

Guidelines for the Development and Adoption of Instruments at All Levels of Government in Bosnia and Herzegovina for the Protection of the Private Life and Personal Data of Victims of Human Trafficking

ID 20190609/007.1215.6



Rebeka Kotlo
Baerbel Heide Uhl

July 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

Guidelines for the Development and Adoption of Instruments at All Levels of Government in Bosnia and Herzegovina for the Protection of the Private Life and Personal Data of Victims of Human Trafficking

Prepared by:
Rebeka Kotlo, PhD, Faculty of Law, University "Džemal Bijedić" Mostar
Baerbel Heide Uhl, PhD, International consultant on data protection

July 2021.

Guidelines for the Development and Adoption of
Instruments at All Levels of Government in Bosnia
and Herzegovina for the Protection of the Private Life
and Personal Data of Victims of Human Trafficking

This document 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: © Shutterstock

Table of contents

Foreword	5
Glossary	6
Introduction	9
1. Council of Europe standards on the protection of the private life and personal data of victims of human trafficking	11
2. National standards on the protection of the private life and personal data of victims of human trafficking	13
3. General principles for ensuring the protection of the private life and personal data of victims of human trafficking, including children	15
4. Standard operating procedures and referral mechanisms	17
5. Sector guidelines for ensuring the protection of the private life and personal data of victims of human trafficking, including children	18
5.1. Guidelines applicable to all sectors	18
5.2. Shelter for victims of trafficking	19
5.3. Health sector	19
5.4. Judicial and police sectors	21
5.5. Centres for social work	22
5.6. Journalists/media	23
6. Checklists of rights and obligations as they relate to data protection in anti-trafficking interventions	25
6.1. Rights of the data subject (i.e. potential and identified victims of human trafficking)	25
6.2. Specific categories of data (sensitive data)	25
6.3. Obligations of the data processor (all governmental, non-governmental and international stakeholders participating in the referral mechanisms at all levels of government in BiH)..	26
6.4. Obligations of the data controller (natural or legal person in charge of data protection) ...	26
6.5. The data controller's mandate	26
Annex: Reference texts for the development of the Guidelines	27

Foreword

Bosnia and Herzegovina is party to the Council of Europe Convention on Action against Trafficking in Human Beings, which establishes in its Article 11 the duty to protect the private life, identity and personal data of victims of trafficking.

At the state level, the duty to protect the privacy of victims of trafficking is prescribed by the Rules for the Protection of Foreign Victims of Trafficking in Human Beings and recommended by the Rules for the Protection of Witnesses and Witnesses-Victims of Trafficking in Human Beings who are citizens of Bosnia and Herzegovina. This duty applies to all authorities and professionals at all levels of government in BiH who are involved in the referral mechanisms for victims of trafficking.

In the 2017 monitoring report on the implementation of the anti-trafficking Convention by Bosnia and Herzegovina, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) found that, in some cases, the identity of victims of trafficking had been disclosed to the media. Therefore, GRETA called on the authorities to ensure that appropriate instructions concerning the protection of the privacy of all victims of trafficking, both domestic and foreign, are issued in accordance with Article 11 of the anti-trafficking Convention.

Article 11 refers to the right to freedom of expression and information, as enshrined in the European Convention on Human Rights. Finding a balance between the right to freedom of expression and reception of information on one hand, and the obligation to protect the privacy of the victims on the other, is a very sensitive issue that requires a careful approach and precise guidance.

The present Guidelines are intended as recommendations for all levels of government and all professionals in Bosnia and Herzegovina that deal with victims of trafficking, as well as to members of the media when they publish articles, so as to prevent possible adverse consequences if information on victims and their families are disclosed, and to avoid further traumatising and a breach of their right to protection.

Glossary

Child, as defined in Article 1 of the United Nations Convention on the Rights of the Child, is “any human being below the age of 18 years, unless, under the law applicable to the child, majority is attained earlier”.

Controller is any public body, natural or legal person, agency or other body that independently or together with others manages, processes and determines the purpose and manner of processing personal data.¹

Data processing means any operation or set of operations performed on personal data, such as the collection, storage, preservation, alteration, retrieval, disclosure, making available, erasure, or destruction of, or the carrying out of logical and/or arithmetical operations on such data.²

Data subject is a natural person whose identity can be established or identified, directly or indirectly, in particular on the basis of a unique identification number and one or more factors characteristic of that person’s physical, physiological, mental, economic, cultural or social identity.³

Identity is part of the concept of “private life” and covers the physical and psychological integrity of a person and multiple aspects of the personality, including gender identification, sexual identity, name, and images.⁴

Identification is the process by which competent authorities, in collaboration with each other, as well as with relevant support organisations, evaluate different circumstances according to which they can consider a person to be a victim of trafficking. Identification as a victim is independent of any criminal proceedings against those responsible for trafficking, and enables victims to have access to assistance and protection measures.⁵

Personal data means any information relating to a natural person who has been identified or whose identity can be established.⁶

Privacy is defined in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as the right to respect for private and family life, home and correspondence.

Processor of personal data means a natural or legal person, public authority, service, agency or any other body which processes personal data on behalf of the controller.⁷

Recipient means a natural or legal person, public authority, service, agency or any other body to whom data are disclosed or made available.⁸

¹ Council of Europe Convention for the protection of individuals with regard to the processing of personal data, “Convention 108+”, Art. 2 d.

² Council of Europe Convention 108+, Art. 2 b.

³ Law on Personal Data Protection, Official Gazette of BiH, No. 49/06, 76/11 and 89/11, Articles 3 and 4.

⁴ Council of Europe Guidelines on Safeguarding Privacy in the Media, page 10.

⁵ Council of Europe Convention on Action against Trafficking in Human Beings, Art. 10.

⁶ Law on Personal Data Protection, Official Gazette of BiH, No. 49/06, 76/11 and 89/11, Article 3.

⁷ Council of Europe Convention 108+, Art. 2 f.

⁸ Council of Europe Convention 108+, Art. 2 e.

Special categories of data: Council of Europe Convention 108+ restricts the processing of special categories of data, including genetic data, personal data relating to offences, criminal proceedings and convictions, as well as related security measures, biometric data, information relating to racial or ethnic origin, political opinions, trade union membership, religious or other beliefs, health or sexual life.

Trafficking in human beings is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁹

Victim of trafficking in human beings is any natural person who is subject to trafficking in human beings, as defined in Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings.

⁹ Council of Europe Convention on Action against Trafficking in Human Beings, Art. 4 a.

