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**Gender analysis related to the Horizontal Facility action (HF20):
“Preventing and Combating Trafficking in Human Beings in Bosnia and
Herzegovina”**

Date: 6th April 2020

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HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY 2019 – 2022
(PMM ID 2320)

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List of Acronyms

BiH	Bosnia and Herzegovina
BDBiH	Brčko District Bosnia and Herzegovina
CJPT	Centre for Judicial and Prosecutorial Training
CoE	Council of Europe
CMS	Automatic System for case management in courts
CSO	Civil Society Organisation
CSW	Centres for social welfare
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
GAPBiH	Gender Action Plan of BiH
GEC	Gender Equality Centre
GRETA	Group of Experts on Action against Trafficking in Human Beings
ILO	International Labour Organization
IOM	International Organization for Migration
MOS	Ministry of Security
MHRR	Ministry of Human Rights and Refugees
OSCE	Organization for Security and Co-operation in Europe
RS	Republic of Srpska
RMT	Regional Monitoring Teams
SIPA	State Investigation and Protection Agency
TIP Report	Trafficking in Persons Report
TVPA	Trafficking Victims Protection Act
THB	Trafficking in Human Beings
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime

Executive summary

Labour exploitation, from a gender perspective, remains underregulated (laws and bylaws), underrepresented (strategic and action documents), and consequently marginalised in practice. Victims are not visible as women and men or girls and boys, except in sexual exploitation, where victims are predominantly women. Some data implies that labour exploitation may actually be more prevalent than sex trafficking but has likely been comparatively under-detected so far, and thus is underrepresented in official statistics. In understanding the need for integrating a gender dimension into the fight against labour and sexual exploitation, it has to be emphasised that trafficking in human beings (THB) crimes are based on unequal power relations and thus require a gendered response.

It is difficult to determinate gender tendencies in labour exploitation due to poor, not systematic and fragmented data collection. THB is grounded on unfair labour, gender and class relations. Yet, anti-trafficking measures have failed to address the causes of vulnerability, particularly for women and girls in the informal sector. Same applies for men – lack of reported, identified male victims lead to the erroneous belief that men are strong and less exposed to labour exploitation. This prevents the use of efficient tools, knowledge, and activities to avert and combat labour and sexual exploitation. Gender-based discrimination is also present in access to safe accommodation for men.

In line with the available data, labour exploitation in Bosnia and Herzegovina (BiH) has a female face. Women are most exposed to labour exploitation as a form of THB, even girls dominate the statistics of victims of labour exploitation. Labour exploitation is not recognized (neither by institutions nor by victims) and is considered to occur exclusively 'across the border' and not in BiH. Given the general position of women in BiH society, the prevalence of this form of THB for women is not surprising. However, it is worrying how many perfidious, personal and intimate circumstances put women in the position of victims of labour exploitation, as well as the fact that labour and sexual exploitation are often much intertwined. Women from a position of a 'vulnerable group' in society based on economic, social, traditional dependence are becoming easy targets for THB. Not only that: the complexity of the whole occurrence of THB makes it much more difficult for women to get out. This is due to economic, social, traditional, and moral assumptions that, in combination with the slow and inefficient legal procedures, make it difficult for the victim to reintegrate and recover. The position of men as potential victims is still mostly unknown, and they are not been perceived as particularly vulnerable to labour and sexual exploitation. Traditional gender roles are reflecting here too, but from different viewpoint – masculinity. Stereotyping hampers victims' credibility, hindering their access to identification, protection, support and justice.

Legal proceedings take a long time and are not effective. The positions of the victim and the perpetrator of THB are still unacceptably treated in legal proceedings. The principle of impunity for the victim is not respected, low penalties are imposed for the perpetrators, no compensation is awarded in criminal proceedings; instead victims are referred to civil upon termination of criminal proceedings. Women and men, boys and girls have been denied the subsidiary role of the prosecutor in criminal proceedings, further weakening the victim's position. There is a lack of gender sensitive legal provisions on witness protection and assistance, and a low level of awareness exposes victims to additional traumatization and victimization. The particularly grave acts of labour and sexual exploitation to which women and girls are exposed are not sufficiently understood by society and institutions to accommodate the victims and thematise causes in addition to consequences. Prevention is mainly carried out by the civil sector and campaigns conducted by the state should be more than one-off events, clearer, more useful and understandable for potential victims. The poor state of women's

labour rights in BiH actually obscures labour exploitation as a form of THB, which requires greater involvement and accountability from the trade union and the private and business sectors.

1. Introduction

Gender analysis is focused on trafficking in human beings (THB) in Bosnia and Herzegovina (BiH), in particular in respect of labour exploitation and child trafficking. Gender analysis should provide additional information to the Council of Europe (CoE) to identify current gender inequalities in the anti-trafficking field and to detect differences at all levels (at grass root, institutional and national policies level). Such analysis will further help to propose enhanced tailor-made measures during the implementation stage and to enhance gender equality between women and men through the planned intervention. This analysis should provide a set of concrete gender-specific recommendations to support the CoE HF20 action and beneficiary institutions in the implementation of the selected GRETA recommendations relevant to the scope of the HF20 action in a holistic approach to human rights.

In accordance with the CoE *Convention on Action against Trafficking in Human Beings*, GRETA report (2017) and BiH's legal framework, gender analysis will provide information and data necessary to integrate a gender perspective into policies, programmes and activities regarding THB in BiH. The purpose of gender analysis is to identify and address gender inequalities, by:

- ensuring that the different needs of women and men are clearly identified and addressed at all stages of the policy cycle;
- recognising that policies, programmes and projects can have different effects on women and men;
- seeking and articulating the viewpoints of women and men and making their contribution a critical part of developing policies, programmes and projects;
- promoting better informed, gender-responsive and effective interventions.

The gender analysis should bring to the light the following:

- Existing legal and policy framework on THB, in particular for the purpose of labour exploitation and trafficking in children, and the extent to which it takes into account gender perspective and focuses on differences in needs of women, men, girls and boys;
- Relevant actions/measures taken by the government, national institutions and agencies, to address gender inequalities, gaps and vulnerabilities in the given field;
- Situation of women and men and existing differences in the roles, situation, conditions, needs, participation, access to resources, control of assets, decision-making powers etc. within the context and purpose of labour exploitation and child trafficking, as well the existing national capacities to respond to the gender inequalities or vulnerabilities associated with anti-trafficking that the action should address;
- Information on systemic causes of trafficking in human beings for the purpose of labour exploitation and child trafficking from a gender perspective.¹

Research questions in this gender analysis are divided in four segments: legal framework including harmonization between laws, including assessment of GRETA recommendations (2017); enforcement;

¹ Terms of Reference: Gender analysis related to the Horizontal Facility action (HF20) "Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina".

challenges and obstacles (including lack of services/implementation of legislative); and framing needs and areas for mainstreaming the gender perspective.

2. Legal Framework

Trafficking in human beings in BiH was initially identified after the 1992-1995 conflict, when a number of foreign victims came to light. The country was then characterized as both a transit and destination country. In 2003, BiH took legislative, institutional and operational measures to combat trafficking. These efforts were effective to some extent, but there is still much room for improvement. The complex constitutional structure in BiH and the necessity for effective inter-governmental cooperation makes combating trafficking a difficult task for the relevant stakeholders in general.

The legal framework will be presented below, going through international standards, domestic legislation, gaps in the legal framework, relevant institutions and status of implementation of legal framework.

2.1. International standards

Palermo protocol - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,² introduced the concept of the “3P” paradigm of prevention, victim protection, and prosecution efforts to combat modern slavery. In the **United Nations Convention against Transnational Organized Crime and its Protocols**³, trafficking in human beings is recognized as a violation of international law and its constituent elements are enshrined in relevant international instruments. The first comprehensive definition was provided in the Palermo Protocol supplementing the United Nations Convention against Transnational Organized Crime (UNTOC). The definition recognizes labour exploitation as a form of trafficking. BiH ratified the UNTOC and the Palermo Protocol as well as the CoE Convention. These instruments impose strong obligations on the state.

The **Council of Europe (CoE) Convention on Action against Trafficking in Human Beings**,⁴ as the first European treaty in this field, is a comprehensive document focusing mainly on the protection of victims of trafficking and the safeguarding of their rights. In addition, the CoE Convention provides for the creation of an effective and independent monitoring mechanism capable of controlling the implementation of the obligations contained in the CoE Convention – the Group of Experts on Action against Trafficking in Human Beings, also known as GRETA. The gender equality principle is present in the text of Convention, calling on states to use gender mainstreaming⁵ at all levels of developing and adopting legislative and strategic documents.

² *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, available at: https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

³ Ibid.

⁴ *CoE Convention on Action against Trafficking in Human Beings* was adopted by the Committee of Ministers on 3 May 2005, [CETS No. 197], available at: <https://rm.coe.int/168008371d>.

⁵ Gender mainstreaming means integrating a gender perspective at all stages and levels of policies, programmes and projects.

The **EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims** (EU Directive)⁶ applies to trafficking within the sex industry or for labour exploitation in, for example, construction work, farming or domestic work. The text takes a broader view of what constitutes trafficking in human beings than the previous EU framework decision of 2002 (which it replaced) and includes additional forms of exploitation.⁷ This Directive recognises the gender-specific phenomenon of trafficking and that women and men are often trafficked for different purposes. For this reason, assistance and support measures should also be gender-specific where appropriate.

A number of **International Labour Office (ILO) Conventions** are particularly relevant for the area of human trafficking for labour exploitation, like the Forced Labour Convention, 1930 (No. 29),⁸ Abolition of Forced Labour Convention, 1957 (No. 105),⁹ the Worst Forms of Child Labour Convention, 1999 (No. 182),¹⁰ and the ILO Convention No. 143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.¹¹ BiH ratified the following ILO Conventions: No. 29, the prohibition of forced labour; No. 97, migration for the purpose of employment (revised); No. 105, abolishment of forced labour; and No. 142, migrant workers (additional provisions). International standards oblige BiH to full compliance, not just in terms of legislative conformity and implementation, but also in terms of ensuring the institutional and operational capacity to prosecute and prevent trafficking, including trafficking for labour exploitation. These same measures must also ensure the identification and protection of victims.¹²

The **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**¹³ is an integral part of BiH's Constitution (Annex I). CEDAW in Article 6 specifically prescribes the obligation for member states to suppress all forms of trafficking in women and exploitation of prostitution of women. CEDAW General Recommendation No. 32 recognises both trafficking in women and forced marriage as gender-related forms of persecution, therefore constituting legitimate grounds for international protection.

2.2. BiH Legal Framework

The complexity of the division of competencies in BiH was also reflected in the legislation in the field of THB/labour exploitation: thus 4 criminal laws and 3 labour laws are applied, while action documents are adopted and applied at different local levels in the entities. Mechanisms and institutions for implementation are struggling to establish effective cooperation, and gender mechanisms basically

⁶ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 replacing Council Framework Decision 2002/629/JHA, available at: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036>.

⁷ "Exploitation" includes, as a minimum, exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, the exploitation of criminal activities, or the removal of organs.

⁸ *Forced Labour Convention*, 1930 (No. 29), available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.

⁹ *Abolition of Forced Labour Convention*, 1957 (No. 105), available at: https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105.

¹⁰ *Worst Forms of Child Labour Convention*, 1999 (No. 182), available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182.

¹¹ *Convention No. 143 on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers*, available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143.

¹² *Tafficking in Human Beings for the Purpose of Labour Exploitation: A reference paper for Bosnia and Herzegovina*, available at: <https://www.osce.org/bih/106977?download=true>.

¹³ *Convention on the Elimination of All Forms of Discrimination against Women* (1979), available at: <https://www.ohchr.org/en/professionalinterest/pages/cedaw.aspx>.

operate based on territorial jurisdiction (Gender centres, GC). Strategic work is happening at the state level, while most of operational work is at entity level.

2.2.1. Criminal legislation

BiH has criminal legislative at state and entity/district level. At all levels, criminal legislative stipulates labour exploitation (within THB) as criminal act.

At state level, trafficking in human beings is defined as a separate criminal offence in the Criminal Code of Bosnia and Herzegovina.¹⁴ The Criminal Code provides a comprehensive definition of trafficking in human beings. Exploitation here includes prostitution or other forms of sexual exploitation, as well as forced labour or services, and slavery.¹⁵ This is also prescribed, in the same article, for persons under 18 years old. Consent of the victim of international trafficking in human beings to the exploitation bears no relevance to the existence of the criminal offense of international trafficking in human beings. No criminal proceedings will be conducted against a victim of international trafficking in human beings who was forced, by the perpetrator of the offence, to participate in the commission of another criminal offence if such action was direct result of his/her status of the victim of international trafficking in human beings (Article 186). The Code further regulates organized international trafficking in persons and international enticement to prostitution.

