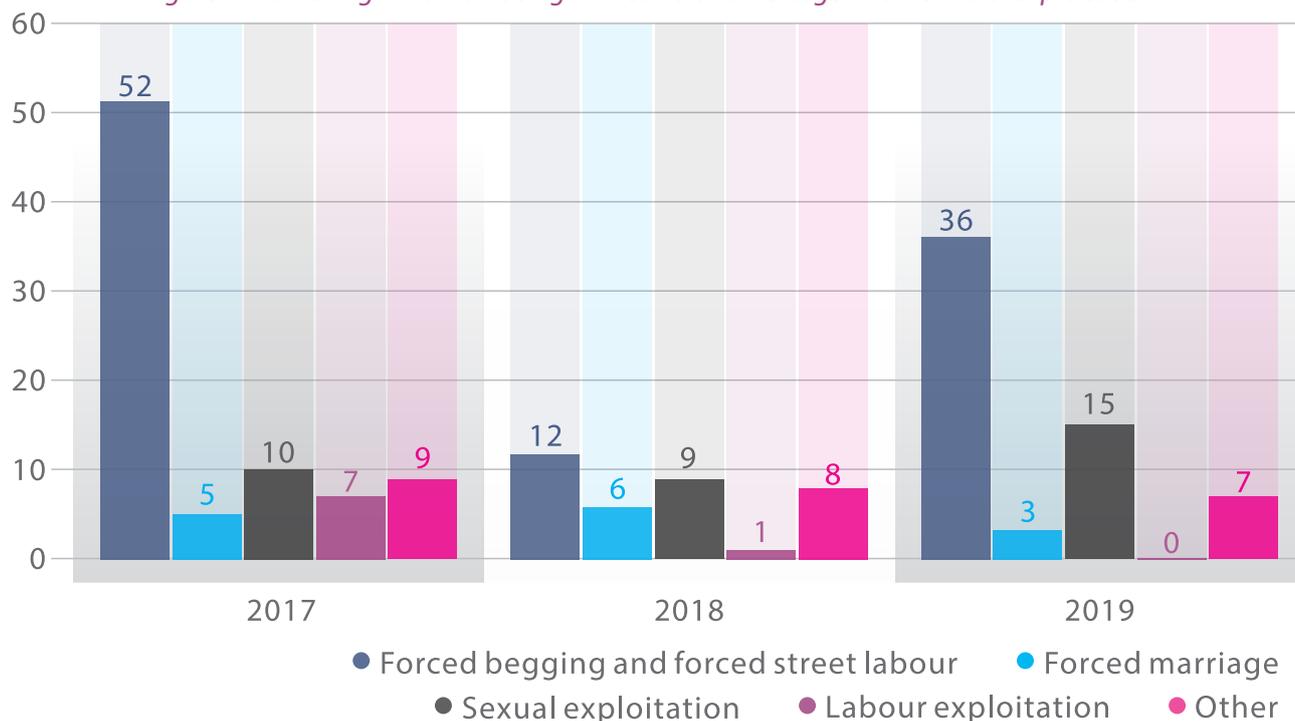
¹⁶ <https://www.unicef.org/eca/what-we-do/ending-child-poverty/roma-children>

¹⁷ Gulnara Shahinian, Thematic report on servile marriage. UN document A/HRC/21/41, 10 July 2012.

Trafficking in children for the purpose of organ removal

In the last few years, experienced police investigators/inspectors have identified some signs that children have been **trafficked for the purpose of organs to be removed** and given to a sick child or person. Although there are no officially recorded cases, it has been alleged that migrant children have suddenly disappeared, while their families have received a significant amount of money. However, there is still little attention paid to this form of trafficking. Although there is some evidence about such cases in BiH, the issue trafficking in human beings for the purpose of organ removal is rarely raised in BiH.

Figure 4. Trafficking in human beings in Bosnia and Herzegovina: Forms of exploitation¹⁸



2020



Forced begging and forced street labour



Sexual exploitation



Other

¹⁸ Annual situation reports on THB in BiH, prepared by the state coordinator. Available at: http://msb.gov.ba/anti_trafficking/dokumenti/godisnji_izvjestaj/Archive.aspx?pageIndex=1&langTag=en-US

2.3. Vulnerable categories of children

The study has established that Roma and migrant children, especially migrant unaccompanied children, are the most vulnerable to being trafficked.

Children living in poverty, lacking adequate (parental) care, children with disabilities, and children placed in residential/institutional care are also at significant risk of being trafficked.¹⁹ According to official statistics, the majority of child victims of trafficking in BiH are girls. Respondents have highlighted however, that though girls and boys are equally exposed to trafficking, their gender impacts the type of exploitation to which they are subjected. While girls predominate among victims of sexual exploitation, boys appear to be more affected by forced labour.²⁰

Roma children

According to the data available, the Roma population of BiH includes approximately 3,000 persons in the RS, 2,500 in Brčko District, and 40,000 in the FBiH, amounting to the total of some 45,500 throughout the country.²¹ Roma people in BiH are generally recognised to be the largest, most neglected and most vulnerable minority in the country, living in a state of chronic, multi-dimensional poverty. The literature about human trafficking in BiH confirms that Roma children are routinely mentioned as one of the most at risk of being trafficked. It should be recognised however, that the existing perceptions about the Roma population and the stigma attached to these could have adverse effects on the identification of victims of trafficking by frontline professionals, who either may fail to recognise signs of trafficking when it occurs or, on the contrary, qualify as cases of trafficking Roma cultural practices which are harmful to children.

As the root causes of Roma children's vulnerability to trafficking, the following factors should be taken into account:²²

- **Poverty and unemployment** routinely cause Roma families to resort to survival strategies that include **depending on income generated by children** and require them to drop out of school before reaching the required minimum age (or the minimum age for entry into employment);
- **Social exclusion** (as a result of a lack of birth registration, lack of residence registration and lack of identity documents) significantly limits their access to basic services in the country, including schools and health care;
- **Low levels of education** (almost one third of Roma children do not attend school;²³ Roma girls often drop out of school²⁴) aggravate social exclusion, creating discrimination at an early age and pushing Roma communities towards self-reliance and having few social ties with non-Roma, which also fuels discrimination;
- **History of previous abuse and the exploitation of children to achieve economic goals**, which have been usually rationalised by the above-mentioned causes and sometimes wrongly interpreted as "Roma cultural customs".

¹⁹ See for example Smith Hrle Meagan, Tošić Sanja, "Children's Equitable Access to Justice in Bosnia and Herzegovina", UNICEF, 2015. Available at <https://www.unicef.org/bih/media/386/file/Jednak%20pristup%20pravdi%20djece%20u%20Bosni%20i%20Hercegovini.pdf>.

²⁰ This is also a global trend presented in the latest UNODC Global report on trafficking in persons, 2020. Available at https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf

²¹ World Vision Bosnia and Herzegovina, "Mapping the Most Vulnerable Children in Bosnia and Herzegovina", unpublished analysis, 2018. According to official estimates, between 25,000 and 50,000 Roma people live in BiH. See Institution on Human Rights Ombudsman of BiH (2013). Special report on the status of Roma in BiH

²² See Dimitrova, K., Ivanova, S., Alexandrova Y., Centre for the Study of Democracy, 2015, <https://www.ceeol.com/search/book-detail?id=428024>

²³ Ministry of Civil Affairs of Bosnia and Herzegovina. Education for All 2015 National Review, 2015; available at <https://unesdoc.unesco.org/ark:/48223/pf0000229929> (Accessed: 17.4.2020).

²⁴ See Advisory Committee on the Framework Convention for the Protection of National Minorities: Fourth Opinion on Bosnia and Herzegovina, Council of Europe, November 2017. Available at <https://rm.coe.int/4th-op-bih-en/16808e2c53>.

According to the report from US Department of Labor on the Worst Forms of Child Labor for Bosnia and Herzegovina (2019), Roma children face discrimination by some teachers and peers, travel long distances to get to school, and are unable to afford school supplies, clothing and food. Discrimination against Roma children has led to disproportionately high enrolment rates of Roma children in schools for children with learning difficulties (also known as intellectual disabilities). Drawing on the statistics generated by their respective institutions, respondents who were interviewed confirmed that Roma children account for the largest proportion of trafficking victims, both as presumed victims and formally identified victims and also as 'potential' victims, in other words as most at risk of being trafficked. Many respondents drew attention to the fact the **COVID-19 has put Roma families into a position of further insecurity and vulnerability, hindering their access to basic services and therefor increasing the risks for Roma children of being trafficked.**

Migrant children

In the last three years, the migrant population has been increasing in BiH and migrant children and especially **unaccompanied migrant children** have become another extremely vulnerable group to trafficking in human beings. With the 'closure' of the Western Balkans route in 2016, the number of persons stranded in the country increased, and many are reported to have remained in BiH for longer periods of time than before. An additional burden on the national migration management system is the increase of the number of unaccompanied asylum-seeking children (UASC). It is estimated that **there are approximately 500 to 600 unaccompanied or separated refugee and migrant children stranded in BiH.** While many of these children stay in overcrowded reception facilities, others are sleeping rough with little or no access to support. National services are overstretched and cannot adequately respond to the growing needs. The structure of the migrant population has changed toward a significant increase of share of vulnerable groups in the migrant population, most specifically UASC, children and victims of sexual, domestic and other types of violence, as well as child victims of trafficking.

Following their arrival at the border or entrance into the country, migrant children face **issues of communication with the state authorities** due to language barriers. According to relevant interviewees, this language barrier is not only hampering child-friendly communication, but also creates a gap in collecting personal data or information that may be indicative of trafficking.²⁵ Because of this, but also because of harsh experiences on their way of migration, child migrants usually do not trust the state authorities, especially the police. In order to avoid more strict procedures for children, migrant children report themselves as adults. Since **there is no effective age assessment procedure** for migrant children, many children have never been registered and remain extremely vulnerable to trafficking.

Besides the communication barrier, identification of victims among migrants is sometimes hindered by their **fast transit through the country** and therefore lack of resources for public authorities in BiH to keep track with or provide support to migrant children. For comparison, experts in the CSWs pointed out that cooperation with the Roma population is not as problematic as cooperation with migrants, because of the communication barrier but also because of a **lack of identification documents.**

Although **migrant children benefit from child protection and support within camps in BiH, they remain extremely vulnerable,** according to interviewed representatives of camps for

²⁵ See Council of Europe, "How to convey child-friendly information to children in migration - A handbook for frontline professionals", 2018, <https://rm.coe.int/how-to-convey-child-friendly-information-to-children-in-migration-a-ha/1680902f91>

migrants. While the focus in the camps is on accommodation, health care, education, leisure and sport, enough attention is not paid to the prevention of child trafficking. The interviewees believe that, considering the current challenges, counter-trafficking preventive measures directed toward this population can only be effective if implemented in the migrant camps.

In general terms all interviewees agreed that **trafficking among the migrant population in/ across BiH, including of migrant children²⁶, is a neglected and unexplored issue that** deserves attention of both the public authorities and researchers.

Additionally, there are other challenges and gaps in formal state mechanisms to adequately prevent trafficking of migrant children or to identify potential cases²⁷. For example, there is no clear coordination mechanism for managing migration crisis situations in general, and, more specifically, there are a lot of challenges in communication among competent institutions in practice.

Children without adequate care and in alternative care

According to the Agency for Statistics of Bosnia and Herzegovina, more **than 1000 children live in institutions for children without parental care or for children with disabilities.²⁸ Between 25% and 30% of children in BiH live below the line of absolute poverty.²⁹** The related situational circumstances make parental care less adequate, as well as pushing children towards social exclusion and further increasing their vulnerability.³⁰

The interviewees believe that **all children without adequate care, regardless of the social group they belong to, are at high risk of becoming victims of human trafficking.** They consider that special attention should be paid to children from poverty-affected households, children placed in residential/institutional care, marginalised Roma children, and children who are the part of irregular migrant families, but especially unaccompanied children. Finally, the interviewees agree that **all children are more vulnerable during the COVID-19 period,** especially when it comes to online child sexual exploitation and abuse.³¹

2.4. Profile of child traffickers

Data collected from professionals does not allow the profiling of perpetrators. Within the country, in most of the forced begging cases, Roma children are forced by their families/parents to work on the street through psychological manipulation or physical violence, while in a few cases it is apparent that another member of the Roma community has acquired control of a child and is profiting from his or her earnings (i.e., a case of 'sale of children' that can be regarded as trafficking). There are also cases of blackmailing for the purpose of forced begging. When it comes to cross-border cases, traffickers are reported to use information technology while preparing the offence, obtaining forged documentation and identity papers to cross the borders or avoid border checkpoints (alongside the case of official corruption in the Hamidović case).

²⁶ The competent country agencies have registered migrants from Pakistan, Iran, Syria, Afghanistan, Iraq, Libya, Palestine, Algeria, Bangladesh, and India.

²⁷ See detailed analyses in "Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina; An overview of the intervention of key actors in the field", OSCE, 2018; Available at <https://www.osce.org/files/f/documents/1/8/397319.pdf> (Accessed 09.07.2020).

²⁸ Agency for Statistics of Bosnia and Herzegovina, Social Protection 2014-2019, 2020 <http://www.bhas.ba/Calendar/Category/14>

²⁹ Papić Žarko, Fatahović Maisa, „Prema Evropskoj Uniji - Ključni problem socijalnog uključivanja u BiH“. Agency for Statistics of Bosnia and Herzegovina, 2019. Available at http://www.ibhi.ba/Documents/Publikacije/2019/Prvi_policy_papir_finalna_verzija.pdf.

³⁰ ECPAT, 2018 "A country overview A report on the scale, scope and context of the sexual exploitation of children". The Author. Available at <https://www.ecpat.org/wp-content/uploads/2018/11/ECPAT-Country-Overview-Report-Bosnia-Herzegovina-2018.pdf>

³¹ This trend is also identified by Interpol. See Interpol, Threats and Trends Child Sexual Exploitation and Abuse – COVID-19 Impact, September 2020.

The study has not detected specific differences between the BiH's two entities (FBiH and RS) or Brčko District when it comes to trends in child trafficking.

Finally, the professionals who were interviewed said they suspected that public officials were sometimes involved in cases of organised child trafficking. However, the only case mentioned to substantiate their suspicions was the Hamidović case where a diplomat was involved and convicted. Nevertheless, concern about the involvement of public officials continues to be echoed in the annual report about trafficking in persons published by the United States Department of State.³²

3. NATIONAL RESPONSES TO CHILD TRAFFICKING

3.1. Measures to prevent child trafficking

Effective prevention of child trafficking requires a comprehensive approach, which addresses the **causes putting children at risk of trafficking** (e.g., exclusion from or inequality in access to education and minority- or gender-based discrimination), **discourages demand** for exploitative services (e.g., raising awareness among the population about the risks of trafficking, discouraging discrimination against Roma and migrants, granting social rights to vulnerable groups, profiling and detecting traffickers, qualifying offences appropriately, and prosecuting traffickers), and ensures **prompt recognition of cases of trafficking and use of measures to protect potential child victims** (i.e., children who have not yet been trafficked but are highly vulnerable), with measures including training of social services and first responders, police and NGOs in child protection methods, providing adequate resources to these services and seeking extra funds if they are needed, enabling separate organisations to network together and establishing hotlines and care centres).

Bosnia and Herzegovina has not yet established a system of comprehensive prevention of child trafficking or trafficking in human beings in general, despite efforts to emphasise prevention within the new Strategy to Suppress Trafficking in Human Beings 2020-2023, adopted in January 2020.³³ The Strategy underlines the importance of paying special attention to child trafficking, by explaining the main rationale in its 'situation analysis'. It underlines importance of designing measures to prevent trafficking among the most vulnerable groups of children, including migrant children and marginalised Roma children.

Prior to the adoption of the new strategy, local NGOs, usually supported by international organisations, have been implementing several *ad hoc* activities that address specific anti-trafficking issues (e.g., education, training for professionals, conducting analysis, developing plans or protocols, awareness-raising) within a limited duration. According to interviewees, all **preventive measures need to be developed and coordinated in such a way that they contribute to the implementation of a comprehensive and coherent prevention strategy**.

One of the most important preventive programmes is the establishment of **day-care centres** for children at risk of trafficking or children in street situation. More than 200 children visit the 12 day-care centres on a daily basis; most of them are Roma children. Whenever indicators of child trafficking are detected, the centres should engage the anti-trafficking referral mechanism. However, staff of the day-care centres who were interviewed pointed out that the relevant law

³² United States Department of State, "Trafficking in Persons Report - Bosnia and Herzegovina", 28 June 2018, available at: <https://www.refworld.org/docid/5b3e0b984.html%20%5baccessed%2017%20June%202020%5d>.

³³ <http://msb.gov.ba/PDF/11022020.pdf>.

enforcement agencies do not show much interest in proactively investigating potential cases of child trafficking.

Almost all day-care centres have been established and managed by NGOs. While a few of them have regular support from the government, most **day-care centres struggle to survive because of limited budgetary resources**. Representatives of NGOs observed that the government has rarely provided grants to NGOs to support the fight against trafficking in human beings in general. Consequently, while **several NGOs managed to obtain international funding**, usually through grants, **other NGOs had to change their focus**, despite significant expertise gained in the field of combating trafficking. In the last three years, only a few projects/initiatives have focused on preventing child trafficking, with limited budgets to implement activities. Most of these activities have targeted Roma communities and involved awareness raising. The impact of these projects was very limited. According to World Vision BiH data,³⁴ **children have difficulty in understanding the meaning of trafficking and are not aware of the potential risks**.

Interviewed professionals believe that **preventive measures must be designed for specific target groups**, taking into account their social and economic status and living conditions. According to representatives of the Roma population, social exclusion, stigmatisation, and unequal access to (quality) education are all factors contributing to child trafficking among the Roma population and should be taken into consideration when developing targeted prevention measures. These measures should include efforts to remedy shortcomings faced by Roma children in accessing education.³⁵

The educational system in Bosnia and Herzegovina has only sporadically been involved in preventing child trafficking. Although representatives of pedagogical institutes are aware of the role of the education system in preventing child trafficking, they reckon only to become involved systematically if the relevant ministry/government tells them to do so and that this involvement would need to be part of a wider trafficking prevention strategy. So far, some schools have been involved in child trafficking prevention projects, implemented by international organisations or local NGOs. Thanks to these projects some teachers have acquired basic knowledge about child trafficking and related identification indicators. Respondents agree however that, despite these projects, most teachers remain unqualified to recognise indicators that a particular child is about to be trafficked.

3.2. Identification of child victims of trafficking

Identification is central to the ability of trafficking victims to benefit from the assistance, support, and protection measures required by Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings. In practice, however, there are a number of barriers to child victims of trafficking being identified as such in BiH. Two distinct identification issues arise. The first one concerns the identification of children who are disproportionately more likely to be trafficked than others or who are on the point of being trafficked. In effect, this is a trafficking prevention measure that involves 'identification' in a child protection context. The second one

³⁴ World Vision BiH, „Evaluation Research: Technical Programme (FY 17-FY 20)“, unpublished document, 2020.

