

I INTRODUCTION

Acknowledging the obligations of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the United Nations Convention on the Rights of the Child with its optional protocols, and the Council of Europe Convention against Trafficking in Human Beings;

Committed to implementing the European Union Strategy on the Rights of the Child, the Strategy to Combat Trafficking in Persons in Bosnia and Herzegovina _____ year, and the Action Plan of the Republic of Srpska for the Implementation of the Strategy to Combat Trafficking in Persons in Bosnia and Herzegovina _____ year;

Considering the consequences that every form of abuse and exploitation has on the growth, development, and upbringing of the child;

With the aim of improving and strengthening the referral cooperation of competent institutions in the Republic of Srpska in the fight against child trafficking through prevention, proactive identification, support, and protection of (potential) child victims of trafficking.

Ministry of Internal Affairs of the Republic of Srpska
Ministry of Health and Social Welfare of the Republic of Srpska
Ministry of Education and Culture of the Republic of Srpska
Ministry of Family, Youth, and Sports of the Republic of Srpska
District Prosecutor's Office of the Republic of Srpska

In Banja Luka, on the _____ day of 2024.

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PROTOCOL

for the Prevention, Proactive Identification, and Referral Action in Cases of Child Trafficking

To protect children from exploitation for the purpose of human trafficking, it is essential to establish a system that operates preventively by preventing all forms of child abuse and simultaneously enables the initiation of an efficient and coordinated procedure in all cases of exploitation. This procedure should interrupt the exploitation of the child, protect the child from further exploitation, and ensure appropriate intervention for the child's recovery and continued safe growth and development.

The primary purpose of this Protocol is to enhance social care for every child in the Republic of Srpska who is at high risk or exposed to any form of exploitation. This is achieved by providing adequate and comprehensive support, assistance, and protection through the actions of relevant institutions and services.

The Protocol defines basic concepts related to child trafficking, establishes fundamental principles, outlines basic and specific objectives in handling such cases, and specifies the duties and responsibilities of the competent institutions and services mandated to take measures and activities in the protection of children from exploitation.

Acting in accordance with the provisions of the Protocol, all activities of the competent institutions and services will:

1. Base their approach to children (potential) victims of human trafficking on human rights, primarily respecting the obligations arising from the UN Convention on the Rights of the Child.
2. Undertake all activities in the best interest of the child, providing the utmost care and protection necessary for the child's well-being, taking into account the rights and responsibilities of their parents, guardians, or other individuals legally responsible for the child. The child's opinion must be seriously considered in accordance with the age and maturity of each individual child, the specific situation, and the options available in that context. The best interests of the child are assessed on an individual basis, through an approach tailored to the child (potential) victim of human trafficking.
3. Protect the privacy and personal data of the child (potential) victim of human trafficking at all stages of their protection. No data or any other characteristics that could reveal or indirectly enable the discovery of the identity of the child (potential) victim, including photographs, detailed descriptions of the child or their family, names or addresses of family members, sound or video recordings, etc., will be made available to the public, either through the media or otherwise, except in special circumstances to locate a family member of the child victim or otherwise ensure the child's well-being and best interests.
4. In cases where the age of the (potential) victim of human trafficking is unknown and cannot be determined, but there are legitimate reasons to believe that the (potential) victim is a child, they will be treated as a child, and special protective measures will be assigned until their age is finally determined.
5. In all proceedings determining the rights of the child (potential) victim of human trafficking, act on the principle of urgency.

II MEANING OF TERMS

All terms in this Protocol have equal gender meaning, regardless of whether they are used in the male or female gender, and they equally refer to both male and female genders. In the context of this Protocol, certain terms used have the following meanings:

A child is a person who has not reached 18 years of age.¹

Trafficking in children involves recruiting, transporting, transferring, delivering, selling, buying, brokering the sale, hiding, holding, or accepting a child for the purpose of exploitation or the exploitation of their labor, commission of a criminal offense, prostitution, or other forms of sexual exploitation, pornography, forcing into begging, servitude, establishing a slave-like or similar relationship, forced marriage, forced sterilization, illegal adoption, or a similar relationship, for organ removal or body parts, for use in armed forces, or other forms of exploitation.² The existence of the crime of trafficking in children is irrelevant to whether a specific means of force has been used.

Exploitation represents the minimum exploitation of others through prostitution or other forms of sexual exploitation, pornography, forced labor or services, forced begging, forced marriage, slavery or practices similar to slavery, forced service or organ removal, forced sterilization, illegal adoption, or a similar relationship, for use in armed forces or other forms of exploitation.

Sexual exploitation of a child is a form of sexual abuse of a child in which a person(s), of any age, exploits the power imbalance to force or induce the child into sexual activity in exchange for something the child receives and/or committing or enabling abuse.