In the Criminal Code of Brčko District of Bosnia and Herzegovina (2003, amended 2018)¹⁶ the exploitation shall mean: prostitution of another person or other forms of sexual exploitation, forced labour or services, slavery or similar relationship. The regulation related to children is same as for the state code – there is paragraph for persons under 18. The issues of consent and no criminal proceedings against the victim are prescribed and defined in a separate article on organized international trafficking in persons.

The Criminal Code of the Republika Srpska of Bosnia and Herzegovina (2017, amended 2018)¹⁷ prescribes human trafficking for the purpose of using or exploiting that person's labour, prostitution, pornographic purposes, establishment of slavery or a similar relationship, forced marriage, and forced sterilization, as a criminal offence. Same as in the state code, consent is not relevant, and neither shall any criminal proceedings be conducted against victim. Trafficking in children is regulated under article 146 and includes purpose of use or exploitation of his/her labour, prostitution or other uses of sexual exploitation, pornography. Organized international trafficking in persons and children is also regulated. The Criminal Code of Republika Srpska provides for lighter minimum sentences for the crime of trafficking than the other criminal codes of the State party.

The Criminal Code of the Federation of Bosnia and Herzegovina (2003, amended 2017)¹⁸ stipulates human trafficking as criminal offence as well, where exploitation means: prostitution of another person or other forms of sexual exploitation, forced labour or services, forced begging, slavery or similar status (article 210a). In same article, exploitation is prescribed for a person younger than 18 years. Consent, criminal proceeding of victims and organized international trafficking in persons are harmonized with state code.

¹⁴ "Official Gazette of BiH" no. 32/03, 37/03 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15, 40/15, 35/18.

¹⁵ Sexual exploitation, as well as begging, is included here as an important element as it affects women and children the most and interconnect with labour exploitation.

¹⁶ "Official Gazette" BDBiH 26/16, 13/17, 50/18.

¹⁷ "Official Gazette" RS 64/17 and 104/2018 (Constitutional court decision).

¹⁸ "Official Gazette" of FBiH 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14, 76/14, 46/16 and 75/17.

2.2.2. Law on foreigners of BiH

Law on foreigners of BiH¹⁹ prescribes protection of victims of trafficking in human beings (article 60) including special protection and assistance to victims of trafficking in human beings during their admission and residence in the shelters for victims of human trafficking. Any foreigner suspected of being a victim of trafficking in human beings shall acquire a status of a protected person from the day of his/her admission to the shelter for victims of trafficking in human beings for 30 days, which is considered as a period of recovery and consideration if he/she would cooperate with the BiH competent authorities for investigation and processing of the crime of trafficking in human beings. The foreigner shall not be forcibly removed from the country if not doing so is in the interest of conducting court proceedings, especially where the foreigner shall appear as a victim of the trafficking in human beings. Except the general provision on discrimination, there are no special norms on gender related to status of foreigners in terms of human trafficking.

2.2.3. Law on Asylum

The Law on Asylum²⁰ prohibits discrimination of aliens on any grounds prescribed in the Law on the Prohibition of Discrimination. Victims of human trafficking are included in vulnerable groups (persons deprived of legal capacity, children, unaccompanied children, elderly and frail people, ill persons, persons with disabilities, pregnant women, single parents with minor children, persons with mental disabilities and victims of trafficking, victims of torture, rape or other psychological, physical and sexual violence, such as victims of female genital mutilation) and are entitled to seek asylum while they are accommodated in the centre for the reception of victims of human trafficking. When making a decision on the asylum application, the situation and personal circumstances of the asylum-seeker, including his/her gender and age shall be taken into account, in order to assess, on the basis of personal circumstances of the asylum-seeker, if the treatment and the actions to which he/she was or could be exposed constitute persecution or severe violation. There are no specific gendered norms to reflect the rights of aliens - women and men, girls and boys victims of THB.

2.2.4. Law on Protection of Witnesses under Threat and Vulnerable Witnesses

Article 8 of Law ²¹ discusses the examination of witnesses deemed to be under threat and vulnerable and provides for measures to protect them from harassment and confusion. Article 9 states that testimony may be given using technical means to permit the parties and the defence attorney to ask questions, although not in the same room as the witness. Article 10 allows for the removal of the accused where there is concern that the presence of the accused will affect the ability of the witness to testify fully and correctly. A witness is considered a vulnerable witness if he or she has been severely physically or mentally traumatized by the events of the offence or otherwise suffers from a serious mental condition rendering him/her unusually sensitive, and a child and a juvenile. The law does not provide gender sensitive norms related to victims of THB (nor in general).

2.2.5. Law on Witness Protection Programme in Bosnia and Herzegovina

The criminal procedure codes and the special laws on witness protection set out measures that can be applied to protect witnesses and the conditions for their application. Law on the Witness Protection Programme²² directs the State Investigation and Protection Agency (SIPA) to develop and maintain a witness protection programme in order to meet the safety needs of witnesses during and after criminal proceedings. The law is completely gender neutral.

¹⁹ "Official Gazette" of Bosnia and Herzegovina 88/15.

²⁰ "Official Gazette" of Bosnia and Herzegovina 11/16

²¹ "Official Gazette" of Bosnia and Herzegovina, 3/03, 21/03, 61/04, 55/05.

²² "Official Gazette" of Bosnia and Herzegovina, 29/04.

2.2.6. Labour laws (FBiH, RS, BDBiH)

Labour, as well as social and health care, are under entity jurisdiction. Labour laws prescribe preconditions prohibiting labour exploitation, firstly banning discrimination (including gender). Any person seeking employment, as well as a person who is getting employed, must not be subject to discrimination on any grounds (gender, sexual orientation, marital status, family responsibilities, old age, disability, pregnancy, language, religion, political and other opinion, nationality, social origin, wealth, birth, race, skin colour, membership or non-membership in political parties and unions, health status, or other personal characteristic). Labour laws also provide for strict conditions for signing employment contracts, the minimum wages, and for special protection of minors and women. These regulations limit and regulate working hours, the right to work in a safe environment, and the like. Labour laws prohibit forced labour.

2.2.7. By-laws

Rules on Protection of Victims and Victim-Witnesses of Trafficking in Human Beings who are Citizens of BiH²³ set out the principles and common operational standards pertaining to the identification procedures, protection and assistance, primary and secondary prevention and other activities related to protection and provision of support to victims of THB and victim-witnesses of THB who are citizens of BiH. Non-discrimination, protection of privacy and the best interest of a child are among the basic operational principles. Vulnerable categories are defined as victims of domestic violence and victims of sexual and gender-based violence, mentally challenged persons, old and decrepit persons, displaced persons, returnees and deportees, citizens of BiH, if they were identified as victims or victim-witnesses. Individual protection is grounded on the consideration of needs and their interdependence taking into account age and gender. Social welfare centres or services are in charge of providing a permanent solution by planning and implementing an individual resocialization program in accordance with needs of the victim or victim-witness. In accordance with individual needs, the authorized health care institutions shall prepare an appropriate program of health resocialization. A special section regulates prevention in terms of sensibilization of the public regarding the existence and recognition of the issue of trafficking in human beings, citizens of BiH, reduction of prejudice and organized information dissemination; as well as improving of cooperation and coordination of the authorized institutions and organizations. The responsible institutions in BiH include the Agency for Gender Equality of BiH and gender centres, social, family and health protection and cooperation with relevant CSOs. However, Rules do not provide a gender approach in defining victims, protection, resocialization, or prevention. Since body of norms is gender-blind, it is assumed that it should apply to victims regardless of their gender which results in a lack of regulation of concrete needs for women and men, boys and girls.

The **Rulebook on the protection of foreign victims of trafficking in human beings**²⁴ regulates the issues of privacy and identity of the victim of trafficking, the principle of impunity and the prohibition of discrimination (sex and gender). Further, the Rulebook defines the procedure for identifying and the acceptance of a trafficked victim, a protected person's status, treatment of children, temporary residence, and assistance to victims. When securing the rights (safe accommodation; medical assistance; counselling; legal assistance; access to diplomatic-consular representative offices; repatriation; training and education) responsible organs will also consider the age, sex and special needs of the victim, paying special attention to specific needs of children. Besides a general provision on prohibition gender-based discrimination of victims and age and gender as elements for providing services from guaranteed rights to victims, the Rulebook does not provide other gender sensitive

²³ "Official Gazette" of Bosnia and Herzegovina 66/07.

²⁴ "Official Gazette" of Bosnia and Herzegovina 79/16.

inputs. Also, the text of Rulebook is using inconsistent terminology (gender and sex) without specific explanation.

A set of guidelines was adopted and implemented: **Guidelines for work of Regional Monitoring Teams for Combatting Trafficking in Human Beings in Bosnia and Herzegovina**,²⁵ **Manual for labour inspectors with guidelines and indicators for the detection and identification of victims of trafficking for the purpose of labour exploitation**,²⁶ **Handbook on Direct Assistance to Victims of Trafficking in Bosnia and Herzegovina**, **Guidelines on the Treatment of Social Work Centres with Victims of Trafficking in Human Beings**,²⁷ **Guidelines for the Provisions on the Treatment of Mental Health Centres with Victims of Trafficking**,²⁸ **Handbook on the Protection of Victims of Trafficking in Bosnia and Herzegovina**,²⁹ and **Identifiers to identify potential victims and victims of trafficking**.³⁰ However, these documents do not set out a specific approach to the treatment of women and men victims of trafficking by the competent authorities. Specificities exist only in relation to children who are entitled to special treatment and protection, but these are not gender-sensitive either.

2.2.8. Strategic documents

The Council of Ministers of BiH in 2020 adopted the Ministry of Security-proposed **2020-2023 Anti-Human Trafficking Strategy of Bosnia and Herzegovina**, under which the BiH authorities defined their anti-human trafficking policies for the next four years. A gender specific approach is prescribed in the Strategy as: "Specificities of THB are especially reflected in the differences between trafficking men and women, most visible in forms of exploitation of victims and in recruitment methods. Thus, the measures for assistance and support to victims must be gender specific and respectful of the different needs of male and the female victims". However, this principle has not been applied in setting goals and measures, except for specific protection measures that address women. The Strategy covers five aims: support, prevention, criminal prosecution, victim support, and partnership. Some of these aims do partially recognise specific needs of women, such as: prevention (second aim) explicitly defines the need to promote gender equality, combat gender-based violence and empower women; and protection (fourth aim) mentions girls victims of forced marriages. The adoption of Action Plans for the Implementation of the Strategy, as operational strategic documents based on the goals and measures of this Strategy, and monitoring of its implementation, are some of the planned activities (by formed 17 RMTs).³¹

Within preventive measures, special attention has been paid to raising awareness of forced begging as a form of THB, the risks of recruitment through the Internet and trafficking for the purpose of labour exploitation, to promote gender equality, to combat gender-based violence and to empower women. Under 2.4. measure, *prevention of forced labour* is specifically thematised calling upon all competent

²⁵ Available at: <https://bih.iom.int/sites/default/files/TRAFFIC/GUIDELINES%20FOR%20WORK%20OF%20REGIONALMONITORING%20TEAMS%20FOR%20COMBATTING%20TRAFFICKINGIN%20HUMAN%20BEINGS%20INBOSNIA%20AND%20HERZEGOVINA.pdf>.

²⁶ *Vodič za inspektore rada u otkrivanju i identifikaciji žrtava trgovine ljudima u svrhu radne eksploatacije.*

²⁷ Available at (b/h/s language version): http://msb.gov.ba/anti_trafficking/dokumenti/prirucnici/?id=5318.

²⁸ Available at (b/h/s language version): <http://www.asocijacijaixy.org/uimages/publikacije/pub14.pdf>.

²⁹ Available at (b/h/s language version): http://msb.gov.ba/anti_trafficking/dokumenti/prirucnici/Archive.aspx?langTag=bs-BA&template_id=104&pageIndex=2.

³⁰ Available at (b/h/s language version): <http://www.rs.cest.gov.ba/index.php/seminari-2017/91-18-1910konjic-indikatori-trgovine-ljudima-i-moderne-tehnologije-trgovine-ljudima/1968-prezentacija-l-sorrentino-18-10-17/file>.

³¹ Interview IGA04.

institutions to be involved in strengthening institutions; efforts to curb the spread of false job offers online; sensitizing responsible officials; working with the private sector; official registration and licensing of employment agencies; establish mechanisms for informing workers before leaving BiH; etc. Even listed measures are important for labour exploitation, it is gender-blind. It should be better clarified in terms of using available data on existing labour exploitation tendencies in BiH and use gendered forms of it (for example, the evaluation of the previous Strategy implementation consisted in introducing part of Strategy 2020-2023, where shortcomings for women and children were registered as well as specific types of labour exploitation by gender and age) and integrate a gender sensitive approach to prevention measures. The Strategy provides a special protection (4.3) for women victims of trafficking, since women are particularly at risk of becoming victims of trafficking in human beings, so their specific protection needs to be ensured through various activities.