Introduction

Victims of trafficking in human beings suffer from long-term exposure to abuse and exploitation. They need to be protected from new harm, potential retaliation or intimidation by the traffickers, as well as from secondary traumatisation experienced during legal proceedings. Respecting the human rights of the victims of trafficking and ensuring their safety should be the primary aims of any institution and professional that is in contact with them.

In its 2017 report on Bosnia and Herzegovina's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, the Group of Experts on Action against Trafficking in Human Beings (GRETA) identified the need to issue appropriate guidelines for the protection of the private life and identity of all victims of human trafficking, both foreign and domestic. In its first report (published in 2013), GRETA had already observed that the protection measures provided for in the positive regulations of Bosnia and Herzegovina had not been applied consistently across the country, and that the identity of victims and information about them had been leaked to the media and to persons suspected of engaging in human trafficking. In its second report (2017), GRETA noted that rules and measures had been adopted to protect the identity of foreign victims, but that there were no similar measures concerning domestic victims of human trafficking.

These Guidelines provide for ethical, fair and lawful data collection, processing and transmission. They are based on the domestic legal framework which already exists and on some international instruments, including the Council of Europe anti-trafficking Convention and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108+).

The Guidelines start with an overview of the international and national legal frameworks on the protection of the private life and personal data of victims of trafficking (parts 1 and 2); they continue with general principles that are intended for all professionals who are in contact with victims (part 3); these are followed by a review of the standard operating procedures and referral mechanisms (part 4); and, finally, they end with guidelines intended for specific categories of professionals (part 5) and checklists on data protection rights and obligations in anti-trafficking interventions (part 6).

The purpose of the Guidelines is to serve as an informative and practical document that will help competent institutions at all levels of government in Bosnia and Herzegovina adopt adequate instruments for the protection of the private life and personal data of victims of trafficking. The Guidelines are also aimed to increase the knowledge of all persons who are in contact with victims of human trafficking, so as to make them aware of the victims' rights, particularly of their right to the protection of their identity, private life and personal data. The Guidelines are intended for government officials, labour inspectors, social and child protection professionals, healthcare professionals, education professionals, law enforcement officers, lawyers, civil society organisations and the media.

The Guidelines have been prepared as part of the joint initiative by the European Union and Council of Europe, Horizontal Facility for the Western Balkans and Turkey 2019-2022, and its action: Preventing and Combatting Trafficking in Human Beings in Bosnia and Herzegovina.

1. Council of Europe standards on the protection of the private life and personal data of victims of human trafficking

Since the judgment made by the European Court of Human Rights in the case *Rantsev v. Cyprus and Russia*, trafficking in human beings falls within the scope of Article 4 of the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (ECHR), which prohibits slavery, servitude and forced or compulsory labour.

The European Court considers that Article 4 creates positive obligations and requires the States that are party to the ECHR to put in place an appropriate legal and administrative framework to combat – penalise and investigate – human trafficking and to protect the victims.¹⁰

According to European Court case law, States (parties) are also obliged to adopt legal or other measures during the legal proceedings in order to guarantee:

- a. the protection of the victims' privacy and their family life;
- b. the safety of the victims, including protection from intimidation and retaliation;
- c. taking into account the special needs of a child, when child victims are in question, and their right to special protection measures.

The **Council of Europe Convention on Action against Trafficking in Human Beings** includes the following obligations in Article 11:

- a. the protection of the victim's private life and identity;
- b. the protection of the victim's personal data under the conditions provided for by the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (Convention 108+);
- c. the adoption and implementation of measures to ensure that the identity of a child, or details allowing for the identification of a child victim of trafficking, are not made publicly known, either through the media or by any other means, except (in exceptional circumstances) in order to facilitate the tracing of family members or to otherwise secure the wellbeing and protection of the child;
- d. taking measures – in accordance with Article 10 of the European Convention on Protection of Human Rights and Fundamental Freedoms, and as interpreted by the European Court of Human Rights – to encourage the media to protect the private life and identity of victims, either through self-regulation or regulatory/co-regulatory measures.

The Council of Europe Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data, as it will be amended by its Protocol of amendment¹¹ aims to protect every person, regardless of his or her nationality or place of residence, in connection with the automatic processing of his or her personal data.



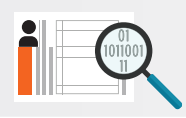




This right to data protection is based upon respect for the individual's human rights and fundamental freedoms, and in particular the right to privacy. Convention 108+ stresses the importance of the

¹⁰ See: *Siliadin v. France*, application No. 73316/01, judgment of 26 July 2005; *Rantsev v. Cyprus and Russia*, application No. 25965/04, judgment of 7 January 2010; *C.N. and V. v. France*, application No. 67724/09, judgment of 11 October 2012; *C.N. v. United Kingdom*, application No. 4239/08, judgment of 13 November 2012; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment of 30 March 2017.

¹¹ Date of entry into force foreseen on 11 October 2023 if there are 38 parties to the Protocol at this date.

right to privacy, given the increasing volume of cross-border exchanges of personal data that are subject to automatic processing.

Data protection principles of Convention 108+:¹²

	data processing shall be proportionate to the legitimate purpose
	data processing can be carried out on the basis of free, specific, informed and unambiguous consent of the data subject
	personal data shall be processed fairly and in a transparent manner
	personal data shall be collected for an explicit, specified and legitimate purpose
	personal data shall be adequate, relevant and not excessive in relation to the purpose for which they are processed
	personal data shall be accurate and, where necessary, kept up-to-date
	personal data shall be preserved for no longer than is necessary for the purpose for which the data are processed

Convention 108+ admits, but strictly frames, exceptions to its provisions when the former are provided for by law, respect the essence of fundamental rights and freedoms, and constitute a necessary and proportionate measure for the following protections in a democratic society:¹³

- a. the protection of national security, defence, public safety, important economic and financial interests of the State, the impartiality and independence of the judiciary or the prevention, investigation and prosecution of criminal offences and the execution of criminal penalties, and other essential objectives of general public interest.
- b. the protection of the data subject or the rights and fundamental freedoms of others, notably the freedom of expression.

¹² CoE Convention 108+ Art. 5.

¹³ CoE Convention 108+ Art. 11; 1 a, b.

2. National standards on the protection of the private life and personal data of victims of human trafficking

Measures taken to prevent and combat trafficking in human beings must not adversely affect the human rights, integrity and dignity of the victims.

Public disclosure of personal data can discourage victims of trafficking from seeking help or cooperating with the authorities, which in turn can weaken anti-trafficking efforts.¹⁴

Public disclosure of personal data can also dramatically disrupt a victim's private and family life, as well as his or her reintegration and employment opportunities, exposing him or her to shame and risk of persecution.