Preliminary identification of a (potential) victim of trafficking in persons is an activity or set of activities undertaken by state and non-state institutions that come into direct contact with a child for whom there is suspicion of being a victim of trafficking in persons. Preliminary identification involves recognizing indicators that may suggest the exploitation of a child and/or an initial conversation. In the presence of elements from the list of indicators, the child will be the subject of an initial conversation.

Formal identification is a procedure conducted by the prosecutor based on a formal interview with the child (potential) victim of trafficking in persons and based on the qualification of the act.

A child potential victim of trafficking in persons is any person under 18 years of age for whom there is a reasonable suspicion that they may be a victim of trafficking in persons but who has not been formally identified by relevant state authorities as a victim of trafficking in persons.

A child victim of trafficking in persons is a child who has become the subject of trafficking in persons in the sense of the definition of trafficking in persons.³

The best interest of the child is a triple concept consisting of a substantive right, a fundamental interpretation of a legal principle, and a procedural rule. The best interest of the child is a substantive right, meaning that when making decisions concerning the child, their best interest must be assessed and determined, taking precedence over any other interests of third parties. As a fundamental interpretative legal principle, it means that in cases where a legal provision is open to more than one interpretation, the one that most effectively serves the child's interest should be chosen. As a procedural rule, it means that the decision-making process affecting a specific child or group of children must involve an evaluation of all possible effects (positive and negative) of that decision on the child and/or the group of children who are (potential) victims of human trafficking.

The rights of (potential) child victims of human trafficking include: adequate and safe accommodation; healthcare; the right to education; information on legal status and counseling regarding their rights and obligations in a language they understand; free legal aid during

¹ UN Convention on the Rights of the Child, Article 1.

² Criminal Code of the Republic of Srpska, Article 146 (Trafficking in children), "Official Gazette of the Republic of Srpska" number: 64/2017, 104/2018 - decision US, 15/2021, 89/2021 and 73/2023)

³ In accordance with the definition from Art. 4 of the Council of Europe Convention on Combating Trafficking in Human Beings

administrative, criminal, and other proceedings in which they assert their rights; compensation for non-material damage; information on possibilities and procedures for reintegration.

Planning and supporting rehabilitation and (re)integration involve a set of actions taken by professionals, institutions, and/or non-governmental organizations responsible/authorized to protect victims of human trafficking. These activities should include at least: in-depth analysis of the needs of victims of human trafficking; development of a support plan; direct assistance for the rehabilitation and (re)integration of child victims of human trafficking; informing the Coordination Body for Combating Trafficking in Persons of the Brčko District of Bosnia and Herzegovina about the progress of support.

Authorized organizations refer to registered associations or foundations (non-governmental organizations) with the capacity to protect and provide assistance to victims and witnesses of trafficking in persons, which have concluded a protocol on cooperation in activities related to supporting victims of human trafficking with the Ministry of Security of Bosnia and Herzegovina.

Particularly sensitive and vulnerable categories of children include: children who, due to their personal characteristics, are particularly often exposed to human rights violations and other rights established by law (Roma children, socially vulnerable children, children with disabilities, socially excluded children, victims of violence, children without parental care, children from single-parent families, etc.).

III BASIC PRINCIPLES OF THE PROTOCOL

The Protocol is based on four fundamental principles of the Convention on the Rights of the Child:

1. The right of the child to life, survival, and development.
2. The best interests of the child.
3. Non-discrimination.
4. The right of the child to participate.

Every child has an inalienable right to life, and the state has an obligation to take all necessary measures to ensure their survival and development. This encompasses the child's right to physical, mental, spiritual, moral, psychological, and social development.

The best interests of the child must be of primary importance in all matters involving or affecting the child. It takes precedence over the interests of parents or guardians, institutions, or the community when these interests conflict with those of the child.

Actions towards children and the realization of their rights will be ensured **without discrimination** based on any grounds such as gender, race, color, or ethnic origin, age, language, religion, political or other opinion, national or social origin, socioeconomic status, parental status, sexual orientation, gender identity, or other status or personal characteristics of the child.

Child participation is ensured by continuously and timely informing the child about their rights, enabling them to express their wishes, views, and opinions on all matters that concern them, at all stages of their protection, in a manner appropriate to their age and understanding of the situation. Child participation must be voluntary, organized in a supportive environment, and led by educated professionals. The child participating in the process should be treated with care, sensitivity, fairness, and respect throughout the entire procedure, paying particular attention to their personal situation, well-being, and specific needs, with full respect for their physical and mental integrity (Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, 2011).