³⁵ See Lejla Hodžić, „(Anti)Diskriminacija romske djece u osnovnim školama“, 2013 ; Lejla Hodžić, „Pedagoške implikacije socijalne isključenosti Roma“, Neobjavljena magistarska teza, odbranjena 13.10.2010. na Filozofskom fakultetu u Sarajevu;; Bećirević, Majda. „Inkluzija romske djece u obrazovanje u Bosni i Hercegovini: Osnovne poteškoće i kako ih prevazići“ Sarajevo: Fond otvoreno društvo BiH, 2007; See also Advisory Committee on the Framework Convention For the Protection of National Minorities.: Forth Opinion on Bosnia and Herzegovina, Council of Europe, 2017; See also Bureau of International Labor Affairs “U.S. Department of Labor’s 2018 Findings on the Worst Forms of Child Labour, Bosnia and Herzegovina”, 2018, 222-233. Available at https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/ChildLaborReportBook.pdf

concerns the identification of children who are already in the hands of traffickers or have already been trafficked. This is the conventional identification of a trafficking victim.

Children at risk of being trafficked for the purpose of labour exploitation or forced begging—often involving Roma children—routinely go unidentified. This appears to be because of the marginalisation of Roma in general and a general belief by officials that it is reasonable for Roma earn a living by begging due to their community's traditions, social deprivation or Roma culture and it is therefore not relevant whether they are begging to earn money for themselves or for a parent or are operating under the control of a 'beggar master' (an adult who may have trafficked the child or obtained the child from a trafficker). A similar situation occurs with Roma children involved in forced marriage or domestic servitude, whereby the 'traditional Roma way of life' is routinely cited as a reason for not identifying the person concerned as a victim of trafficking.

So far, BiH has failed to address the root causes of child trafficking within the Roma communities in a substantial way. Previous anti-trafficking initiatives targeting the Roma population **have failed to involve representatives from Roma communities as actors and agents of change**. They were not involved in designing the previous anti-trafficking Action Plan (2016-2019), nor were there Roma representatives in the former regional monitoring teams which were responsible for detecting trafficking cases.

One of the obstacles to the identification of Roma child victims of trafficking is the communication barrier, both when law enforcement or other public officials do not speak the Romani language and also because of a lack of confidence among Roma communities in state-run organisations or systems or in NGOs other than those run by Roma.

Respondents highlighted the need for the **state-run institutions and NGOs to strengthen their capacity to identify street children victims of trafficking**. As with any measures intended predominantly to benefit Roma children, these steps need to actively involve leaders and other adults in the relevant Roma community and to be part of a broader package of measures to enable officials, as well as civil society actors, to take action in a non-discriminatory way. A great deal of expertise in tackling similar problems has already been developed in other countries in South-Eastern Europe. An additional option to consider for the future would be to introduce community policing in BiH, but this has not yet been tried among Roma, although there have been successful examples elsewhere.³⁶

Responses to possible cases of forced marriage and trafficking for the purpose of forced marriage are, if anything, even more sensitive to organise effectively. While it is essential that there should be a pro-active approach with members of the Roma community playing a central role in initiatives to increase the average age of marriage in areas where child marriages are known to be common in the Roma community, **it is also essential to provide both child protection specialists and law enforcement officials with training to enable them to identify the characteristics of forced marriage and to distinguish cases of forced marriage and trafficking for the purpose of forced marriage** from arranged marriages and routine child marriages involving girls aged 16 or 17.

³⁶ Community policing approach to addressing trafficking in human beings and victim is presented by OSCE. Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach, SPMU Publication Series Vol. 10, Vienna, June 2011.

Enabling social services to respond effectively to the exploitation of Roma children

At the beginning of the 21st Century, few social workers or social services departments in the Western Balkans had the wherewithal to work in a targeted way with Roma or Roma-related communities (such as Ashkali and Egyptians). However, in Albania several NGOs started engaging with such communities after observing that such children had been trafficked to Greece and noting the similarity of patterns of exploitation within Albania itself.³⁷

Various strategies were deployed, including providing non-monetary subsidies to families in extreme poverty, whose children had either already dropped out of school or who had never attended school and who were likely to be sent away from home to earn money at a young age. Once effective strategies were identified, the NGOs concerned started engaging systematically with local CSWs (social services) as well, in order to develop their capacity to provide similar services. At first this required a major reorientation in the work of CSWs, requiring outreach work (rather than office-based work) and an empathetic approach, whenever possible deploying social workers who were members of the same cultural group that was to be influenced. Drop-in centres (for street children) were found effective in some areas. In general, it was found to be necessary to avoid using strategies that accused families of committing offences or condoning crime, so words such as 'trafficking' were not invoked. This in turn meant that law enforcement officials were unlikely to be deployed by themselves, but only as part of a 'multi-disciplinary' team that involved social workers and sometimes other professionals, such as doctors, nurses and teachers.

Regarding protection of identified child victims of trafficking, the Ministry of Human Rights and Refugees of BiH, together with local NGO representatives, had developed the idea of connecting all relevant actors from the local level to the highest state level. Although never implemented, the proposal foresaw minimum standards for child protection and assistance,³⁸ detailed standard operating procedures (SOPs) for the institutions and organisations involved as well as a resource mobilisation strategy. The BiH legal framework provides for child victims support and protection in several pieces of legislation.

³⁷ For example, a Swiss-based NGO, the Terre des Hommes Foundation, has developed expertise in countries in the Western Balkans and runs a website for child protection specialists, <https://live-childhub.pantheonsite.io/en>. Measures concerning street children in Albania, Georgia and Romania are also mentioned in: Council of Europe/GRETA, 6th General Report on GRETA's activities (2017), paras. 97-98, <https://rm.coe.int/1680706a42>.

³⁸ "Minimum Standards in Supporting Victims of Trafficking in Human Beings, with a Special Focus on Victims", Ministry of Human Rights and Refugees of BiH.

Legal framework for the protection of child victims

The Law on the Protection of Witnesses under Threat and Vulnerable Witnesses,³⁹ and the Law on the Witness Protection Programme⁴⁰ provide numerous protection measures for **child victims during criminal proceedings**.⁴¹ There are also two related bylaws: The Rules on The Protection of Victims and Victims-Witnesses of Human Trafficking who are Citizens of Bosnia and Herzegovina,⁴² and The Rulebook on the Protection of Foreign Victims of Trafficking in Persons.⁴³ Among others, these law stipulate the health care measures for both domestic and foreign victims. The Law on **Health Care** of the Federation of BiH,⁴⁴ the Law on Health Care of the RS,⁴⁵ and the Law on Health Care in the Brčko District of BiH⁴⁶ regulate the health care system. However, in the Federation of BiH the health care system is further decentralised and each of ten cantons has its own law on health care. There are also the laws on health care insurance, which regulate access to the health care system.⁴⁷ Free health care protection for all children is not fully provided through this legislation, especially when it comes to children without permanent residence.⁴⁸

The **labour laws** at all levels of BiH (state level,⁴⁹ FBiH,⁵⁰ RS,⁵¹ BD BiH⁵²) prescribe conditions of employment and working conditions that prevent labour exploitation but also prescribe sanctions for violation of related provisions. The labour inspections, established by the laws on labour inspections, are responsible for ensuring their adequate implementation. Although BiH, together with its entities, has met most of the international standards regarding child labour, some of them remain unreachd.⁵³

Family laws in BiH (adopted at the level of FBiH,⁵⁴ RS,⁵⁵ BD BiH⁵⁶) instruct the authorities of guardianship on the duties of taking care of the protection of the best interests of children. Among others, these laws determine supervision on the exercise of parental rights, the deprivation of parental rights, setting up a guardian/custodian of a child, appointing a legal guardian in a special case, age of marriage, etc.

The laws on social welfare and protection recognise a victim of THB as a person in need, directly or indirectly, which is the key precondition for the support and protection. **However, as they exist at the level of entities, Brčko District of Bosnia and Herzegovina and cantons in Federation of Bosnia and Herzegovina, there are significant differences in social protection regulation/practices between administrative units.**

Especially important to the identification and protection of **foreign victims of trafficking in**

³⁹ Official Gazette of BiH, No: 21/03, 61/04, 55/05.

⁴⁰ Official Gazette of BiH, No: 36/14.

⁴¹ See more in GRETA (2017)15, p.37-38.

⁴² Official Gazette of BiH, No: 66/07.77

⁴³ Official Gazette of BiH No 49/2013.

⁴⁴ Official Gazette of the FBiH, No: 46/10.

⁴⁵ Official Gazette of RS No: 106/09.

⁴⁶ Official Gazette of BD BiH No: 38/11.

⁴⁷ Law on Health Insurance of the FBiH (Official Gazette of the FBiH, No: 30/97, 7/02, 70/08, and 48/11), Law on Health Insurance of RS (Official Gazette of RS No: 18/99, 51/01, 70/01, 51/03, 57/03, 17/08), and Law on Health Insurance of Brčko District of the BiH (Official Gazette of BD BiH No: 1/02, 7/02, 19/07 and 34/08).

⁴⁸ See detailed analyses at Sorrentino, Liliana "Assessment of Referral Mechanisms for Victims of Trafficking in Bosnia and Herzegovina". 2016. available at: https://www.icmpd.org/admin/content/download/52273/file/NRM_Assessment_BiH_2016.pdf?inLanguage=eng-GB

⁴⁹ The BiH institutions' Labour Law (Official Gazette of BiH, No: 26/04, 7/05, 48/05, 60/10, 32/13 and 93/17).

⁵⁰ Labour Law of the Federation of BiH (Official Gazette of the Federation of BiH, No: 26/16).

⁵¹ Labour Law of Republika Srpska (Official Gazette of RS No: 1/16).

⁵² Labour Law of Brčko District of Bosnia and Herzegovina (Official Gazette of BD BiH No: 7/00).

⁵³ A detailed visual comparison between the existing legal framework and international standards has been provided by Bureau of International Labor Affairs "U.S. Department of Labor's 2018 Findings on the Worst Forms of Child Labour, Bosnia and Herzegovina", 2018, 222-233. Available at https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/Child_LaborReportBook.pdf

⁵⁴ Family Law of the Federation of Bosnia and Herzegovina (Official Gazette of the FBiH No: 31/14)

⁵⁵ Family Law of the Republika Srpska (Official Gazette of RS No: 54/02 and 41/08,63/14)

⁵⁶ Family Law of the Brčko District of Bosnia and Herzegovina (Official Gazette of BD BiH No: 23/07)

human beings are the Law on Aliens of BiH,⁵⁷ and the Law on Asylum,⁵⁸ which recognise a victim of THB as a vulnerable category. These laws provide a framework for identification of victims, protection of their life and integrity, as well as assistance to the victims, recovery and reflection period, residence permit, and return to their homeland.

Laws on **free legal aid**, adopted at the level of BiH, FBiH, RS, and BD BiH, differently regulate this important area. This fact is an additional challenge for the victims to access free legal aid, beside the challenges described in the text below.⁵⁹

3.3. Access to justice and effective remedies for child victims of trafficking

Criminalisation of child trafficking

The national legal framework of Bosnia and Herzegovina meets the international legal standards related to child trafficking to a significant extent. The Constitution of Bosnia and Herzegovina includes, as its Annex I, several international conventions, as well as the accompanying protocols,⁶⁰ which are directly applicable and have priority over all the laws in BiH. Taking a similar approach, the texts of the Constitution of the Federation of Bosnia and Herzegovina, the Constitution of Republika Srpska, and the Statute of the Brčko District of Bosnia and Herzegovina also comply with relevant international standards for the protection of recognised human rights and fundamental freedoms.

BiH has ratified the international instruments mentioned in Annex 1. When it comes to results from international monitoring processes relevant to child trafficking, reference should be made to the latest Concluding Observations by the UN Committee on the Rights of the Child in respect of Bosnia Herzegovina, in September 2019.⁶¹ The UN Committee raised several issues important for addressing root causes of child trafficking, including poverty and social exclusion, which have been confirmed by findings from the research for this study and other recent reports as well.⁶² Most specifically, on child trafficking, the UN Committee recommended an Action Plan “with sufficient budget”, **“training for judges and prosecutors on the strict application of the Criminal Codes and the best interests of the child in legal proceedings in cases of trafficking, forced begging and forced marriage of children”, training for law enforcement officers, and community-based prevention activities, including with Roma participation.**⁶³

In order to enable an effective and efficient response of the judicial system to child trafficking, the key precondition is an adequate legal framework. Under the terms of the state Constitution, the criminal justice system of BiH is composed of four sub-systems. Thus, each entity and the Brčko District of Bosnia and Herzegovina has its own criminal code (CC),⁶⁴ as well as criminal justice

⁵⁷ Official Gazette of BiH, No: 88/15.

⁵⁸ Official Gazette of BiH, No: 11/16.

⁵⁹ See Sorrentino, Liliana “Assessment of Referral Mechanisms for Victims of Trafficking in Bosnia and Herzegovina”, 2016, p. 37-38; available at: https://www.icmpd.org/admin/content/download/52273/file/NRM_Assessment_BiH_2016.pdf?inLanguage=eng-GB

⁶⁰ The most relevant for the context of THB are: Civil and Political Rights (1966) and the Optional Protocols (1966 and 1989), the International Covenant on Economic, Social and Cultural Rights (1966), Convention on the Elimination of All Forms of Discrimination Against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), the European Convention for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (1987), the Convention on the Rights of the Child (1989), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

⁶¹ UN Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Bosnia and Herzegovina, UN Doc CRC/C/BIH/CO/5-6 (5 December 2019).

⁶² See also further references and findings from UNICEF, Situation Analysis of Children in Bosnia and Herzegovina, March 2020.

⁶³ *Ibid*, para 46.

⁶⁴ Criminal code of RS, Official Gazette of RS, Nos 64/2017 and 104/2018; Criminal Code of BD BiH, Official Gazette of BD BiH, No. 19/2020; Criminal Code of FBiH, Official Gazette of FBiH, Nos 36/2003, 21/2004, 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 and 75/2017).

institutions. **Child trafficking is a criminal offence in all the CCs in BiH.** While the Criminal Code of BiH focuses on the THB with international features, the CCs of the entities and BD BiH define Trafficking in Human Beings and child trafficking as criminal offences related to trafficking of BiH citizens within the borders of the country. **There are differences between the definitions in the CCs, not only regarding different offences, but also regarding prescribed sanctions** (See Annex 2. Table 2.6. Criminal offences related to child trafficking in Criminal codes in BiH). Still, all CCs in BiH include a definition of THB/child trafficking which is in line with the Council of Europe Convention on Action against Trafficking in Human Beings (see Annex 2, Table 2.1).⁶⁵

Specifically, GRETA noted several failings regarding (1) the definition of trafficking in the CC of RS, concerning the forms of exploitation and the means used to commit trafficking,⁶⁶ (2) that different CCs prescribe different minimal penalty for the basic offence of THB, (3) provisions concerning the non-punishment of victims of trafficking, (4) that cases of THB have allowed plea bargaining to occur (and charges to be reduced), (5) mechanisms to avoid the conflict of jurisprudence.⁶⁷ According to the professionals interviewed for this study, the legal framework for combating THB, including child trafficking, is adequate, and most of the relevant GRETA recommendations have already been addressed.

Investigation and prosecution of child trafficking

The documents analysed for this study, along with the interviews conducted all suggest that criminal procedure codes in BiH allow for the effective prosecution of THB. However, when it comes to the situation of children in criminal proceedings, everything must be done in accordance with the laws on the protection and treatment of children and juveniles in criminal procedure as a *lex specialis* law,⁶⁸ adopted at the level of the entities and BD BiH. This law uses the Convention on the Rights of the Child's definition of a child⁶⁹ and is supposed to be applied on every occasion unless the law prescribes otherwise. In this way, the general limitation regarding the definition of children in the Criminal Code of FBiH,⁷⁰ and the Criminal Code of the Brčko District of Bosnia and Herzegovina, has been overcome.

Although there are differences in the legislation among entities/district, law enforcement agencies and prosecutors' offices underline that the key challenge they face is the need for consultations with many institutions which requires additional time. Similar concerns have been expressed by representatives of CSWs. From their perspective, there are no significant legal obstacles to the identification and prosecution of child trafficking. **The only difficulty is related to ensure adequate support and protection to victims** (e.g., access to health care is not equal in each administrative unit in BiH and becomes challenging if it involves two or more administrative units). Some interviewed NGOs and representatives of state level institutions believe that existing differences among the entities/district could nevertheless jeopardise the best interests of the child victims.

⁶⁵ See GRETA Report Concerning Bosnia and Herzegovina, Second Evaluation Round, GRETA (2017)15, p. 32.

⁶⁶ In the meantime, the Criminal Code of RS has been amended and almost all recommendations from the GRETA (2017)15 report have been adopted.

⁶⁷ For more details, see Section 3 of the second GRETA evaluation round (Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, available at <https://rm.coe.int/greta-2017-15-fgr-bih-en/1680782ac1> (accessed June 25, 2020)).

⁶⁸ The Laws on the Protection and Treatment of Children and Juveniles in Criminal Procedure in FBiH, Official Gazette of the F BiH, No: 7/14 ; The Laws on the Protection and Treatment of Children and Juveniles in Criminal Procedure in RS, Official Gazette of RS No: 13/10; The Laws on the Protection and Treatment of Children and Juveniles in Criminal Procedure in BD BiH, Official Gazette of BD BiH No: 44/11.

⁶⁹ Child means every human being below the age of eighteen years.

⁷⁰ See Article 2. of the Criminal code of FBiH and Article 2. of the Criminal code of BD BiH which define a "child" as every human being below the age of fourteen years, while the term "minor" is defined as every human being below the age of eighteen years.

By following the administrative structure of BiH, besides the institutions at the state level which are competent to fight against THB, there are competent institutions at the level of the entities as well as cantons (see Annex 4. The scheme of the national referral system for the child victims). The Task Force for Fight against Trafficking in Human Beings and Organised Illegal Immigration (the Task Force) is a mechanism for coordinating criminal justice response to THB in BiH. Although this body gathers representatives of the most relevant agencies,⁷¹ labour inspectors or representatives of CSWs are not part of it. The legal status and role of the Task Force needs to be better defined,⁷² because insufficient coordination between competent ministries sometimes jeopardises its final outcomes.⁷³

There are 16 differently structured police agencies in BiH. Based on the research results, the level of specialisation for combating trafficking in human beings remains limited. They usually have detachments, within broadly defined units, which deal with THB as well as similar criminal offences.⁷⁴ Each police agency has at least one or two inspectors who have basic knowledge on the identification and investigation of THB. Few of them have inspectors/investigators with significant experience (5+ years) in working on these cases. Unfortunately, it is not uncommon for those more experienced professionals to be no longer in charge of THB cases as they move to another department with a completely different focus. This limitation of the system is discussed in the subsection below (*Systemic issues affecting the fight against trafficking in human beings*).

The law enforcement agency professionals interviewed believe that most police officers are not able to recognise indicators of child trafficking. According to their knowledge, there are no clear guidelines for the identification of possible victims, nor established mechanisms for awareness raising among police regarding THB. On the other hand, representatives of international organisations and local NGOs report that such guidelines have been developed and distributed.⁷⁵

Professionals from law enforcement agencies have also recognised some limitations in the application of the criminal procedure code on the investigation of THB. Among them are the following: the period for detaining traffickers in the police station is too short, especially when traffickers and victims are part of a network and/or they do not speak local languages. There is also a **lack of official interpreters who understand the Roma language and languages spoken by migrants.**

Law enforcement agencies have extremely limited budgets for professional development. The most frequent way of training on THB is participation in educational events organised by local NGOs or international organisations. There is no clear training strategy or indication of who should attend such trainings, nor an established mechanism to monitor professional development. There is **no special training on child trafficking or THB in general for police academies.** This topic

⁷¹ The Task Force includes representatives of SIPA, the Border Police, the tax agency, public prosecutors (two from the State Prosecutor's Office, two from the Prosecutor's Office of the FBiH, one from the Prosecutor's Office of the RS, and one from the Prosecutor's Office of BD BiH), as well as representatives of the police agencies of the Federation of Bosnia and Herzegovina, the RS, and BD BiH.