The Strategy provides a sufficient framework for action in terms of labour exploitation. Still, the gender dimension (as a cross-cutting section) could be better extended across all goals and measures. The very approach to the term victim can be more clearly defined (women and men, girls and boys), which would make the needs and measures foreseen in this document more visible in addition to language correctness. The documents regarding two goals completely lack a gender aspect (support, criminal proceedings) by delivering only general measures for victims.³² This may result in a further lack of gender responsible budget planning, creating curricula for education of relevant stakeholders, access to safe accommodation for all victims. It is worrying that in many measures here, such as training, sensitization or identification, the necessity of incorporating the gender requirements that have been present in practice is not recognized. Some of the most important issues for women and men, boys and girls victims of labour exploitation, are in these areas. The impression is that the gender dimension is either just implied or directly neglected here. Still, this can certainly be offset in future action plans. During interviews with institutions, concerns have been raised "whether the entity's competent levels of government will be able to produce quality documents and how monitoring will be performed."³³

The **Gender Action Plan of BiH (GAPBiH) 2018-2022**³⁴ contains three strategic goals defining priority areas of activities: measures for advancement of gender equality within the governmental institutions, as per priority areas (including THB); establishing and strengthening the system, mechanisms and instruments to achieve gender equality; and establishing and strengthening of co-operation and partnership. The basic goal of the envisaged measures in GAP is preventing and combating all forms of THB, through the establishment of an efficient system of protection and prevention. It includes collection, analysis and announcement of data and information on types and extent of THB; prevention and punishment of THB; integration of victims of violence and THB into society including integration into the education system and labour market; and promotional activities. Some of the data collecting on THB, are sex-disaggregated (general information on female/male victims) while all other sex-disaggregated varies.³⁵ Even though collection of sex-disaggregated data is an obligation for every institution, it does not happen in practice. It is concerning that small numbers of official cases on labour exploitation exist, but it still must be used in terms to develop adequate measures and programs for its prevention and combating. So far, GAP uses only the formulation 'women and girls' or 'women and

³² For example: Adopt Action Plans for Strategy Implementation (A.1) or Conduct Trafficking Research (1.4) are very generally formulated and do not include gender elements at all. Also, measure 3.1. envisages, among other, sensitizing prosecutors and judges to victims' rights and encouraging them to specialize in trafficking cases, however, the generic term for victims is also used here and does not thematise the gender dimension.

³³ Interview IGA03.

³⁴ Available at: https://arsbih.gov.ba/wp-content/uploads/2019/02/GAP-BIH-2018-2022_ENG.pdf.

³⁵ More info in chapter 3.Prevalence.

children', lacking a complete overview of the gender aspect of labour exploitation (men and boys). This stands for all four measures presented and results in general lack of gendered prevention mechanisms.

2.3. Gaps in legal framework

The gender assessment of the BiH legal framework for THB points to two fundamental shortcomings: a gap in regulation through existing laws (unregulated matter relevant to this area) and a lack of gender dimension in existing legal regulation.

A few important gaps in legal regulation have been identified, which directly affect labour exploitation (especially affecting specific gender):

- The lack of workplace inspections and complaint mechanisms often renders support for domestic workers out of reach. Legal regulations should be improved in terms to secure labour inspections and the safe reporting of forced domestic work. This must be supported by raising awareness and competencies of relevant law enforcement staff, CSOs and potential victims. Women consist of the high majority of victims of this form of labour exploitation.³⁶
- Insufficiently regulated control of employment agencies, which is currently at extremely high risk when faced with massive outflows of the population, especially the working-age population, into EU countries and beyond. Also, there is no mechanism to monitor what happens to BiH citizens when they leave the BiH border in search of employment.³⁷
- Laws of criminal procedure of entities do not provide the injured party/victims as a subsidiary prosecutor. In view of the large number of cases ending in an order to stop investigation, the victims are left alone. By introducing the role of subsidiary prosecutor, victims have the opportunity to take over the prosecution and seek for justice.³⁸
- Automatic System for case management in courts (CMS) does not provide data about victims
 - no casualties, no gender and form of THB.

The laws analysed above mostly contain a provision of gender neutrality of language in formulation: "All terms in this Law that are given in a masculine grammatical gender also apply to women without any discrimination". Starting from there, the body of laws does not reflect gender dimension nor does it provide a gender sensitive approach in defining rights, protection, prevention, or mechanisms. The legal framework, therefore, is either gender-blind or gender neutral. When there is gendered regulation it stays on the level of general principle (prohibition of gender-based discrimination; occasionally gender and age as elements for assessment for providing certain rights or scope of rights). The potential for current overcoming some of these gaps lays in by-laws or strategies; however, even here, gender sensitive norms have not been consistently and sufficiently established. *Rules on Protection of Victims and Victim-Witnesses of Trafficking in Human Beings who are Citizens of BiH* and *Rulebook on the protection of foreign victims of trafficking in human beings* are documents which are focused on THB are lacking sufficient gender sensitivity. The rationale is gender-neutral and does not mention gender-specific needs. The gender perspective remains marginalised within the legal framework. Further, laws do not recognise the gender of victims; all victims are marked by generic term and for children no difference is made between boys and girls.

During data collection, 8 out of 12³⁹ interviewed and surveyed respondents stated that they considered the legal framework for labour exploitation satisfactory from the aspect of gender dimension. Respondents also believe that no interventions are needed in the texts of the laws, but better

³⁶ More info in chapter 3.Prevalence.

³⁷ Data collected WGA01; communication with Stanislava Tanić, email from 30.3.2020.

³⁸ Interview IGA09.

³⁹ Please see Anex I.

implementation is necessary. Apart from CSOs, interviewees pointed out that THB in BiH is generally facing many challenges and that the gender aspect is not singled out.

Overall recommendations for Legal Framework

- Revise regulations, from a gender perspective, that have the effect of exempting domestic workplaces entirely from inspections and improve the system for reporting of labour exploitation cases (including anonymous reporting).
- Raising awareness campaigns on risks posed by false employment agencies for working abroad, supporting the identification of risks and reporting suspicious ads (especially for young women and men).
- Advocate for the introduction into the laws of a criminal procedure of the injured party/victims as a subsidiary prosecutor.
- Strategic and action documents in terms of labour exploitation should be developed based on an evaluation of their implementation for previous periods and follow findings related to forms and gender dimension of cases. Gendered forms of labour exploitation should be reflected in aims as well as measures.
- Provide a gender-based assessment and evaluation of action plans implementation with measurable effects of activities and success of measures referring to 4.3. and 2.4. section of *2020-2023 Strategy for combating trafficking in human beings*.
- National action plans on THB should be gender sensitive and contain indicators, benchmarks, timeframes and specific budgets which can be monitored and evaluated from a gender perspective.
- All anti-trafficking measures in relation to identification, support and assistance and access to justice, should be specific and appropriate to the specific needs of women and men, boys and girls.
- Raising awareness on the importance of including a gender sensitive approach and legislation among institutional stakeholders.

3. Prevalence

BiH is a country of origin, transit, and destination for victims of human trafficking. In most cases, the victims are identified as BiH citizens, many of them children. Women and men, boys and girls are trafficked from throughout the country for forced labour or sexual exploitation, and an increasing number of girls and boys are being trafficked for forced begging or child marriage.⁴⁰ According to official reports, women consist of the majority of victims of THB. The difficult economic situation,⁴¹ high unemployment rate and poverty have increased the risk of human trafficking within the country. Data from CSOs shows that the exploitation of women citizens of BiH, in prostitution and labour exploitation and the trafficking of children have increased, it is unclear if the rise of trafficked children are related to boys or girls.⁴² Big risks are also migrations, especially of young women and men, who are leaving BiH in search of work.

The prevalence of women and children (girls in this category also) in labour exploitation is rooted in social norms that put women in a position of vulnerable category in terms of financial dependency, lower education, gender roles - work, marriage, domestic work.⁴³ Women face difficulties when trying to find a job and are often forced to accept risky job offers, which often involve forced domestic work,⁴⁴ one of the sectors of work that is very difficult to control and monitor, because the authorities cannot inspect private property as easily as business premises.⁴⁵ "In small local communities, women are economically dependent on men, sometimes very young get married without higher education, and thus are more vulnerable to the traps of labour exploitation",⁴⁶ the interviewee said. Also, "women with lower education are more vulnerable, especially single mothers, and they agree to do anything to provide for their family".⁴⁷ Women are more vulnerable to labour exploitation within certain job categories (forced domestic work, begging, debt work, collection of secondary raw materials) and especially to sexual exploitation.⁴⁸ Often these two categories (labour and sexual exploitation) are related and women are exposed to them once they are inside THB. The onset of labour/sexual exploitation is thus recorded through blackmail with photographs or videos of young women being victims of THB.⁴⁹ This blackmail further leads to labour and/or sexual exploitation, and getting out of this cycle of violence is extremely difficult because victims are threatened with the publication of intimate material. It is necessary to understand how much fear prevails in victims,⁵⁰ especially given the disruption of 'morality', 'shame' in such a patriarchal society. Interviewees stated that "women are

⁴⁰ See more: <https://www.usaid.gov/bosnia/news-information/fact-sheets/fact-sheet-strengthening-counter-trafficking-efforts-bosnia-and>

⁴¹ Victims often claim that they „had no choice but to accept the working conditions offered” (IGA02, IGA08).

⁴² *Report of civil society organizations on implementation of the concluding observations and recommendations of CEDAW committee for Bosnia and Herzegovina 2013-2017.*

⁴³ Interviews IGA01, IGA02, IGA03, IGA07, IGA08.

⁴⁴ The term 'domestic worker' is used to refer to housekeeping and caring for dependents, such as children, older persons and persons with disabilities. In terms of labour exploitation, this includes fundamental rights abuses in private homes across the EU and region. See more: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-migrant-women-labour-exploitation-domestic-work_en.pdf.

⁴⁵ Data collected from CSO Lara Foundation (WGA01).

⁴⁶ Interview IGA04.

⁴⁷ Interview IGA08.

⁴⁸ Data collected from CSO Association „HO International forum of solidarity-Emmaus” (WGA03) and Lara Foundation (WGA01); interviews IGA02, IGA01, IGA08, IGA07.

⁴⁹ Interviews IGA02 and IGA04.

⁵⁰ Women and girls often fears for their own safety or safety of family members; the fear of arrest and imprisonment, which is particularly relevant in cases involving trafficking for sexual exploitation; the fear of deportation; and the mistrust of authorities.

more easily intimidated and more severely affected by labour exploitation".⁵¹ The gendered nature of trafficking for sexual exploitation and/or forced marriage, and that of the harms which arise as a result, place these crimes within the wider continuum of gender-based violence and violence against women which require a gender sensitive response.⁵²

GAP 2018-2022 emphasises that trafficking in women for prostitution is a problem which has become particularly relevant in BiH over the last few years. Opening state borders, the transition to market economy, the increase in unemployment and poverty, the dissolution of the state structure and decreased movement control in some parts of Europe created convenient conditions for illegal trade, and especially THB for sexual exploitation on the territory of our country as well.⁵³

There are a forms of labour exploitation specific for men and boys: collecting secondary materials, mining (abroad), fishing, and construction.⁵⁴ The challenges associated with victims of these forms of labour exploitation are deeply rooted in gender norms and roles as well - there is shame in victims as the 'head of the house' to report THB or even in consultation with CSOs accept that they are victims of THB. It also relates to public 'shame'.

According to the OSCE Mission observation for 2017, court cases involve about 785 victims (646 men, 100 women) and 39 children (20 girls and 19 boys). Most of the men victims (635) are involved in one indictment for exploitation in the construction sector outside the territory of BiH. Most of the women victims are victims of sexual exploitation cases (89). Children are mostly victims of child pornography cases (8 boys), sexual exploitation (5 girls) and begging (6 girls and 10 boys).⁵⁵ As mentioned above, systematic data on women and men, boys and girls victims of labour exploitation available from CMS is not possible.

One form of force or coercion is the use of a bond, or debt, to keep a person under subjugation. Examples from practice shows that the debtor is not always the only victim – it is often the case that they put their own children or wife in “bonded labour”, even for a small debt.⁵⁶ Workers may also inherit debt in more traditional systems of bonded labour. The sale and trafficking of girls and boys and their entrapment in bonded and forced labour are among the worst forms of child labour.⁵⁷ Interviewees state that “people in despair do anything, sell or rent their own child”,⁵⁸ pointing out that the poor economic situation in the BiH encourages labour exploitation.⁵⁹

The Association “New Road” Mostar has discovered a new way of labour exploitation of young women: in Mostar, young women are used for pickpocketing. The whole scheme is worked out, where the girls are forced to steal from tourists at locations around the Old Bridge and immediately pass the stolen goods on. They are under constant surveillance by organisers of THB and if arrested by the police they

⁵¹ Interview IGA02.