Therefore, it is necessary to provide for the efficient, timely and adequate identification and referral of the victims of trafficking through the development of standard operating procedures.

Binding standards with regard to assistance to foreign victims of trafficking are contained in the **Rulebook on Protection of Foreign Victims of Trafficking in Human Beings** (Official Gazette of BiH No. 79/16) while the recommended standards for assistance to domestic victims of trafficking (citizens of Bosnia and Herzegovina) are defined in the **Rules on Protection of Victims and Witnesses of Victims of Trafficking who are Citizens of Bosnia and Herzegovina** (Official Gazette of BiH No. 66/07). These rules provide, inter alia, for the protection of the privacy and identity of the victims of trafficking, in the sense that the application of confidentiality rules is mandatory in all proceedings.

It is also necessary to protect the privacy and identity of child victims of trafficking and to take measures to limit the availability of information that may lead to their identification by any other person who is not participating in the referral mechanism.

In Bosnia and Herzegovina, **the right to privacy** is one of the basic human rights that applies to everyone and it is protected under the Constitution.

The Constitution of Bosnia and Herzegovina states in Article II/3 that all persons in the territory of BiH shall enjoy human rights and freedoms, and under item f) it affirms the right to a private life and home and private correspondence.

Article II/A2 of the Constitution of the Federation of Bosnia and Herzegovina (FBiH) sets out the rights enjoyed by all persons in the territory of the Federation, with item g) providing for the right to privacy.

Article 13 of the Constitution of Republika Srpska (RS) reads "Human dignity, physical and spiritual integrity, human privacy, personal and family life are inviolable".

¹⁴ Handbook on the Protection of Victims of Trafficking in Human Beings in Bosnia and Herzegovina, Office of the High Commissioner for Human Rights, p. 21.

Paragraphs 8 and 9 of Article 13 of the Statute of the Brčko District of Bosnia and Herzegovina (BD BiH) reads: “Everyone has the right to personal liberty and security. No District law contrary to the provisions of Article 5 of the European Convention on Human Rights shall be enacted. Everyone has the right to respect for his private and family life, his home and his correspondence. It is important to keep in mind the relationship between the right to freedom of expression, the right to access information and the right to privacy”.

According to the existing legal framework, the right to privacy in Bosnia and Herzegovina is protected in criminal, civil and administrative proceedings.

The criminal codes of Bosnia and Herzegovina and its entities criminalise the violations of one’s right to a private life. The following are considered as criminal offences: the violation of the inviolability of the home, the violation of the secrecy of correspondence, unauthorised eavesdropping and sound or optical recording, the unauthorised disclosure of professional secrets, the unauthorised use of personal data.

Amendments to the Criminal Code of Republika Srpska have expanded the protection of the right to privacy by prescribing a new criminal offence in Chapter XVI, which relates to the violation of a child’s privacy.

Further, the **Law on Personal Data Protection** (Official Gazette of BiH No. 49/06, 76/11 and 89/11) is the legal basis for protecting the right to privacy in the processing of personal data.

3. General principles for ensuring the protection of the private life and personal data of victims of human trafficking, including children

Competent authorities and authorised civil society organisations within the referral mechanisms at all levels of government in Bosnia and Herzegovina are required to cooperate at all stages of the identification procedure and during the subsequent proceedings; exchange information; and jointly, with the victim, define the most appropriate assistance plan. Information obtained from victims must be treated as absolutely confidential. Victims must feel completely safe when contacting any of the institutions within the referral mechanisms or the judiciary.

Effective protection of the private life and personal data of victims of trafficking, including children, implies that there is respect for the following principles by all professionals who come into contact with such victims:

- **Principle of non-discrimination**

Measures taken by professionals and institutions regarding victims of trafficking should be non-discriminatory and guarantee the protection of their rights, including the right to privacy.¹⁵

- **Principle of protection of privacy**

Protection of privacy is a legal obligation that is intended to ensure the trust and safety of the trafficking victim. It includes temporary or permanent protection of the identity, private life and personal data of the victim or the victim's witnesses.¹⁶

- **Principle of confidentiality of personal data**

Protection of the confidentiality of personal data results from national and international legal obligations.¹⁷

- **Principle of protection of the best interests of the child**

Protection of the best interests of the child is a binding principle for competent institutions and authorised civil society organisations. When a child is the victim of trafficking, it is necessary to always determine and act in the best interests of the child and protect the child's safety, identity and integrity.

- **Principle of application of a victim-centred approach**

It is of great importance to make sure that prompt action is taken and that support is provided to victims in helping them realise the rights they are entitled to as victims of trafficking. Such action and

¹⁵ The existing legal framework in Bosnia and Herzegovina that is relevant to providing support to victims of trafficking includes the principle of non-discrimination as a universal principle.

¹⁶ Analysis of Legal Regulations Related to the Fight against Trafficking in Human Beings in Bosnia and Herzegovina, ODIHR and Council of Europe, p. 40.

¹⁷ See III. Victim Status in Civil Matters in BiH, Basic Principles in the "Handbook on the Protection of Victims of Trafficking in Human Beings in Bosnia and Herzegovina", Office of the High Commissioner for Human Rights in Bosnia and Herzegovina, Sevima Sali-Terzić, Nura Đuka Lukić, Snježana Ausić, Jasminka Džumhur.

support should respect the right to privacy and personal data protection. Support and assistance plans should be flexible enough to meet the needs and interests of the victims. All initiatives to support and assist victims should include effective accountability or complaints mechanisms.

- **Right to information and informed consent**

Every victim who receives assistance services must be informed of his or her rights and the processing of his or her personal data by the service provider. Relevant regulations must be presented to the victim, along with an adequate explanation, in a manner and language understandable to the victim. Also, a copy of the rights he or she has as a data subject should be handed to the victim.

The right to informed consent implies the existence of consent of both adult or child victim of trafficking for data collection and processing - the victim or his/her guardian must give consent for data collection and processing.

4. Standard operating procedures and referral mechanisms

For the purpose of adequate (standardised) action and support to victims of trafficking in human beings, it is recommended that minimum standards and standard operating procedures (SOPs)¹⁸ be developed and implemented for each sector involved. Standard operating procedures contribute to the efficient action of professionals and are linked to their legal obligations and codes of ethics. SOPs are also based on comprehensive vocational training and guidance for some forms of support to victims of trafficking.