⁷² European Commission <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-analytical-report.pdf>

⁷³ Bureau of International Labor Affairs "U.S. Department of Labor's 2018 Findings on the Worst Forms of Child Labour, Bosnia and Herzegovina", 2018, p. 228, Available at https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/ChildLaborReportBook.pdf

⁷⁴ The exception is the state level agency - SIPA (which is only competent for THB with international features), which has a specialised unit for investigating THB and related crimes. This should be linked with the fact that SIPA has been the only police agency competent for THB until 2017, and they adapted their structure and capacities to their needs.

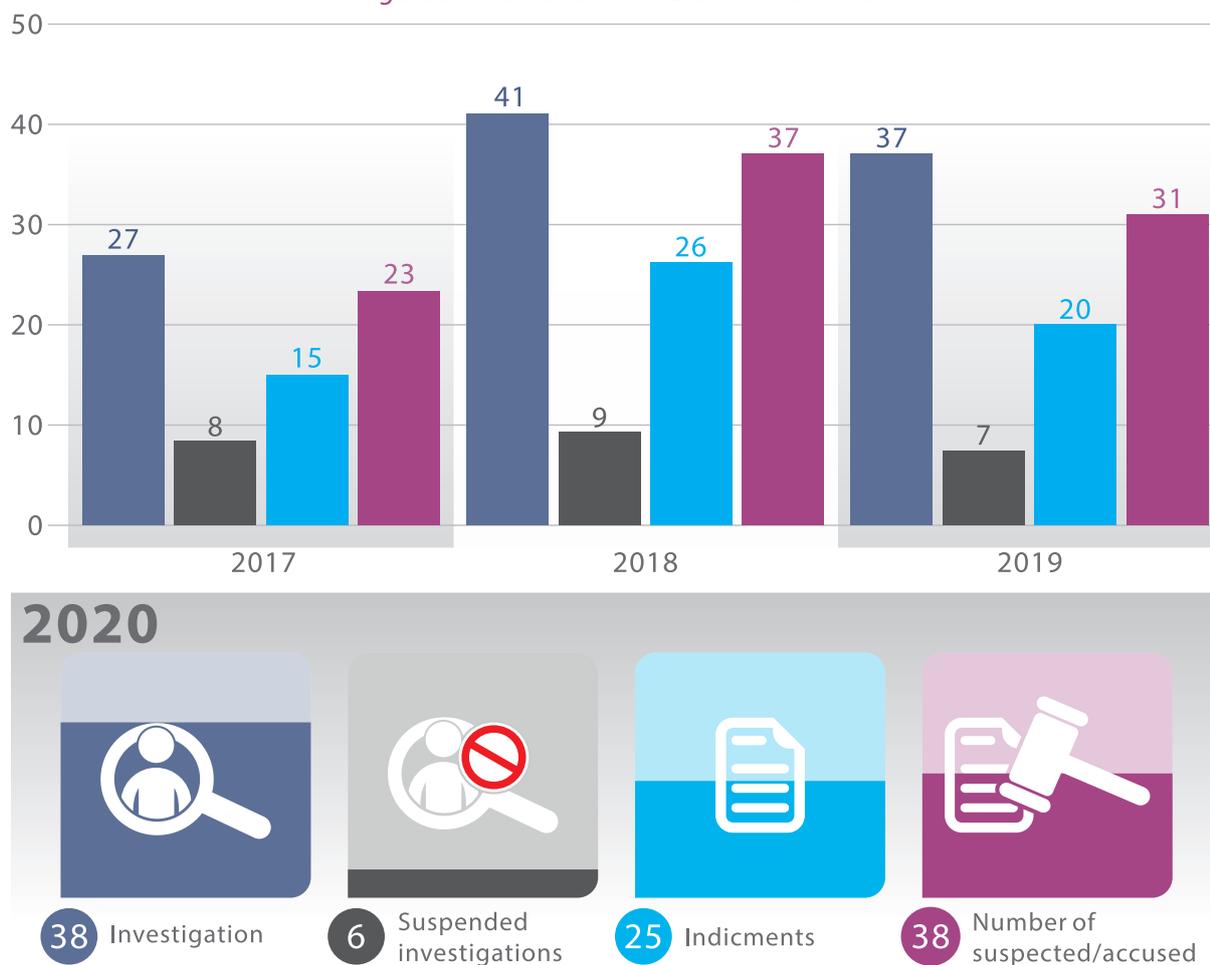
⁷⁵ In August 2017, the Guidelines and Indicators for Identification of Victims of Trafficking in Human Beings were developed within the project supported by ICMPD, EF, and FIIAPP (Sorrentino, 2017), available at: <http://www.rs.cest.gov.ba/index.php/seminari-2017/91-18-1910konjic-indikator-trgovine-ljudima-i-moderne-tehnologije-trgovine-ljudima/1968-prezentacija-l-sorrentino-18-10-17/file> (accessed 29.07.2020).

is studied sporadically within other related subjects, such as organised crime. Inspectors in the police agencies noted a lack of opportunity to access the education needed for more efficient anti-trafficking action. Consequently, the lack of specialised knowledge leads to incorrect understanding and inappropriate attitudes.⁷⁶ All interviewees believe that **topics related to THB should be part of the curricula in police academies for each grade** – not only for inspectors but also for police officers as first responders interacting with potential victims.

When it comes to international police cooperation, law enforcement agency professionals expressed great satisfaction. As an example of good practice, **the “CD” case has often been mentioned, in which BiH has set up a joint investigation team (JIT) with France. However, interviewees** from law enforcement agencies have recognised that police from other countries are sometimes not satisfied with the efficiency of the judicial system in BiH (they think it is too slow), which significantly affects the process of investigation and prosecution.

In BiH **there are only a few prosecutors specialised in prosecuting THB cases.** However, those who were interviewed for the purpose of this research emphasised that they also need additional training, especially when it comes to child trafficking.

Figure 5. Prosecution of THB and other cases⁷⁷



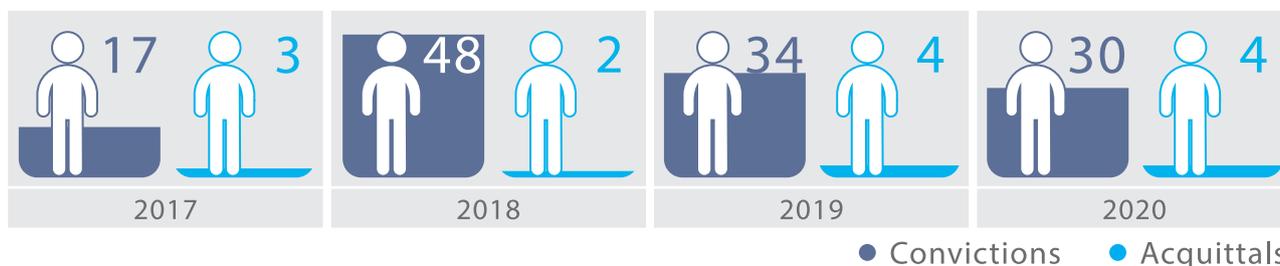
⁷⁶ For example, according to interviews, many police officers, but also many prosecutors and CSW’s representatives, believe that the criminal offence of THB/ must include the occurrence of exploitation. Looking from this perspective, it seems that cases of THB, which are in the phase of preparation of exploitation will not be prosecuted as offences of trafficking. Also, many of the interviewed professionals have a perception that THB is always the harshest criminal offence, with extremely harsh consequences for the victim (usually sexual exploitation). This ‘myth’ sometimes prevents identification of less severe cases of child trafficking, as well as contributing to less investigations and prosecutions. Thus, for example, there are a lot of cases where police agencies did not investigate forced begging as child trafficking.

⁷⁷ Annual situation reports on THB in BiH, prepared by the state coordinator. Available at: http://msb.gov.ba/anti_trafficking/dokumenti/godisnji_izvjestaj/Archive.aspx?pageIndex=1&langTag=en-US

There is also a lack of knowledge among judges, when it comes to cases of trafficking in human beings. Consequently, some reports and analysis indicate controversial judgements in child trafficking cases.⁷⁸ An analysis of judgments delivered in 2018⁷⁹ shows that six people were convicted in four prosecutions for the offence of neglect or abuse of children and minors, in cases involving 15 children (nine girls and six boys) who had been exploited for the purpose of begging and forced labour. However, due to the incorrect qualification of the offences, these cases were not mentioned in official reports as THB for the purpose of labour exploitation, nor were the children given the status of THB victims, while the perpetrators received quite lenient sentences, around the mandatory minimum (six month to one year imprisonment).

Moreover, interviewed academics underlined that the judicial panel policy for THB and similar offences remains inadequate (imposed sanctions are close to the minimum prescribed by the law, without reasonable explanation). Next to this concern, as noted by GRETA, it is especially worrying that the application of plea bargaining is possible for serious criminal offences, including THB, without appropriate safeguards.

Figure 6. Court decisions on THB and related cases⁸⁰



The relevant reports also underline that the lack of a proactive approach by enforcement agencies and prosecutors, as well their limited knowledge of these institutions about THB, significantly impacts effective investigations or and related offences.⁸¹ Sensitising prosecutors and judges to the rights of victims of THB, and encouraging them to develop a specialisation to deal with THB cases, have both been recommended by GRETA (2017).⁸² GRETA was also concerned about the lack of efforts to identify, seize and confiscate criminal assets generated by trafficking offences.

The Public Institution Centre for Judicial and Prosecutorial Training of the Federation of Bosnia and Herzegovina (CJPT FBiH) and the Centre for Judicial and Prosecutorial Training in Republika Srpska (CJPT RS) are the institutions competent to provide training to the representatives of the judicial system. The results of the secondary data analysis show that every year during the period 2013-2019, each CJPT organised between one and three THB-related training sessions each year for judges and prosecutors (See Annex 2. - Table 2.5. Number of THB-related training sessions for judges and prosecutors). These included one-day, two-day and three-day training sessions, for approximately 25-40 attendees per event; **only one session explicitly refers to child trafficking.**⁸³ According to the interviewees, training courses related to the suppression of THB were not regular and systematic, and usually depended on grant-funded projects. As a positive practice, they

⁷⁸ Mention was made of a case where the accused was acquitted from forced begging, because the judge found that begging is a part of tradition and culture among the Roma population.

⁷⁹ The data on judgments passed in 2018 is based on the Report on the Situation of Victims of Trafficking in Human Beings in Court Proceedings (BAN 3 project/IFS-EMMAUS).

⁸⁰ Annual situation reports on THB in BiH, prepared by the state coordinator. Available at: http://msb.gov.ba/anti_trafficking/dokument/godisnji_izvjestaj/Archive.aspx?langTag=en-US&template_id=104&pageIndex=1

⁸¹ See for example Greta (2017)15, p. 34. and European Commission (2019), p. 60.

⁸² See for Greta (2017)15, p. 37.

⁸³ "Differences between criminal offences of trafficking in human beings / children and other criminal offences that result in sexual exploitation of the victim", 28.2. 2018, Banja Luka.

recognised the training courses that had been organised not only for judges and prosecutors, but also for police authorities and other bodies of interest for the specific areas of training, had been useful. Additionally, a Trafficking in Human Beings handbook for training judges and prosecutors has been published.⁸⁴ However, the content analyses of this handbook shows that it already needs to be updated. In 2020, the OSCE mission in BiH developed the Manual for Investigating Trafficking in Human Beings, which could be used for the upcoming trainings.⁸⁵

In the end, all interviewees believe that institutional capacities, when it comes to human resources for fight against THB, were in better shape five years ago than at the moment of publication of this study. They emphasised that, previously, professionals in relevant institutions were trained more regularly on the identification, investigation, and prosecution of THB, as well as on support and protection for the victims. Besides several national experts and enthusiastic (self-motivated) professionals, only a few professionals may adequately deliver the expected actions in potential cases of child trafficking.

Procedural rights of children during and after court proceedings

Although international and national instruments recognise children's rights, children cannot independently exercise many of their rights due to their age and immaturity. **The rights of child victims of human trafficking before, during and after judicial proceedings include the right to privacy, the right to information, the right to protection and support as well as the right to compensation.**

Right to privacy: The protection of personal data of child victims of human trafficking is regulated by various legal documents in BiH, stipulating fines for publishing information disclosing the identity of a child or other information that could reveal the identity of the child. All proceedings before judicial institutions involving children are closed to the public, and information about the child is classified as confidential. Most of the media outlets in BiH do not disclose the child's identity in case of criminal offences, but the identity can be found when the media publish the names of the perpetrator and report on his relationship with the child or the place of the crime (for instance, the victim was a waiter at a coffee bar named XY). The majority of the interviewees were of the opinion that **institutions respect the privacy of the child victims or witnesses of trafficking, while there are omissions by the media which seek to sensationalise cases** for their own commercial interests.

The BiH Press Council points out that the right to privacy is prescribed in **codes of ethics**, but there are complaints reporting violation of Article 11 of the Code of Media and On-line Media addressing the protection of children and juveniles. In 2017, 35 out of 251 complaints concerned children and youth. In 13 cases out of the 35 complaints, the Council found a violation of Article 11, and in two cases the Council requested the removal of photos of juveniles. In 2019, 23 out of 623 complaints concerned children and youth, but no violations of Article 11 were established. The right to privacy of victims of trafficking is subject of the "Guidelines for the protection of the private life and personal data of victims of trafficking in human beings", prepared with the support of the Council of Europe for the use by media as well as institutions and professionals in contact with victims of trafficking, including children.⁸⁶

⁸⁴ "Trafficking in Human Beings: Training Manual for Judges and Prosecutors", Second Revised Edition, OSCE 2018, available at: <https://www.osce.org/mission-to-bosnia-and-herzegovina/376705>

⁸⁵ "Manual for Investigating Trafficking in Human Beings". The author, OSCE 2020; Available at: <https://www.osce.org/mission-to-bosnia-and-herzegovina/447337>

⁸⁶ Dr. Baerbel Heide Uhl and Rebeka Kotlo, Guidelines for the protection of the private life and personal data of victims of trafficking in human beings, publication in 2021.

Right to information in criminal proceedings: This right encompasses the right to information for children and also for parents/guardians, but also the right to be informed in a timely and understandable manner. The right to information starts when a criminal offence is reported. This right encompasses:

- information about the role of a witness, the importance of providing a testimony, the way of testifying in investigative court procedures;
- availability of protection measures, of health, social, psychological and other services;
- information about the right to compensation of expenditure and the right to free legal aid;
- information on mechanisms for reviewing decisions affecting children and witnesses;
- information on procedures involving the deprivation of liberty, detention and oversight of defendants;
- information on the progress of the case, schedules of hearings, decisions and status of the defendant;
- information on compensation for the criminal offence.

All interviewees assessed that the right to information is superficially implemented, underlining the responsibilities of all professionals in contact with children in line with their competences. Prosecutors believed it was their responsibility to inform, but they needed the assistance of a psychologist in order to be able to explain legal rights and issues in an understandable way for a child. Expert associates stated that they do provide information, but it may be too late for the child to enjoy his/her rights. Some of the experts discussed the problem of children's understanding of their rights and their ability to seek protection, commenting that **learning about their rights should be a part of children's education, therefore a part of anti-trafficking prevention efforts.**

Right to compensation: interviewees had no information on whether this right was implemented for victims of human trafficking. An analysis of 25 cases of exploitation of women and girls in BiH, conducted by the Centre for Women's Rights from Zenica in 2020, showed that in 11 cases the first-instance courts adjudicated the compensation claim during criminal proceedings, but the victims were directed to civil proceedings to satisfy the right to compensation.⁸⁷ The victims were not introduced by first-instance courts that they have a right to appeal if first-instance court decisions fail to adjudicate the compensation claim. In all of the 25 cases analysed, the prosecutors failed to collect evidence supporting a compensation claim, through medical documentation of the victim, or to order psychiatric expertise, although it is an obligation stipulated in Article 43 and Article 107 of the Criminal Procedure Law of Republika Srpska and Article 45 and 211 of the Law on Criminal Procedure of the FBiH.

According to available information, only in one case of child trafficking, adjudicated in first instance in February 2019 by the Banja Luka District Court, the court ordered the defendant to compensate the victim with 7,500.00 BAM for experienced emotional distress and physical harm. The court reasoned that the victim was a juvenile *and* had suffered from psychological pain, therefore additional civil proceedings would lead to secondary traumatising if obliging the victim listening again to incriminated facts; it should not be forgotten that **participation in civil proceedings lead to revealing the victim's identity, which constitutes secondary victimisation.**

In conclusion, court practices in BiH lack coherent implementation of the law on criminal proceedings⁸⁸ with regards to compensation claims, and in the majority of cases courts direct

⁸⁷ Those cases concerned abuse of a child for pornography (two cases), inciting to prostitution (six cases), and human trafficking (three cases).

⁸⁸ Criminal Procedure Law ("Official Gazette of the Federation of BiH", No. 35/03, "Official Gazette of the Republika Srpska, No. 53/12;"Official Gazette of the Brčko Distrikt BiH", No. 34/13).

victims to civil proceedings to satisfy their compensation claims. Some of the experts taking part in this research were of the opinion that **a compensation fund for victims of criminal offences, including victims of human trafficking, should be created**, as recommended by GRETA.

Psychological assistance

As part of the preparation of this report, research on protection and support provided to children victims and witnesses of human trafficking had the objective of assessing elements related to the availability, inclusivity and timeliness of **psychosocial support** provided during investigations and judicial proceedings.⁸⁹ Additional measures are providing instruction for conducting interrogations, limiting the number of interrogations/witnessing and underlining the urgency of procedural actions.

The research focused on the **role of professional counsellors/psychologists and social workers** employed in the judicial system in BiH (known as 'expert associates'), as well as of other services and organisations that can provide such support. Other rights such as the right to privacy, right to compensation and right to information have also been analysed. A special challenge was to observe the difficulties involved in working with marginalised groups such as migrants, Roma, and other minority communities. The general objectives of this part of the research are to map areas of dysfunction and to propose clear recommendations for the advancement of psychosocial support and the protection of child witnesses of trafficking in our country.

After the detection and/or reporting of the criminal offence of trafficking in children, a child is submitted to special measures and procedures (medical examinations, giving statements in relation to the investigation, expert analysis, testifying before the court), which all can have negative consequences on his/her mental health. These can be short-term but may affect the process of recovery. Therefore, it is very important that **the child receive professional support from trained professionals working in the social protection (psychologists and social workers), investigation, and judicial systems (courts and prosecutors' offices), from the earliest stages to the final court decision.** Their respective roles are regulated by the internal regulations of the judicial system (see Annex 2 – Table 2.3. and Table 2.4.).

A basic principle for the "success" of criminal proceedings is that expert associates are able to help the child to go through the legal system with as little negative impact as possible for him/herself. The role of expert associates is to explain to the child in an appropriate way why his/her testimony is important and why is it important to tell the truth. The role of an expert associate is not to persuade the child to testify. In that process, it is important for expert associates to provide the child with relevant information, give answers to all questions, and reassure the child. At the same time, 'expert associates' assure that the testimony of the child is useful for the criminal proceedings as much as possible. Judges and prosecutors who participated in the research "The best interest of children in contact with law"⁹⁰ stated that the psychological preparation of children in contact with the legal system is the most important factor for quality statements in the investigation or before the court.