⁵² *Protecting victims: An analysis of the anti-trafficking directive from the perspective of a victim of gender-based violence*, available at: <https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report>.

⁵³ *Gender Action Plan of Bosnia and Herzegovina 2018-2022*.

⁵⁴ Interviews IGA02, IGA04, IGA08.

⁵⁵ *Situation report on Trafficking in Human Beings in BiH 2017*, available at: http://www.msb.gov.ba/PDF/izvjestaj_trgovina_ljudima_2017.pdf

⁵⁶ Former prosecutor Hajrija Hadžomerović-Muftić explains that there was a case when Roma father for debt of 500 BAM surrender his children and wife for labour exploitation (IGA07).

⁵⁷ *Trafficking in Human Beings for the Purpose of Labour Exploitation: A reference paper for Bosnia and Herzegovina*.

⁵⁸ Interview IGA03.

⁵⁹ Interviews IGA03, IGA07, IGA08; WGA01.

say nothing about the whole chain. These are younger girls from different parts of BiH who are 'trained' in Mostar.⁶⁰ According to the Lara Foundation, through direct assistance in 2017, they identified new, yet unrecognized forms of THB - fictitious marriages for the purpose of getting work permits abroad. Unofficial data collected in the course of assistance in this area indicate that there is an (unofficial) price list (BiH citizens pay EUR 30,000 for these marriages), and a fictitious marriage is concluded through a mediator to obtain a residence permit and work permit. Victims are required to 'repay' their debt, which includes labour exploitation with intimidation. Men and women from BiH are exposed to this form of THB, without any specific age criteria.⁶¹

Grounds of intersecting discrimination is mostly related to Roma women, girls and boys. Within the Roma population, there is widespread belief in the common law (tradition), which further stigmatizes women and girls by justifying arranged marriages.⁶² Early marriages in the Roma community often involve labour and sexual exploitations.⁶³ Economically marginalized Roma boys and girls are subjected to forced begging, committing crimes, collecting of secondary raw materials (plastics, metals, old furniture) and serving in households against their will in forced marriages.⁶⁴ "Women are dependent on marital status, and men believe they 'belong' to them and can do whatever they want with women", claims one interviewed.⁶⁵ It is worrying how begging has been socially almost accepted (normalised) when it comes to the Roma population. Stereotypes, often combined with gender stereotypes,⁶⁶ along with a lack of effective protection and law enforcement, created and support this dangerous practice.

Women and girls with physical and mental disability (women with different abilities) are also subject to multiple forms of discrimination/abuse in THB. Due to their dependence and easy target for manipulation, they are exposed to particularly difficult labour/sexual exploitation.⁶⁷

However, looking at the officially initiated proceedings, there is a large discrepancy between the data on the prevalence of labour exploitation of women and men, boys and girls and the cases identified and prosecuted in general. According to the Ombudsman of Bosnia and Herzegovina, "the number of actual cases is dramatically higher".⁶⁸ For example: 63 cases of labour exploitation were registered at MFS – Emmaus,⁶⁹ while information from Lara Foundation in recent years noted an increase in underage girls who have lived or are still staying in a safe house and have been placed as victims of sexual violence by close relatives, acquaintances, victims of forced marriage, begging, labour exploitation, or other forms of trafficking. Their stay in a safe house is long-term (one year and longer), until they are capable to reintegrate safely and return to family and society.⁷⁰ According to the records of the Reception Station for Children Found in Wandering and Begging in Banja Luka, a total of 19

⁶⁰ Interview IGA02.

⁶¹ *Situation report on Trafficking in Human Beings in BiH 2017*.

⁶² Interview IGA07.

⁶³ Interviews IGA07, IGA08, IGA03, data from Lara Foundation. Association „Zemlja djece u BiH“ states that complete families are engaged in begging, and their daughters "marry" adults of other families who are also abstaining from begging. By automatism, girls are excluded from the school system, move to another local community and engage in various forms of exploitation (source: *Situation report on Trafficking in Human Beings in BiH 2017*).

⁶⁴ Available at: *Situation report on Trafficking in Human Beings in BiH 2018* and WGA02.

⁶⁵ Interview IGA07.

⁶⁶ Interviewed respondent states on presence of gender stereotypes related to early marriages: „this is the stereotype of their lives: the worst part is that 12 years Roma girls tell at school how much money is offered for them, because that determines their value“ (IGA07).

⁶⁷ Interviews IGA07, IGA02.

⁶⁸ Interview IGA09.

⁶⁹ WGA03.

⁷⁰ WGA01.

children (7 boys and 12 girls) were placed in detention during 2019 for coercion to beg.⁷¹ Association “New Road” Mostar refers to counselling and providing safe space for victims but women usually get scared of any idea to officially report labour or sexual exploitation.⁷²

Review of data available from CSOs for 2018:⁷³

CSO	Adults		Children		Labour exploitation		Sexual exploitation		Begging	
	Women	Men	Girls	Boys	F	M	F	M	F	M
“Zemlja djece u BiH” ⁷⁴									36	30
Otaharin ⁷⁵			65	47						
Medica ⁷⁶	1		10	1 + 4					0	0
Lara ⁷⁷	1		4	1						

Comparatively, according to the *Situation report on Trafficking in Human Beings in BiH 2018*,⁷⁸ for 2018, a total of 36 potential victims of human trafficking/labour exploitation/prostitution and/or sexual exploitation/trafficking were identified for the purpose of begging/for the purpose of marriage. Adult and juvenile female persons from BiH are trafficked for the purpose of sexual exploitation within the country in private apartments, accommodation and catering facilities and other places of concealment. Out of the total number of potential victims of human trafficking (36) in 2018, 21 are women and 15 are men. Of the total number of potential victims of human trafficking in 2018, only one is a case of labour exploitation. In 2017, the following has been established: 10 sexual exploitation/incitements to prostitution, 7 labour exploitations, 52 begging, and 5 sales for forced marriage (combined with sexual exploitation or begging). Sex-disaggregated data for each form of THB (in last three years) is not available due to lack of systematic data collection and processing.⁷⁹

Review of official THB case data for 2014-2019:

Year	Identified/assisted victims total		Adults		Children		Labour exploitation		Sexual exploitation		Begging	
	Female	Male	Women	Men	Girls	Boys	F	M	F	M	F	M
2014	35	14	11	1	24	14	3 ⁸⁰		10	10	17	14
2015	27	8	15	5	14	3	0	0	7	0	16	8
2016	30	18	38 total		10 total		12 total		7 total		22 total	

⁷¹ Data collected from CSO “New Generation” (WGA02).

⁷² Interview IGA02.

⁷³ Data available in *Situation report on Trafficking in Human Beings in BiH 2018*.

⁷⁴ The “Zemlja djece u BiH” association from Tuzla recorded the data presented through field activities and site visits.

⁷⁵ Association „Otaharin“ from Bijeljina runs Day center for children.

⁷⁶ Association „Medica“ from Zenica provides accommodation for potential victims of THB, and services through Children's Day Care Center. In 2018, they provided accommodation for 1 woman and 1 boy, other data related to Children's Day Care Center.

⁷⁷ Direct assistance in safe house care was provided to 6 potential victims of trafficking, out of 4 events that also had characteristics of a crime of trafficking for sexual and/or labour exploitation and forced begging.

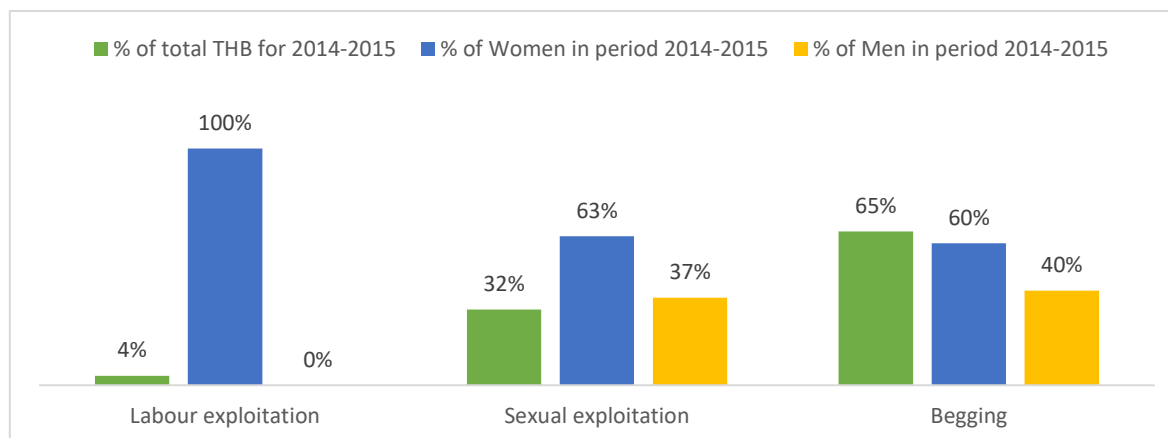
⁷⁸ Available at: <http://www.msb.gov.ba/PDF/031220198.pdf>.

⁷⁹ Communication with Stanislava Tanić, e-mail from 30.3.2020., interview IGA04.

⁸⁰ Combination of labour exploitation and begging.

2017	58	22	36 total		47 total		7 total	10 total	52 total
2018	21	15	9	3	12	12	1 total	9 total	12 total
2019 ⁸¹	17	4	14	2	3	2	0	6 total	10 total
Total Excl.2019	251		118		136		23	53	141

Labour exploitation accounts for between 0% (2015) - 3% (2018) and 25% (2016) of total identified/assisted victims of THB. There is no systematic record of sex-disaggregated data for each form of THB. Begging and sexual exploitation are the most prevalent forms of THB, with a tendency for women and girls as victims of these forms of THB.



When it comes to nationality of victims, on the territory of BiH most are domestic citizens.

Victims of THB by nationality for 2014-2019:

Nationality	BiH		Foreign	
	Female	Male	Female	Male
2014	32	14	3	0
2015	27	8	0	0
2016	27	16	3	2
2017	56	25	2	0
2018	19	9	2	6
2019 ⁸²	15	2	2	2

While in 2018 THB occurred most commonly in BiH,⁸³ new tendencies show increase of labour exploitation in foreign countries especially from 2019.⁸⁴ Victims from BiH are trafficked for sexual exploitation and forced labour, in the construction sector, and other sectors in other European countries. Sex-disaggregated data are not available for these forms of labour exploitation abroad.⁸⁵

⁸¹ Data is for period January – June 2019, from 2020-2023 Strategy for combating trafficking in human beings.

⁸² Data is for period January – June 2019, from 2020-2023 Strategy for combating trafficking in human beings.

⁸³ State Report states that cases of cross-border trafficking in men, women and children who have been trafficked for sexual exploitation and forced labour have been reported sporadically.

⁸⁴ Interview IGA02, IGA07, and data collected WGA01.

⁸⁵ Communication with Stanislava Tanić, e-mail from 30.3.2020.

There are serious challenges to be found in the identification women and men, boys and girls victims of THB, also due to the victims' fear and distrust in the existing protection system.

Recruitment methods are becoming more widespread, and the Internet (social networks) plays an important role in this. Job advertisements are very attractive, especially from the difficult economic situation and position of women and men in BiH, and the THB organizers are very convincing. The trend of working in Germany, Austria, Croatia makes these false jobs more attractive, supported by numerous successful examples of people who left to find a better job. It simply makes it easier to recruit young women in particular.⁸⁶ According to interviewed CSOs and institutions representatives, victims usually have little or no knowledge of domestic workers' rights, are ashamed if they end up in any kind of labour (men particularly)⁸⁷ or sexual exploitation and are afraid to claim their rights or confront their perpetrators.

Overall recommendations regarding prevalence

- Provide sex-disaggregated data in official reports, strategies and action plans for each form of THB registered for reporting period.
- Collect and provide data on BiH victims of THB to foreign countries; secure sex-disaggregated data for each form of THB.
- Usage of data on prevalence to create gender sensitive measures and indicators for preventing and combating labour exploitation.
- Usage of data on prevalence to develop and/or improve a gender sensitive approach in the identification, communication and assistance to victims by different institutions.
- Develop systematic sex-disaggregated data collection for previously identified at-risk groups and/or intersection discrimination (Roma, people with disabilities, young women and men).

⁸⁶ Interview IGA02, IGA07, IGA03, IGA08.

⁸⁷ Interview IGA02, IGA08.

4. Labour Exploitation: gender aspect of legal practice in reality

While laws, regulations, and strategies provide a normative framework for action in THB cases for labour exploitation, and data on the prevalence of women and men, boys and girls in these forms of THB open up a contradictory gender perspective on the pronounced representation but low number of prosecuted cases, the question is what practice looks like in reality. Beyond the challenges which BiH faces in fighting THB, the gender perspective remains often blurred by the generally slow progress in meeting the basic needs of victims.