A referral mechanism is a co-operative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked persons, in partnership with civil society organisations. It describes the roles and procedures of all stakeholders and provides concrete measures and steps for the identification and referral of trafficked persons.¹⁹

Competent institutions (law enforcement agencies, prosecutors' offices, Ministry of Security of Bosnia and Herzegovina, Ministry of Human Rights and Refugees, centres for social work, the Service for Foreigners' Affairs) and authorised civil society organisations in Bosnia and Herzegovina are instructed to cooperate with each other at all stages of the proceedings, to exchange information and jointly find the most appropriate assistance plan by putting the needs of the victim of trafficking in the first place.²⁰

When the victim is a child, it is especially important to involve legal counsel and the appointed guardian who will represent the interests of the child at all stages of the proceedings.

All exchanges of information among the multi-disciplinary actors must be based on their legal obligations and respect the victims' right to privacy.

¹⁸ Minimum standards and standard operating procedures are operational tools that direct the competent institutions to ensure adequate treatment of victims of trafficking in human beings and to avoid any form of discrimination or endangerment of basic human rights, all while applying the relevant legal framework.

¹⁹ The establishment of the referral mechanism is based on respect for fundamental human rights and freedoms, as guaranteed by the Constitution of Bosnia and Herzegovina, which includes respect for international human rights standards, especially non-discrimination, the best interests of the child and gender equality.

²⁰ Guidelines on the Conduct of Regional Monitoring Teams for the Fight Against Trafficking in Human Beings in BiH, Ministry of Security of BiH, 2012 and IOM, revised document 2018.

5. Sector guidelines for ensuring the protection of the private life and personal data of victims of human trafficking, including children

5.1. Guidelines applicable to all sectors

- The private life, identity and personal data of the victim should be protected in all proceedings in accordance with the law²¹ in order to avoid retaliation or intimidation by the perpetrators or any possible further traumatisation.
- Information about a victim of trafficking should be shared only between professionals who are directly responsible for or involved in his or her protection, and between those professionals involved in the investigation of the trafficking case, the prosecution and sentencing²². The exchange of information should respect the confidentiality of the information on the victims of trafficking.
- Public disclosure of the situation or the identity of a victim of trafficking should be avoided.
- Personal data on the victim are collected, processed, stored and used in accordance with the provisions of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108+) and the regulations on personal data protection in BiH, as detailed in sections 1 and 2 of these Guidelines.
- The victim's personal data must be deleted or made anonymous when no longer required for the purpose for which they were collected and processed. This must be in line with the legal requirements on data security, accountability of data controllers, the rights of data subjects, the cross-border transfer of personal data and independent effective oversight.
- No data, photograph, or any other characteristics of a child victim of trafficking should be made public, except in special circumstances for the purpose of locating a family member of the child victim or ensuring the welfare and best interests of the child. The same applies to information/data on the victim's family or a situation that could reveal or indirectly allow for the identification of the child victim.
- The explicit consent of the child and his/her parent/guardian must be obtained before using and disseminating the child's personal data between the competent authorities, and appropriate safeguards should be put into place. All professionals should always act in the best interests of the child and protect the safety, identity and integrity of the child. An adult victim of trafficking with disability, placed under guardianship, also requires the explicit informed consent of a parent/guardian.
- The appointed guardian should be present during any interview done by police and other officials with the child victim.

²¹ In this way, it will be discussed whether the protected right has been violated or whether the conditions for a legitimate, justified and proportional restriction of the right to privacy have been met (in cases prescribed by Article 8, paragraph 2 of the EC and relevant positive regulations of Bosnia and Herzegovina). See more: Vesna Trifunović, Judge of the Court of Bosnia and Herzegovina, Judicial Protection of the Right to Privacy in Bosnia and Herzegovina; excerpt from the work presented at the College for Education of Judges of the Court of BiH in Neum, October 2019; Bulletin of Judicial Practice of the Court of BiH 2019, Bulletin no. 9/2019 [75-76].

²² See more in the document Minimum Standards for Support to Victims of Trafficking in Human Beings, especially children, in BiH, developed in accordance with the Action Plan for Implementation of the Strategy for Combating Trafficking in Human Beings 2020-2023, which standardize the quality of assistance and treatment of victims and making it priority..

5.2. Shelter for victims of trafficking²³

Reception and initial interview with a victim of trafficking in a shelter should be conducted in a secure and confidential manner that respects his/her anonymity.

When a victim of trafficking arrives at the shelter, the competent authority shall submit – in accordance with the legal data protection obligations – basic information to the responsible person at the shelter, which includes:

- the victim's identity (if data are available): date and place of birth, gender, citizenship, mother tongue and languages spoken;
- a risk assessment and an assessment of the victim's special personal needs;
- the circumstances under which the victim was detected or identified;
- the name and function of the person who interviewed/is interviewing the victim;
- the name of the manager/person responsible for the case.

Initial information on the victim shall be shared with his or her free, informed and explicit consent to have personal data collected and processed. The victims shall be informed of available safeguards and the legal basis for processing.

Additional information received by the shelter's staff from the victim in relation to the trafficking case shall be shared with the relevant authorities only with the victim's consent.

Additional information about the victim of trafficking, which the shelter's staff receives from external service providers/partners, shall be shared with the victim.

All additional information shall be recorded in the case file, in accordance with national legislation and international standards.

The competent authorities shall ensure that the location of the shelter where the victim is being accommodated is not disclosed. If the shelter's location is revealed and compromises the safety of the trafficking victim, he/she should be moved to another safe place until any anticipated threat to the safety of the victims or of other shelter users and staff is removed.

5.3. Health sector

The right to data confidentiality shall be viewed and interpreted together with the need to access medical records in the interest of the judicial proceedings or the victim's protection.

Any personal data from the personal medical file of a patient is subject to professional confidentiality obligations. Personal data include: data on the person's health and medical condition, diagnosis, prognosis and treatment, data on human substances (DNA material) on the basis of which the person's identity can be established.²⁴

²³ Based on: Guidelines for the conduct of regional monitoring teams for combating trafficking in human beings in Bosnia and Herzegovina, Ministry of Security of BiH, IOM, revised document 2018; Minimum standards for support to victims of trafficking in human beings, especially children, in BiH developed in accordance with the Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings 2020 - 2023, 2021.

²⁴ Based on: Guidelines for Centres for Mental Health for the Treatment of the Victims of Trafficking.

The victim of trafficking is – in the case that he/she agreed to the medical examinations – to be promptly and accurately informed about the state of his/her health and rights to medical care in a language he/she can understand.