Some courts or prosecutors' offices do not have a professional counsellor/assistant. They can either engage professionals from CSWs or have special protocols on cooperation with institutions which

⁸⁹ Law on Protection and Treatment of Children and Juveniles in Criminal Procedure of the Federation of BiH, "Official Gazette of the Federation of BiH", No. 7/14, Law on Protection and Treatment of Children and Juveniles in Criminal Procedure of the Republika Srpska, "Official Gazette of the Republika Srpska No.13/10", Law on the Treatment of Children and Juveniles in Criminal Proceedings of the Brčko District, "Official Gazette of the Brčko District of BiH", No. 44/11.

⁹⁰ The study "The best interests of children in contact with the law from the point of view of professionals" was conducted by the Association of Psychologists of RS in partnership with UNICEF BiH, in accordance with the HJPC BiH in 2019 (in press).

employ such professionals.⁹¹ This is certainly a good solution, but in the long term, specialised human resources in the judicial system should be reinforced. The interviewees highlighted that CSWs should play a key role in the identification of victims and the provision of initial assistance, in addition to the support provided during the court proceedings. Professionals from CSWs acknowledge that they are overburdened with work and problems, lack human resources, and do not receive information from the courts about child victims of criminal offences, including human trafficking. CSWs can provide support and help to child victims of trafficking only when they themselves face cases. The courts have no obligation to inform CSW experts about the facts of cases, therefore the centres are not given time to make adequate preparations to intervene during the proceedings. There is a gap in the organisation of cooperation between judicial institutions and CSWs.

“We receive an invitation from the court to participate in a hearing of a child victim, without knowing what kind of the criminal offence is committed, with no information regarding the child, and with no opportunity to be prepared for this hearing. Our role is therefore limited to complying with the procedure in due form, so to ensure that the hearing is carried out in the presence of the guardian institution. We also cooperate with the prosecutor’s office and courts that employ their own psychologists and social workers, but only through private and personal contacts. This means that there is no clear protocol of cooperation with regard to child victims” - *Centre for social welfare professional*

The engagement of CSWs is significantly different when they take direct care of a child victim of trafficking, because either the parent(s) are involved in the offence or if a child has been separated from the family. Such a case occurred in the Republika Srpska, where the child was placed in SOS Children’s village in the Federation of BiH. In this case the cooperation between the court and the CSW was reported to be excellent.

“I received a file concerning a 13-year-old girl and had to organise the reception of the child, perform a psychological evaluation, and provide support to her during the hearing. The reception was organised in cooperation with the CSW. The court covered all the travel expenses, and our cooperation and communication with the CSW were very good and professional, including my follow up of the CSW assistance to the child. The child made a surprising progress, taking into account that she had never been in school before, without any elementary knowledge, such her date of birth or the seasons of the year... One month later, she was telling me with excitement about her school experience and how she was accepted by the class.” *Professional counsellor / assistant at court*

The research for this study found that **CSWs, centres for mental health and judicial institutions are enabled to provide support to victims via professional counsellors / assistants, psychologists, or NGOs’ partners, however this support is of limited quality and duration.** This is due to the gap in coordination between the institutions involved and the lack of clear operational procedures. **There is definitely a room for improvement with regard to multi-disciplinary approach in providing support and assistance to child victims of criminal acts, including trafficking.**

Some interviewees highlighted that the protection of victims is a precondition for any further action, but they have witnessed cases in which institutions failed to provide protection.

⁹¹ Examples: the Cantonal Court in Sarajevo and the Municipal Court in Sarajevo; The Cantonal Court in Zenica and the Municipal Court in Zenica; The Cantonal Court in Bihać and the Municipal Court in Bihać; Cantonal Court in Novi Travnik with municipal courts in Travnik, Bugojno, Kiseljak and Jajce; Prosecutor’s Offices of the Brčko District of BiH and the Police of the Brčko District of BiH.

“It happened once that the person accused of sexual abuse came on the same bus with the girl victim and her mother. He didn’t say anything to them, nor did he speak to the girl, but the girl was frightened ... We tried in the court to help them; this affected her testimony even though she was testifying under all regulations of the Law on protection of minors ... we faced a case of severe re-traumatisation” - *Professional counsellor/assistant*

Support provided after court proceedings

Respondents highlighted a series of challenges in providing support to children after the completion of judicial proceedings. **Most of the professionals confirmed not to have information on the situation of child victims after judicial proceedings, nor on the mechanisms available to the victims with regard to further assistance and support.** This is important both in the context of the child victim’s recovery and also in terms of monitoring that a child witness does not experience any sort of retaliation from a criminal or his or her associates. Experts agreed that the system of long-term support is not functional and requires better coordination and communication between different specialised services in contact with child victims. In BiH, child victims of trafficking are usually placed in safe houses when they are first identified. Most of the experts interviewed were of the opinion that the **geographical availability, capacity of places (beds) and availability of child protection professionals in safe houses are limited.** There are eight safe houses in BiH operating under the auspices of civil society organisations. Five safe houses are located in the FBiH (Sarajevo, Zenica, Tuzla, Bihać, Mostar) and three in RS (Banja Luka, Modriča, Bijeljina). They provide on average 20 places. Some of the experts are of the opinion that, besides safe houses, solutions should be found in **foster care.**

Based on their negative experience, expert associates believe that the residential institutions (orphanages) cannot provide for the adequate psychological and social rehabilitation of child victims of criminal offences, especially in trafficking cases. There is evidence that in some cases the exploitation of trafficked children has continued in orphanages. Unlike in RS, where there are legal limitations to setting up establishments such as SOS villages, the FBiH has established several of these. However, their capacities need to be improved to provide adequate support to children victims of trafficking.

This study did not identify significant measures undertaken or established practices regarding the **prevention of the re-victimisation of child victims after they have returned to their families or community.** While European Commission policies suggest that social services should take a more proactive role,⁹² the representatives of CSWs reported that they do not receive information from the courts about the (possible) victims of child trafficking in the areas for which they are responsible. **There is evidently a need to identify what constitutes good practice regarding victim reintegration** and the promotion of good practice throughout the country.

⁹² European Commission (2019) p.60.

Figure 7: Strengths, Weaknesses, Opportunities and Threats of the national responses to child trafficking

	Strengths	Weaknesses
Prevention	<p>Prevention of child trafficking is a specific goal in the new strategy (#2.5);</p> <p>BiH's Roma population, as one of the most vulnerable categories, already has established networks (NGOs) and can actively participate in actions to prevent child trafficking.</p>	<p>Lack of a comprehensive approach to child trafficking prevention, including systematic prevention among the most vulnerable categories, in particular Roma and migrant children.</p> <p>Lack of institutional capacity, in particular of CSWs, to proactively identify children who are most likely to be trafficked (and intervene before they are trafficked).</p> <p>Confusion between 'child protection' as a method to prevent children from being trafficked and 'child protection' as a response when a child has already been trafficked, i.e., to protect the child from further abuse and to ensure his/her rights are respected.</p>
Protection	<p>Enthusiastic group of THB experts in the national referral mechanism (e.g., those interviewed for this study).</p>	<p>Poor detection and identification of trafficked children;</p> <p>Weak, overburdened child protection structures;</p> <p>Lack of accountability mechanisms within the national referral mechanism;</p> <p>Lack of clear indicators and identification protocol for child victims of trafficking;</p> <p>Short-comings in the criminal justice system, notably a lack of coordination between the courts and CSWs, resulting in inadequate protection for child victims who are required to be prosecution witnesses.</p>
Prosecution	<p>Courts and Prosecutor's Offices have the capacity to provide psycho-social support for child victims during criminal proceedings.</p>	<p>Lack of case law on child trafficking cases;</p> <p>Lack of specialised knowledge among prosecutors and judges, particularly on appropriate methods for protecting child victim-witnesses during court proceedings;</p> <p>Requalification of child trafficking cases into less serious offences.</p>
Partnership	<p>Solid cooperation occurs between key institutions and NGOs.</p>	<p>Lack of coordination among different institutions involved (mentioned in several parts of this report);</p> <p>Limited involvement of the most vulnerable categories of the population (notably the Roma community) in planning and decision-making.</p>
Cross-cutting	<p>High level of legal compliance with relevant international standards;</p> <p>Basic evidence is already available on what constituted good and bad practice in the course of the implementation of previous strategies/ action plans.</p>	<p>Extremely limited budget for the key actors, including coordination bodies;</p> <p>Demanding administrative procedural needs for cooperation between key actors;</p> <p>Absence of an adequate data collection system, including inconsistencies in using key terminology;</p> <p>Insufficient evidence about child trafficking on which to make appropriate, evidence-based decisions;</p> <p>Unharmonized legislation among different administrative levels in the country as a result of the decentralisation of the state;</p> <p>Over complex (and possibly ineffective) monitoring systems, also linked to decentralisation policies.</p>

	Opportunities	Threats
Prevention	<p>Opportunity to inform public opinion about the circumstances in which it is abusive (or criminal) to put migrant children to work or earn money;</p> <p>Readiness of the educational system to participate actively in anti-trafficking activities.</p>	<p>Exclusion of and discrimination against the most vulnerable children and their families (Roma children and child migrants/refugees);</p> <p>Lack of awareness about what constitutes child trafficking (and how much it occurs) among children and the public in general.</p>
Protection	<p>Further development of existing capacities of day-care centres and orphanages;</p> <p>Child protection officials and labour inspectors can learn how to distinguish child trafficking cases involving migrant children from acceptable child work;</p> <p>Further development of the deployment of mobile teams to identify exploited street children (based on the experience of officials in Sarajevo Canton).</p>	<p>Absence of an appropriate age-assessment system increases the probability that children without identification documents will be mis-identified as adults and excluded from benefitting from a child-friendly approach;</p> <p>Lack of resources to deploy relevant officials to check the circumstances in which children are working on farms or elsewhere in the informal sector (and to protect children subjected to forced labour).</p>
Prosecution	<p>Good cooperation between investigators and prosecutors on one well-documented occasion shows that this can be achieved with good effect.</p>	<p>Lack of specialised knowledge among prosecutors;</p> <p>Lack of motivation to prosecute child trafficking due to the apparent lack of evidence.</p>
Partnership	<p>Significant support from international organisations.</p>	<p>Lack of political will at various levels of government;</p> <p>Very limited resources available for implementation (or anti-trafficking measures);</p> <p>Lack of sufficiently strong monitoring and coordination mechanisms.</p>
Cross-cutting	<p>A new anti-trafficking strategy is in place;</p> <p>A new coordination system has been developed;</p> <p>New action plans are being developed.</p>	<p>Unpredictable situation regarding the arrival of migrants;</p> <p>Unpredictable situation regarding COVID-19 developments/and impact.</p>

4. CONCLUSIONS

This study reveals continuing challenges, especially concerning the implementation of measures to prevent human trafficking and measures to identify victims and to provide them with protection and assistance, most notably in the case of child victims of trafficking. Children continue to constitute a significant proportion of trafficking victims in BiH, and are subjected to sexual exploitation, labour exploitation, forced begging, and child marriage. Added to the 'dark figure' of unrecognised/undetected cases of child trafficking are challenges in data collection in general, as well as concerns about the lack of conceptual clarity about what constitutes child trafficking, and what constitute related offences involving sexual abuse and exploitation of children, including online child abuse (child abuse images), child begging and child labour (particularly the worst forms of child labour). Together with the challenge of securing relevant evidence, this may lead to qualification (or re-qualification by prosecutors) of cases not as trafficking offences but as lesser offences or misdemeanours. Similarly, the study shows a lack of consistent responses to cases of child trafficking in general, both in relation to criminal justice and child protection approaches.

One of the main objectives of the study was to provide guidance for setting priorities in responding to child trafficking. The findings show that experts interviewed are less worried about the adequacy of the existing legal framework and more about weaknesses in its implementation. This relates to a lack of social policy measures to address the main root causes in a comprehensive way (causes such as inequality, poverty and social exclusion of ethnic minorities, particularly Roma). It also relates to difficulties of coordinating actors across the complex state structure of BiH, and insufficient capacity to monitor and evaluate the implementation of strategies and policies. The study also highlights the persistence of stereotypes about child trafficking, not only among the general public but also among professional groups involved in implementing anti-trafficking measures. The new **Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023**, adopted in January 2020, lists a broad range of strategic objectives, including on child trafficking, but, nevertheless, the experts interviewed remained hesitant about whether there was sufficient political will and domestic resource mobilisation to actually carry out this ambitious programme. These two factors will ultimately determine the success or failure of measures to prevent child trafficking. The next chapter identifies a series of actions which could be taken during the implementation of the current Strategy to Suppress Trafficking to improve Bosnia and Herzegovina's responses to child trafficking and to protect the rights of trafficked children. However, first it is worth highlighting the two topics that the authors consider deserve the most urgent attention by the authorities.

The need to invest specifically in measures to prevent child trafficking

Child trafficking should be regarded as a specific, distinct issue within the field of trafficking in human beings. What works for adults or in certain areas of crime or social policy does not necessarily work for children as well. Parents and families play a decisive role here: as actors who can potentially protect a child and who can create a trusted environment for children, which offers safety and a sound starting point for a child's personal development. However, childhood involves children being dependent on adults, imposing huge responsibilities on parents. Social norms are not always in the best interests of the child. This means that the child's home environment can become a risk factor, causing domestic violence, child abuse or neglect or even child trafficking. The research for this report reveals many overlapping factors which together lead to poor detection and identification of trafficked children, and to weak, overburdened support structures for children.

While the prevention of child trafficking needs specific, distinct responses, at the same time they should be integrated into broader child protection and social protection policies, thereby creating a protective and enabling environment for children and an effective child protection system (as mandated by UN, EU and Council of Europe child protection standards). This involves building on well-organised inter-agency cooperation, ranging from families, to schools, to social services and, increasingly, to virtual spaces on the internet and social media. The study reveals significant challenges in terms of the lack of institutional capacity of, for instance, local CSWs, which should be able to proactively identify children who are most likely to be trafficked and, when they are trafficked, to help detect the cases, provide support and protection to the children once identified, and coordinate a multi-disciplinary response involving a variety of actors; but all this involves giving additional responsibilities to CSW staff who are already overstretched.

There is also a need for a paradigm shift about the understanding of what constitutes 'prevention', especially in the field of child trafficking. It is not just about producing video clips about the methods that pimps (sometimes known as 'lover boys') use to recruit girls; instead, it is also about involving schoolteachers in child protection (and reducing the level of school drop-outs), about social inclusion of Roma communities into the mainstream society, and about making a concerted effort to develop a labour market that addresses youth unemployment and generates decent work for all adolescents after they finish their compulsory education.

The need to reassess current priorities in anti-trafficking responses

This study is timely in relation to important policy decisions that need to be made. The new Strategy to Suppress Trafficking (2020-23) refers to several areas of the previous Action Plan (2016-19), which, for a variety of reasons, were not implemented. Most of the gaps identified in the Strategy have a direct bearing on the protection of trafficked children and the prevention of child trafficking. These include:

- a review of the mandate of the Task Force as a coordinating body;
- strengthening CSWs;
- developing a multi-disciplinary approach and cooperation with civil society organisations;
- reflecting on what the priorities should be for teaching and training;
- commissioning further in-depth research on labour exploitation, domestic work and 'organ harvesting';
- ending all measures that have the effect of making support for presumed trafficking victims conditional on their providing evidence to the police to use for possible prosecutions;
- providing witness support for family members;
- and establishing a state compensation fund.

In addition, the Strategy notes self-critically that implementation of the non-punishment principle, the cyber-crime dimension, and the involvement of Roma communities in the preparation of all of these policies have only just begun. The experts who were interviewed for this study confirmed the importance of all of these pending issues, particularly for addressing child trafficking. Finally, considering the consequences of the COVID-19 pandemic at multiple levels (on individual families, wider socioeconomic impact and increased poverty, child online safety and access to services), protecting children in Bosnia and Herzegovina will require the authorities to make a strong commitment to child-focused policies and to dedicate appropriate resources to support these commitments.

5. PROPOSALS FOR POSSIBLE ACTION

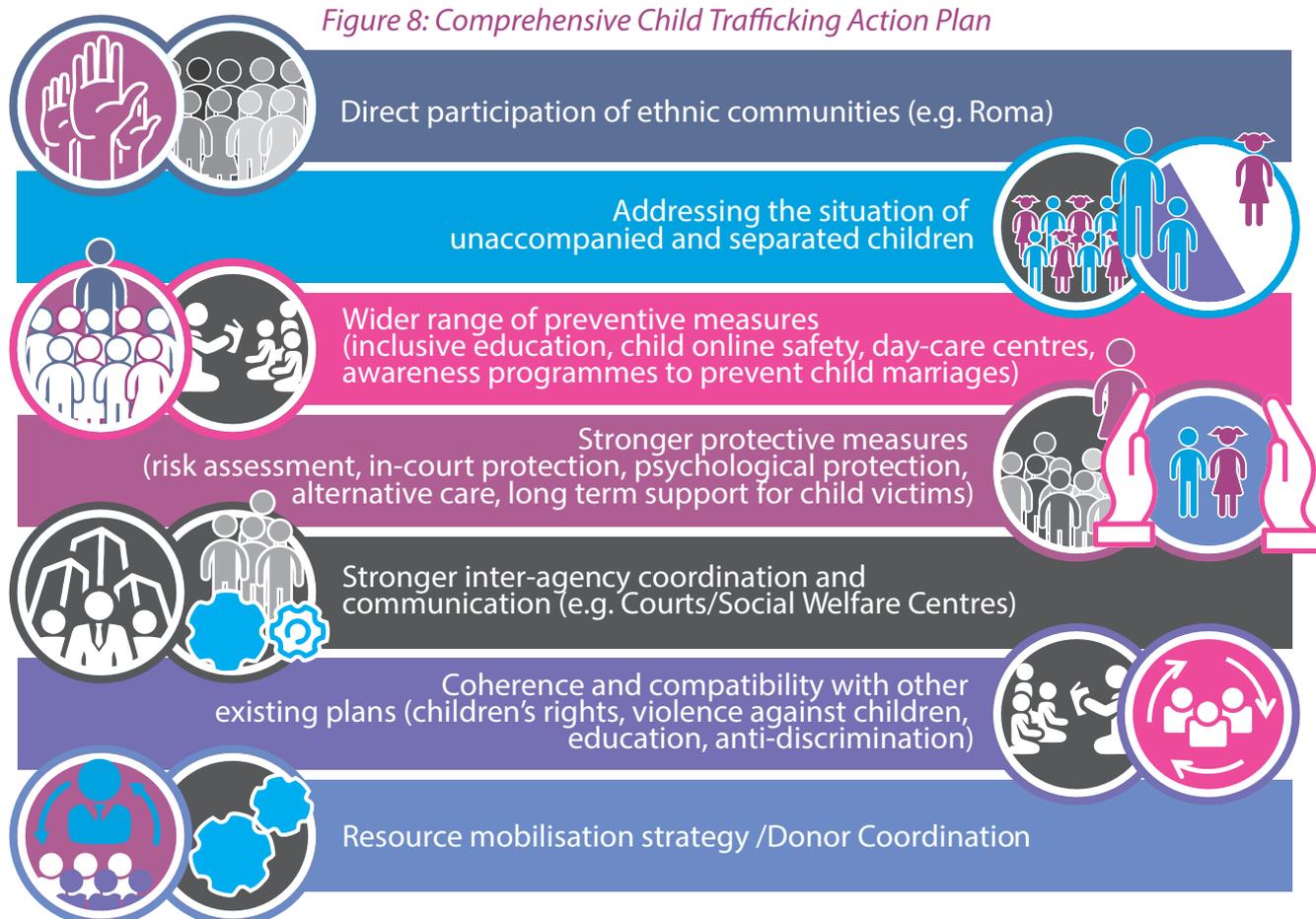
In this chapter, a series of measures are outlined that would enable the authorities in BiH to implement recommendations already made by GRETA and other international or regional bodies.