IV PROTOCOL OBJECTIVE

General and Specific Objectives of the Protocol

a) The general aim of the Protocol is to establish an operational and efficient referral mechanism in the Republic of Srpska that will ensure effective programs for the prevention of child trafficking, timely proactive identification, and efficient multi-sectoral intervention to support and protect children in cases of their exploitation, in accordance with the best interests of the child.

b) The specific objectives of the Protocol include:

- Developing and implementing preventive programs to ensure a safe and supportive environment for every child, particularly those at risk of various forms of exploitation.
- Informing and educating professionals working with children and for children, as well as the general public, including children, their parents/guardians, and caregivers, about the phenomenon of human trafficking. The goal is to recognize and respond to cases where there is suspicion that a child is a victim of exploitation or is at risk of becoming one.
- Establishing formalized collaboration among experts from relevant sectors to protect child victims of human trafficking.
- Reintegrating child victims of human trafficking by providing support for their psychophysical recovery and reintegration into society.
- Continuously monitoring and collecting statistical data on cases of all forms of child exploitation for a better understanding and response to these challenges.

V. PROCEDURE FOR RELEVANT INSTITUTIONS

A) EDUCATIONAL INSTITUTIONS

1. The educational institution will appoint a Coordinator for the prevention and suppression of child trafficking from among its professional staff (hereinafter referred to as "Coordinator"), who will coordinate activities outlined in this Protocol.

2. To prevent the exploitation of children or timely recognize and respond to (potential) child trafficking, the class teacher in the educational institution will, in cases of unannounced and unjustified absence of a student from regular classes lasting longer than two consecutive school days, immediately contact the parents or guardians of the student. If it is impossible to establish contact with the parents or guardians, or if the parents or guardians do not respond within two working days of receiving the call, and the child continues to be absent from classes or there is suspicion regarding the credibility of the information provided by the parents or guardians regarding the reasons for the student's absence, the class teacher is obligated to inform the education inspection and the social welfare center/department.

3. Upon receiving a report or based on information (direct or indirect) indicating that a student may be potentially exposed to certain forms of exploitation, an employee of the educational institution promptly informs the Coordinator. Together with the school director, the Coordinator conducts an assessment of the situation and, accordingly:

- Engages in a confidential conversation with the child in the presence of a social welfare center professional, respecting the child's dignity and providing support in a manner consistent with professional ethics and methods, in a room ensuring privacy and discretion. It is crucial for the child to understand that their safety is paramount and that other services are involved to ensure safety and appropriate protection. It is essential to assure the child that everything they say will be taken seriously and that by doing so, they are helping themselves. During the conversation, the

student will be informed about the measures the educational institution will take to protect and support them.

- Informs the parents or guardians of the child without delay, acquaints them with all the facts and circumstances known to the institution, and about the measures the institution has taken or will take. In case there is suspicion that the parents or guardians have committed violence against the child, the director of the educational institution will immediately notify the police and the social welfare center.
4. Guide the parents or guardians of a child who is a victim of exploitation to possible forms of counseling or professional assistance within or outside the institution (social welfare center, mental health center, family counseling services, etc.), aiming to provide support and alleviate the consequences that the child may experience as a result of exploitation.
5. When an employee of the educational institution observes an injury on a student or notices a visibly compromised health condition requiring urgent medical intervention or examination, and there is suspicion that it resulted from the child's exposure to exploitation, or circumstances suggest that such interventions or examinations are necessary, the employee immediately informs the Coordinator. In the Coordinator's absence, the on-duty teacher is notified, and/or emergency services are called. In the fastest possible manner that does not harm the student's health, the employee escorts or arranges for the child to be taken to a doctor. They then await the medical recommendation for further action and the arrival of the child's parents or guardians at the healthcare facility, or the arrival of a social welfare center professional if there is suspicion that the parents or guardians are perpetrators or have contributed in any way to the child's exploitation. The employee of the educational institution documents the actions taken regarding the health care of the student by creating an official record of the incident. This record is submitted to the Coordinator and forwarded to the director of the educational institution. The official record includes information about the student's identity, the types of injuries, and the measures taken. The director of the educational institution provides a comprehensive report on the circumstances of the case, the healthcare of the child, and other measures taken or to be taken by the school to the social welfare center, the police, and the relevant ministry.
6. If the exploitation of the child involves a particularly severe form, intensity, or prolonged duration, the educational institution collaborates directly with the relevant healthcare institution (mental health center, family counseling service, etc.) and the social welfare center. The aim is to facilitate the psychophysical recovery of the child victim of human trafficking.
7. For students who, due to exposure to exploitation, have missed certain school material and/or achieved lower academic performance, the educational institution provides additional support in overcoming the school curriculum. This support, tailored to the specific circumstances and needs of these children, is based on an individual program to compensate for learning gaps, allowing the student to achieve the defined minimum. For elementary education students who have discontinued regular schooling due to exploitation and need to catch up on missed grades, the elementary school corresponding to the child's residence organizes tutorial classes and conducts grade examinations according to an accelerated curriculum. The social welfare center is informed about these arrangements.⁴
8. Regarding reports or direct knowledge of child exploitation, the educational institution compiles an official record detailing the activities undertaken, conversations, statements, and observations. Upon request, this record is submitted to the social welfare center, the police, and other relevant authorities. The director of the educational institution is responsible for safeguarding official records

⁴ Article 82 Law on Basic Education of the Republic of Srpska ("Official Gazette of the Republic of Srpska" number: 81/22)

related to reports⁵ and measures taken in connection with child exploitation in accordance with applicable regulations.⁶

9. Upon request from the prosecutor's office and the police, the educational institution is obliged to provide all available documentation related to the resolution and substantiation of a specific case of child exploitation.