4.1. Institutional response to labour exploitation of women and children

Competent institutions are all state, entity, cantonal and municipal bodies and institutions in BiH who have legal authority to coordinate or implement activities on prevention and suppression of THB, i.e. competent to provide assistance and protection. Given the complexity of the field of labour exploitation, a rather wide range of institutions is involved in the implementation of anti-trafficking measures. This analysis deals with their action solely by looking at the gender dimension where shortcomings have been identified.

Anti-trafficking activities were entrusted to four Regional Monitoring Teams operating in Sarajevo, Banja Luka, Mostar and Tuzla. These monitoring teams are not active anymore and a new structural organisation (establishment of 17 regional monitoring teams on entity/district, cantonal and regional levels) is in process of development. The Department for Combating Trafficking in Human Beings launched in 2019 the process of reconstructing regional monitoring teams (RMT) that have long been dysfunctional due to the reform of criminal legislation governing this area and changes in competencies. The reform of monitoring teams to be formed at the level of police administrations in the RS, or cantons in the FBiH, should also significantly improve the prevention of trafficking in human beings, in particular the identification of potential victims of trafficking. RMT structure is changed from 4 to 17 RMTs: 10 in the Federation (for each canton), 6 in the RS (following court organisation), and 1 in BDBiH. It was expected that all RMT are formed and functional by the end of February 2020.⁸⁸ Action plans should be adopted by RMTs by end of June 2020. Process of transforming of **RMTs** is still ongoing, but most of interviewed expressed their satisfaction with the new organisation and trust in the improvement of work under RMTs jurisdiction. This is an opportunity to address the issue on appointing gender focal point (at each RMT or for entity/BDBiH level).

The government operated seven **drop-in centres**⁸⁹ for children that conducted outreach work and a **mobile team** for street children in Sarajevo; drop-in centres and the mobile team identified 510 street girls and boys in 2018.⁹⁰ Staff working at these centres are sensitised to THB⁹¹ and according to data provided for annual Situation reports, data on boys and girls assisted over a year are orderly collected and sex-disaggregated.

International organizations reported that law enforcement and social workers at **centres for social welfare** (CSW) justified cases of potential forced child begging and forced labour involving Roma as traditional cultural practices and customs and sometimes returned children to their families even when parents were involved in the exploitation. Law enforcement and social workers justified cases of potential forced child begging, forced labour, and forced marriage involving Roma as traditional

⁸⁸ Interview IGA04.

⁸⁹ Sarajevo, Tuzla, Zenica, Banja Luka, Mostar and Bijeljina. These centres are funded by the State and/or local budgets, as well as foreign donors, and offer assistance to children living and working on the streets.

⁹⁰ 2019 Trafficking in Persons Report: Bosnia and Herzegovina.

⁹¹ GRETA report.

cultural practices.⁹² The interviewees also highlighted the problem of possible under capacity of the CSWs as well as the need for their further training in these THB areas, with a focus on gender sensitization.⁹³ The guidelines developed on victim treatment and identification do not include a gender-sensitive approach. The only gender element occurs within sexual exploitation where women and girls are most often victims (so description and instruction are tailor made here), and in begging where young women and girls with a baby are also victims. Lack of adequate treatment reflects on this poor understanding and approach to the gender aspect of labour exploitation. Also, failure to address victim stigmatization more directly through the manuals and guidelines, as well as deviation from patriarchal norms for both women and men victims of THB, may have an adverse effect on the CSWs' work.

A serious issue is interrogation procedures, especially for boys and girls, and women victims of THB. The government lacked victim protection, including victim-centred prosecutions and access to assistance outside of CSO-run shelters.⁹⁴ According to 2019 TIP Report prosecutors did not need certification to work with children and often interrogated child victims without a psychologist or social worker present.⁹⁵ Authorities also repeatedly interviewed adult victims, and courts did not offer victims any accommodation inside courthouses to prevent re-traumatization. Police did not consistently notify victims' lawyers when conducting interviews; some courts required victims to testify with no prior notification or preparation; and international organizations reported cases of victims' identity and personal information leaked to the media and published.⁹⁶ Available data do not show the gendered consequences of these acts, however, certain form of THB makes gender of victim extremely important (affects one gender more). In terms of sexual exploitation or combined sexual and labour exploitation, victims are deeply traumatised,⁹⁷ and need adequate support during these procedures. Risk of secondary victimisation (when the process is "victim-blaming" and insensitive, and re-traumatizes victims), the risk of re-victimisation (being targeted for crime again) and the risk of retaliation and intimidation by the offender (who are present in courtroom). These risks are particularly heightened in cases involving gender-based violence. The personal link between a woman and her abuser, for example the husband in a case of trafficking for forced marriage (or a domestic violence case) involves clear risk that the offender may harass the victim at her place of residence in an effort to intimidate her.⁹⁸ Women and girls consist of the majority of victims in this THB form, and interrogation which involves questions on forms of exploitation as well as in presence of the perpetrator during testifying may cause re-traumatization.⁹⁹ Despite protection in existing legal regulations (which are gender-blind), this harmful practice is still happening.

Labour inspectorates have been recognized as significant actors in combating THB for the purpose of labour exploitation and their employees have undergone a series of trainings to identify trafficking cases, but not gender-sensitive educations, and also need to be actively involved in referral mechanisms.¹⁰⁰ Currently, labour inspectorates are facing jurisdiction issues over THB as well as lack of capacity, but are very eager to overcome these challenges.¹⁰¹ Another challenge is also to distinguish

⁹² 2019 *Trafficking in Persons Report: Bosnia and Herzegovina*.

⁹³ Interviews IGA07, IGA08, WGA01.

⁹⁴ 2019 *Trafficking in Persons Report: Bosnia and Herzegovina*.

⁹⁵ Also confirmed by former prosecutors in interview IGA07.

⁹⁶ Ibid.

⁹⁷ Sexual exploitation may disclose, such as rape, sexual assault and inhuman and degrading treatment.

⁹⁸ *Protecting victims: An analysis of the anti-trafficking directive from the perspective of a victim of gender-based violence*.

⁹⁹ Interview IGA07.

¹⁰⁰ Interviews IGA01; WGA01.

¹⁰¹ Interview IGA01.

labour law infringement from labour exploitation. It must be stressed that gender understanding of discrimination at work and exploitation must be improved within labour inspectorates in general.¹⁰²

In terms of knowledge and sensitivity to understand the gender component of labour exploitation, it has been noticed in interviews with representatives of institutions that it is difficult to isolate the gender component, given the small number of prosecuted cases. At the same time, understanding and knowing about sexual exploitation of women and children, and begging as the most common form of THB, is significant. CSOs consider that it is still necessary to work on the empowerment of institutions and sensitization in general, both on the identification of criminal acts and perpetrators and on the position and rights of victims of trafficking.¹⁰³ By respondents' opinion, gender should be mainstreamed here.

4.2. Role of CSOs

CSOs work directly with victims of THB, including labour exploitation. The role of CSOs reflects in field work with potential victims, education and prevention,¹⁰⁴ rising awareness, and running safe houses with government support and/or financial help from foreign donors.

The government partly funded four **CSO-run shelters**,¹⁰⁵ but government-funded assistance programs required victims to obtain official recognition to access care, and potential victims received assistance only when a CSO had funds from other sources; authorities referred 10 victims to CSO-run shelters.¹⁰⁶ All eight safe houses in BiH (3 in RS and 5 in FBiH) have the capacity to care for women, boys and girls who are victims of trafficking, and specialize in the care of women and children (up to 18 years old, regardless of gender) who are victims of domestic violence. Men are excluded as potential beneficiaries here. Only one CSO provides housing for both women and men victims of trafficking, in separate accommodation units (MFS - Emmaus Shelter). Lack of appropriate and safe accommodation for men is concerning, while data on ad-hoc accommodation for men is currently not available.

All safe houses have trained specialized staff who can provide necessary assistance to the people staying there. All safe house facilities must also meet the relevant security criteria in terms of the physical security of the facility and the ability to keep in constant contact with the nearest police station. By *Decision on Criteria for Selection of Non-Governmental Organizations to Provide Accommodation and Care Services for Foreign Victims of Trafficking in Human Beings* CSOs are evaluated within comprehensive criteria, including care options for women and children and the provision of necessary facilities. MFS - Emmaus has facilities for all categories of victims of trafficking and operates in multiple locations. There are no specialized shelters

¹⁰² See more in research *Gender based discrimination and labour in Bosnia and Herzegovina*, available at: <http://hcabl.org/wp-content/uploads/2019/05/GENDER-BASED-DISCRIMINATION-AND-LABOUR-IN-BOSNIA-AND-HERZEGOVINA-FINAL.pdf>.

¹⁰³ WGA01.

¹⁰⁴ Numerous activities on education and prevention have been led by CSOs, according to data from *Situation report on Trafficking in Human Beings in BiH 2018* and *Situation report on Trafficking in Human Beings in BiH 2017*.

¹⁰⁵ According to *Progress report on the implementation of the Beijing Declaration and Platform for Action in BiH within the Beijing +25 process*, BiH Ministry of Human Rights and Refugees provides regular budget funds for CSOs in the total amount of EUR 30,600 for direct support to victims of trafficking through the rehabilitation and reintegration of women and girls victims of human trafficking in the local community. Available at: https://arsbih.gov.ba/wp-content/uploads/2019/05/Progress-Report-Beijing25_Bosnia-and-Herzegovina.pdf.

¹⁰⁶ 2019 *Trafficking in Persons Report: Bosnia and Herzegovina*.

for girls and boys only, especially for children who are victims of sexual violence.¹⁰⁷ Same stands for men, with the exception of MFS - Emmaus Shelter.

The issue of **security of CSOs** (safe houses, activists, and employees) and victims placed in shelters haven't been raised enough. There were cases where some professionals shared locations where victims are located, thus exposing both victims and shelter personnel to direct danger as well as incidents where traffickers come armed to shelter sites and search for their victims.¹⁰⁸ Shelter staff are also exposed to direct threats and blackmail. It is not uncommon for CSO representatives to be exposed to unpleasant situations when reporting THB or for call for accountability of institutions.¹⁰⁹ Also, the Prosecutor's Office does not provide timely safety and risk assessments for individual cases, to determine which security level is necessary to protect victims.¹¹⁰

Importance of CSO here is crucial: some of CSOs who run safe houses or provide psychological or legal help are CSOs with long practice helping women and are recognised as trusted and safe places for victims. CSOs also represent a safe place where women, boys and girls can get advice, free counselling without being immediately exposed to formal procedures or interrogated by officials. Since perpetrators, or family members, may influence, discourage or frighten the potential victim, it is important for them to have a place for counselling before starting any kind of legal procedure. Despite efforts of CSOs, and specialisation for helping women and girls victims of THB, men victims remain on the margins when it comes to this sector. One shelter for men is not enough, especially given the territorial non-coverage of the state; the challenges to developing an effective reintegration plan; in general - not dealing with masculine patriarchal norms, which in turn may affect the processes of identification and reporting of labour exploitation for men. This is also compounded by the attitude of some interviewed institutions' representatives that there is no need for additional shelters/safe houses, since BiH has a small number of THB cases anyway.

Representatives of CSOs emphasise that **support to the CSO sector** is minimal. The CSO sector is seen as a service, not a partner, and because of the above, the functioning of non-governmental organizations in this domain is limited including financial support. It should be highlighted that cooperation needs to be systematic and continuous in terms of establishing and implementing a gender responsible approach in all segments of cooperation with government, but also in raising awareness planning and training organised by CSOs.

Overall recommendations regarding institutional response and role of CSOs

- An awareness of gender-specific needs should be highlighted in all relevant regulations treating assistance, witnessing, and treatment of victims of THB, for all stakeholders.
- Provided efficient legal assistance is based on an early legal intervention model. It should be available to victims immediately after their initial contact with the authorities. It should be provided by a person with appropriate training and expertise, including gender-expertise.
- All interviews with female and male victims should be conducted in a gender sensitive manner involving minimum: conducted by an interviewer of the chosen gender of the interviewee, gender of an interpreter (where applicable), minimises the risk of secondary harm to victims (for example by minimising the number of interviews that victims must undertake).
- Gender-based discrimination in access to accommodation must be eliminated.

¹⁰⁷ WGA01, WGA03.

¹⁰⁸ WGA03.

¹⁰⁹ WGA01.

¹¹⁰ WGA03.

