

PROPOSALS FOR IMPROVING THE STRATEGIC FRAMEWORK TO COMBAT THB IN BOSNIA
AND HERZEGOVINA

- Meeting of Non-Governmental and Intergovernmental/International Organizations-

Novembar 2023

Moderator: Bojana Jovanović

INTRODUCTION

Upon the proposal the Council of Europe's office in Sarajevo, a meeting of representatives of non-governmental and intergovernmental/international organizations involved in anti-THB activities in Bosnia and Herzegovina was held on November 23, 2023, in Sarajevo. The meeting was organized with the aim of creating an open space where civil society representatives could voice the key challenges they face in the context of combating THB. This is crucial to better understand specific issues and collaboratively work towards overcoming them. Such dialogue is particularly important given that Bosnia and Herzegovina is undergoing a new cycle of strategic planning and the development of a new Strategy to Combat THB for the period 2024-2027.

As civil society organizations are not part of the working group responsible for drafting the strategy but will participate in a consultative capacity, the Council of Europe's intention was to strengthen the voice of civil society by defining specific recommendations. The meeting was attended by representatives of the following organizations:

- Novi put, Mostar
- Dignitet, Mostar
- IOM Mission in BiH
- OSCE Mission in BiH
- Association of Roma Women "Bolja Budućnost", Tuzla
- Zemlja djece u BiH, Tuzla
- MFS EMMAUS, Sarajevo
- GIZ Office in BiH
- Novi početak, Nova Topola/Gradiška
- Center for Women's Rights, Zenica
- Center for Human Rights, Mostar
- Association Žene sa Une, Bihać
- Council of Europe Office in BiH

Special attention was given to the recommendations of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA), as outlined in the Third Evaluation Report for BiH, published on June 28, 2022.

IDENTIFICATION OF KEY CHALLENGES IN THE FIGHT AGAINST THB AS PRESENTED BY NON-GOVERNMENTAL ORGANIZATIONS

→ **Systemic Response Efficiency to THB:**

During the last reform of the THB combating system in 2019, entity teams for combating THB were formed, including the Brčko District team, as well as regional teams in Republika Srpska and cantonal teams in the Federation of Bosnia and Herzegovina. Most of these bodies lack representatives from the non-governmental sector, deviating from international standards and recommendations in GRETA and TIP reports emphasizing the necessity of involving the non-governmental sector in anti-trafficking activities.

In addition to insufficient communication between the system and the civil sector, there is a problem of inadequate communication among different levels of the system in combating THB. While some local communities have local referral mechanisms, there seems to be a lack of communication systems between local referral mechanisms and those at the regional/cantonal, entity, and state levels. The formalization of Mobile Teams for proactive identification of potential THB victims, established in six local communities, was highlighted as a positive practice. Participants emphasized the need for more effective monitoring of THB trends, especially in cases of labor exploitation, as highlighted in the SerbAz case and GRETA reports.

Prevention and education activities on THB are conducted unsystematically in different areas and by various actors. Preventive programs should be systematized, and steps should be taken to incorporate the issue of THB risk into educational programs.

→ **Lack of Sensitization, Capacity, and Resources:**

Despite considerable efforts over the past 25 years in Bosnia and Herzegovina to build capacity and secure resources, frequent shortcomings are still observed in the responses of competent institutions. Given the significant investment in professional education, mechanisms need to be established to monitor the application of knowledge and skills and initiate accountability mechanisms for professionals who fail to recognize potential THB victims, thus hindering their access to guaranteed rights.

Instances were identified where institutions prioritized cost savings at the expense of the rights of victims. Lack of sensitization to victims and understanding of the THB issue leads to delayed identification of victims, hindrance or prevention of access to rights and justice, and frequent revictimization. Due to the lack of reintegration programs and support, victims and survivors with THB experiences are at constant risk of becoming victims again.

Lack of capacity within institutions is identified, and there is a shortage of certified authorized officials within competent institutions, including social workers, legal representatives, and psychologists for working with children and minors in criminal proceedings.

→ **Available Accommodation Capacities:**

It is essential to determine the exact capacities for accommodating THB victims in Bosnia and Herzegovina. MFS Emmaus informed participants that one of the largest shelters, after nearly two decades of operation, is in a situation where it may close its doors and cease operations due to insufficient budgetary funds. Available budgetary funds are inadequate for the functioning and sustainability of safe houses. There are also no capacities to provide crisis/emergency accommodation for potential THB victims, especially children, or alternative accommodation when safe house capacities are full. Zemlja djece u BiH highlighted a case of a child victim whose accommodation was not possible because safe house capacities were occupied by victims of domestic violence in that area. It is unacceptable for victim support, including safe accommodation, psychosocial treatments, and legal aid, to rely mainly on donor funds, especially considering the decreasing interest of donors in social issues in Bosnia and Herzegovina.