10. If, according to information, the exploitation of a child has been carried out by any person employed in the educational institution, the institution is required to initiate a procedure to establish all facts and circumstances to determine the responsibility of the perpetrator. The institution must remove the employee from their position, regardless of the initiation, conduct, and outcome of the proceedings before the competent authorities outside the institution.

11. The educational institution that is geographically closest to the shelter or safe house for victims of human trafficking or another institutional/non-institutional placement where a child victim of human trafficking is being cared for will ensure the child's attendance in regular education. This can be facilitated either in the school premises or through online classes, depending on the assessment of the child's safety and psychophysical condition.

12. The educational institution will maintain a record of protected data for all cases of child exploitation and, at the end of each school year, submit a report to the relevant ministry. The comprehensive report for all educational institutions will then be forwarded to the Coordinator for Combating Human Trafficking in the Republic of Srpska.

B) CENTRI/SLUŽBE ZA SOCIJALNI RAD

As the guardianship authority, the Center/Social Welfare Service, in accordance with its jurisdiction, ensures 24-hour availability of professional workers and is obligated to regularly provide the relevant police department with a list of on-duty professional workers (shifts after working hours, weekends, and holidays) along with contact information or the number of the on-duty phone.

In order to prevent the exploitation of children, the Center/Social Welfare Service will immediately, upon a report from an educational institution regarding the unannounced or unjustified absence of a child from school, go into the field and verify the actual reasons for the child's non-attendance in the education system. If an employee of the Center/Social Welfare Service assesses that there are elements indicating the exploitation of the child, they conduct an interview with the parent or guardian of the child, instruct them to immediately return the child to the educational process and cease exploiting the child. They inform them about the measures that will be taken against them and issue a measure of increased supervision over the exercise of parental care. If parents or guardians continue to expose the child to exploitation, the Center/Social Welfare Service takes appropriate measures in accordance with the provisions of the Family Law of the Republic of Srpska, which may include initiating criminal responsibility for the parent/guardian for neglect and abuse of the child.

When the Center/Social Welfare Service, in any way and from anyone (through a written report, phone notification, direct verbal report, information from the media, or during proceedings before the center or otherwise) becomes aware of child exploitation or has suspicions that a child is a (potential) victim of human trafficking, it is obliged to take all necessary measures without delay within the scope of its family-legal protection, with the aim of assisting the child who is a (potential) victim of human trafficking.

⁵ Article 132 of the Law on Basic Education of the Republic of Srpska

⁶ Law on Basic Education of the Republic of Srpska, Article 133, paragraph (4) "The removal of an employee from work can last up to three months, and within that period the director is obliged to decide on the responsibility of the employee".

If, during direct fieldwork and/or regular family visits, the Center identifies elements indicating suspicion that a child is exposed to exploitation, it is obliged to assess the level of the child's vulnerability within the family on the spot. Based on this assessment, the following measures should be taken:

1. For Parents/Guardians who do not instigate, encourage, mediate, or exploit the child:

- a) Warn the parent/guardian about deficiencies in fulfilling parental rights, provide counseling and support services, or refer parents/guardians to another appropriate service provider for fulfilling parental duties and responsibilities, enhancing their parenting competencies.
- b) Include the family in the social protection system and provide assistance in improving their social, material, and personal circumstances and relationships.
- c) Inform parents/guardians and mediate in exercising rights and assistance with other entities, local government units, humanitarian and religious organizations, and associations.

2. For Parents/Guardians who instigate and exploit the child for exploitation:

- a) Impose an appropriate measure from family-law protection (warning about deficiencies in child care, enhanced supervision of parenting) and warn them that, in the case of repeated exposure of the child to exploitation, they will initiate non-contentious proceedings to deprive the parent of the right to live with the child or proceedings for deprivation of parental custody.
- b) Appoint a special guardian for the child in cases where it is assessed that the interests of the parents are contrary to the interests of the child, and when parents/guardians neglect the care of the child or abuse them.
- c) In cases of suspected sexual exploitation of the child by parents/guardians or if the child is encouraged to do so, or if professional workers assess that the child's life and health are seriously endangered due to begging and other forms of exploitation in the family, and there are indications of the crime of trafficking in children, the center/social welfare service immediately removes the child from the family (if necessary, the center/service staff may request police assistance), appoints a special guardian, places the child in a shelter or an authorized safe house for victims of trafficking, and ensures the provision of appropriate care. The decision on appointing a guardian for the child, the care plan, the scope of authority, and ensuring the child's accommodation should be covered by a single document – a decision, made in accordance with the Family Law of Republika Srpska. Against parents/guardians who instigate and/or exploit children, the center/social welfare service will immediately file an official report with the police or prosecutor's office and initiate non-contentious proceedings before the competent court to deprive the parent of the right to live with the child or for the deprivation of parental custody.