4.3. Reintegration and recovery programmes for victims

There are two sides to the processes of reintegration and recovery of victims: the legally prescribed and regulated standards, and the opportunities that are achievable in practice. CSOs observe many inconsistencies in state support to official programs as well as the presence of stigma and social norms related to women, boys and girls victims of labour (and in particular sexual) exploitation.¹¹¹ Media reporting on sexual exploitation tend to be sensational and contribute to further stigmatisation or support an established image of female victims of sexual – labour exploitation (prostitutes, elite escorts, etc.).¹¹² Men usually remain out of the spotlight, but hard traditional roles strongly influence on their admitting of being involved in labour exploitation at all.¹¹³ “In the educational and public space we do not have enough awareness of the dangers of THB - this must happen at an intergenerational, heterogeneous level but also have a constant dialogue”, states one of the interviewees.¹¹⁴

In *Concluding observations on the sixth periodic report of Bosnia and Herzegovina*¹¹⁵, the Committee on the Elimination of Discrimination against Women urged for the enhancement of accessibility and quality of education for all children, as well as the address of the disproportionately low enrolment and completion rate at all levels of education among Roma, asylum-seeking girls, and girls who are victims of child marriage and trafficking. Similar recommendations are overseen for access to health care services for women and girls engaged in unpaid domestic work, migrant women and victims of trafficking and forced marriage.

In BiH, the whole process of reintegration comes down to support that can be provided by CSOs, which are funded by donor funding from international organizations, MFS – Emmaus states. According to Lara Foundation, the model used in safe houses for work with victims of domestic violence is adapted to the victims and potential victims of trafficking, and is reflected in the development of an individual assistance plan and exit strategy, which is done in cooperation with relevant institutions and organizations. In practice it can be said that the process is adequate while the victim is staying in a shelter/safe house when it comes to her education and psychosocial empowerment - the safety of the victim is assessed, while the systemic reintegration of victims after her/his return to society is not adequate. The Association “New Generation” from Banja Luka reports a similar experience. When it comes to working with boys and girls who are involved in street life and work, the reintegration process is not adequate. The reason for this is that many boys and girls, even after staying in one of the institutions, often end up again in similar institutions in the same or another city in BiH, which indicates that his/her further exploitation was not prevented.

Another issue is unavailability of shelters in all parts of BiH, for women and men – supported shelters are very far from a large number of potential beneficiaries, as well as for the effective reintegration programs in which it is important that victims restore social connections in the communities where they lived.¹¹⁶ According to interviewees, women still remain more affected as victims by labour exploitation in reintegration and recovery programmes due to their often economic and social

¹¹¹ WGA02, WGA03.

¹¹² *Report of civil society organizations on implementation of the concluding observations and recommendations of CEDAW committee for Bosnia and Herzegovina 2013-2017.*

¹¹³ Interview IGA02.

¹¹⁴ Interview IGA03.

¹¹⁵ *Concluding observations on the sixth periodic report of Bosnia and Herzegovina, Committee on the Elimination of Discrimination against Women.*

¹¹⁶ *Report of civil society organizations on implementation of the concluding observations and recommendations of CEDAW committee for Bosnia and Herzegovina 2013-2017.*

dependencies (no jobs, single mothers, without property, rejected from family).¹¹⁷ A background of socio-economic disadvantage makes it less likely that a victim who has recently escaped a trafficking situation will be able to support herself.

The interviewees did not consider it particularly important to emphasize the gender of the staff working with the victims, but it should be borne in mind that most of these services were provided through CSOs working with women. Therefore, it would be necessary to evaluate the possibilities for providing a safe environment for both women and men in accordance with their needs in reintegration and recovery programmes. Gender-sensitive protection, assistance and rehabilitation measures can play a crucial role in helping victims to overcome trauma associated with these forms of trafficking.¹¹⁸

Overall recommendations for reintegration and recovery programmes for victims

- Any discontinuation of services could have a significantly negative impact on the women and men, boys and girls victims of labour and sexual exploitation, and make them more vulnerable to re-trafficking. Support and follow ups should be provided especially in cases where limited assistance is provided (particularly for begging and sexual exploitation cases).
- Budget planning should be gender-responsible by taking into account shortcomings and tendencies in reintegration and recovery programmes.
- Help and assistance to victims must involve gender sensitive professionals, treatments, vocation trainings.

4.4. Challenges for dealing with gender based labour exploitation

The analysis of the data collected identified three categories of challenges in the field of labour exploitation from a gender perspective. In the following chapters, the main findings will be addressed regarding deficiencies in the application of the legal framework, lack of knowledge and awareness, and lack of cooperation between different stakeholders (institutions, frontline staff, CSOs).

4.4.1. Insufficient implementation of the legal framework

The majority of those interviewed for the purposes of this analysis believe that the legal framework for trafficking in human beings in BiH is good. An implementation problem, however, is highlighted. The lack of gendered benchmarks and indicators for victim's identification is closely related to the low number of identified women and men, boys and girls as victims of labour/sexual crimes, especially in certain forms of exploitation.

TIP Report for 2019 repeats the conclusion that law enforcement lacked capacity and knowledge and continued to regularly investigate trafficking under lesser offenses, while judges issued sentences that fell short of the trafficking statutes' minimum penalties and cited unreasonable "mitigating circumstances" to decrease the sentences. According to *Report of civil society organizations on implementation of the concluding observations and recommendations of CEDAW committee for Bosnia and Herzegovina 2013-2017*,¹¹⁹ penal policy for human trafficking remains inadequate by gravity of the

¹¹⁷ Interviews IGA02, IGA06, IGA09.

¹¹⁸ *Protecting victims: An analysis of the anti-trafficking directive from the perspective of a victim of gender-based violence.*

¹¹⁹ Available at: <http://hcabl.org/wp-content/uploads/2016/11/CEDAW-ENG-web.pdf>.

offense and violation of human rights.¹²⁰ Court proceedings are extremely long, and prosecutors are prone to concluding plea agreements that enable low penalties for human traffickers.

Another serious shortcoming is the fact that victims are not compensated by the criminal verdict.¹²¹ In order to achieve compensation, survivors of THB are sent to civil proceedings for which they have neither the resources nor adequate legal assistance.¹²² According to the data of the former prosecutor, the analysis of the judgments revealed that full compensation to women victim of THB was awarded only in one case (2018),¹²³ while the rest of judgments either completely omit compensation or refer to civil proceedings.¹²⁴ Women victims of labour or sexual exploitation are usually financially incapable of enduring another court proceeding (no matter of available free legal help from CSOs) and convicted perpetrators clear all possible assets from their ownership so compensation cannot be paid out at the end of trials. This results in lack of trust in the penal system to protect women and men, boys and girls victims of labour/sexual exploitation.

Victim assistance providers continued to lack resources and could not assist all domestic victims, which is reflected for example in gender-based discrimination in access to accommodation (lack of shelters for men - only MFS – Emmaus provides specialized accommodation for men victims of THB) or missing comprehensive needs assessment necessary to develop programs in accordance with the needs of women and men, boy and girls as well as for intersectional vulnerability. THB requires focusing on victims' needs to address prevention effectively such as poverty, gender inequality, violence against women, ethnic discrimination, societal marginalisation and irregular migration — but also ensuring that those who profit from the crime and exploit the victims are brought to justice.¹²⁵

Overall recommendations implementation of the legal framework

- Introduce gender sensitive indicators in tools for identification of victims. Support with qualified training for relevant institutions/staff.
- Raise awareness of consequences for victims of not applying compensations in criminal proceedings for judiciary.
- Necessary to secure access to shelters for men, in different parts of BiH.
- Specialized trainings for judiciary focused on positive legislation, secondary victimisation, and exchange good practice examples. Those trainings must involve strong gender approach.

4.4.2. Lack of knowledge and low level of awareness

The FBiH and RS Centre for Judicial and Prosecutorial Training (CJPT) have organized numerous THB-focused trainings in the last three years. These formal training modules included standardized training for judges and prosecutors and distance learning modules (online). The centres covered topics related to human trafficking in education programs and continue in 2020 in the same direction. Within the framework of education for trafficking in human beings, topics related to labour exploitation and

¹²⁰ In same report this example is used: The man who forced prostitution of underage girl that he had sexually abused, was sentenced in Travnik in 2014 to imprisonment of one (1) year and four (4) months, for crimes of "inciting prostitution" and "sexual intercourse with a child".

¹²¹ Intervju IGA07, IGA09.

¹²² Civil proceedings required victims to submit new testimonies and medical examinations, causing re-traumatization, despite the government convicting their trafficker in criminal proceedings.

¹²³ CSO Centre for women's rights Zenica provided legal help to victim in claiming compensation.

¹²⁴ Interview IGA07.

¹²⁵ *Gender-specific measures in anti-trafficking actions*, available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/read_the_report_gender-specific_measures_in_anti-trafficking_actions.pdf.

trafficking in children were also covered, as well as the gender dimension, especially related to women who were sold as slaves under the guise of "going to work abroad".¹²⁶ Gender-related topics covered by trainings were part of labour exploitation trainings (both in FBiH and RS). Education in different cities and coverage in addition to prosecutors and expert associates indicate a comprehensive approach to training. In total 203 judges, prosecutors and expert staff attended trainings about THB in last three years (146 in FBiH, 57 in RS).

In addition to CJPTs trainings, many educational activities were organised and held by CSOs. These activities were targeting frontline staff, aiming for the empowerment of other CSOs and raising awareness in society (including schools, private sector, media, etc.).¹²⁷ Nevertheless, these types of training are usually one-off events and would need to grow into continuous, gender-based needs assessments educations, with appropriate follow up for involved stakeholders.

However, findings based on collected data for this analysis suggest a further need for education and raising awareness among institutions, CSOs and society. A gender dimension is of great importance not only to understand and prevent labour/sexual exploitation but also to identify victims and provide adequate help and support during proceedings and reintegration. In the same line are specialised trainings to support requests regarding implementation of the legal framework. Gender-based stigmatization and discrimination against victims of THB is very common, both by officials of competent institutions and in the public and the media.¹²⁸ These attitudes influence on reintegration, in particular in very patriarchal communities in BiH.

The need to provide gender specialised training for all persons in institutions responsible for the provision of assistance to victims has been articulated during interviews and data collection. This refers to law enforcement officials, staff of CSW, staff of child drop-in centres, labour inspectors, medical staff and need sensitive approach towards women and men, boys and girls as victims of labour and sexual exploitation.¹²⁹ The lack of gender sensitized police officers is an example - after providing education and sensitization to police officers, these officers are very often transferred to other subjects (sectors), thus losing valuable staff trained to work with THB victims.¹³⁰

Overall recommendations for lack of knowledge and low level of awareness

- Gender sensitive training on labour exploitation, sexual exploitation and begging including introduction of gender sensitive indicators for identification.
- Assistance to victims should be improved by providing an understanding of specific needs of women and men, boys and girls victims of THB. Gender-based training accompanied with best practices examples would help to improve trust in formal procedures. CSOs would need specific training on men victims of labour exploitation.
- For labour inspectorates, basic gender sensitive training on gender and labour and the differences between illegal labour and THB and how gender is important in it is needed. Also, better connection with other institution on gendered forms of labour exploitation should be established.

¹²⁶ Correspondence with Mila Čolić, Head of the Sector for Continuous Training CJTP RS, email from 13.2.2020.

¹²⁷ *Situation report on Trafficking in Human Beings in BiH 2018 and GAPBIH 2018-2022.*

¹²⁸ Interviews IGA02, IGA04, IGA03, IGA07, IGA08, data WGA01.

¹²⁹ Victim's health is deeply impacted by the exploitation they experience, on a psychological level (including self-harm, lack of self-esteem, shame, guilt, helplessness, memory loss, post-traumatic stress disorder, sleep disturbances, depression, isolation, alcohol abuse or abuse of other drugs, and many more), and on a physical and sexual level (for example, chronic pain, fatigue, deterioration of pre-existing conditions, reproductive or sexual health complications, among others).

¹³⁰ Interviews IGA04, IGA09.

- Provide continuous gender-based training with certification aiming to have educated and permanent staff for THB/labour exploitation within the police, familiar with gender aspect.
- Include a section on gender stereotypes, stigmatisation of victims of THB and gender-based discrimination in THB tools (guidelines, manuals) for institutions. Also, include these same topics in official training modules for labour exploitation. Same applies for planning campaigns and raising awareness actions. Topics should involve position of women, men, boys, girls, marginalised groups and multiple discrimination. Provide training for media on same topics.

4.4.3. Lack of cooperation among stakeholders

The ways of cooperation between institutions and CSOs are defined by the legal framework and strategic documents. However, in practice, a need to improve cooperation in very specific areas of gender aspect of labour exploitation of women, boys and girls has been expressed. The government, in particular, did not make efforts to include Romani communities in discussions on anti-trafficking issues.¹³¹ A gender perspective in labour exploitation is missing in general, so providing a specialised network or platform (connections between relevant stakeholders – institutions and CSOs, via gender focal points for example) may be of interest for deepening knowledge and understanding the complexity of the issue and providing a much needed push for specific actions in this direction. There is a general lack of communication and feedback from the Department for Combating Trafficking in Human Beings and other institutions, non-governmental organizations, and international actors active in this field.¹³² In terms of the gender approach, this will also appear as a problem. Therefore, improvement of cooperation, regarding the gendered approach to labour exploitation, is necessary among institutional stakeholders - which is expected through the newly formed 17 RMTs.