Documents and a health report should be part of the personal file of each victim of trafficking. The data from the medical documentation should be treated in accordance with the respective legal obligations.²⁵

Healthcare workers and healthcare associates (as well as other previously mentioned persons who are subject to the obligation of professional secrecy by law) are obliged to disclose information on the health condition of victims of trafficking at the request of state administration bodies or other bodies or institutions in accordance with special regulations into force. This is, in fact, the disclosure of confidential information required or permitted by law, and is not considered as a violation of the obligation of medical confidentiality. Such disclosure must remain an exception and be strictly framed and needed for the proper conduct of the judicial proceedings or the victim's protection. Domestic legislation does not provide for absolute protection of personal or medical information if the disclosure is made in the interest of the judicial proceedings or the victim's protection.

On the other hand, if a health professional does not report that a person might be a possible victim of trafficking and it is proven afterwards that the health professional had a suspicion or any information, the Criminal Code of BiH provides for the failure to report a crime or a perpetrator. Similar provisions are contained in the criminal laws of the Federation of BiH, Republika Srpska and Brčko District.²⁶

When processing personal data and specific personal data, such as data on health conditions, health workers and associates must apply the provisions of the BiH Law on Personal Data Protection (Official Gazette of BiH Nos. 49/06, 76/11, 89/11) and the Council of Europe Committee of Ministers' Recommendation CM/Rec (2019) 2 on the protection of health-related data.

Violation of professional secrecy and unauthorised disclosure of information is a criminal offence. Therefore, it is very important to remember that the disclosure of information protected by a professional can only occur on the basis of clearly defined provisions in laws and regulations.²⁷

According to the Law on Rights, Obligations and Responsibilities of Patients of FBiH²⁸, the use of health care is based, among others, on the following principles: respect for human dignity, respect for physical and mental integrity and personal safety of the patient, respect for personal protection of the patient including of his privacy and data, right to be informed on the treatment process and right to free choice to participate in it. Patients with disabilities benefit from the same rights.²⁹

²⁵ Law on Personal Data Protection, Official Gazette of BiH, Nos. 49/06, 76/11 and 89/11.

²⁶ Non-reporting of a criminal offence or perpetrator – Article 230 of the Criminal Code (CC) of BiH, Article 345 of the CC of the Federation of BiH, Article 362 of the CC of RS, Article 339 of the CC of Brčko District.

²⁷ Based on: Guidelines for Centres for Mental Health for the Treatment of the Victims of Trafficking, p. 14 and 15.

²⁸ Articles 25, 26, 27, 28 and 29 of the Law on Rights, Obligations and Responsibilities of Patients, "Official Gazette of FBiH", No. 40/10

²⁹ "Official Gazette of FBiH", No. 40/10

5.4. Judicial and police sectors

Policies that adopt a victim-centred approach when combatting human trafficking emphasise the importance of adequate and accurate processing of victim data during the investigations and subsequent court proceedings.³⁰

Three different phases can be distinguished in the law enforcement process: detection, investigation, prosecution.

The detection and identification phases involve the police acting on the basis of a claim, or an evidence or the capture of a person who is presumed of being the perpetrator of an illegal act. As the identification of victims is a key element in the fight against trafficking in human beings, the processing of personal data on these victims is often of interest to the authorities, not only for the next phases, but also to ensure the victims' protection. This protection, however, should not be conditional upon their willingness to consent to the processing of their personal data.

Investigations conducted by the police and judicial authorities generally focus on the perpetrators and the collection of evidence.³¹

Depending on national structures and the possible international nature of the crime, the investigation phase can involve the police, Europol, Eurojust, the Police Cooperation Convention for Southeast Europe Secretariat (PCC SEE), prosecutors and/or investigating judges.³²

The processing of personal data by the police and judicial authorities must be in line with applicable national and international standards and, therefore, be adequate³³ to the purpose of the processing and help establish the accuracy³⁴ of the facts.

The body responsible for deciding on the purpose and manner of data processing and the categories of data to be processed is defined as the data processing "supervisor" / "controller".

The supervisor is responsible for the correct application of data protection principles. The appointment of a supervisor is based on the national law.³⁵

When it comes to victim testimony, the following should be kept in mind:

- the victim of trafficking in human beings must be fully and objectively acquainted with the possibilities and forms of his/her protection under the law prior to deciding whether or not to testify in court proceedings;
- the victim must never be forced, in any way, to testify, particularly if this includes threats of criminal or misdemeanour prosecution;
- if a victim does not agree to testify, he/she must not be deprived of any of his/her rights or

³⁰ Also based on Victims of trafficking in human beings: a data protection perspective, Europol Joint Supervisory Body.

³¹ Ibid.

³² See: Victims of trafficking in human beings: a data protection perspective, Europol Joint Supervisory Body. The prosecution phase will generally involve prosecutors and judges.

³³ The term "adequate" means that the data being processed (which will be processed) should be sufficient to fulfil the purpose of the processing. It is an element that assesses whether a particular category of data needs to be processed in order to fulfil a particular purpose. The principle of adequacy should lead to an analysis of what personal data is really needed to investigate trafficking cases. Ongoing attention focused on identifying victims as soon as possible is already one of the indications. See: Victims of trafficking in human beings: a data protection perspective, Europol Joint Supervisory Body.

³⁴ Accuracy is a term that refers to the 'real truth' about something. Especially in the area of law enforcement, finding the truth about what happened, and especially about who did it, is sometimes difficult. For the police and those related to the subject of the investigation, the possible lack of objective facts, the problems of proving these facts, and the human factor could all affect what seems to be true or is true, and what is not. (See: Victims of trafficking in human beings: a data protection perspective, Europol Joint Supervisory Body).

³⁵ However, law enforcement agencies involved in investigating and prosecuting sometimes have overlapping responsibilities when investigating and prosecuting those involved in a crime. Data protection supervisors from the European Union and other international data protection bodies monitor the proper application of data protection principles by the European Union agencies for police and judicial cooperation and other international forums for police and judicial cooperation. (See: Victims of trafficking in human beings: a data protection perspective, Europol Joint Supervisory Body).

protection, nor may the threat of denial of access to rights be used as a means to make the victim change his/her mind;

- if he/she agrees to provide testimony, his/her identity should not be revealed. At the same time, reinforced protection should be granted in accordance with human rights standards.³⁶

5.5 Centres for social work³⁷

When a professional conducts an identification interview with the victim (official interview), he/she is obliged to respect all national and international legal obligations related to the protection of personal data of the victim.