The Center can receive a report of suspicion of child trafficking in written or oral form. When receiving a report, a professional worker, in direct contact with the reporter or by phone, collects all relevant information about:

- a) The child (identity, age, gender, description of clothing and footwear, and other characteristics and features that may help with easier identification of the child).
- b) The location or address where the child is or was last seen.
- c) Whether the child is injured or at risk of injury.
- d) Whether the child is alone or accompanied by an adult, and if so, how the adult looks, how they behave towards the child, and what activities they perform.
- e) Whether there are obvious indicators of child exploitation or abuse.
- f) Other circumstances in which the child is located.

Immediately upon receiving the report, the Center informs the police, requests assistance, and jointly goes to the scene. If the received data indicate suspicion of severe health impairment or injury to the

child, the Center immediately notifies the emergency service. On-site, the Center's professional worker establishes direct communication with the child, parents, or other individuals found with the child, ensures assistance in protecting the child's physical safety, takes the child for a medical examination at the nearest health institution to determine the child's health condition, and depending on the current circumstances, takes all necessary actions for the child's adequate care, such as placement in a shelter or an authorized safe house for victims of trafficking, or another suitable institutional/alternative form of accommodation. Immediately after placement, through existing institutions or authorized non-governmental organizations providing legal aid, the center/social welfare service ensures a legal representative for the child who will represent them in administrative, judicial, and criminal proceedings.

If a child found in exploitation is accompanied by an adult who claims to be the parent/guardian of the child, the professional worker of the center/service for social welfare, with the assistance of the police, verifies the identity of the parent/guardian. If the parent/guardian cannot prove their identity on the spot and their relationship with the child, the police officer takes the adult to the official police premises to establish their identity, and the professional worker of the center takes the child for a medical examination at the nearest health institution, then ensures adequate accommodation for the child (authorized safe house, social welfare institutions, children's villages, etc.). If it is determined that the parent/guardian of the child and/or the child who is a (potential) victim of exploitation resides in another municipality/city, the professional worker of the center/social welfare service immediately informs the center for social welfare in the municipality where the child has residence about the case of child exploitation and ensures immediate protection and safety for the child until the arrival of the professional workers from the locally competent center, who then take further actions to protect and care for the child.

Immediately after the child is taken care of, the professional worker conducts an interview with the child regarding the facts related to their identity, reasons, intensity, and continuity of the child's exposure to exploitation and other forms of violence. If the child refuses to talk or their behavior indicates that they are not yet ready for it, the interview with the child is postponed for a certain period, decided by the acting professional worker (case manager).

The professional worker of the center/service for social welfare is obliged to follow all prescribed procedures and rules for accommodating the child (potential victim) in institutional/alternative accommodation or an authorized safe house. After the child is accommodated, the case manager in the center/service for social welfare, in coordination with the employees of the institution where the child is accommodated, actively and continuously participates in the preparation of an urgent assessment of the child's needs and a short-term and long-term individual care plan.

In contact with the child (potential victim) of human trafficking, the professional associates of the center/service for social welfare act with special sensitivity, refrain from condemning the child, and show special understanding regarding the problem of child exploitation.

The center/service for social welfare is obliged to ensure that the child (potential) victim of exploitation, in accordance with their developmental capabilities, participates in the preparation of an individual Protection Plan for the child. This plan includes the mobilization and use of all resources in the community to improve the child's and their family's situation. Special attention is paid to interventions in the areas of mental health protection, education of the child victim, development and improvement of the child's relationships with family members, improvement of the family's housing situation, social integration of the child and family, ensuring the material existence of the family, etc. When choosing interventions, the case manager will be guided by the principles of the least restrictive

intervention, with full and to the greatest extent possible, collaborative participation of the child and family in setting goals and planning services.

The specialist worker compiles a special official note on all taken measures and activities for the protection of a child (potential) victim of exploitation.

The Center/Social Welfare Service keeps records of children (potential) victims of human trafficking, including: the number of received reports, the number of interventions, the number of children found begging and in other forms of exploitation categorized by gender and age, the number of children victims of exploitation who have been accommodated in shelters, institutional/alternative accommodation, or in authorized safe houses (data categorized by gender, age, and form of exploitation), the number of measures of increased supervision and warnings issued to parents or guardians in cases of child begging and exploitation, measures and activities for the protection of the child, etc.