Cooperation with private and business sectors based on elimination of gender-based discrimination has yet to be established. Greater focus on protection of labour rights and ensuring decent working conditions is needed to reduce vulnerability to THB,¹³³ particularly having in mind prevalence of gender-related forms of labour exploitation in BiH.

Overall recommendations for lack of cooperation among stakeholders

- Members of RMT should have specialised joint training dealing with the gender dimension of labour and sexual exploitation and encourage a knowledge and experience transfer. Gender focal points in each team may produce better focus on gender aspect of dealing with THB.
- Roma representatives (including CSOs) should be involved in task forces, strategic planning, raising awareness campaigns, disseminations of programmes for labour exploitation respecting findings on prevalence of Roma women and men, boys and girls. Gender stereotypes must be addressed regarding this group.
- CSOs working on THB should be more actively involved during evaluation and preparation of strategic and action documents. CSOs have valuable gendered data on labour exploitation and knowledge regarding the gender-based approach.

¹³¹ 2019 *Trafficking in Persons Report: Bosnia and Herzegovina*.

¹³² WGA03, Interview IGA02.

¹³³ *Labour rights: The means to tackle human trafficking*, available at: https://www.ilo.org/asia/media-centre/news/WCMS_635351/lang--en/index.htm.

5. Conclusion on gender equality aspects of the response to labour exploitation

Hidden under many issues and challenges related to anti-THB and labour exploitation, the gender dimension of exploitation mostly remains marginalised. It is also part of omnipresent attitudes that “women are more likely to be victims of sexual exploitation” and “children are mostly exposed to begging”.¹³⁴ Opportunities for gender mainstreaming in legislation and all levels of policies and actions are there - but it has to be done systematically and based on evaluation of context and prevalence. Measures to combat gender exploitation for forced labour involve raising awareness, continuous knowledge management and effective cooperation among institutional and non-institutional stakeholders. Given that labour exploitation is less visible than other forms of trafficking, effective prevention requires coordinated efforts and improved responses by all actors in the system.¹³⁵ The assessment of victims' needs is still conditioned by gender roles, which is reflected in the near invisibility of men in labour exploitation statistics or the almost full feminization of sexual exploitation. The fact that women and men have different roles in society and this not only affects the manifestations of THB, but also the ways to combat it, is still not recognized.

The legal framework in general does not provide a concrete gender-based approach or norms which would address specific rights or needs of women and men, boys and girls. Specificities exist only in relation to children who are entitled to special treatment and protection, regardless of their gender. Even though it is mostly harmonised with international standards and norms do provide required level of guaranteed rights and protection, the legal framework is gender-neutral and its implementation reflects many inconsistencies, a lack of efficient support and functional answers to THB. Strategic documents provide limited measures to address the gender dimension and protect women and girls, but that must be operational through action plans and ultimately implemented. There is a serious lack of sex-disaggregated data for all forms of THB, which prevent efficient preparation of measures to prevent and combat gender discrimination in dealing with THB. The general principle of non-discrimination and impunity of victims of THB is not sufficient implemented in practice. This further stigmatised women and men, boys and girls in society as well. It is important to recall that many processes for victims begin after identification. These processes must be sensitized, adequate to the needs of the women and men, boys and girls and with the support of the state and society. Prevention is also of utmost importance: it must address the root cause of THB, which means working to empower and advance the position of women in the labour market; and dissemination of traditional masculinity for male victims. It certainly also means empowering women and men, boys and girls through education, social activities and provide online protection.

In addition to strategies and legal framework activities, parallel work must be done at lower levels and in practice directly. Regardless of the level of competence of civil society, these processes cannot be carried out by the civil sector alone. State support should not be exhausted through annual financial support but through carefully created collaborations, participation and follow ups with CSOs on gender approach to labour exploitation forms. Newly formed RMTs are an opportunity for a ‘fresh start’ - to establish a gender-sensitive approach and connect relevant stakeholders to combat THB.

In BiH, labour exploitation certainly has a female face. The male face, however, remains insufficiently explored. Thus, according to all available data and challenges, the gender dimension of labour exploitation must be addressed to ensure progress in the protection and prevention of this form of THB.

¹³⁴ IGA02, IGA04, IGA07, IGA08, IGA09.

¹³⁵ *Tafficking in Human Beings for the Purpose of Labour Exploitation: A reference paper for Bosnia and Herzegovina.*

6. Recommendations

The purpose of the overall recommendations through the text of this analysis is to present needs for each specific area of labour exploitation and to set a gender-based frame for concrete gender-specific recommendations to support the Council of Europe HF20 action. Based on the conducted legal analysis, a range of recommendations has been drawn up for the improvement of prevention and combating labour exploitation, as well as sexual exploitation and begging from a gender perspective. These gender-specific recommendations for HF20 action and beneficiary institutions are provided below. They formulate concrete recommendations for CoE, which can ensure an effective implementation of Action that accounts for the specific needs of women and men, boys and girls trafficked for labour exploitation, sexual exploitation and/or begging.

The recommendations are divided in two sections: recommendation for gender dimension inclusion in the existing log frame and gender-specific recommendations to support the Council of Europe HF20 action.

6.1. Recommendation for gender dimension inclusion in the existing log frame

Recommendations to add are inserted in blue.

0 Impact: Sources and means of verification

Add: [Convention against all Forms of Discrimination of Women and Concluding observations on the sixth periodic report of Bosnia and Herzegovina for CEDAW, GREVIO Report \(TBC\)](#)

0 Impact: Human Rights factors

Add: Duty-bearers, such as labour inspectors, law enforcement professionals, judges, prosecutors, lawyers, health care and child education professionals, civil society organisations, [gender mechanisms](#) as well as other key professionals who are in charge of tackling human trafficking and/ or may come into contact with victims of human trafficking, are supported in strengthening their anti-trafficking responses and victim-protection measures through capacity building and improved co-ordination.

1 Intermediate Outcome: Target Description

Add: Track record of reported and investigated trafficking cases, court proceedings initiated and convictions in line with CoE standards [with sex-disaggregated data about victims](#);

1.1 Immediate Outcome: Intervention logic

Add: The criminal and social justice response to trafficking in human beings is strengthened through capacity building of relevant professionals, following a multi-disciplinary, gender-sensitive and child-specific approach, with a focus on proactive identification of victims, victims' assistance, protection needs and [prevention of secondary victimization](#).

1.1 Immediate Outcome: Indicators

Add: Number of reported and investigated trafficking cases, court proceedings initiated and convictions in line with CoE standards [with disaggregated data on victims' gender, age, and form of labour exploitation](#).

Add: Number of cases of THB in which victim protection measures and effective remedies were applied in line with CoE standards, including [disaggregated data on victim's gender, age, and form of labour exploitation](#).

1.1 Immediate Outcome: Sources and means of verification

Add: Reports from related state agencies – members of the Action’s Steering Committee [and relevant CSOs](#)

1.1 Immediate Outcome: Human Rights factors

Add: The standards are built up from a human-rights perspective, [including diversity and gender perspectives](#), and focus on victim protection.

1.1.1 Output: Baseline Description

Add: Current level of knowledge and awareness of legal professionals on THB and the standards of the CoE Convention on Action against THB, including its human rights and victim centred [and gendered](#) approach, is insufficient, as confirmed by assessments with beneficiaries and other relevant national and international anti-trafficking actors.

1.1.1 Output: Human Rights factors

Add: The HELP online course is designed to equip judges, prosecutors, lawyers, [court personnel](#), law enforcement officials and other professionals to effectively apply the standards developed under the Council of Europe Convention on Action against Trafficking in Human Beings in their daily work.

Add: It is built up from a human-rights perspective, [including diversity and gender perspectives](#), and focuses on victim protection and victim centered approach.

1.1.3 Output: Human Rights factors

Add: The capacity building activities shall address the gender equality dimensions of human trafficking [and the intersectional vulnerabilities](#) as well as promote gender-sensitive measures and practices in handling victims of human trafficking.

1.2 Immediate Outcome: Sources and means of verification

Add: Project reports, stakeholder reports/data/statistics, GRETA reports, [CSOs reports and shadow reports](#), Government's reply to the questionnaire for the evaluation of the implementation of the CoE Convention on Action against THB by the Parties, and other relevant reference documents

1.2 Immediate Outcome: Baseline Description

Add: As confirmed by assessments with beneficiaries and other relevant national and international anti-trafficking actors, only a limited number of trafficking cases for the purpose of labour exploitation has been investigated, identified and assisted, [without sex-disaggregated data](#), noting that the real scope of human trafficking for the purpose of labour exploitation is probably much higher than the figures suggest.

1.2 Immediate Outcome: Indicators

Add: Number of study visits organised, number of participants [disaggregated by gender and stakeholders](#). Number of trainings on THB for the purpose of labour exploitation with focus on gender; number of participants [disaggregated by gender and stakeholders](#)

1.2.2 Output: Indicators

Add: Results of evaluation/ impact assessment of awareness raising activities, ex-ante baseline assessment and assessment of the implementation of the awareness-raising activities [including gender](#)

dimension, survey among target groups, stakeholder reports, project reports, media coverage on awareness raising activities, feedback from general public, feedback from anti-trafficking actors who are likely to come in contact with general public and victims of human trafficking

1.3 Immediate Outcome: Sources and means of verification

Add: Project reports, stakeholder reports/data/statistics, GRETA reports, **relevant CSOs**, Government's reply to the questionnaire for the evaluation of the implementation of the CoE Convention on Action against THB by the Parties, **CEDAW report**, **GREVIO report** and other relevant reference documents.

1.3.1 Outcome: Indicators

Add: Results of evaluation/ impact assessment of awareness raising activities, ex-ante baseline assessment and assessment of the implementation of the awareness-raising activities **including gender dimension**, survey among target groups, stakeholder reports, project reports, media coverage on awareness-raising activities, feedback from general public, feedback from anti-trafficking actors who are likely to come into contact with general public and child victims of human trafficking

1.3.2 Output: Target Description

Add: At least 1 assessment/research material on the age assessment procedures, including **gender approach** and review of the best practices and recommendations for future measures ensuring the best interests of the child developed under HF phase II by May 2022

1.3.2 Output: Human Rights factors

The capacity building activities shall address the gender equality dimensions of child trafficking, **intersectional vulnerabilities** as well as promote gender-sensitive measures and practices in handling child victims of human trafficking.

6.2. Recommendations on the level of activities for HF20 action

Recommendations	Relevance	Based on
Identification system (tools and guidelines) to adopt a broad understanding of victimhood including: understanding of victim's gendered specifics and needs, presenting high-level of gender expertise, gender-based approach.	1 Intermediate Outcome 1.2.1. Output	Findings on lack of gender-based approach in tools, education and knowledge regarding victim identification and assistance. GRETA report (87).
Structural approach to gender-based trainings for judiciary which will include: - gender stereotypes and roles, gender-based discrimination, stigmatisation of victims of THB; - gender relevance of implementation of existing legislative regarding impunity of victims and compensation claims in criminal proceedings; - Secondary victimisation (training on the gender dimension of trafficking and the traumatic impacts of labour and sexual exploitation) - Intersectional vulnerabilities.	1.1.1 Output	Findings on lack of gender-based knowledge and marginalization on gender dimension. GRETA report (134-138) Expressed need by relevant stakeholders (IGA02, IGA09, IGA07, IGA08).