The interview with an adult victim of trafficking is conducted with her/his clear, informed and unambiguous consent having been previously obtained.

At the beginning of the interview, the victim of trafficking is informed about the purpose and content of the interview and the confidentiality of the information collected during the interview. The victim of trafficking should be informed about his or her right to refuse to answer questions and/or to terminate the interview at any time.

An identification interview with child victims should be limited to the collection of biographical and social information about the child (including name, age, citizenship, names and contacts of the parents, country or place of origin, previous and current address). Other information regarding the experience of the child victim is not required at this stage of identification.

The Centre for Social Work (CSW) plays an essential role in the adequate treatment of a child victim of trafficking during all proceedings conducted by the police, the prosecutor's office and the court. The CSW acts as a guardianship authority.

All competent institutions that come into contact with a child victim are obliged to inform the appointed guardian who will represent the interests of the child victim at all stages of the proceedings and decide on all issues of interest to the child victim of trafficking. The appointed guardian should be present during any interview with the child victim by police and other officers and pay due attention to the protection of the victim's privacy and identity. The CSW will provide an expert opinion to the police, the prosecutor's office and the court on the child victim's ability to testify and the possible consequences for the child victim.

All actions undertaken by the competent authorities must be in the best interests of the child, which means that any action must be taken with the utmost care for and protection of the rights of the child, including the right to privacy and the protection of personal data.

Written documents created in connection with the interview are kept in a safe and confidential place and are part of the case file, in compliance with Council of Europe Convention 108+.

³⁶ Handbook on the Protection of Victims of Trafficking in Human Beings in Bosnia and Herzegovina, Office of the High Commissioner for Human Rights, p. 31.

³⁷ Based on: Guidelines for the Procedure of Regional Monitoring Teams for Combatting Human Trafficking in Bosnia and Herzegovina, BiH Ministry of Security, IOM, revised version, 2018: Guidelines on the treatment of victims of trafficking in social work centres, Ministry of Security of BiH, Catholic Relief Services Sarajevo, 2010. Analysis of legal regulations related to the fight against trafficking in human beings in Bosnia and Herzegovina, ODIHR and the Council of Europe; Minimum standards for support to victims of trafficking in human beings, especially children, in BiH developed in accordance with the Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings 2020 - 2023, 2021

5.6. Journalists/media

When reporting on human trafficking cases, journalists should respect victims' privacy and identity.

Adherence to the principles of ethical reporting on victims of trafficking, including children, can help the media to report on cases of human trafficking with sufficient sensitivity regarding the vulnerability of the victims.

The dignity and anonymity of every victim of trafficking in human beings must be respected in all circumstances.

The Council of Europe has prepared guidelines for the media on how to report on trafficking cases and how to interview victims.³⁸

The International Centre for Migration Policy Development (ICMPD) has developed the Media and Trafficking in Human Beings Guidelines with regard to identifying cases of human trafficking, interviewing victims and ethics in photojournalism.³⁹

UNICEF has developed guidelines for journalists reporting on children. These guidelines consider respect for the best interests and dignity of children during interviews and when reporting on children.⁴⁰

Ethical reporting implies the following:

- Determine whether a person is a child (i.e. a person under 18 years of age or one who does not have the capacity to give consent on their own).
- Assess the vulnerability of children or young people, or people who are victims of trauma and violence.
- Respect the privacy of any victim of trafficking.
- Make sure that children are interviewed in the presence of a responsible adult or legal guardian. Explain to them the reporting process and why the story is important.
- Avoid using sexualised photographs and avoid images that reflect clichés.
- Avoid explicit images of violence.
- Avoid using photographs and making videos that amount to sensationalism, intrusiveness, and voyeurism.
- Always seek permission or written approval to photograph vulnerable persons.
- If the victim does not have a parent or legal guardian, or if he or she is illiterate, and if the competent organisation representing the victim is unethical and unreliable, the journalist must rely on his or her own conscience and ethical judgment.
- Journalists are obliged to protect the identity of children involved in proceedings that are closed to the public.
- Do not additionally traumatise any child; avoid descriptions that expose the child to retaliation or abuse by the trafficker, discrimination or rejection by his or her local community.
- Change the name and blur the character of the child, especially one who has been identified as

³⁸ See the Council of Europe Guidelines on Safeguarding Privacy in the Media, 2018.

³⁹ This chapter is based on Media Guidelines for Combatting Trafficking in Human Beings, International Centre for Migration Policy Development (ICMPD), 2017.

⁴⁰ This chapter is also based on: Ethical guidelines "Principles for Ethical Reporting on Children", UNICEF.

a victim of sexual abuse or exploitation.

- When you are not sure whether or not a child is in danger, report on the general circumstances in which the children are living instead of on an individual child, no matter how valuable the story is as news.
- When it comes to human trafficking, in order to protect the most vulnerable, journalists should take care that anonymity and privacy, whether sought or not, is considered in the case of victims of abuse and victims who would still be in danger if their identity were revealed.
- Audio-visual and radio media services must respect the human dignity and fundamental rights of others, including the free formation of opinions.⁴¹

⁴¹ See also following documents: Code on Audio-visual Media Services and Radio Media Services, which regulates the basic principles of program content of audio-visual media services and radio media services in Bosnia and Herzegovina, Reporting on court proceedings (Article 15), and Protection of privacy (Article 17)., Reporting on Criminal Offenses / Proceedings Involving Juveniles (Article 21) as well as Review of Violations and Appropriate Penalties Imposed by the CRA (Communications Regulatory Agency) (Official Gazette of BiH 8/17) which regulates violations of the Law on Communications, Code, rules, decisions and other acts of the CRA, and appropriate penalties that the CRA may impose in the procedure of resolving violations of the Law and regulations of the Agency.

6. Checklists of rights and obligations as they relate to data protection in anti-trafficking interventions

6.1.

Rights of the data subject (i.e. potential and identified victims of human trafficking)

Every individual has the right:



to have her/his view taken into consideration or the opinion of her/his guardian



to obtain all information about the processing of his/her data in a language he/she understands



to obtain knowledge of the reasoning underlying the data processing



to object to the processing



to obtain rectification or erasure of the respective file



to have access to a remedy



to benefit from the assistance of a supervisory body



to object to the transborder flow of his/her data unless explicit, specific and free consent has been given



to receive assistance from competent authorities in exercising her/his rights⁴²

6.2.

Specific categories of data (sensitive data)

The following personal data should not be processed unless there is a specialised legal regime:



genetic and biometric data

data on offences, criminal proceedings, convictions

data containing information on race, ethnic origin, political opinions, trade-union membership, religious or other beliefs, health or sexual life⁴³

⁴² Council of Europe Convention 108+, Articles 9, 14, 18.