N.B.: Participants particularly emphasized that the priorities donors insist on when announcing calls often deviate from the actual needs identified in the fight against THB.

→ **Resocialization and Reintegration:**

There are no programs for the resocialization and reintegration of THB victims, exposing them to a high risk of revictimization when they leave shelters. There are no institutional and non-institutional accommodation capacities to facilitate the transition from shelter accommodation to full reintegration for victims. The situation is particularly alarming for children. Currently, in the MFS EMMAUS shelter, there are 10 children and one mother who have been in the shelter for 2.5 years. Adequate solutions for their exit from the shelter have not been found, and their return to the last place of residence is not acceptable given that exploiters and their families live in that area.

To ensure complete resocialization and reintegration of victims, programs need to be established that allow victims to become self-sufficient after complete rehabilitation and provide them with security and economic independence. It is necessary to intervene to provide them with education, safe housing, healthcare, and support for employment. As an important standard in the protection and support of THB victims, participants highlighted the right of victims to compensation for damages. They also pointed out the obstacle to accessing justice, as even when accused individuals are obliged to compensate victims, they often lack the means to pay.

→ **Insufficient Legal Framework:**

Despite interventions in the legal framework, there is still inconsistency regarding the criminal legal framework in Bosnia and Herzegovina. The problem of inconsistency is also observed in the legal framework for providing free legal aid, social protection, and healthcare, as well as in acts regulating support and protection of victims, especially the REGULATION ON THE PROTECTION OF FOREIGN VICTIMS OF TRAFFICKING IN HUMAN BEINGS and the RULES ON THE PROTECTION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS AND WITNESSES-VICTIMS OF TRAFFICKING IN HUMAN BEINGS OF BIH CITIZENS and their harmonization with the Minimum Standards for the Protection of Victims of Trafficking in Human Beings and the latest reform of the national referral mechanism.

→ **Identification of THB Victims:**

Considering that the responsibility for identifying victims in Bosnia and Herzegovina falls within the domain of the acting prosecutor's work, there is concern that the prolonged identification of victims may negatively impact their access to rights and safety. It is necessary to improve/accelerate identification within the THB combating system by establishing guidelines and responsibilities for the identification of potential THB victims, allowing them urgent access to rights and protection without being solely tied to criminal procedures and qualifications.

Available tools for identification, such as the "Vulnerability Assessment" application, are underutilized and need promotion. There is a significant vulnerability of children to THB, posing a threat to children in both the real and virtual worlds. Bosnia and Herzegovina must be prepared for the risks of THB faced by migrants, not only those on the migrant route but also Bosnian citizens working abroad and foreign citizens increasingly coming to work in Bosnia and Herzegovina.

RECOMMENDATIONS FROM NON-GOVERNMENTAL ORGANIZATIONS

VICTIM-CENTERED APPROACH

Considering international standards that emphasize the importance of a victim-centered approach, it is essential for the new Strategy to combat THB in Bosnia and Herzegovina to clearly emphasize these principles. This approach places the victim of THB at the center of all measures and policies, providing them with support, respect, and enabling their active participation in decision-making processes.

- **Empower Victims:** Provide resources and support to THB victims to enable them to rebuild their lives. This includes access to safe shelters, medical care, psychosocial support, as well as opportunities for education and employment.
- **Include Victims in Decision-Making:** Actively involve victims in decision-making processes that directly or indirectly affect them. Their experience should be respected in shaping policies and programs.
- **Ensure Dignity and Respect:** Respect the human dignity of THB victims throughout all activities and the entire process, ensuring that they are treated with respect, empathy, and without judgment.
- **Education and Information:** Provide continuous education and information to victims about their rights, available resources, and legal procedures to enable informed decision-making.
- **Collaboration with NGOs:** Strengthen collaboration with non-governmental organizations providing support to THB victims, recognizing their crucial role in delivering specialized services. Include NGOs in all levels of referral mechanisms.

- **Focus on the Overall Dynamics of THB:** It is necessary to place a stronger focus on identifying the root causes of THB and continuously monitor trends in THB.

ENSURING ACCOMMODATION CAPACITIES

A review of available accommodation capacities is necessary, and coordinators responsible for providing this information to other members of regional/cantonal monitoring teams must be informed of available capacities for accommodating THB victims. NGOs also suggest designating specific capacities for emergency/crisis accommodation for THB victims.

Improvements to the statistical portal should be made to make information on the availability of accommodation capacities accessible to users. This would facilitate the work of professionals who assist victims, preventing them from having to call safe houses to determine where they can accommodate a victim. Overcoming these obstacles is crucial to avoiding revictimization and ensuring the safety of victims and maintaining the motivation of professionals.