A. *Actions to improve planning and coordination of action against child trafficking*

Adopt clearer priorities on children

In place of the current approach of mentioning actions concerning children in several different Action Plans concerning Trafficking in Human Beings (as currently foreseen in the national Strategy to Suppress Trafficking), the State Coordinator could consolidate all the measures affecting children in a single, comprehensive Child Trafficking Action Plan. This could be based on the Strategy to Suppress Trafficking (2020-2023) and its child-specific objectives, supplemented, as appropriate, by other measures mentioned in this study that would have the effect of preventing or reducing child trafficking. It needs to include a wide range of preventive measures (e.g., covering issues that go beyond trafficking, such as child online safety, school inclusion, day-care centres and child marriages) and also protection measures (e.g., risk assessments for individual children, in-court protection and psychosocial assistance, strengthening of appropriate alternative care, whether shelters or foster care, and long-term support for child victims). It needs specifically to address the situation of unaccompanied children who may have been trafficked (particularly as far as age assessment and the appointment and training of temporary guardians are concerned). To increase the attention given to children and the need for inter-agency cooperation, a Child Trafficking Action Plan could be developed with the direct participation of relevant specialists in ethnic minorities, notably in Roma communities. Attention should be paid to ensuring coherence and compatibility with other existing plans. The Plan would require a dedicated strategy to mobilise resources for anti-child trafficking responses, including donor coordination.

Figure 8: Comprehensive Child Trafficking Action Plan



B. Actions to address unresolved issues concerning laws against child trafficking and to promote the effectiveness of investigations and prosecution of suspected child traffickers

Clarify the law

The study has highlighted the lack of common understanding about precisely what constitutes child trafficking, as well as the most appropriate responses. It would be appropriate to ask a suitably qualified institution of legal experts in BiH to prepare a 'legal opinion' or advice on the following issues:

- Commission a legal opinion on the relationship between trafficking and other criminal offences to clarify certain concepts and encourage consistency in the way the law is interpreted. In particular this should scrutinise the relationship between criminal offences and misdemeanours, the concept of child begging versus exploitation of begging or forced begging; the concept of online child abuse/child abuse images ('child pornography'); the extent to which trafficking provisions in the law of the State, the two entities and Brčko District can be harmonised or possible contradictions removed (concerning definitions, application in practice and minimum penalties).
- Review the practice of requalifying a possible trafficking offence as a lesser offence (to ensure decisions are based on law and the evidence available and to reduce any leeway that allows that prosecutors or judges to requalify offences after being influenced by associates of suspected criminals).
- Review criminal procedure in the light of the Council of Europe Child-Friendly Justice Guidelines (2010), notably concerning the settings in which children are present, the length of procedures, access to information for children, access to interpretation and translations, and the professional qualification required by prosecutors and judges involved in cases where children are defendants, victims or witnesses, including possible ways of promoting greater specialisation among prosecutors and judges in cases involving children.
- Review legislation with a view to ensuring consistent, non-discriminatory provision of social services across BiH, irrespective of the location/residence of the victim.
- Provide guidance to law enforcement and prosecutors on the application of the non-punishment concept to child trafficking, especially in relation to trafficking for the purpose of forced criminality.



Addressing unresolved issues concerning laws against child trafficking and to promote the effectiveness of investigations and prosecution of suspected child traffickers

To resolve problems caused by the lack of common understanding about precisely what constitutes child trafficking (and justifies a suspected criminal being charged with trafficking and a child being protected and assisted as a victim), suitably qualified legal experts in BiH could be asked to prepare a 'legal opinion' to clarify a series of questions, such as the circumstances in which exploitation of a child justifies a criminal charge of trafficking or a less serious charge, or only amounts to a misdemeanour.



The study noted that most investigations of child trafficking cases are reactive rather than proactive and concludes that there is an ongoing need for specialist investigators who are familiar with the characteristics of child trafficking cases in BiH (and elsewhere) and trained in collecting appropriate evidence, including forensic evidence from the children concerned.

Improve the effectiveness of investigations and prosecution of suspected child traffickers

The study noted that most investigations of child trafficking cases are reactive rather than proactive and concludes that there is an ongoing need for specialist investigators who are familiar with the characteristics of child trafficking cases in BiH (and elsewhere) and trained in how to collect suitable evidence, including forensic evidence from the children involved.

As a multi-disciplinary approach is essential during the preliminary stages of such cases (i.e., involving at least police investigators and child protection specialists from CSWs, but usually others as well), the authorities in BiH might like to consider the so-called *Barnahus* model⁹³ which keeps the child victim in one (safe) place throughout the investigation phase of criminal proceedings, where he or she is visited by various services, rather than requiring the child to move from one place to another, often without understanding the role of each service or being provided with an adequate explanation. In the meantime, it would be appropriate to strengthen multi-disciplinary coordination, especially if it continues to be regarded as necessary for prosecutors to play a role in the formal identification of trafficking victims (see BiH Trafficking Strategy 3.2.). This also applies to initiatives to identify children trafficked for the purpose of labour exploitation, when labour inspectors need to be involved in the multi-disciplinary team, as well as police and child protection specialists.

Once guidance is available on the non punishment principle, law enforcement officials at all levels require training in how to interpret and apply this principle, notably in relation to children who are victims of traffickers but may also have committed offences (e.g., in cases of trafficking for the purpose of enforced criminality).

In order to identify ways of improving communication and coordination between different actors involved in the run up to trials at which child victims or witnesses are asked to testify, an appropriate law enforcement official (or the State Coordinator) could convene an annual round table to review and discuss cases that have already been completed (i.e., law enforcement agencies, prosecutors, judges and NGOs). This would make it possible to learn lessons about how to coordinate most effectively and to achieve successful prosecutions of traffickers.

C. Actions to address the current lack of capacity in official institutions to prevent child trafficking and to protect children who have been trafficked

Build the capacity of social services (CSWs) to deliver services to children

Institutions with a similar role to the CSWs in BiH have successfully expanded their responsibilities in other parts of Europe to play an effective role in identifying children at risk of being trafficked (or being subjected other abuse, exploitation or neglect), in particular with respect to children in a street situation, whether they belong to the majority community or to minority (Roma) or migrant communities. This requires staff who are trained and equipped to operate in the communities concerned (rather than remaining in an office) and social workers with a reasonable case load.

The capacity of state-run institutions and NGOs to identify street children who have been trafficked, as well as others at risk of being trafficked for the purpose of labour exploitation, particularly forced begging, needs strengthening. As this predominantly involves Roma children, the measures taken need to be part of a broader package of measures to enable officials (and civil society actors) to take action in a non-discriminatory way. Increasing levels of expertise in identifying children

⁹³ For more information, see the PROMISE Barnahus website, at <https://www.barnahus.eu/>. Also see, for direct reference to presumed child victims of trafficking and the Barnahus model, OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings Occasional Paper No. 9 (2018), *Child Trafficking and Child Protection: Ensuring that Child Protection Mechanisms Protect the Rights and Meet the Needs of Child Victims of Human Trafficking*, page 32, <https://www.osce.org/secretariat/405095>

who have been trafficked and other children working in the street who are in need of support to protect them against abuse is a particular priority.

This could be achieved by allocating responsibility for checking on the well-being of children living in or working in the street to a specific agency (such as specialist staff in CSWs) and providing the agency concerned with adequate training and resources. It is often more appropriate for child protection specialists, from CSWs or NGOs, than law enforcement officials to make initial contact with the children concerned, for example by providing them with services in the places where they beg or in a nearby drop-in centre where they are provided with a meal or snack, for there is often a child protection concern (if the child is suffering from neglect) even if there is no evidence of exploitation.

A particular priority is to address misconceptions which have prevented some officials from distinguishing between Roma 'traditional cultural practices' and cases of child trafficking (whether for forced begging, forced marriage or other purposes).⁹⁴ This could be achieved by involving Roma cultural mediators and employing Roma staff in CSWs and also by convening joint working groups (involving CSW staff and Roma community representatives) to develop specific strategies to address patterns of both forced child begging and forced and child marriage that do not depend only on the criminal justice system to respond once possible cases are reported.

CSWs should be empowered to convene a multi-disciplinary team as a preventive measure when they are concerned that a specific child is at high risk of being trafficked. Such a multi-disciplinary team could include other professionals who operate in the child's community or encounter the child, such as police, doctors, nurses and teachers.

Drop-in centres (day centres) have played an essential role in other countries as a point of contact between services providers (including social workers and specialist NGOs) and children who live or work on the streets. Once again, they can only be effective if they receive adequate funding from state sources and if the staff running them are trained and equipped appropriately, including cultural mediators or staff who speak an appropriate language when the children who 'drop in' require this.

Every child who is provisionally identified as a presumed trafficking victim should have a temporary legal guardian appointed to accompany them (unless the child's parent is available to do so in circumstances where it is clear that the parent has not been involved in trafficking or otherwise abusing the child). As this responsibility is conventionally allocated to CSWs, the staff concerned who take on the role of temporary legal guardian for a presumed child trafficking victim require extra training to carry out their responsibilities, notably on how to coordinate effectively with criminal justice system actors such as police, prosecutors and the psychologists employed by court witness support units.

Both CSW staff involved in activities to prevent children being trafficked and those appointed as temporary guardians need to know how best to enable children to express their views and how to encourage other officials to take these views into account.

⁹⁴ See also UN Committee on the Rights of the Child, General Comment 18 (2014) on harmful traditional practices, reflecting on concepts of "traditional cultural practices", para. 73.: "The Committees recommend that the States parties to the Conventions: (a) Provide all relevant front-line professionals with information on harmful practices and applicable human rights norms and standards and ensure that they are adequately trained to prevent, identify and respond to incidents of harmful practices".

Improve the collection of data about trafficking patterns and measures taken to stop human trafficking, and the monitoring the anti-trafficking responses of official agencies

The study identified various research needs and concluded that the current ways of monitoring official responses to child trafficking are inadequate. The State Coordinator or Task Force would be best placed to commission the research that is needed.

As the research for this study found signs that there is a risk of children being trafficked for the purpose of removing their organs, research should be commissioned to investigate these allegations further. Action is also needed to increase the ability of health-care professionals and other professionals involved in transplantation services, including organisations involved in health insurance, to detect possible cases of child trafficking for organ removal. In addition, it would be appropriate for BiH to consider ratifying the Council of Europe Convention against Trafficking in Human Organs (adopted in 2015 and entered into force in 2018).

Other topics on which the study noted a lack of information are:

- Trafficking within BiH, in particular between the entities;
- The ways in which children are recruited and trafficked. This requires research to be conducted with children who have themselves been trafficked (as well as with official agencies), to identify causal factors and to engage older children or adults who were trafficked as children in discussions about the measures that might have prevented them from being trafficked;
- The indicators used for assessing whether children have been trafficked, including cases involving organ removal;
- Whether social media/internet and communication technologies are being used to recruit children and whether they could be used for more effectively (including in schools) to prevent such recruitment;
- How to address the particular vulnerability that children in institutional care have to being trafficked when they leave care.

With respect to the data collected and published annually by official institutions about the number of people trafficked in BiH, it would be appropriate for the State Coordinator to collect and publish information on child trafficking victims that goes beyond the officially identified victims. At a minimum, data should be collected and statistics published about all the children for whom there are, as Article 10.2 of the Council of Europe Convention on Action against Trafficking in Human Beings says, “reasonable grounds” to believe that they may be trafficking victims. That is to say, the cases reported should not be limited to those where law enforcement officials consider that sufficient evidence is available to launch a prosecution. It would also be appropriate to request data from other countries in the region to find out whether children from BiH have been identified there as trafficking victims, notably including children taken from BiH to earn money by begging for someone other than themselves or their parents.

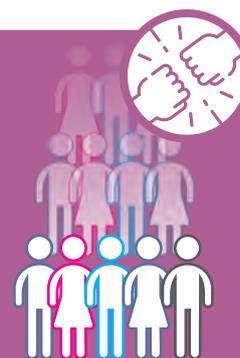
The current systems for monitoring anti-trafficking responses throughout BiH fail to portray accurately what is and is not being done on an annual basis and where remedial action is urgently needed. It would be helpful if meetings convened at national level to discuss monitoring anti-trafficking responses were to identify the types of data which is has proved difficult to obtain and from whom, so that these obstacles can be resolved. Although the weakness in monitoring concerns trafficking in human beings in general and is not limited to actions to address child trafficking, improvement of the monitoring systems in use in the two Entities and in Brčko District would be facilitated by some independent, external evaluations of the work of the various official

bodies involved, notably the CSWs, the BiH Human Rights Ombudsperson (with respect to children), the State Coordinator's office and, once they are operating, the local level coordination structures. It would also be helpful if the State Coordinator's office was to investigate what data is available about current responses to cases of child exploitation and abuse more generally, including school drop outs, so that clearer information is available about the activities of BiH's child protection system with respect to all children who are vulnerable to being trafficked or who might have been trafficked victims but whose status as a victim has not been confirmed.



Addressing the current lack of capacity in official institutions to prevent child trafficking and to protect children who have been trafficked

The capacity of state-run institutions (such as CSWs) and NGOs to identify street children who have been trafficked, as well as others at risk of being trafficked, needs strengthening. As this predominantly involves Roma children, the measures concerned need to be part of a broad package of measures to enable officials (and civil society actors) to take appropriate action in a non-discriminatory way. A particular priority is to address misconceptions which have prevented some officials from distinguishing between Roma 'traditional cultural practices' and cases of child trafficking (whether for forced begging, forced marriage or other purposes).



In view of the general lack of expertise about human trafficking among prosecutors and judges, their professional training institutions should be requested to introduce modules about human trafficking in BiH and the rights of children participating in the criminal justice system. It would be helpful to develop and maintain over the long-term the expertise in human trafficking of some criminal justice officials—investigators, prosecutors and judges.

As the study heard concern that children may be trafficked for the purpose of removing their organs, research should be commissioned to investigate these allegations further. The State Coordinator or Task Force would be best placed to commission the research that is needed on this and other topics.



The current systems for monitoring anti-trafficking responses throughout BiH fail to portray accurately what is and is not being done and where remedial action is needed. It would be helpful if meetings convened at national level to discuss monitoring anti-trafficking responses were to identify the types of data that have proved difficult to obtain and from whom, so that these obstacles can be resolved. Once again, the State Coordinator would be best placed to organise this.

D. Action to prevent children from being trafficked

Experience in other countries indicates that it is helpful to design a package of preventive measures to affect each specific group of children known to be highly vulnerable to being trafficked, thereby tackling the specificities of their situation. The groups in question include unaccompanied children, children in street situations, socially excluded Roma children and children in institutional care. The factors that need to be taken into account (and influence the strategy that is likely to be most effective for each group) include socioeconomic status, gender, education and media literacy.⁹⁵

Measures that have proved effective in other countries in preventing child trafficking have included social protection measures that provide additional resources to families suffering from acute poverty (such as in-kind contributions of food or clothing).

Measures to prevent Roma children and children in a street situation from being trafficked

As noted earlier, it would be appropriate to include representatives of the Roma community in anti-trafficking coordination bodies at all levels in BiH and to support their active participation in developing plans to address cases of child trafficking. It is a particular priority for CSWs, other official organisations and NGOs to address misconceptions which have prevented both officials and others from distinguishing between Roma 'traditional cultural practices' and cases of child trafficking, notably in the case of child begging and child marriage.

Schools have an important role to play, both by taking action to reduce the number of school drop-outs and by playing a more substantial child protection role with respect to children who show signs of dropping out, starting full-time work before reaching the age when compulsory education ends or being trafficked. Teachers or others employed in schools are likely to find this role easier to carry out if they become members of a multi-disciplinary team mobilised to prevent children from being trafficked. Preventive action in schools can include a wide range of measures to encourage Roma children to stay at school and to reduce the *de facto* exclusion of Roma children, for example by making it easier for children who have missed a term or even a year of compulsory education to return to school and resume their studies. This requires the State Coordinator to liaise with the Ministry for Human Rights and Refugees, Ministry for Civil Affairs/Sector for Education and others responsible for plans to promote the social inclusion of the Roma minority.

In 2021 and 2022, it is likely to be crucial for the State Coordinator to assess the impact of the COVID-19 pandemic on public spending for children, in order to avoid reduction of services, for mental health and psychosocial assistance, support to children in street situations, and other children facing health risks and risks of child trafficking.

⁹⁵ See UNICEF and Terre des Hommes, *Action to prevent child trafficking in South Eastern Europe. A preliminary assessment*, Geneva and Lausanne, 2006.

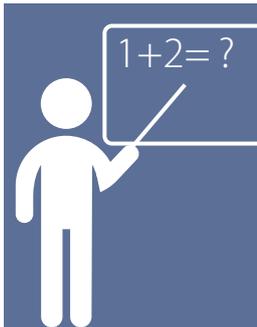


Preventing children from being trafficked



Experience in other countries has shown that tailoring a package of preventive measures to affect each specific group of children known to be particularly vulnerable to being trafficked is an effective method, thereby tackling the specificities of their situation. The groups in question in BiH include accompanied (migrant) children, children in street situations, socially excluded Roma children and children in institutional care. Measures that have proved effective elsewhere include social protection measures that provide additional resources to families suffering from acute poverty (such as in-kind contributions of food or clothing) and training in positive parenting.

unac



Schools have an important preventive role to play, by taking action to reduce the number of school drop-outs and also by playing a more substantial child protection role with respect to children who show signs of dropping out (and starting full-time work before reaching the age when compulsory education ends or being trafficked). Teachers or others employed in schools are likely to find this role easier to carry out if they become members of a multi-disciplinary team mobilised at local level to prevent children from being trafficked. This would require the State Coordinator to liaise with the Ministry for Human Rights and Refugees, Ministry for Civil Affairs/Sector for Education and others.

E. Action to identify, protect and assist children who have been trafficked

Increasing the expertise of CSWs in identifying children who may have been trafficked and in acting as temporary guardians (and protecting children who have already been trafficked), as outlined in 'C' above, should bring substantial benefits. Evidently CSWs need to work closely with others in detecting possible cases of trafficking, requiring joint training with first responders such as police, staff working at day-care centres, medical professionals, teachers, and cultural mediators and civil society organisations in contact with the Roma and migrant communities.

Coupled with this, CSWs should review which types of alternative care are currently available, with a view to expanding the availability of foster care placements for trafficked children and other measures to improve the quality of the services available to trafficked children, notably psychosocial support.⁹⁶

There is a need for a clearer legal framework for assessing the age of young people who have no identity documents or whose age is not clear, in line with existing child rights standards,⁹⁷ including the possibility of separate legal review of such assessments. A separate study has been commissioned about age assessment.⁹⁸

Particular efforts are needed to develop the expertise of officials (and NGO personnel) to identify victims of trafficking in two specific groups of children: Roma children and refugee/migrant children. Alongside the measures mentioned earlier to develop expertise with respect to Roma children, the State Coordinator could convene a group of professionals who are routinely in contact with refugees and migrants to consider what 'indicators' are most helpful in identifying

⁹⁶ Access for child victims of trafficking (as well as child victims of other crimes) to psychosocial assistance should be made available in line with the EU 2011 Trafficking Directive, 2012 Victims' Rights Directive, and Article 12 of the Council of Europe Anti-Trafficking Convention.

⁹⁷ See UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin.