Upon the request of the prosecution or the police, the Center/Social Welfare Service is obliged to immediately provide all documentation relevant for clarifying and proving the exploitation of the child. This includes the report of the social worker, case manager's report on the measures of family-legal protection, findings and opinions of psychologists, and other documentation on the implementation of taken measures. In the event that, upon discovery, a child is exploited by an employee of the Center/Social Welfare Service, the institution will immediately initiate a process to establish all facts related to this circumstance to determine the responsibility of the perpetrator, regardless of the initiation, conduct, and outcome of the proceedings before other institutions.

C) HEALTHCARE INSTITUTIONS

Healthcare institutions are obligated, for the preservation of the physical and mental health of children (potential victims of human trafficking) and the mitigation of resulting injuries, to ensure adequate, comprehensive, and unconditional healthcare for the child in accordance with the Law on Healthcare.⁷

When a physician or other healthcare professional in healthcare institutions becomes aware or suspects that a child has been exposed to any form of exploitation during a medical examination, it is necessary to:

- Conduct a particularly careful and empathetic conversation with the child suspected of being a (potential) victim of human trafficking, encourage them to confide in the healthcare professional about the existence of exploitation, and gather as much information as possible regarding their overall health.
- Immediately report to the police and the center/social welfare service the facts indicating suspicion that the child has been subjected to exploitation, if they are not already informed about it. The report can be submitted in writing or orally. If the report is made by phone, it should be submitted in writing within 48 hours. The report should contain all available information about the child and the family known to the healthcare professional or the reporting service, as well as the reasons for suspicion of the child's exploitation.
- Perform a comprehensive health examination of the child, regardless of health insurance status, applying a stress- and trauma-sensitive approach, identify the causes and methods of injury and psychotrauma, and refer the child (potential victim) for further specialist examination or

⁷ "Official Gazette of the Republic of Srpska" number: 57/2022

counseling if necessary. If the child is a (potential) victim of sexual exploitation, a health examination is carried out upon the prosecutor's order, in the presence of parents/guardians (unless their interests conflict with the child's interests) and a social worker.

- Conduct a medical examination with the oral informed consent of the child (potential) victim or their parent or guardian if the child, due to age and/or developmental capabilities, is not capable of providing such consent. If a healthcare worker believes that the refusal of the proposed healthcare service by the parent or guardian is not in the best interest of the child, they are obligated to immediately inform the director of the healthcare institution in writing, who promptly notifies the relevant center/social welfare service.⁸ The minor patient is involved in the decision-making process regarding consent to the proposed medical measure in accordance with their maturity and capacity for judgment, after being provided with all information about their health condition and the proposed medical measure by the healthcare worker, in a language understandable to the child. In case the child refuses a medical examination, and there is no need for an urgent examination (e.g., injury, infection), the examination can be postponed until the child is prepared for it.
- Issue a medical report and other medical documentation, including an injury report for the child (potential) victim, without charging a fee or cost for the provided healthcare service.
- Record all facts and circumstances related to the child's health, especially a detailed description of observed injuries, if any, in the patient's - child's (potential) victim's medical record.
- If the medical examination of the child (potential) victim is performed in a healthcare institution where the child's medical record is not available (emergency medical service or during the work of on-call teams in family medicine), information about the health condition is recorded in the Health Service Protocol that conducted the examination. The recorded data are subsequently, officially, forwarded to the healthcare institution where the child patient's medical record is located for later data entry.
- If the child (potential) victim of human trafficking comes in the company of an employee from the center/social welfare service, all information about the child's health condition is immediately provided to the employee of the center/social welfare service after the medical examination or subsequently upon a written request from the relevant center/service.
- In case, upon learning, a child is exploited by an employee of the healthcare institution, the institution will immediately initiate a procedure to establish all facts related to this circumstance to determine the responsibility of the perpetrator, regardless of the initiation, conduct, and outcome of the procedure conducted by other institutions.
- At the request of the police and judicial authorities, the healthcare institution provides all relevant documentation essential for clarifying and proving the criminal offense. This information is confidential and is transmitted as an official secret.⁹
- Keep appropriate records of all cases of (potential) child trafficking, and submit an annual report to the Institute of Public Health.

D) POLICE

This protocol regulates the procedures for members of the Ministry of Internal Affairs of the Republic of Srpska (hereinafter: police) when reporting child exploitation.

The police play a significant role in the prevention, suppression, and protection of children from all forms of exploitation. Based on the legal powers provided by the Criminal Code of the Republic of Srpska, the Law on Criminal Procedure of the Republic of Srpska, the Law on Protection and Treatment

⁸ Article 43 paragraph (7) of the Law on Health Care ("Official Gazette of the Republic of Srpska" number: 57/2022)

⁹ Article 45 Paragraph (5) of the Law on Health Protection

of Children and Juveniles in Criminal Procedure of the Republic of Srpska, the Law on Police and Internal Affairs, as well as other legal and sublegal acts that regulate, among other things, the issue of begging and other forms of child exploitation, the police are obligated to take all necessary measures and actions to protect a child victim of human trafficking, provide access to medical and other forms of assistance, conduct inspections and other measures to protect the child victim, document the case, and forward information to the competent prosecutor's office if there are elements of a criminal offense (especially human trafficking, neglect or abuse of a child or juvenile, serious physical injury to a child or juvenile, etc.), and coordinate activities with the social welfare center, healthcare institutions, and institutions for the accommodation and care of (potential) child victims of human trafficking.