⁴³ Council of Europe Convention 108+, Art. 6.

6.3.

Obligations of the data processor (all governmental, non-governmental and international stakeholders participating in the referral mechanisms at all levels of government in BiH)

to inform the data subjects of their rights



to conduct all necessary procedures in a way that guarantees the rights of the data subject

to provide security measures against risks, such as unauthorised access, destruction, loss, use, modification or disclosure of personal data

to examine the impact of data processing in relation to interference with fundamental rights of the data subject (privacy impact assessment)⁴⁴

6.4.

Obligations of the data controller (natural or legal person in charge of data protection)

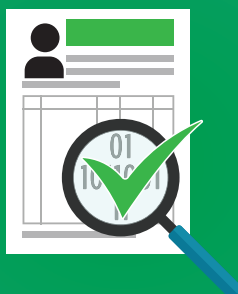
To inform the data subjects of the following:



- the controller's identity and habitual residence
- the legal basis and purpose of the data processing
- the categories of personal data being processed
- who will receive the data
- the rights of the data subjects
- to prepare and publish periodic reports on his/her activities
- to maintain strict confidentiality

6.5.

The data controller's mandate includes the following:



- to guarantee complete independence and impartiality
- to investigate and to intervene
- to perform transnational data transfers
- to issue decisions and administrative sanctions in the case of violations of data protection rights
- to engage in legal proceedings
- to promote public awareness on the rights of data subjects
- to promote the work of controllers in public
- to raise awareness of the responsibilities of controllers and processors⁴⁵

⁴⁴ Council of Europe Convention 108+, Articles 7, 10.

⁴⁵ Council of Europe Convention 108+ Articles 8, 15.

Annex: Reference texts for the development of the Guidelines

International sources:

- European Convention on Human Rights and Fundamental Freedoms, Official Gazette of BiH 25/93, signed on 24.04.2002, ratified on 12.07.2002.
- Council of Europe Convention on Action against Trafficking in Human Beings, 2005.
- Council of Europe Convention No. 108 of 1981 on the Protection of Individuals with Regard to Automatic Processing of Personal Data and the Protocol Amending the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data.
- Resolution No. 3 on Data Protection and Privacy in the Third Millennium, adopted at the 30th Conference of Ministers of Justice of the Council of Europe (Istanbul, Turkey; from 24 to 26 November 2010).
- Resolution 1843 (2011) of the Parliamentary Assembly of the Council of Europe on the Protection of Privacy and Personal Data on the Internet and in the Internet Media and Resolution 1986 (2014) on Improving the Protection and Security of Users in Cyberspace.
- Council of Europe Anti-Trafficking Expert Group (GRETA) as an expert body, with Recommendations in the Second Report on the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Bosnia and Herzegovina (GRETA (2017)¹⁵ and adopted CP Recommendations (2017)²⁷ regarding the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings in Bosnia and Herzegovina.
- Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice (2010).
- UN Convention on the Rights of the Child (Convention on the Rights of the Child, Official Gazette of BiH, International Agreements, No. 5/02).
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention on Combatting Transnational Organised Crime.
- Concluding observations on the third periodic report of Bosnia and Herzegovina to the authorities in Bosnia and Herzegovina (2019) of the UN Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families.
- UN Human Rights Committee, Concluding Observations on the Third Cycle of the 2019 Universal Periodic Review of the Situation of Human Rights in Bosnia and Herzegovina.
- UN Committee on the Prohibition of Discrimination against Women, Concluding Observations on the VI Periodic Report of Bosnia and Herzegovina Under the 2019 Convention on the Prohibition of Discrimination against Women (CEDAW).
- UN Committee on the Rights of the Child, Concluding Observations on the IV and V Periodic Report of Bosnia and Herzegovina under the Convention on the Rights of the Child and its Protocols (2019).
- Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.
- Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on

the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).⁴⁶

- Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.⁴⁷
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been used for acts facilitating illegal immigration, cooperating with the competent authorities organs.
- Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and the protection of victims and replacing Council Framework Decision 2002/629/JHA.
- Directive 2011/93/EU of the European Parliament and of the Council of 13.12.2011 on combatting the sexual abuse and sexual exploitation of children and child pornography, and on the replacement of Council Framework Decision 2004/68/JHA.
- Directive 2012/29/EU of the European Parliament and of the Council of 25.10.2012 on the establishment of minimum standards for the rights, support and protection of victims of crime and on the replacement of Council Framework Decision 2001/220/JHA.
- Analytical Opinion of the European Commission for the membership of Bosnia and Herzegovina in the European Union for 2019.⁴⁸
- US Department of State, Trafficking in Persons Report, Bosnia and Herzegovina 2019.

⁴⁶ The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union (the 'Charter') and Article 16 (1) of the Treaty on the Functioning of the European Union (TFEU) provide that everyone has the right to the protection of personal data concerning him or her. Directive 95/46/EC of the European Parliament and of the Council seeks to harmonise the protection of fundamental rights and freedoms of natural persons with respect to processing activities and to ensure the free flow of personal data between Member States. The processing of personal data should be designed to serve mankind. The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality. This Regulation respects all fundamental rights and observes the freedoms and principles recognised in the Charter as enshrined in the Treaties, in particular the respect for private and family life, the home and communications; the protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom to conduct a business, the right to an effective remedy and to a fair trial; and cultural, religious and linguistic diversity. The protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and the free movement of such data, is the subject of a specific Union legal act. This Regulation should not, therefore, apply to processing activities for those purposes. However, personal data processed by public authorities under this Regulation should, when used for those purposes, be governed by a more specific Union legal act, namely Directive (EU) 2016/680 of the European Parliament and of the Council. Member States may entrust competent authorities, within the meaning of Directive (EU) 2016/680, with tasks which are not necessarily carried out for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and prevention of threats to public security, so that the processing of personal data for those other purposes, in so far as it is within the scope of Union law, falls within the scope of this Regulation.

⁴⁷ 1. This Directive lays down the rules relating to the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security.

2. In accordance with this Directive, Member States shall:

(a) protect the fundamental rights and freedoms of natural persons and, in particular, their right to the protection of personal data; and

(b) ensure that the exchange of personal data by competent authorities within the Union, where such exchange is required by Union or Member State law, is neither restricted nor prohibited for reasons connected with the protection of natural persons with regard to the processing of personal data.