⁹⁸ Amela Efendic and Daja Wenke, Age Assessment of Children at Risk of Trafficking in Human Beings in Bosnia and Herzegovina (draft), 2021.

refugee/migrant children who have been trafficked and how to ensure that explicit attention is paid to identifying such child victims.

The study also identified a need to assess whether children with disabilities have been particularly vulnerable to being trafficked and, if so, in what circumstances and what responses would be appropriate.

In line with other institutions providing alternative care to trafficked children elsewhere in Europe, there is a need for CSWs to consider what measures would be appropriate to discourage children from absconding from the shelter or foster family when they have a temporary placement. Staff working with children placed in institutional care appear to need basic training in identifying situations of risk for the children in their care, especially in relation to children leaving institutions. While specialised services are available for girls who have been trafficked, there appears to be no similar provision for boys who are identified as possible trafficking victims. The State Coordinator will probably want to fill this gap, especially if the expertise of other officials in identifying street children (boys and girls) who have been trafficked is improved.

Particular attention needs to be paid to making support services available and more easily accessible to children from ethnic minorities, including Roma communities. Similarly, and also in the case of migrant children, a lack of personal identification documents (whether passports or birth certificates) or language barriers should not lead to the exclusion of children from services. Instead, guardians need to be appointed immediately when children are found to be unaccompanied, and interpreters – for Roma, in languages relevant to child migrants and their families – should be provided to children with a different mother tongue.

Other action to protect children's rights

Further action is needed to ensure that child victims of trafficking are able to exercise basic rights, notably their rights to privacy, to obtain accurate information (about the options open to them) and legal advice, and to seek and obtain damages or compensation.

Concerning child victims' right to privacy, which is reported to have been breached by media publicity on various occasions over a long period: existing legislation and guidelines on protection of the child's privacy (and identity) evidently needs to be implemented and the disclosure of information that makes it possible to identify a victim prevented⁹⁹.

The State Coordinator could organise a round table with editors-in-chief and other media leaders, with the Media Council, child protection specialists, CSWs and NGOs, to discuss ways to prevent the disclosure of sensitive information to the media by implementing the recent guidelines on the protection of privacy of victims of human trafficking. One option would be to organise training sessions for journalists on European and national standards on children's rights to privacy and data protection, in cooperation with child victim support organisations.

Concerning the child's right to information: the State Coordinator should consider which authority should be commissioned to develop guidance on this right for the various services and professionals that come in contact with children (police, security structures, non-governmental sector, lawyers). The guidance should cover information on the respective mandates and responsibilities and the division of labour between them. Special attention should be paid to respect of international and European standards on providing legal advice and information; and to providing such information to children in a child-friendly way and in a language that the child understands.

⁹⁹ Dr. Baerbel Heide Uhl and Rebeka Kotlo, Guidelines for the protection of the private life and personal data of victims of trafficking in human beings (draft), 2021.

Concerning the child's right to compensation, the BiH Trafficking Strategy evidently considers that it would be appropriate to review current practices surrounding compensation in general. Children should not have to resort to civil proceedings to seek damages and compensation, but should be able to benefit from awards decided in the course of criminal proceedings (see BiH Trafficking Strategy 3.6). Since in most cases there is a high risk that a convicted offender will not pay an award, whichever court orders it, alternative ways of providing compensation need to be found, such as a new state compensation fund for victims of trafficking at the BiH level (see BiH Trafficking Strategy 4.8).

Although the BiH authorities have not, in recent years, had to address the many complications that arise when a child from another country is identified as a trafficking victim in BiH (or a children from BiH is identified as a victim in another country), it would be appropriate to establish, in advance of tackling such cases, appropriate procedures for liaising with the authorities in other countries and arranging, where it is appropriate, the safe return of such children.¹⁰⁰



Increasing the expertise of CSWs to identify children who may have been trafficked and protect children who have already been trafficked, for example by acting as temporary guardians, would bring substantial benefits, but also requires extra resources to be allocated to the social workers concerned. In the case of street children, it would be more appropriate for child protection specialists (from CSWs or NGOs) to make initial contact with the children concerned, for example by providing them with services in the places where they beg or in a nearby drop-in centre, for there is often a child protection concern (if the child is suffering from neglect) even if there is no evidence of trafficking-related exploitation.



CSWs should be asked to review which types of alternative care are currently available, with a view to expanding the availability of foster care placements for trafficked children and improving the quality of the services available to trafficked children, notably psychosocial support.

¹⁰⁰ A report by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in 2020 addressed the procedures needed for cross-border cooperation: Establishing National Focal Points to Protect Child Victims of Trafficking in Human Beings, <https://www.osce.org/cthb/472305>

F. Action to protect child victims who are involved in the criminal justice system as victims or witnesses

A range of measures are needed to make the criminal justice system more child friendly for child victims of trafficking. Many of these involve improving the level of cooperation and coordination between the separate institutions involved: police, social workers, prosecutors' offices and the courts.

Child victims and child witnesses both require easier access to legal advice and legal representation if they are required to testify, in order to prepare for the proceedings, in parallel with access to psychosocial support (see, for instance, the Austrian combined model of legal and psychosocial assistance, known as "*Prozessbegleitung*" (trial support), for all victims of crime, particularly children).¹⁰¹ In principle all legal advice should be free of charge for child victims and child witnesses.

There appears to be a need for CSWs (or the Ministry responsible for them) to agree standardised procedures and protocols (Memoranda of Understanding/MoU) with judicial institutions concerning psychosocial support for trafficked children. Such MoUs could establish clear standards on information exchange, data protection and child protection measures.

Despite progress in providing technical equipment and human resources at courts and prosecutors' offices, further action is needed to prevent inadequate and discriminatory practices developing in different places; this could include employing additional child psychologists and social workers as counsellors in courts and prosecutors' offices.

Participation of children in legal proceedings should be voluntary and they should not be burdened by having to decide whether or not to testify. As initiated already in the Republika Srpska Law on Criminal Procedure, it is recommended to adopt similar changes, exempting a child from being a 'privileged witness', in all procedural codes in BiH, to provide equal access to justice and protection for all children.



¹⁰¹ See information (available in several languages) at the Austrian Federal Ministry of Justice website, <https://www.justiz.gv.at/home/service/opferhilfe-und-prozessbegleitung~961.de.html>

ANNEXE 1: KEY INTERNATIONAL STANDARDS ON CHILD VICTIMS' RIGHTS

A comprehensive, rights-based approach to child trafficking requires compliance with the existing international legal framework, at the intersection of both child rights and anti-trafficking standards. In this chapter, after addressing essential international child rights principles that are also relevant in the trafficking context, particular focus will be placed on an overview of concepts and provisions under the Council of Europe Convention on Action against Trafficking in Human Beings, as the most comprehensive instrument on trafficking in human beings, including child trafficking, to which Bosnia and Herzegovina is a State Party.¹⁰²

1. United Nations child rights standards

As far as international child rights standards are concerned, the UN Convention on the Rights of the Child¹⁰³ provides for a **comprehensive catalogue of rights for the protection and participation of children**. This includes obligations to protect children from all forms of violence, exploitation and child trafficking, to ensure their recovery and rehabilitation after such experiences, as well as to ensure them access to services necessary for a standard of living adequate for a child, ranging from food and housing to support for parents, access to health, social security and education.¹⁰⁴ Moreover, four General Principles guide the implementation of all children's rights:

- According to Article 3(1) of the UN Convention on the Rights of the Child, in "all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration".

In the trafficking context, **making the best interests of the child a primary consideration applies to a wide range of decisions concerning trafficked children**, including:

- decisions made by the police, prosecutors and judges;
- social services assessing family background to prevent re-trafficking;
- resource allocation for social services;
- and the way issues concerning children are prioritised in trafficking-related policy documents (see Strategy to Suppress Trafficking in Human Beings in Bosnia and Herzegovina 2020-2023, adopted in January 2020).¹⁰⁵

- Directly linked to this, in order to understand what the "best interests of the child" are and what steps are necessary to meet the provision that "they shall be a primary consideration", there is an obligation to directly involve children in relevant decision-making processes affecting them, enabling them to express their views freely and in appropriate ways and giving "due weight in accordance with the age and maturity of the child" to their views (Article 12(1) of the Convention on the Rights of the Child). Respecting this right requires more than simply listening to children; it also means ensuring children have access to

¹⁰² BiH is also a State Party to the Council of Europe Convention on the Protection of children against sexual exploitation and sexual abuse.

¹⁰³ UN General Assembly resolution 44/25 of 20 November 1989.

¹⁰⁴ On the relationship between child trafficking and child rights protection, with several practical resources for implementation, see UNICEF, Reference Guide on Protecting the Rights of Child Victims of Trafficking in Europe, 2006, and UNICEF, Child Trafficking in Europe – A broad vision to put children first, 2008.

¹⁰⁵ The child's "best interest" is understood as a three-fold right:

- 1) A substantive right – or the right of the child to have his or her best interests assessed and made a primary consideration in any decision affecting him or her;
- 2) A legal principle - meaning that if a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child's best interests should be chosen;
- 3) A rule of procedure – to the effect that whenever a decision is made that will affect a specific child, group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision of the child or children concerned (e.g., trafficked children or children from a particular minority or social group).

relevant advice and information and creating appropriate settings for their views to be expressed and taken into account. Moreover, civil, criminal and administrative procedures (including in the asylum context and decisions concerning the formal identification of a child as a victim of trafficking) must be adapted to make them ‘child-friendly’ (i.e., in a safe environment, with privacy protected, involving trained interviewers and with decisions taken in a prompt and timely way).¹⁰⁶

- Furthermore, anti-trafficking measures must protect the child’s right to life, survival and development (Article 6 of the Convention on the Rights of the Child). Threats to the lives of trafficked children or family members must be prevented and living conditions of children from marginalised groups must be improved.
- Finally, none of these measures should discriminate, directly or indirectly, against any group of children, based on sex, language, ethnic or social origin, religion, disability or any other status of the child or his/her parents. Children must be actively protected against any form of discrimination (Article 2, Convention on the Rights of the Child). Therefore, local social services, for instance, must have sufficient capacity and expertise to proactively identify children who may have been trafficked as well as those at risk of being recruited by traffickers.

Alongside these General Principles, the UN Convention on the Rights of the Child contains more **specific safeguards for certain groups of children, requiring inclusion strategies for children with disabilities,**¹⁰⁷ **“appropriate protection and humanitarian assistance” to child refugees and “special protection and assistance” to all children deprived of their family environment** (known as ‘alternative care; this applies to children in any type of institutional care and also to unaccompanied child refugees/migrants) – all of whom are of concern in a child trafficking context as well. Article 39 requires States Parties to “take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse”. It also stipulates that “Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child”.

In 2002, Bosnia and Herzegovina ratified the Convention on the Right of the Child’s Optional Protocol on the sale of children, child prostitution and child pornography (2000). This Protocol expands on States Parties’ obligations to criminalise such practices, prevent their occurrence, and provide for protection of children. “Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration” (Article 2(a) of the Optional Protocol). This evidently applies to children who are transferred with the knowledge or consent of a parent or permanent guardian to another person to exploit them by making them beg, steal or earn money from commercial sex.

The UN Trafficking Protocol, also known as the ‘Palermo Protocol’,¹⁰⁸ was adopted in the same year (2000) and includes the first internationally recognised definition of trafficking in persons, including a specific definition concerning children. It focuses on making trafficking a crime. As it is not a human rights instrument, the Protocol contains only some basic, generic standards in relation to victim protection, including for States Parties to “take into account [...] in particular the special needs of children, including appropriate housing, education and care” (Article 6(4)).

¹⁰⁶ See the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (November 2010).

¹⁰⁷ See also, in particular, Article 7 of the UN Convention on the Rights of Persons with Disabilities (2006), on specific rights of children with disabilities, and other relevant rights contained in this document.

¹⁰⁸ See Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UN Doc. A/RES/55/25 Annex II; including a definition on child trafficking.

Alternative Care of Children

Child victims of trafficking routinely require alternative care, for varying periods of time, from temporary (overnight) accommodation to much longer-term arrangements, for example when they are not nationals of the country in which they have been identified and when they are not accompanied by either of their parents or their permanent guardian. The UN Guidelines for the Alternative Care of Children (2010)¹⁰⁹ set standards for alternative care, including in emergency situations, outlining procedures to be followed, in principle as soon as a child at risk is identified and ending when the child has obtained a durable solution to her/his displacement. The Guidelines are not a treaty but represent a set of standards adopted by the UN General Assembly for all countries to observe. They are applicable when choosing appropriate alternative care for child victims of trafficking. Numerous sets of guidelines describe the steps to be taken to identify and implement solutions in cases of unaccompanied or separated children (both children who are refugees and others). Under the influence of the key recommendations made by the Committee on the Rights of the Child¹¹⁰ (the treaty-monitoring body established by the UN Convention on the Rights of the Child) these set out the procedures for making a best interests assessment (BIA) and a best interests determination (BID) in relation to unaccompanied and separated migrant and refugee children. Taken as a whole, the guidance is particularly relevant to the procedures to be followed with respect to children identified as trafficking victims, notably those identified as ‘unaccompanied’ in a country other than their own, but also trafficked children identified far away from home in their own country.

The types of alternative care needed by unaccompanied and separated children vary from temporary (overnight) accommodation to much longer-term arrangements lasting until a child reaches adulthood. Alternative care for children takes various forms. It may be kinship care (provided by relatives of the child); foster care; other forms of family-based or family-like care placements; residential care; or supervised independent living arrangements. In most countries, the majority of children without parental care are looked after informally by relatives or others. This means the alternative care is organised between private individuals – most often parent(s) and relatives – through informal, socially accepted practices. However, unaccompanied and separated children arriving in a new country or place where they have no prior social contacts are likely to require assistance from organisations (government-run, international or non-governmental) to find appropriate formal alternative care. In the absence of a service that can provide alternative care, unaccompanied children, in particular, may fall under the control of criminals or others who intend to exploit them.

¹⁰⁹ UN Guidelines for the Alternative Care of Children, adopted by UN General Assembly resolution 64/142, UN document A/RES/64/142 of 24 February 2010.

¹¹⁰ The Committee on the Rights of the Child has issued a series of General Comments about unaccompanied or separated children and children in the context of international migration, as well as one General Comment dedicated to the child’s right to have his or her best interests taken as a primary consideration (No. 14) and one to the child’s right to be heard (and have their views taken into account – No. 12). These are:

- Committee on the Rights of the Child, General Comment No. 6 (2005) on the “Treatment of unaccompanied and separated children outside their country of origin”, UN doc. CRC/GC/2005/6 (1 September 2005);
- Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, UN doc. CMW/C/GC/3-CRC/C/GC/22 (16 November 2017); and the same two committees, Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, UN doc. CMW/C/GC/4-CRC/C/GC/23 (16 November 2017);
- Committee on the Rights of the Child, General Comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), UN doc. CRC/C/GC/14 (29 May 2013);
- Committee on the Rights of the Child, General Comment No. 12 (2009), The right of the child to be heard, UN doc. CRC/C/GC/12 (1 July 2009).

Throughout the time that a child receives alternative care, those responsible for the child (both a case manager and a temporary legal guardian¹¹¹) must pay attention to promoting and safeguarding all the child's other rights that are particularly relevant for children without parental care, including, but not limited to, access to education, health and other basic services, the right to identity, freedom of religion or belief, and language, and protection of their property.

UN standards concerning forced marriage

The UN has defined 'forced marriage' in very broad terms: "A forced marriage is one lacking the free and valid consent of at least one of the parties".¹¹² The UN Convention in 1956 declared three types of marriage to be practices 'similar to slavery':

In practice, two are not reported to be frequent. Two of these are relevant in the context of BiH (the third involves the 'levirate' or inheritance of wives). These two, which as 'practices similar to slavery', can be purposes of trafficking in human beings, are:

"(i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group;"

"(ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise".¹¹³

Article 16(2) of the UN Convention on the Elimination of All Forms of Discrimination against Women (1979) states: "[t]he betrothal and the marriage of a child shall have no legal effect." It further requires that States enact legislation and other necessary measures "to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory." Concerning the discriminatory effects of child marriage, Article 16 of this Convention requires States "to eliminate discrimination against women in all matters relating to marriage and family relations." General Recommendation No. 21 by the treaty-monitoring body responsible for this Convention, known as CEDAW, states: "a woman's right to choose a spouse and enter freely into marriage is central to her life and to her dignity and equality as a human being."

2. Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe Convention on Action against Trafficking in Human Beings (2005)¹¹⁴ establishes comprehensive standards to counter trafficking in human beings. Building on the Palermo Protocol definition of trafficking in persons, the Council of Europe Convention provides a **framework for the prevention of trafficking and protection of victims, for criminalisation and prosecution of traffickers and for effective cooperation both domestically and across borders**.¹¹⁵ Bosnia and Herzegovina ratified the Convention in January 2008.¹¹⁶

The Convention is **conceived as a human rights treaty** containing legally binding obligations for implementation by its States Parties, complemented by a **monitoring mechanism** that

¹¹¹ See resources available at the website of the European Guardianship Network, <https://www.egnetwork.eu>.

¹¹² United Nations Secretary-General (UNSG) (2006), In-depth study on all forms of violence against women. Report of the Secretary-General I, UN document A/61/122/Add.1.

¹¹³ Article I (c) of the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery (1956),

¹¹⁴ CETS No. 197, adopted by the Council of Europe Council of Ministers on 3rd May 2005. Sometimes referred to as the Warsaw Convention.

¹¹⁵ Council of Europe, Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, CETS No. 197, 16 May 2005, para 36

¹¹⁶ For references to additional Council of Europe instruments adopted by Bosnia and Herzegovina, see GRETA Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, Second Evaluation Round, GRETA(2017)15 of 17 July 2017, <https://rm.coe.int/greta-2017-15-fgr-bih-en/1680782ac1> (accessed 28.7.2020).

regularly assesses compliance by States with their obligations (the Council of Europe Group of Experts on Action against Trafficking in Human Beings or GRETA, and the Committee of the Parties). Throughout the Convention, **emphasis is placed on children**¹¹⁷ and States are required to address trafficking of children as a cross-cutting concern.

Prevention of child trafficking

Article 5 of the Convention requires States should follow a human rights and child-sensitive approach when developing, implementing and assessing prevention measures, such as **awareness-raising of the general public, training of professionals, and research and data collection for identifying situations at risk of trafficking**. It also requires States to create a 'protective environment' for children in order to reduce their vulnerability to trafficking, which involves setting up cross-sectoral, multidisciplinary child protection systems, which involve a wide range of actors working with children, including parents, child protection authorities, temporary guardians for unaccompanied children, schools, medical personnel, as well as law enforcement and the criminal justice system.

The thematic chapter of the 6th General Report on GRETA's activities, issued in 2017, focused on trafficking in children and summarised a series of prevention measures, along with measures to protect and promote the rights of child victims.¹¹⁸ All the preventive measures mentioned are relevant for Bosnia and Herzegovina, while ones concerning children not registered at birth, children in street situations, children from disadvantaged communities and unaccompanied or separated children and irregular migrant children are particularly relevant and specify measures that the authorities in all parts of Bosnia and Herzegovina might like to consider. With respect to disadvantaged communities, the report points out that "there is evidence that Roma, in particular Roma women and children, are highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty and social exclusion which result in low educational achievement, high levels of unemployment, domestic violence and difficult living conditions that affect predominantly women and children".¹¹⁹

Protection of the rights of child victims of trafficking

Child trafficking often goes unnoticed for various reasons, including detection and identification mechanisms being insufficiently adapted to the situation of children. Consequently, the Council of Europe Convention requires proactive as well as gender-sensitive child trafficking identification procedures, involving dedicated and especially trained staff (including police, prosecution and social services) and collaboration with civil society support organisations. In its most recent 10th General report, GRETA examined the application of the Convention's provisions in the context of asylum procedures, stressing that trafficking should be routinely considered as a possibility when interviewing asylum-seeking children.¹²⁰

In the case of unaccompanied children, the Convention specifies that qualified legal guardians must be assigned immediately, and age assessment procedures must make the presumption that the young person concerned is a child if there is any doubt about their age (Article 10). Once identified, **children have to be referred to assistance services which are specifically adapted**

¹¹⁷ According to Article 4 [d] of the Council of Europe Convention (and in line with international child rights standards), a "child" is any person under eighteen years of age.