CIVIL SOCIETY PARTICIPATION

The role of civil society in combating THB is crucial, as civil society organizations often act as key actors in early identification, victim support, and advocacy for changes in policies and laws. Enhancing the participation of civil society in this fight significantly contributes to the effectiveness of measures to prevent THB.

NGOs play a vital role in raising public awareness about the dangers of THB, identifying vulnerable groups, being present in the field, and promoting preventive measures. Acknowledging the experience and work of NGOs aids in the early identification and more efficient monitoring of THB cases.

NGOs provide specialized support to victims, including safe shelters, legal aid, medical care, and psychosocial support. It is necessary to ensure that NGOs have sufficient resources and expertise to provide appropriate support to victims.

NGOs play a crucial role in implementing public campaigns and education programs for professionals and institutions on THB. Civil society education programs can improve the recognition of signs of THB and raise awareness of the issue.

Enhancing civil society participation in the fight against THB requires effective government support, adequate funding, education, and capacity building. It is crucial for NGOs to be involved at all levels of referral mechanisms. Legal aid providers should also be included in referral mechanisms, and available resources should be utilized.

IMPROVING DATA COLLECTION

Improvements in the application of the Statistical Portal are necessary to comprehensively understand the issues of THB, trends, and victims, both potential and identified. State statistics are limited to victims

involved in criminal proceedings, while NGO statistics include potential victims who did not participate in criminal proceedings but still received assistance.

IMPROVING REHABILITATION AND REINTEGRATION ACTIVITIES FOR VICTIMS

Develop personalized programs for comprehensive rehabilitation that take into account the individual needs and traumas of THB victims.

Ensure access to education, vocational training, and employment to enable economic independence for victims.

Strengthen cooperation with local communities to destigmatize victims and integrate them into society.

Establish a Fund/Mechanism for Compensation that would pay awarded damages to THB victims.

CONCLUSION

U conclusion, it is evident that non-governmental organizations in Bosnia and Herzegovina have demonstrated exceptional dedication in the fight against THB over the past twenty years. Their undisputed role in providing support to victims of this crime, through engagement, experience, and commitment, represents a crucial resource.

Their contribution is not only apparent in providing immediate assistance to victims but also in raising public awareness, education, and partnership with relevant institutions. This significant resource of non-governmental organizations is essential for increasing the efficiency of the system in combating THB, making them indispensable allies in achieving the common goal – the elimination of this complex crime.

PRISTUP USMJEREN NA ŽRTVU / VICITIM CENTERED APPROACH

Imajući u vidu međunarodne standarde koji ističu važnost pristupa usmjerenog na žrtvu neophodno je da nova Strategija za borbu protiv trgovine ljudima u Bosni i Hercegovini jasno naglasi ove principe. Ovaj pristup postavlja žrtvu trgovine ljudima u središte svih mjera i politika, pružajući im podršku, poštovanje, i omogućavajući im aktivno učešće u procesima donošenja odluka.

- Osnažiti žrtve: Pružiti resurse i podršku žrtvama trgovine ljudima kako bi im se omogućilo da obnove svoje živote. To uključuje pristup sigurnim skloništima, medicinsku njegu, psihosocijalnu podršku te prilike za obrazovanje i zapošljavanje.
- Uključiti žrtve u odlučivanje: Aktivno uključiti žrtve u procese donošenja odluka koji ih direktno ili indirektno pogađaju. Njihovo iskustvo treba biti uvaženo pri oblikovanju politika i programa.
- Osigurati dostojanstvo i poštovanje: Poštovati ljudsko dostojanstvo žrtava trgovine ljudima kroz sve aktivnosti i u toku cijelog postupka, osiguravajući da su tretirane s poštovanjem, empatijom i bez osude.
- Edukacija i informisanje: Pružiti kontinuiranu edukaciju i informisanje žrtava o njihovim pravima, dostupnim resursima i pravnom postupku kako bi im se omogućilo informisano odlučivanje.
- Saradnja s NVO-ima: Jačati saradnju s nevladinim organizacijama koje pružaju podršku žrtvama trgovine ljudima, prepoznajući njihovu ključnu ulogu u pružanju specijalizovanih usluga. Uključivanje NVO u svim nivoima referalnih mehanizama.
- Fokus na cjelokupnu dinamiku trgovine ljudima: Neophodno je da se snažniji fokus stavi na otkrivanju uzroka trgovine ljudima, kao i da se u kontinuitetu prate trendovi u trgovini ljudima.

OSIGURANJE SMJEŠTAJNIH KAPACITETA

Neophodno je izvršiti pregled raspoloživih smještajnih kapaciteta i o raspoloživim kapacitetima za smještaj žrtava trgovine ljudima moraju biti upoznati koordinatori koji ovu informaciju trebaju dostaviti ostalim članovima regionalnih/kantonarnih monitoring timova. Takođe NVO smatraju da je neophodno odrediti određene kapacitete za hitni/krizni smještaj žrtava trgovine ljudima.

Predlažese unapređenje statističkog portala na način da korisnicima bude dostupna informacija o raspoloživosti smještajnih kapaciteta, što bi olakšalo postupanje profesionalcima koji zbrinjavaju žrtvu koji su često prisiljeni da zovu sigurne kuće kako bi utvrdili gdje mogu smjestiti žrtvu. Ove prepreke mogu dovesti ne samo do reviktimizacije žrtava trgovine ljudima i ugrožavanja njihove sigurnosti, nego i do pada motivacije profesionalaca.

PARTICIPACIJA CIVILNOG DRUŠTVA

Uloga civilnog društva u borbi protiv trgovine ljudima izuzetno je važna, budući da organizacije civilnog društva često djeluju kao ključni akteri u ranoj identifikaciji, pružanju podrške žrtvama i zagovaranju za promjene u politikama i zakonima.

Unapređenje participacije civilnog društva u ovoj borbi značajno doprinosi efikasnosti mjera za sprječavanje trgovine ljudima.

OCD igraju ključnu ulogu u osvješćivanju javnosti o opasnostima trgovine ljudima, identifikuju ranjive grupe, prisutne su na terenu i promoviraju preventivne mjere. Uvažavanje iskustva i rada OCD pomaže u ranoj identifikaciji i efikasnijem praćenju slučajeva trgovine ljudima.

OCD pružaju specijalizovanu podršku žrtvama, uključujući sigurna skloništa, pravnu pomoć, medicinsku njegu i psihosocijalnu podršku. Potrebno je osigurati da OCD imaju dovoljno resursa i stručnosti kako bi pružile odgovarajuću podršku žrtvama.

OCD igraju ključnu ulogu u provođenju programa edukacije javnosti, profesionalaca i institucija o trgovini ljudima.

Programi edukacije civilnog društva mogu poboljšati prepoznavanje znakova trgovine ljudima i povećati svijest o problemu.

Unapređenje participacije civilnog društva u borbi protiv trgovine ljudima zahtijeva efektivnu podršku vlasti, adekvatno finansiranje, obrazovanje i izgradnju kapaciteta.

Ključno je da NVO budu uključene u svim nivoima referalnog mehanizma.

Takođe je bitno da se pružaoci pravne pomoći budu uključeni u referalne mehanizme. Te da se raspoloživi resursi iskoriste.

UNAPREĐENJE PRIKUPLJANJA PODATAKA

Neophodno je unaprijediti primjenu Statistički portal o žrtvama trgovine ljudima kako bi se omogućilo sveobuhvatno sagledavanje problematike trgovine ljudima, trendova i žrtva kako potencijalnih tako i identifikovanih. Državna statistika je ograničena na žrtve koje su učestvovala u krivičnim postupcima, dok statistika nevladinih organizacija uključuje i pretpostavljene žrtve koje nisu učestvovala u krivičnom postupku, ali su ipak dobile pomoć.

UNAPREĐENJE AKTIVNOSTI NA RESOCIJALIZACIJI I REINTEGRACIJE ŽRTAVA

Razviti personalizovane programe sveukupne rehabilitacije koji uzimaju u obzir individualne potrebe i traume žrtava trgovine ljudima.

Osigurati pristup obrazovanju, stručnom usavršavanju i zapošljavanju kako bi se žrtvama omogućila ekonomska nezavisnost.

Jačati saradnju s lokalnim zajednicama radi destigmatizacije žrtava i njihove integracije u društvo.

Uspostaviti Fond/ Mehanizam za odštetu koji bi žrtvama trgovine ispaltio dosuđene odštete.

ZAKLJUČAK

U zaključku se jasno može istaći da su nevladine organizacije u Bosni i Hercegovini demonstrirale izuzetnu posvećenost u borbi protiv trgovine ljudima tokom proteklih dvadeset godina. Njihova neosporna uloga u pružanju podrške žrtvama ovog zločina, kroz angažman, iskustvo i predanost, predstavlja ključan resurs.

Njihov doprinos nije samo očit u pružanju neposredne pomoći žrtvama, već i u jačanju svijesti javnosti, edukaciji, i partnerstvu s relevantnim institucijama. Ovaj značajan resurs nevladinih organizacija ključan je za povećanje efikasnosti sistema u borbi protiv trgovine ljudima, čineći ih nezaobilaznim saveznicima u ostvarivanju zajedničkog cilja - eliminacije ovog kompleksnog zločina.