3. This Directive shall not preclude Member States from providing higher safeguards than those established in this Directive for the protection of the rights and freedoms of the data subject with regard to the processing of personal data by competent authorities.

⁴⁸ This Opinion states that Bosnia and Herzegovina is a country of origin, transit and destination for trafficking in human beings for the purpose of forced begging, sexual exploitation, labour exploitation and forced marriages. It was emphasised that Bosnia and Herzegovina must develop a comprehensive, multidisciplinary and victim-oriented approach in order to better identify and protect victims, especially children.

Legal sources in Bosnia and Herzegovina:

- Law on Personal Data Protection of Bosnia and Herzegovina, Official Gazette of BiH, Nos. 49/06, 76/11 and 89/11.
- Law on Protection of Witnesses under Threat and Vulnerable Witnesses, Official Gazette of BiH, Nos. 3/03, 21/03, 61/04, 55/05.
- Law on International Legal Assistance in Criminal Matters, Official Gazette of BiH, Nos. 53/09, 58/13.
- Law on Aliens, Official Gazette of BiH, No. 88/15.
- Rulebook on the Protection of Foreign Victims of Trafficking in Human Beings, Official Gazette of Bosnia and Herzegovina, No. 79/16.
- Rules on the Protection of Victims and Victims of Witnesses of Trafficking in Human Beings, Citizens of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, No. 66/07.
- Criminal Code of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, Nos. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 40/15 and 35/18.
- Criminal Code of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, Nos. 36/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16 and 75/17.
- Criminal Law of Republika Srpska, Official Gazette of Republika Srpska, Nos. 64/17 and 104/18.
- Criminal Code of Brčko District, Official Gazette of Brčko District, No. 19/2020.
- Criminal Procedure Code of Bosnia and Herzegovina, Official Gazette of Bosnia and Herzegovina, Nos. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76 / 07, 15/08, 58/08, 12/09, 16/09, 93/09.
- Criminal Procedure Code of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, Nos. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09, 12/10, 08/13, 59/14.
- Criminal Procedure Code of Republika Srpska, Official Gazette of Republika Srpska, No. 53/12.
- Law on Criminal Procedure of Brčko District of Bosnia and Herzegovina, Official Gazette of Brčko District, No. 33/13.
- Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings, Official Gazette of the Federation of Bosnia and Herzegovina, No. 7/14.
- Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings, Official Gazette of Brčko District, No. 44/11.
- Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings, Official Gazette of Republika Srpska, No. 13/10.
- Law on Provision of Free Legal Aid in BiH, Official Gazette of BiH, No. 83/16.
- Family Law of Federation BiH, Official Gazette of the Federation of BiH, No. 31/14.
- Family Law of RS, Official Gazette of RS, Nos. 54/02, 41/08, 63/14.
- Family Law of BD BiH, Official Gazette of BD BiH, No. 23/07.
- Law on Social Protection of RS, Official Gazette of RS, Nos. 37/12, 90/16.
- Law on Rights, Obligations and Responsibilities of Patients, Official Gazette of FBiH, No. 40/10.
- Law on Health Care, Official Gazette of FBiH, Nos. 46/10, 75/13.
- Law on Health Care, Official Gazette of RS, Nos. 106/09, 44/15.
- Law on Health Care of BD BiH, Official Gazette of BD BiH, No. 38/11.

- Law on Health Insurance, Official Gazette of FBiH, Nos. 30/97, 7/02, 70/08 and 48/11.
- Law on Health Insurance, Official Gazette of RS, Nos. 18/99, 51701, 70/01, 51/03, 57/03, 17/08, 1/09, 39/16; decisions of the Constitutional Court, 110/16, 94719 and 44/20.
- Law on Health Insurance, Official Gazette of BD BiH, Nos. 1/02, 7/02, 19/ 07 and 34/08.
- Framework Law on Primary and Secondary Education in Bosnia and Herzegovina, Official Gazette of BiH, Nos. 18/2003 and 88/2007.

In addition to the above, the following contents have been used for the development of the Guidelines:

- Minimum standards for support to victims of trafficking in human beings, especially children, in BiH, developed in accordance with the Action Plan for the implementation of the Strategy for Combating Trafficking in Human Beings 2020 - 2023, 2021.
- Guidelines on the Treatment of Victims of Trafficking in Social Work Centres, Ministry of Security of BiH, Catholic Relief Services BiH, 2010.
- Guidelines on the Conduct of Regional Monitoring Teams for the Fight Against Trafficking in Human Beings in BiH, Ministry of Security of BiH, 2012 and IOM, revised document 2018 (*Guidelines not in use since 2019 and restructuring anti-trafficking teams*).
- Press and Online Media Code of Bosnia and Herzegovina, April 29, 1999.
- Direct Assistance to Victims of Trafficking in Human Beings in Bosnia and Herzegovina, International Organization for Migration, Ministry of Human Rights and Refugees of BiH, State Coordinator for Combatting Trafficking in Human Beings and Illegal Migration in BiH, 2008.
- Practicum for social workers on the occurrence and manifestations of child labour exploitation, human trafficking for sexual exploitation, prostitution, pornography and paedophilia, Caritas of the US Bishops' Conference in BiH/Catholic Relief Services BiH /, Ministry of Security of BiH, 2010.
- Procedures for the Return of Victims of Trafficking, Catholic Relief Services BiH, Ministry of Security of BiH.
- Practicum for training of judges, prosecutors, police, social workers and other professionals on the topic of combatting forced and harmful child labour on the streets in Bosnia and Herzegovina, Ministry of Human Rights and Refugees, Sarajevo, 2013.
- Manual for multidisciplinary education of educators of professional workers of centres for social work in the field of human trafficking, Ministry of Security of BiH and GIZ – Regional Program “Social Protection and Prevention of Human Trafficking” (SPPHT), 2014.
- Analysis of Legal Regulations Related to the Fight against Trafficking in Human Beings in Bosnia and Herzegovina, OSCE, 2009.
- Trafficking in Human Beings and the Response of the Domestic Criminal Justice System, A Critical Analysis of Law and Practice in Bosnia and Herzegovina in the Light of Basic International Standards, OSCE BiH, June 2009.
- Trafficking in Human Beings – Prevention and Protection in Bosnia and Herzegovina, Guidelines for Judges and Prosecutors, Ministry of Security of BiH/Department for Combatting Trafficking in Human Beings; Centre for Education of Judges and Prosecutors of the Federation of BiH; RS Judges and Prosecutors Training Centre, Brčko District Judicial Commission; International Organisation for Migration in BiH; USAID.

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