¹¹⁸ Council of Europe/GRETA, 6th General Report on GRETA's activities (2017), paras. 78-189, <https://rm.coe.int/1680706a42>.

¹¹⁹ Council of Europe/GRETA, 6th General Report, paragraph 103. This also refers to GRETA's earlier 3rd General Report, which contained a section on prevention of trafficking among minorities at risk, with a special focus on Roma communities. Council of Europe/GRETA, 3rd General report, paragraphs 65-74, available at: <https://www.coe.int/en/web/anti-human-trafficking/general-reports>

¹²⁰ Council of Europe/GRETA, 10th General Report on GRETA's activities (2021), para. 125.

to the needs of child victims of trafficking – from the provision of safe shelter to health checks, education or access to an occupation and access to legal assistance in a child-friendly manner and relevant language; assistance may be made conditional on the child's willingness to testify to the police or in court against the criminals alleged to have trafficked him or her (Article 12). Any possible victims of trafficking, including children, who are illegally present in the country where they are identified must be granted a period of a minimum of 30 days for recovery and reflection upon whether to cooperate with authorities, during which no deportation must take place (Article 13). Children who are presumed to be victims of trafficking need to be placed in specialised accommodation that has suitably qualified staff, and should not be detained.¹²¹

Criminalisation, investigation and prosecution of child trafficking

The Convention requires States Parties to criminalise child trafficking and to increase the capacity of the criminal justice system to bring suspected child traffickers to justice. This may include amending the mandate of investigators and ensuring specialist investigators are available to investigate possible cases of child trafficking, as well as providing training to other officials, including police, prosecution and the judiciary (Article 29). Child protection specialists (such as those in the CSWs) should be involved as soon as a possible child victim is detected. Special protection measures have to be taken to prevent potential retaliation and intimidation of child victims and witnesses (Article 28) and to ensure the child's privacy and integrity (Article 30), in order to avoid secondary victimisation and traumatisation of children during court proceedings. On the basis of its monitoring visits GRETA has observed that the **concept of non-punishment of victims compelled to commit offences due to their trafficking situation** (Article 26) continues to create serious challenges for implementation.¹²²

Cooperation on action against child trafficking

The Convention emphasises the importance of effective **partnership, coordination and cooperation** as a common thread across all prevention, protection and prosecution activities. At national level, this involves providing specialised state bodies with an explicit mandate encouraging multi-disciplinary collaboration. It also emphasises the **essential role of civil society service providers** who come into direct contact with child victims of trafficking. At the international level, the migrant protection crisis in Europe after 2015 has exposed structural weaknesses in **cross-border cooperation**, especially concerning cross-border child protection mechanisms – sometimes leading to children 'disappearing' from institutions without proper follow-up and being exposed to a high risk of being trafficked.¹²³ Next to general obligations for international cooperation, Article 33 of the Council of Europe Convention requires "reinforced cooperation" specifically to address missing children and search operations.

Monitoring and evaluation of child trafficking

The Council of Europe Convention has set up a dedicated mechanism to monitor the implementation of its provisions by the States Parties. Since Bosnia and Herzegovina ratified the Council of Europe Convention in 2008, GRETA has visited the country twice to assess the situation and published reports following these visits in 2013 and 2017.¹²⁴ On the basis of GRETA's report, the Committee of the Parties to the Convention adopted recommendations for Bosnia and Herzegovina in June

¹²¹ Ibid., para 133-134.

¹²² Under the terms of Article 26 of the Convention on Action against Trafficking in Human Beings, States Parties shall provide for penalties not to be imposed on trafficking victims for their involvement in unlawful activities, to the extent that they have been compelled to commit offences.

¹²³ Council of Europe/GRETA, 6th General Report on GRETA's activities (2017), paras. 109-131.

¹²⁴ For the latest, see GRETA, Report Concerning Bosnia and Herzegovina, Second Evaluation Round, GRETA(2017)15.

2013 and in October 2017.¹²⁵ The most serious issues, in which GRETA “urged” the government to immediately ensure compliance with Convention standards, are all relevant to child trafficking.¹²⁶

3. Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

This Convention, known as the Lanzarote Convention, is also applicable to many cases of child trafficking (all those involving the sexual exploitation of a child). Adopted in 2007, it was ratified by Bosnia and Herzegovina in 2012 where it entered into force in 2013. It does not refer explicitly to ‘trafficking’ in children, but its provisions concerning children subjected to sexual exploitation apply to all children trafficked for the purpose of what the Convention on Action against Trafficking in Human Beings refers to (Article 4) as “the exploitation of the prostitution of others or other forms of sexual exploitation”. Some of its provisions are broadly the same as those of other regional and international instruments. As a preventive measure, it stipulates, with respect to education (Article 6) that “Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity”.

Like the Convention on the Rights of the Child, the Lanzarote Convention emphasises the importance of child participation, including “according to their evolving capacity, in the development and the implementation of state policies, programmes or others initiatives concerning the fight against sexual exploitation and sexual abuse of children” (Article 9.1). Article 14 on assistance to child victims also stipulates that assistance measures “shall take due account of the child’s views, needs and concerns”. It also addresses the circumstances in which a child’s parent or persons who have care of the child “are involved in his or her sexual exploitation or sexual abuse”, in which case it stipulates measures that may be taken to protect the child.¹²⁷

4. European Union anti-trafficking standards

In February 2016, Bosnia and Herzegovina submitted its application for EU membership, leading to efforts to align domestic legislation with the EU *acquis*. Alongside the EU’s basis requirements,¹²⁸ EU instruments that are particularly relevant to child trafficking include:

- Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (in particular Articles 13-16 on assistance and protection to child victims of trafficking, including in court proceedings and for unaccompanied children);
- Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;

¹²⁵ Committee of the Parties’ Recommendation CP(2013)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, 7 June 2013 and Committee of the Parties, Recommendation CP(2017)27 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina, 13 October 2017.

¹²⁶ See GRETA, Report concerning Bosnia and Herzegovina, II, Conclusions/Issues for immediate action.

¹²⁷ These measures may involve moving the child into alternative care (on the basis of a legal order). In these exceptional circumstances Article 14.3 of this Convention on the Protection of children envisages “the possibility of removing the alleged perpetrator” or “the possibility of removing the victim from his or her family environment. The conditions and duration of such removal shall be determined in accordance with the best interests of the child”.

¹²⁸ The requirements are set out in the EU Charter of Fundamental Rights (Article 5.3 – prohibition of human trafficking, Article 24 – the rights of the child) and in the Treaty on the Functioning of the European Union (trafficking as a particularly serious form of organised crime/Article 83, trafficking and immigration policy/Article 79).

- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

In May 2019, the European Commission issued an Analytical Report on the state of Bosnia and Herzegovina's application for EU membership, indicating shortcomings in the protection of fundamental rights of 'vulnerable groups', in particular in relation to 'persons with disabilities, children, LGBTI persons, members of the Roma community, detainees, migrants and asylum seekers'.¹²⁹ In October 2020, the European Commission published the annual country report pointing to systemic shortcomings in the operational cooperation of law enforcement agencies, due to the lack of harmonisation of criminal legislation in the country, exacerbated by weak institutional coordination, and a very limited exchange of intelligence. Regarding children's rights, the Commission noted that the country needed to improve child protection in general, the administrative capacities of the CSWs as they coordinate multi-disciplinary support, data collection on child poverty rates and violence against all children, detention of irregular migrant families with children, and the registration of births of children of undocumented migrants.¹³⁰

¹²⁹ European Commission, Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union, 29.5.2019 COM(2019) 261 final, 16.

¹³⁰ European Commission, Bosnia and Herzegovina 2020 Report Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2020 Communication on EU Enlargement Policy, 6.10.2020 SWD(2020) 350 final, 32.

ANNEXE 2 – STATISTICAL AND OTHER INFORMATION

Table 2.1. Proscription of THB in CCs in BiH

Standard	Meets international standard (Yes/No)
THB definition in CC	Yes
Criminalisation of the use of services of a victim (Article 19)	Yes
Non-punishment of victims of THB (Article 26)	Yes
Corporate liability (Article 22)	Yes

Table 2.2 Number of identified potential victims of THB per year

	Total number of "potential victims"				Children
	Total	Foreigners	F	M	
Year 2020	70	7	51	14	35
Year 2019	61	6	49	12	36
Year 2018	36	8	21	15	24
Year 2017	83	2	58	25	47
Year 2016	48	5	30	18	10

Source: Annual situation reports on THB in BiH, prepared by the state coordinator. Available at: http://msb.gov.ba/anti_trafficking/dokumenti/godisnji_izvjestaj/Archive.aspx?pageIndex=1&langTag=en-US

Table 2.3. Overview of technical and human resources in courts¹³¹

No.	COURTS	TECHNICAL	HUMAN
1.	The Court of Bosnia and Herzegovina	x	x
2.	District Court in Banja Luka (RS)	x	x
3.	Basic Court of Brčko District BiH	x	x
4.	Cantonal Court in Bihać	x	x
5.	Cantonal Court in Goradžde		
6.	Cantonal Court in Livno		
7.	Cantonal Court in Mostar	x	-
8.	Cantonal Court in Novi Travnik	x	x
9.	Cantonal Court in Odžak		
10.	Cantonal Court in Sarajevo	x	x
11.	Cantonal Court in Široki Brijeg		
12.	Cantonal Court in Tuzla	x	-
13.	Cantonal Court in Zenica		x

¹³¹ The First Department for witness support was formed in the BiH Court in 2005, and after 2010 the process of employment of professional counsellors / assistants (psychologists and social workers) for witness support started also in county / cantonal courts, primary/municipal courts and prosecutors' offices in Republika Srpska, Federation of BiH and Brčko District. In courts and prosecutors' offices in BiH there are currently 27 professionals employed: psychologists and social workers who are providing support to witnesses during investigations and court proceedings. Along with their engagement there was a process of technical equipping and space reorganisation in the legal institutions to make it possible to fulfil legal regulations concerning measures for witness protection. Having that in mind, most of the judicial institutions have the ability to interview the witness from another room, which is a frequent necessity when a witness has a status of a witness in danger and/or threat, and in the case of children witnesses there are obligations regulated by laws on protection and conduct with children in criminal proceedings. Collected data on the existence of technical conditions and human resources capacities in courts and prosecutors' offices in BiH, with which the protection and support is being provided for children in the legal proceedings, including the child victims of trafficking, point to the fact that in most of the courts and prosecutors' offices, these criteria are met. According to this, technical capacities are met in courts in 61% of cases, and human resources are met in 54% of cases, while in prosecutors' offices this percentage is higher, with technical conditions met in 73% and human resources in 55% of cases. More precisely, in prosecutors' offices involved in this analysis, two professional counsellors / assistants are employed under the IPA project, one being the psychologist in the BiH Prosecutors' Office, who has been working on this project position for four years now.

Table 2.4. Overview of technical and human resources in Prosecutors' Offices¹³²

No.	PROSECUTOR'S OFFICES	TECHNICAL	HUMAN
1.	The Prosecutor's Office of Bosnia and Herzegovina	x	x ¹³³
2.	Special Department of the Republic Prosecutors Office of Republika Srpska	x	x
3.	Cantonal Prosecutor's Office of Sarajevo Canton	x	x
4.	Cantonal Prosecutor's Office of Posavina Canton		
5.	Cantonal Prosecutor's Office of Tuzla Canton	x	x ¹³⁴
6.	Cantonal Prosecutor's Office of Una-Sana Canton	x	x
7.	Cantonal Prosecutor's Office of Zenica-Doboj Canton	x	x
8.	Cantonal Prosecutor's Office of Herzegovina-Neretva Canton	x	x
9.	Cantonal Prosecutor's Office of Central Bosnia Canton		x
10.	Cantonal Prosecutor's Office of Canton 10 Livno		
11.	Cantonal Prosecutor's Office of West Herzegovina Canton		

Table 2.5. Number of THB-related training courses for judges and prosecutors

Year	CJPT FBiH	CJPT RS
2013	2	2
2014	2	2
2015	3	4
2016	2	1
2017	3	2
2018	1	1
2019	2	1

Table 2.6. Criminal offences related to child trafficking in criminal codes

CC	Article	Criminal offence
CC of BiH	185	Establishing slavery and transportation of persons in slavery
	186	International trafficking in human beings
	187	International recruitment for the purpose of prostitution
	189a	Organising a group or association for the commission of criminal offences of trafficking in human beings and smuggling of migrants
CC of FBiH	210	Soliciting for prostitution
	210a	Trafficking in Human Beings
	210b	Organised Trafficking in Human Beings
CC of RS	145	Trafficking in Human Beings
	146	Trafficking in Minors
	147	Organising a group or criminal association for the commission of criminal offences of trafficking in human beings and trafficking in minors
	169	Soliciting for prostitution
CC BD BiH	207	Soliciting for prostitution
	207a	Trafficking in Human Beings
	207b	Organised Trafficking in Human Beings

¹³² Analysis relates to courts and prosecutors' offices in BiH which have subject matter competence to process criminal offences of human trafficking. In Republika Srpska Banja Luka District Court – Special departments for fighting corruption, organised crime and economic crime have subject matter competence to try these criminal offences. Analysis of technical capacities encompassed existence of special premises for interviewing witnesses with measures of protection with necessary equipment (video streaming), while under human resources we consider also employed professional counsellors / assistants who are psychologists or social workers.

¹³³ Expert advisor / associate employed under the IPA project.

¹³⁴ Expert advisor / associate employed under the IPA project.

ANNEXE 3 - LIST OF INTERVIEWEES

The state level institutions

1. Ministry of Security of BiH, Department of Anti-trafficking, The State Coordinator for Combating Trafficking in Human Beings and Illegal Migration
2. Ministry of Human Rights and Refugees of BiH (MHRR), Assistant Minister for Human Rights
3. Service for Foreigners' Affairs of BiH
4. State Investigation and Protection Agency (SIPA), Criminal Investigative Department, 3 police inspectors
5. Border Police of Bosnia and Herzegovina, Central Investigation Office, 2 police inspectors
6. The Prosecutor's Office of Bosnia and Herzegovina, Expert Associate for Psychological Support
7. The Union of the Association of Centres for Social Welfare Professionals in BiH, President

Institutions in Federation of BiH

8. Federal Police Office (Ministry of interior of FBiH), Criminal Investigation Unit, 3 police inspectors
9. Cantonal Prosecutor's Office of Sarajevo Canton, Prosecutor
10. Cantonal Court in Sarajevo, Expert Associate for Psychological Support
11. Cantonal Centre for Social Welfare Sarajevo, Expert Associate
12. Centre for Social Welfare Tuzla, Expert Associate
13. Faculty of Criminal Justice, Criminology and Security Studies, University of Sarajevo, Professor of Criminology

Institutions in Republika Srpska

14. Ministry of the Interior of Republika Srpska; Republic Coordinator for Countering Trafficking in Human Beings
15. Pedagogical Institute of Republika Srpska,
16. District Court in Banja Luka, 2 judges (separate interviews)
17. Republic Public Prosecutor's Office, Republic Prosecutor
18. District Court in Banja Luka, Expert Associate for Psychological Support
19. Ombudsman for Children of Republika Srpska
20. Centre for Social Welfare Banja Luka, Expert associate
21. Faculty of Security Science, University of Banja Luka, Professor of Criminology and Criminal Law

Institutions at the level of Brčko District BiH

22. Department of Education BD BiH, Expert Associate for Elementary School
23. Police of Brčko District BiH, Criminal Investigation Unit, Police Inspector
24. Centre for Social Welfare Brčko District BiH, Director

Civil Society Organisations

25. International Forum of Solidarity – EMMAUS (IFS-EMMAUS), Project Manager
26. Your Rights (Vaša prava), Project Manager
27. Zemlja djece (Daily Centre for street children, Tuzla), Project Manager
28. Snažniji glas za djecu, NGO network (Council of Children member), Project Manager
29. Kali Sara Romski informativni centar, Project Manager
30. Romalen Kakanj, Project Manager

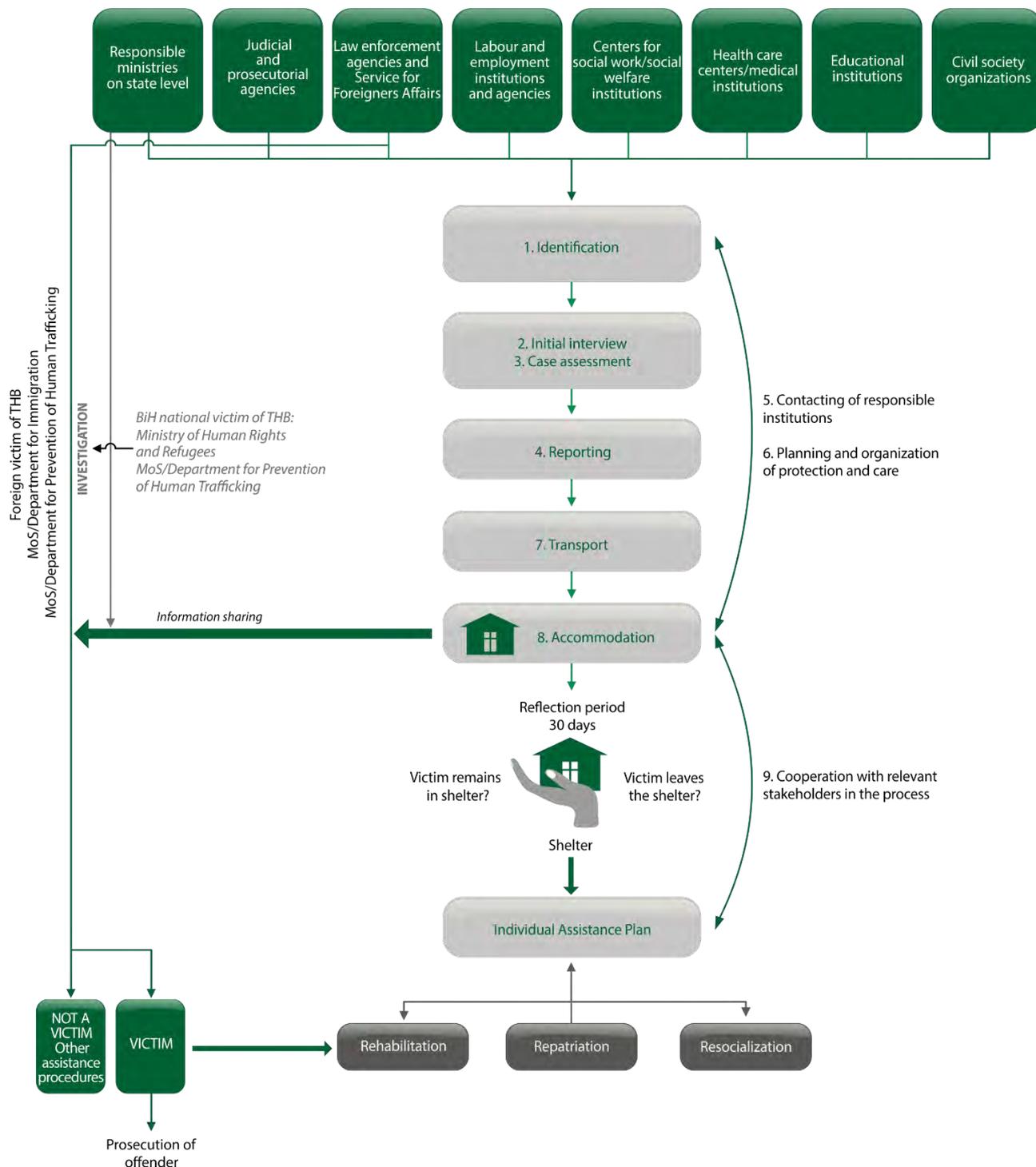
International Organisations

31. Organization for Security and Cooperation in Europe (OSCE) Mission to BiH, Anti-Trafficking Officer
32. Save the Children International in North West Balkans, Child Protection Programme Manager