Family members, protection subjects, employees of educational, social, and healthcare institutions, as well as any other citizen, are obliged to immediately report to the police upon learning that a child is exploited or if there are grounds to suspect that the exploitation of a child for the purpose of human trafficking has occurred.

Reports of child exploitation can be submitted to the police by calling the number 122 or by coming directly to the police station. The person reporting the case can choose to remain anonymous.

The police are obligated to receive the report¹⁰ and, on that occasion, gather as much relevant information as possible, including:

- a) The location or address where the child was noticed or found;
- b) The identity of the child, if known to the reporter;
- c) Descriptive characteristics of the child: gender, age, appearance, description of clothing and footwear, and other characteristics and specifics that can aid in easier identification of the child;
- d) Activities and circumstances in which the child was noticed;
- e) Whether the child is under the supervision of an adult, and if so, the appearance of the adult, their behavior, and activities they are engaged in;
- f) Other circumstances that may be relevant for further assessment.

Immediately upon receiving a report of child exploitation or upon direct awareness, the uniformed police promptly, without delay, inform the social welfare center or the on-call professional worker (if the report is received outside the working hours of the social welfare center) and dispatch at least two uniformed police officers (preferably of different genders) to the scene.

If the report of child exploitation itself indicates elements of a criminal offense that is prosecuted ex officio (e.g., child trafficking, criminal offenses against the sexual integrity of a child, etc.), the police will proceed to gather evidence and document the criminal offense and notify the competent prosecutor's office for further action.

Upon arrival at the scene, the police officer will prevent the exploiter from further exploiting the child, ensure the safety of the child (potential victim) of human trafficking, call for emergency medical assistance if urgent medical care is needed for the child, or organize transportation to the nearest healthcare institution. They will assist the social worker from the social welfare center in taking measures for the care and protection of the child, including accompanying them to the first healthcare institution and a shelter or safe house for victims of human trafficking.

¹⁰ Član 54. Zakona o policiji i unutrašnjim poslovima („Službeni glasnik Republike Srpske“ broj: 57/2016, 110/2016, 58/2019, 82/2019, 18/2022 - odluka US i 55/2023)

If a child is found with an individual presumed to be an adult, the police officer will, in accordance with the Law on Police and Internal Affairs, verify the identity of the presumed adult and conduct a separate interview to determine the following: a) Residence or domicile of the adult accompanying the child; b) Legal status of the adult (citizenship, residence permit, etc.); c) Relationship of the adult with the child (or other involved children); d) Whether there are indications that the adult accompanying the child is exploiting the child for committing criminal offenses or violations; e) Whether there are indications that the adult is under the surveillance of other adults as an exploiter or is a victim of a criminal offense or violation.

When, based on the conducted interview with an adult accompanying a child, it is determined that there are grounds to suspect that **a criminal offense of human trafficking** has been committed, a police officer, in accordance with the Criminal Procedure Code of the Republic of Srpska, the Criminal Code of the Republic of Srpska, and the Law on Police and Internal Affairs, will establish facts, collect evidence, and document the incident.

If exploitation has been committed against the child, the police immediately inform the competent public prosecutor, providing the prosecutor with a report, collected evidence, and an assessment of the risk to the safety of the child victim.

If the competent public prosecutor concludes that the child is a victim of a criminal offense, the child will be treated in accordance with the Law on the Treatment of Children and Minors in Criminal Proceedings of the Republic of Srpska.

If the competent public prosecutor concludes that the reported act is not a criminal offense but a misdemeanor, the police officers will act in accordance with the Law on Misdemeanors of the Republic of Srpska.

If the child is a victim of sexual exploitation, depending on the situation and upon the order of the public prosecutor, a police officer will refer the child for a medical examination. A request for a medical examination in an appropriate healthcare institution is prepared accordingly.

Transporting the child to the appropriate healthcare institution, shelter, or safe house is done in an unmarked vehicle, accompanied by the appointed guardian of the child. When escorting the child to a healthcare institution, care must be taken to have a female police officer accompany the child if the victim is female.

A police officer prepares an **official record** of all measures and actions taken. In the case of placing a child victim of begging into a shelter or a safe house for victims of human trafficking, the police officer protects the confidentiality of data, which includes not disclosing the location where the child victim is located.

E) DISTRICT PUBLIC PROSECUTOR'S OFFICES

Upon learning that there are grounds to suspect that a criminal offense of child trafficking has been committed, the district public prosecutor takes necessary measures with the aim of its discovery, locating the suspect, guiding, and overseeing the investigation conducted by the police agencies.

The actions and cooperation between the district public prosecutor and police officers in uncovering the criminal offense of child trafficking and the perpetrator, in the process of taking evidentiary actions

during the investigation (regardless of whether an investigation has been ordered) and in the process of special investigative actions, occur in accordance with the "Guidelines for the Conduct of the Prosecutor and Authorized Official in Discovering a Criminal Offense, Perpetrator, and Conducting an Investigation" (March 16, 2023). The investigation is led by a prosecutor who has acquired specialized knowledge in the field of child rights and criminal legal protection of minors. The prosecutor ensures the legality of the collected evidence and strives to secure a comprehensive investigation, minimizing reliance on the testimony of the child victim.

Children who are victims, their parents or guardians, and legal representatives, to the extent possible and appropriate, are to be timely and appropriately informed by the competent district public prosecutor about:

- The indictment filed against the suspect or, if not done, about the termination of proceedings.
- The progress and results of the investigation.
- The status of the accused, including information about possible release on bail, temporary or conditional release, escape from justice, or in the case of death.
- Available evidence.
- Their role in the proceedings.
- Their right to express opinions and concerns regarding the proceedings.
- The timeline of the case.
- The right to assert property claims during the criminal proceedings.
- All decisions, including interim decisions, or at least those concerning their interests.
- Alternative civil proceedings or other procedures.

In criminal proceedings where a child appears as a victim or witness of a criminal offense committed against the child, including the crime of child trafficking, the district public prosecutor's office acts urgently during procedural actions. In accordance with the Law on the Protection and Treatment of Children and Minors in Criminal Proceedings, the district public prosecutor's office:

- Treats the child victim/witness with special care, considering their age, personality traits, education, and living conditions to avoid possible harmful consequences on their future life, upbringing, and development.
- Conducts the questioning of the child victim/witness with the assistance of a pedagogue, psychologist, or other qualified personnel, in specially adapted premises at the prosecutor's office or court and, if possible, in the child's residence or another space where the child stays, or in a social welfare center/service, no more than twice.
- Conducts the questioning of the child victim/witness through technical devices for audio and video transmission, without the presence of the prosecutor or authorized official in the room where the child victim/witness is located.
- Ensures that the child victim of the crime of child trafficking does not face the suspect or accused.
- Ensures that the identification of the suspect or accused by the child victim/witness, in all stages of the proceeding, is done in a way that completely prevents the suspect or accused from seeing the child.

In addition to the rights prescribed by the provisions of the Criminal Procedure Code of the Republic of Srpska, whenever possible, a legal representative is provided for the child/victim of human trafficking.

For children seriously physically or psychologically traumatized by the act and circumstances under which the crime was committed or suffering from serious mental disorders that make them exceptionally sensitive, psychosocial assistance and support are provided at all stages of criminal proceedings (before, during, and after questioning). In accordance with the Law on the Protection of Witnesses under Threat and Endangered Witnesses, other protective measures are also determined.

VI FORMS, METHODS, AND CONTENT OF COOPERATION

All bodies and professionals working on child protection matters in the Republic of Srpska:

- Collaborate in partnership and establish more efficient and effective ways of cooperation and exchange of data relevant to specific cases of child exploitation.
- In the case of a report or notification of child exploitation, each signatory of the Protocol will provide the other competent body with appropriate case data for a comprehensive understanding of previously undertaken activities aimed at the overall protection of the child.
- Establish collaboration with other participants who could help or protect the child in a specific case, and, as needed, hold consultative case meetings (case conferences) for coordination of actions and planning for the long-term assurance of the child's needs.

VII MONITORING THE IMPLEMENTATION OF THE PROTOCOL

Each relevant ministry, which, within its jurisdiction, takes measures and activities to protect children exposed to any form of child exploitation, is obliged to monitor the implementation of this Protocol.

A report on the application of the Protocol will be submitted by each ministry to the Ministry of Family, Youth, and Sports of the Republic of Srpska, no later than March 31 of the current year for the following year.

Based on the data collected from the relevant ministries, the Ministry of Family, Youth, and Sports of the Republic of Srpska will compile the report and submit it as a comprehensive document to the Coordinator for Combating Human Trafficking of the Republic of Srpska and the Government of the Republic of Srpska.

VIII FINAL PROVISIONS

By signing this Protocol, the relevant ministries and district public prosecutor's offices are obligated to inform all services and institutions within their jurisdiction about its adoption, ensure its accessibility, and take all necessary measures for its consistent implementation.

All competent institutions, establishments, and services responsible for implementing the Protocol will, through the signature of an authorized representative, confirm their awareness of its provisions and assume responsibility for its application.

This Protocol will be published in the "Official Gazette of the Republic of Srpska."

SIGNATORIES