Training on the gender dimension of THB, including specialist knowledge and expertise on gender-based discrimination, should form an intrinsic part of all training materials and programmes delivered to officials including police force, immigration officials, court personnel and medical and health practitioners who may come in to contact with or are responding to cases of trafficking for labour, sexual exploitation and/or begging. Training should also concentrate on deconstruction of victim-blaming and stereotyping discourses.	1.1.1 Output 1.2.1. Output	Findings on lack of gender-based knowledge and marginalization on gender dimension. GRETA report (70) Expressed need by relevant stakeholders (IGA01, IGA02, IGA03, IGA04, IGA06, IGA07, IGA08).
Gender sensitive training with certification (where possible) should be provided for lawyers and legal representatives working with women and men, boys and girls victims of labour and sexual exploitation and begging. Legal advice and representation should be provided by specialist legal practitioners who are trained and skilled in responding to the gender specific harm that victims of trafficking for labour and sexual exploitation have been subjected to.	1.1.1 Output	Findings on lack of gender-based knowledge, marginalization on gender dimension and current focus on women's perspective only (CSOs). Expressed need by relevant stakeholders (IGA02, IGA03, IGA04, IGA07, IGA08, IGA09).
Provide written (online available) materials for gender-sensitization of relevant stakeholders and processes, including: - gender stereotypes (labour and sexual exploitation) - gender-based needs for women and men, boys and girls (inc. intersectional vulnerabilities) - risks of secondary victimisation in different stages of assistance to victims - best practice examples from region/EU.	1.1.1 Output 1.1.3 Output 1.2.1. Output	Findings on lack of victim's perceptions through gender lenses, lack of social dimension understanding on stereotypes and gender roles, lack of awareness of risks and effects of victimization. Expressed need by relevant stakeholders (IGA01, IGA02, IGA03, IGA06, IGA07).
In order to better understand the gender and age dimensions of trafficking for labour/sexual exploitation it is highly recommended that relevant stakeholders collect sex and age-disaggregated data of victims and perpetrators . Data collected on victims includes information on support, assistance and protection measures that have been applied.	1.1.1 Output	Findings on lack of data and serious lack of systematic data collection on THB.
Initiate introduction, usage and provide training on gender-specific risk assessment for measures for local action plans (planned in accordance with 2020-2023 <i>Strategy for combating trafficking in human beings</i>)	1.1.2 Output	Findings on lack of gender-based approach in creating, evaluating and implementing Strategy and action plans.
Provide gender-sensitive specialised training on the identification of victims of THB to all frontline staff . Provide additional follow up help by encouraging networking among all relevant stakeholders.	1.2 Immediate Outcome	GRETA report (86), findings on lack of knowledge and gender sensibility for frontline staff.
Advocate for the introduction into the law of criminal procedure of the injured party/victims as a subsidiary prosecutor	1.2.1. Output	Findings on shortcomings in legal framework.

		Expressed need by relevant stakeholder (IGA09).
Encourage dialogue on a revision on regulations that have the effect of exempting domestic workplaces entirely from inspections and improve system for reporting of labour exploitation cases (including anonymous reporting). Secure a gender perspective, particularly regarding gender roles and intersectional vulnerability.	1.2.1. Output	Findings on shortcomings in legal framework. GRETA report (48) Expressed need by relevant stakeholder (IGA07, WGA01).
Introduce gender sensitive indicators in tools for identification of victims . Support with qualified training for relevant institutions/staff.	1.2.1. Output	Findings on shortcomings in legal framework.
Upgrade CEST education on THB (or in separate training) with gender sensitive assistance to victims in accordance with their needs (gender of the interviewer and any other actor involved in the process, such as an interpreter, minimising number of interviews, protection of private life, usage of 'not-shaming' principle)	1.1.2. Output	Findings on lack of gender-based approach in tools, education and knowledge regarding victim assistance. Expressed need by relevant stakeholders (WGA01, WGA02, WGA03).
Use gender approach and provide concrete instructions in development of <i>Guidelines on ensuring the protection on the private life and victims' referral to assistance and protection</i>	1.1.2. Output	Findings on lack of gender-based approach in tools, education and knowledge regarding victim assistance. Expressed need by relevant stakeholders (WGA01, WGA02, WGA03).
Needs assessment: access to health care, accommodation, assistance for - certain victims must be taken into account, for example women and men living in isolated rural areas, disabled women and men or those with disabled children, women with children, young women and men; - men victims of labour exploitation.	1.1.2. Output	Findings on lack of gender-based knowledge and marginalization on gender dimension. GRETA report (103) Expressed need by relevant stakeholders (IGA02, IGA09, IGA08, WGA01).
Capacity building (personal and technical) for labour inspectorates on labour exploitation based on gender perspective (identification).	1.2.1. Output	Findings on lack of gender-based knowledge on gender dimension. GRETA report (90). Expressed need by relevant stakeholders (IGA01, IGA02, IGA04, IGA07, WGA01).
Add a set of gender-based indicators to checklist for labour inspectorates . Provide adequate support (online, training, best practice exchange) for using new indicators. Secure follow ups, reporting on implementation and evaluation of the observed period (3 years).	1.2.1. Output	Findings on lack of gender-based knowledge and approach by labour inspectorates. GRETA report (95). Expressed need by relevant stakeholders (IGA01, IGA04).
Support appointment of gender focal points in FBiH, RS and BD labour inspectorates with possessing gender expertise. Focal points should be	1.2.1. Output	Findings on lack of knowledge and jurisdiction over THB.

trained to provide support to entity inspectors but also being well networked with other focal points (between entities and BD)		Expressed need and readiness to be involved by relevant stakeholder (IGA01).
Advocate for identification mechanisms which take into account the special circumstances and gender specific needs of child victims of trafficking, involving child and gender specialists to ensure that the best interests of the child are the primary consideration.	1.2.1. Output	Findings on lack of gender-based approach to boys and girls as victims of labour exploitation. Expressed need by relevant stakeholders (WGA02, IGA08)
Conduct research on conditioning and combination of sexual (or gender-based violence) and labour exploitation in BiH , as baseline study for the development of action and strategy measures with clear gender sensitive measures.	1.2.1. Output	Findings on missing data, lack of sources for manifestation and gender dimension of registered and non-official cases of labour exploitation.
Use a practice exchange way of learning on the gender approach to labour exploitation with a focus on: - gendered ways of exploitation - gendered recruitment methods - elimination gender-based discrimination in access rights and help for victims	1.2.1. Output	Findings on lack of gender-based knowledge and marginalization on gender dimension.
Conduct analysis on the phenomenon of gender dimension of recruitment and re-trafficking . Further actions should be developed/taken to tackle identified gaps.	1.2.1. Output 1.3.2 Output	Findings on missing data, lack of reliable sources.
Provide involvement of labour unions, private and business sectors in actions for gender-based fighting labour exploitation. Focus should be on combating labour rights and gender-based discrimination; and educating on risks and prevention from THB.	1.2.1. Output	No records on involvement in gender-oriented initiatives related to THB. Expressed need by relevant stakeholders (IGA03, IGA05, IGA08, WGA01).
Continuous strength cooperation among stakeholders in providing joint gender-based action to prevention, assisting, procedures related to THB (equal gender representation): - joint trainings - meetings (online, in person) - forming internal, less formal groups/taskforces for specific issue related to gender dimension - platform for sharing data, documents, reports.	1.1.2. Output	Findings on lack of gender-based knowledge and marginalization on gender dimension. GRETA report (95). Expressed need by relevant stakeholders (IGA01, IGA04, IGA05, IGA06, IGA07, WGA01).
Structural and needs-based assessment campaigns for raising awareness targeting specific gender issues in labour/sexual exploitation. Include Roma CSOs in the design and implementation phases of the campaign. In design of topics, target lack of sufficient data on men's participation in labour exploitation. Provide separate campaign with gender approach for boys and girls victims of labour exploitation.	1.2.2 Output 1.3.1 Output	Findings on weak impact of previous campaigns (not consistent, one-off events, no follow ups). Expressed need by relevant stakeholders (IGA01, IGA03, IGA04, IGA08).

Education involving gender component for media professionals on reporting of labour exploitation with focus. Training should also concentrate on victim's experiences and a deconstruction of victim-blaming and gender stereotyping discourses.	1.2.2 Output	Findings on lack of professional reporting on particular groups of victims (sexual exploitation, begging) reproducing gender-stereotypes.
Raising awareness campaigns on risks by false employment agencies for working abroad, supporting identify risks and report suspicious ads.	1.2.2 Output	GRETA report (51) Expressed need by relevant stakeholder (IGA08, IGA07, WGA01).
Prevention work with gender approach among families and local communities should form a central plank of all interventions for child begging.	1.3.2 Output	Findings on omnipresent traditional and patriarchal norms and justification of early marriages. GRETA report (114)
Gender capacity building for CWS to better response to boys and girls THB for the purpose of labour exploitation.	1.3.2 Output	Findings on lack of gender-based knowledge and marginalization on gender dimension. Expressed need by relevant stakeholders (IGA01, IGA02, IGA03, IGA08).

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Excerpt from the Centre for Judicial and Prosecutorial Training RS database for the period 2017 - 2019: training programs for judges and prosecutors on trafficking in human beings (topics, trainees and educators)

Odluka o utvrđivanju kriterija za izbor nevladinih organizacija koje će vršiti uslugu smještaja i zbrinjavanja stranaca žrtava trgovine ljudima (Decision on Criteria for Selection of Non-Governmental Organizations to Provide Accommodation and Care Services for Foreign Victims of Trafficking in Human Beings)

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Annex I: List of interviews and written submissions of data

List of interviews

Code	Name	Affiliation	Date of interview
IGA01	Danijela Batar	Republic of Srpska Inspectorate	27.1.2020.
IGA02	Abida Pehlić	Association "New Road" Mostar	10.2.2020.
IGA03	Saliha Đuderija	Ministry of Human Rights and Refugees BiH	12.2.2020.
IGA04	Stanislava Tanić	Department for combating trafficking in human beings, Ministry of Security BiH	12.2.2020.
IGA05	Nenad Novaković	Sector for Labor, Employment, Social Protection and Pensions, Ministry of Civil Affairs of BiH	12.2.2020.
IGA06	Jasna Džemić	Health Sector, Ministry of Civil Affairs of BiH	12.2.2020.
IGA07	Hajrija Hadžiomerović Muftić	Former Prosecutor	24.2.2020.
IGA08	Branislava Crnčević	Agency for Gender Equality BiH	27.2.2020.
IGA09	Ljubinko Mitrović	Ombudsman of Bosnia and Herzegovina	4.3.2020.

Written contributions (Questionnaire)

Code	Organisation	Date
WGA01	Lara Foundation Bijeljina	20.2.2020.
WGA02	Association "New Generation"	28.2.2020.
WGA03	Association „HO International forum of solidarity-Emmaus" (IFS-EMMAUS)	5.3.2020.

Annex II: Methodology

This gender analysis shall focus on trafficking in human beings in Bosnia and Herzegovina, in particular regarding labour exploitation and child trafficking, and will not examine all forms of trafficking in human beings.

The gender analysis will seek to address the following main research questions and sub-questions. The questions are created in accordance with ToR and the primary purpose is to define:

- Key achievements and issues of concern in the area of trafficking in human beings in BiH, in particular regarding labour exploitation and child trafficking;
- Knowledge and understanding of the importance of a gender perspective within key stakeholders active in this field and their line of work (plus: existence and impact of predominant social norms/gender stereotypes);
- Implementation and shortcomings of the legal framework in terms of recognizing needs of women, men, girls and boys;
- Tendencies in the area of labour exploitation and child trafficking in BiH;
- Recommendations for mainstreaming the gender perspective.

The research used the following research methods:

1. *Desk review* of quantitative and qualitative information on the topic permitting to understand the current situation of women, men, boys and girls related to trafficking in human beings in Bosnia and Herzegovina, in particular trafficking for the purpose of labour exploitation and child trafficking, and possible inequalities to be addressed through the action. The desk review will include information relating to victims of trafficking, as well as gender equality aspects of the response to trafficking in human beings.
2. Conduct semi-structured *interviews* with the following types of respondents, using interview guides that will measure knowledge, attitudes, and experiences:
 - a. Institutions responsible for implementing the relevant legal framework in BiH regarding their knowledge, attitudes and experiences in drafting policies incl. strategies, law implementing, data collection.
 - b. CSOs working in the field (data, experience, knowledge).
 - c. other relevant stakeholder (comparative practice, education, experience, data collection).

Sampling for interviews included relevant institutions and non-institutional stakeholders. The following parameters were considered: territorial representation, representation by jurisdiction, representation by sector. List of interviews conducted is available in Annex I.

Triangulation throughout the research was used to secure the validity of research findings (data and methods triangulation).

Annex III: Definitions for important terms

- Trafficking in human beings: 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.¹³⁶
- Labour exploitation: any work or service required of a person under the threat of any punishment and for which that person was not offered voluntarily.¹³⁷
- Begging: form of forced labour or services including range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons.¹³⁸
- Sexual exploitation: actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.¹³⁹
- Gender: the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.¹⁴⁰
- Child: any person under eighteen years of age.¹⁴¹
- Victim: any natural person who is subject to trafficking in human beings.¹⁴²
- A position of vulnerability: a situation in which the person concerned has no real or acceptable alternative but to submit to the abuse involved.¹⁴³

¹³⁶ *Convention on Action against Trafficking in Human Beings.*

¹³⁷ *ILO Forced Labour Convention, 1930 (No. 29).*

¹³⁸ *ILO definition from 2004 and ILO Convention No 29.*

¹³⁹ *Special measures for protection from sexual exploitation and sexual abuse*, United Nations Secretary-General's Bulletin (2003).

¹⁴⁰ *Council of Europe Convention on preventing and combating violence against women and domestic violence.*

¹⁴¹ *Convention on Action against Trafficking in Human Beings.*

¹⁴² *Convention on Action against Trafficking in Human Beings.*

¹⁴³ *EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims.*

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.

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