Migrant camp managers

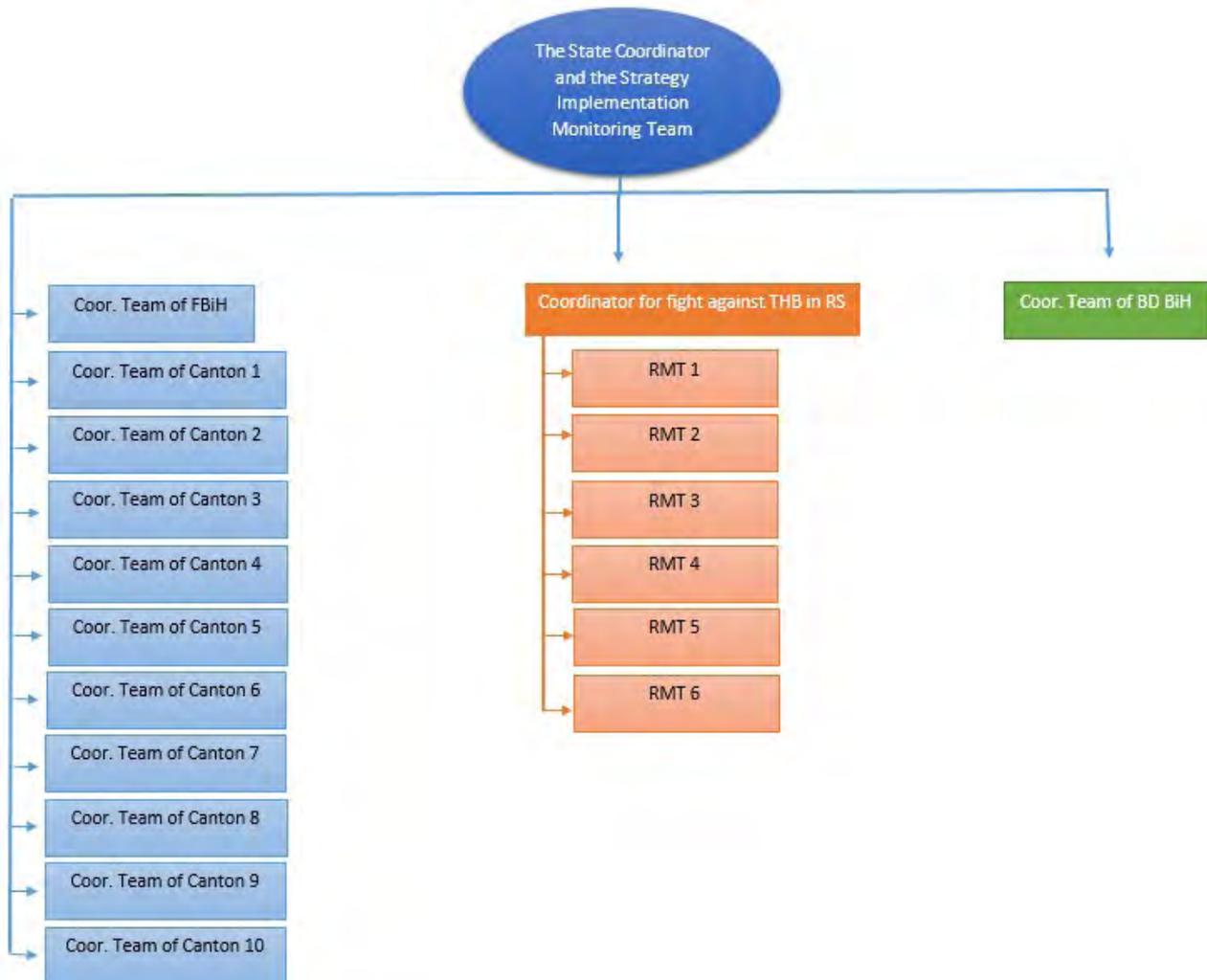
33. Save the Children International, Migrant Camp Manager
34. World Vision International, Migrant Camp Manager

ANNEXE 4 - SCHEME OF THE NATIONAL REFERRAL MECHANISM INCLUDING FOR CHILD VICTIMS¹³⁵



¹³⁵ Source: Hajrija Hadžimerović-Muftić, Amela Efendić, Ivana Radović "Report on Trafficking in Human Beings for the Purpose of Labour Exploitation in Bosnia and Herzegovina", Council of Europe, 2021 (in print).

ANNEXE 5 - SCHEME OF THE NATIONAL COORDINATION MECHANISM



BIBLIOGRAPHY

Professional and scientific literature

1. Agency for Statistics of Bosnia and Herzegovina, Bosnia and Herzegovina in Figures, 2021. Available in Bosnian at http://www.bhas.gov.ba/data/Publikacije/Bilteni/2021/NUM_00_2020_TB_1_BS.pdf (Accessed 17.02.2021)
2. Agency for Statistics of BiH, "Social Protection 20012-2017", bulletin, 2018, p.19. Available in Bosnian at http://www.bhas.ba/tematskibilteni/SOC_00_2012_Y5_0_SR.pdf (Accessed 29.07.2020)
3. Agency for Statistics of Bosnia and Herzegovina, Bosnia and Herzegovina in Figures, 2020. Available at http://www.bhas.gov.ba/data/Publikacije/Bilteni/2020/NUM_00_2019_TB_0_EN.pdf (Accessed 29.07.2020)
4. Bagheri, Alireza. "Child organ trafficking: global reality and inadequate international response." *Medicine, Health Care and Philosophy* 19.2 (2016): 239-246. Available at <https://link.springer.com/article/10.1007/s11019-015-9671-4> (Accessed 20.9.2020).
5. Bećirević, Majda. "Inkluzija romske djece u obrazovanje u Bosni i Hercegovini: Osnovne poteškoće i kako ih prevazići" Sarajevo: Fond otvoreno društvo BiH, 2007
6. BiH government Reply to GRETA's Questionnaire in 2016. Available at <https://www.coe.int/en/web/anti-human-trafficking/bosnia-and-herzegovina> (Accessed 29.07.2020)
7. Bureau of International Labor Affairs "U.S. Department of Labor's 2018 Findings on the Worst Forms of Child Labour, Bosnia and Herzegovina", 2018, 222-233. Available at https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2018/ChildLaborReportBook.pdf (Accessed 29.07.2020)
8. Council of Europe 2017, "Advisory Committee on the Framework Convention for the Protection of National Minorities.: Fourth Opinion on Bosnia and Herzegovina", available at <https://rm.coe.int/4th-op-bih-en/16808e2c53> (Accessed 20.9.2020).
9. Council of Europe, "How to convey child-friendly information to children in migration - A handbook for frontline professionals, 2018", <https://rm.coe.int/how-to-convey-child-friendly-information-to-children-in-migration-a-ha/1680902f91>
10. Dimitrova, K., Ivaova, S., Alexandrova Y., Centre for the Study of Democracy, "Child Trafficking Among Vulnerable Roma Communities", 2015, http://childhub.org/en/system/tdf/library/attachments/confront_synthesis_report.pdf?file=1&type=node&id=20199 (Accessed 20.9.2020).
11. Amela Efendic and Daja Wenke, Age Assessment of Children at Risk of Trafficking in Human Beings in Bosnia and Herzegovina (draft), 2021.
12. Dr.Baerbel Heide Uhl and Rebeka Kotlo, Guidelines for the protection of the private life and personal data of victims of trafficking in human beings (draft), 2021
13. Hajrija Hadžiomerović-Muftić, Amela Efendić, Ivana Radović "Report on Trafficking in Human Beings for the Purpose of Labour Exploitation in Bosnia and Herzegovina", Council of Europe, 2021 (in print).
14. Interpol. "Threats and Trends, Child Sexual Exploitation and Abuse, COVID-19 Impact", September 2020.
15. ECPAT 2018, "Country Overview: A Report on the Scale, Scope and Context of the Sexual Exploitation of Children". The Author. Available at <https://www.ecpat.org/wp-content/uploads/2018/11/ECPAT-Country-Overview-Report-Bosnia-Herzegovina-2018.pdf> (Accessed 24.6.2020).
16. European Commission 2016, "Bosnia and Herzegovina 2016 Report: Accompanying the document – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Brussels" Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key>

- [documents/2016/20161109_report_bosnia_and_herzegovina.pdf](#) (Accessed 24.6.2020).
17. European Commission 2018, "Bosnia and Herzegovina 2018 Report. Accompanying the document – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions." Brussels. Available at: <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20180417-bosnia-and-herzegovina-report.pdf> (Accessed 24.6.2020).
 18. European Commission 2019, "Analytical Report. Accompanying the document: Communication from the Commission to the European Parliament and the Council, Commission Opinion on Bosnia and Herzegovina's Application for Membership of the European Union." Available at <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-analytical-report.pdf> (Accessed 24.6.2020).
 19. European Commission 2020, "Bosnia and Herzegovina 2020 Report, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions" Available at https://europa.ba/wp-content/uploads/2020/10/2020_bosnia_and_herzegovina_report.pdf (Accessed 17.02.2021)
 20. Gavrić Saša, Banović Damir, Barreiro Marina, "The Political System of Bosnia and Herzegovina: Institutions – Actors – Processes", 2013; available at https://soc.ba/site/wp-content/uploads/2013/07/POLITICAL-SYSTEM-OF-BiH_FINAL_web1.pdf (Accessed 8.6.2020).
 21. "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bosnia and Herzegovina", Second Evaluation Round, GRETA(2017)15, July 2017. Available at <https://rm.coe.int/greta-2017-15-fgr-bih-en/1680782ac1> (Accessed 28.7.2020)
 22. "9th General Report On GRETA's Activities, Covering the period from 1 January to 31 December 2019", GRETA, 2019; available at <https://rm.coe.int/9th-general-report-on-the-activities-of-greta-covering-the-period-from/16809e169e> (Accessed 8.6.2020)
 23. "10th General Report On GRETA's Activities, Covering the period from 1 January to 31 December 2020", GRETA, April 2021; available at <https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620> (Accessed 05.05.2021)
 24. Lejla Hodžić, "Pedagoške implikacije socijalne isključenosti Roma", Neobjavljena magistarska teza, odbranjena 13.10.2010. na Filozofskom fakultetu u Sarajevu;
 25. Lejla Hodžić, "(Anti)Diskriminacija romske djece u osnovnim školama". Sarajevo, 2013 Udruženje Kali Sara - Romski informativni centar
 26. Limanowska, Barbara "Trafficking in Human Beings in Southeastern Europe", UNICEF (2002). Available at <https://www.refworld.org/docid/49997af812.html> (Accessed 8.6.2020)
 27. Lindstrom, Nicole "Regional sex trafficking in the Balkans: Transnational Networks in an Enlarged Europe", *Problems of Post-Communism* (2004), vol.51, no. 3, pp. 45-52.
 28. OSCE, "Resource Police Training Guide: Trafficking in Human Beings,; TNTD/SPMU Publication Series Vol. 12, 2013.
 29. OSCE. "Trafficking in Human Beings: Identification of Potential and Presumed Victims. A Community Policing Approach", SPMU Publication Series Vol. 10, Vienna, June 2011.
 30. OSCE. "Trafficking in Human Beings: Training Manual for Judges and Prosecutors", Second Amended Edition, OSCE, 2018. available at: <https://www.osce.org/bs/mission-to-bosnia-and-herzegovina/376708?download=true> (Accessed 9.6.2020)
 31. OSCE. "Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina; An overview of the intervention of key actors in the field", OSCE, 2018. Available at <https://www.osce.org/files/f/documents/1/8/397319.pdf> (Accessed 09.07.2020)
 32. OSCE. "Handbook for Conducting Investigations in Human Trafficking Cases", OSCE, 2020. Available in Bosnian at <https://www.osce.org/files/f/documents/e/3/447340.pdf>
 33. Papić, Žarko, Fatahovic Maisa, "Prema Evropskoj Uniji - Ključni problem socijalnog uključivanja u

- BiH". Agency for Statistics of Bosnia and Herzegovina, 2019. Available at http://www.ibhi.ba/Documents/Publikacije/2019/Prvi_policy_papir_finalna_verzija.pdf (Accessed 11.5.2020)
34. Ministry of Security, "The Guidelines for Work of Regional Monitoring Teams for Combatting Trafficking in Human Beings in Bosnia and Herzegovina", 2018. Available at <https://bih.iom.int/sites/default/files/TRAFIC/GUIDELINES%20FOR%20WORK%20OF%20REGIONALMONITORING%20TEAMS%20FOR%20COMBATTING%20TRAFFICKINGIN%20HUMAN%20BEINGS%20INBOSNIA%20AND%20HERZEGOVINA.pdf> (Accessed 5.5.2020)
 35. Smith Hrle, Meagan, Tošić, Sanja, "Children's Equitable Access to Justice in Bosnia and Herzegovina", UNICEF, 2015. Available at <https://www.unicef.org/bih/media/386/file/Jednak%20pristup%20pravdi%20djece%20u%20Bosni%20i%20Hercegovini.pdf> (Accessed 5.5.2020)
 36. Sorrentino, Liliana "Assessment of Referral Mechanisms for Victims of Trafficking in Bosnia and Herzegovina", 2016. available at: <http://www.fightagainsttrafficking.org/resource-centre/downloads/category/2-key-documents?download=18:assessment-of-the-national-referral-mechanism-in-bosnia-and-herzegovina-2016> (Accessed 5.5.2020)
 37. Sorrentino, Liliana "Guidelines and Indicators for Identification of Victims of Trafficking in Human Beings, HJCP BiH", 2017, available at: <http://www.rs.cest.gov.ba/index.php/seminari-2017/91-18-1910konjic-indikator-trgovine-ljudima-i-moderne-tehnologije-trgovine-ljudima/1968-prezentacija-l-sorrentino-18-10-17/file> (Accessed 29.07.2020)
 38. State Anti-Trafficking Coordinator, "Report on The Situation in the Field of Human Trafficking in Bosnia and Herzegovina", 2018. Available in Bosnian at: http://www.msb.gov.ba/PDF/izvjestaj_trgovina_ljudima_2017.pdf (Accessed 17.6.2020)
 39. Transparency International, Corruption Perceptions Index, 2020, Available at <https://www.transparency.org/en/countries/bosnia-and-herzegovina> (Accessed 17.2.2021)
 40. UN High Commissioner for Refugees (UNHCR), IOM-UNHCR Framework document on developing standard operating procedures to facilitate the identification and protection of victims of trafficking, June 2020, available at: <https://www.refworld.org/docid/5ee22b4f4.html> (Accessed 17.6.2020)
 41. UNODC Global report on trafficking in persons, 2020, available at https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf (Accessed 17.6.2020)
 42. U.S. Department of State 2017, "Trafficking in Persons Report", available at: <https://www.state.gov/wp-content/uploads/2019/02/271339.pdf> (Accessed 19.7.2020)
 43. World Vision Bosnia and Herzegovina, "Mapping the Most Vulnerable Children in Bosnia and Herzegovina", unpublished analyses, 2018.
 44. World Vision Bosnia and Herzegovina, "Evaluation Research: Technical Programme (FY 17-FY 20)", unpublished document, 2020.

Legal sources

1. The Criminal Code of Bosnia and Herzegovina, Official Gazette of BiH, No: 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14
2. Asylum Act, Official Gazette of BiH, No: 11/16
3. CC of DB BiH, Official Gazette of BD BiH, No. 19/2020
4. Family Law of Brčko District of Bosnia and Herzegovina, Official Gazette of BD BiH No: 23/07
5. Family Law of Republika Srpska, Official Gazette of RS No: 54/02 and 41/08,63/14
6. Labour Law of Brčko District of Bosnia and Herzegovina, Official Gazette of BD BiH No: 7/00
7. Labour Law of Republika Srpska, Official Gazette of RS No: 1/16
8. Labour Law of the Federation of BiH, Official Gazette of the Federation of BiH, No: 26/16
9. Law on Free Legal Aid, Official Gazette of the BiH, No: 82/16
10. Law on Health Care and Protection of the Federation of BiH, Official Gazette of the FBiH, No: 46/10
11. Law on Health Care of Brčko District of the BiH, Official Gazette of BD BiH No: 38/11

12. Law on Health Care of Republika Srpska, Official Gazette of RS No: 106/09
13. Law on Health Insurance of Brčko District of the BiH, Official Gazette of BD BiH No: 1/02, 7/02, 19/07 and 34/08
14. Law on Health Insurance of Republika Srpska, Official Gazette of RS No: 18/99, 51/01, 70/01, 51/03, 57/03, 17/08
15. Law on Health Insurance of the Federation of BiH, Official Gazette of the FBiH, No: 30/97, 7/02, 70/08, and 48/11
16. Law on Police Officials of Bosnia and Herzegovina. Official Gazette Official Gazette of Bosnia and Herzegovina, 27/2004, 63/2004, 5/2006, 58/2006, 58/2006, 15/2008, 50/2008, 63/2008, 35/2009, 7/2012, 42/2018.
17. Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings of the Federation of BiH, Official Gazette of the Federation of BiH, No: 7/14
18. Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings, Official Gazette of RS No: 13/10
19. Law on the Protection of Witnesses under Threat and Vulnerable Witnesses, Official Gazette of BiH, No: 21/03, 61/04, 55/05
20. Law on the Protection of Witnesses under Threat and Vulnerable Witnesses, Official Gazette of the FBiH, No:36/03
21. Law on Witness Protection during Criminal Procedure of Republika Srpska, Official Gazette of RS No: 48/03
22. Law on Witness Protection Program, Official Gazette of BiH, No: 36/14
23. Rulebook on Protection of Alien Victims of Trafficking in Human Beings, Official Gazette of BiH, No: 90/08
24. The BiH institutions' Labour Law, Official Gazette of the BiH, No: 26/04, 7/05, 48/05, 60/10, 32/13 and 93/17
25. The Criminal Code of the Federation of Bosnia and Herzegovina, Official Gazette of the FBiH, No. 36/2003, 21/2004, 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016 i 75/2017)
26. The Criminal Code of Republika Srpska, Official Gazette of RS, Nos. 64/2017 and 104/2018
27. The Family Law of the Federation of Bosnia and Herzegovina, Official Gazette of the FBiH No: 31/14
28. The Law on Aliens, Official Gazette of BiH, No: 88/15
29. The Rules on the Protection of Victims and Witnesses of Human Trafficking who are Citizens of Bosnia And Herzegovina, Official Gazette of BiH, No: 66/07

This publication was produced with the financial support of the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of either party.

ENG

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

www.coe.int

The Member States of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

www.europa.eu

Funded
by the European Union
and the council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe