



**PROJECT "STRENGTHENING ANTI-TRAFFICKING
ACTION IN BOSNIA AND HERZEGOVINA"**

**RESOURCE PACKAGE ON PREVENTING,
DETECTING AND INVESTIGATING
TRAFFICKING IN HUMAN BEINGS
FOR THE PURPOSE OF LABOUR EXPLOITATION**

**I. HANDBOOK FOR PREVENTING AND SUPPRESSING TRAFFICKING
IN HUMAN BEINGS FOR THE PURPOSE OF LABOUR EXPLOITATION**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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AND HERZEGOVINA"**

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**I. MANUAL FOR PREVENTING AND SUPPRESSING TRAFFICKING IN
HUMAN BEINGS FOR THE PURPOSE OF LABOUR EXPLOITATION**

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September 2024

English edition:

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This publication was funded by voluntary contributions in the framework of the Council of Europe Action Plan for Bosnia and Herzegovina (2022–2025), through the Council of Europe project “Strengthening anti-trafficking action in Bosnia and Herzegovina”.

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Cover design and layout:

Grafika Šaran

This publication has not been copy-edited to correct typographical and grammatical errors.

Printed by Grafika Šaran

Srđana Aleksića, 7100 Sarajevo, BiH

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ABBREVIATIONS

BD – Brčko District of Bosnia and Herzegovina

BiH – Bosnia and Herzegovina

CoE – Council of Europe

ECHR – European Convention on Human Rights

FBiH – Federation of Bosnia and Herzegovina

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

ILO – International Labour Organization

IOM – International Organization for Migration

NGO – non-governmental organisation

RS – Republika Srpska

SIPA – State Investigation and Protection Agency

THB – trafficking in human beings

UN – United Nations

UNODC – United Nations Office on Drugs and Crime

FOREWARD

Reports by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) show that trafficking in human beings for the purpose of labour exploitation has been increasing across Europe.¹ This form of trafficking occurs in various sectors, including construction, hospitality, agriculture, domestic work, manufacturing, cleaning, and catering. It affects both the formal and informal economy and involves women, men, and children. However, only eight potential victims of trafficking for the purpose of labour exploitation were detected in Bosnia and Herzegovina in the period between 2017 and 2021, representing as little as 2.6% of all victims.²

Since 2008, Bosnia and Herzegovina (BiH) has been a Party to the Council of Europe Convention on Action against Trafficking in Human Beings (CoE Convention). According to the CoE Convention standards, State Parties must adopt a co-ordinated and multi-disciplinary approach, incorporating the prevention of trafficking, the protection of victims' rights, and the prosecution of traffickers. The CoE Convention includes various provisions in these areas, obliging States to take appropriate measures in partnership with civil society and in co-operation with other States.

GRETA is responsible for monitoring the implementation of the CoE Convention by the Parties, through a procedure divided into rounds. GRETA has conducted three evaluation rounds in BiH. The third evaluation, focusing on trafficking victims' access to justice and effective remedies, took place in 2021, with the report published in June 2022.³ In this report, GRETA urges BiH authorities to take additional steps to prevent and combat trafficking in human beings (THB) for the purpose of labour exploitation.⁴

GRETA concluded that while some efforts have been made to raise awareness and prevent THB for the purpose of labour exploitation in BiH, labour inspectorates remain understaffed and under-resourced, limiting their ability to play an active role in combating THB. Given the low number of detected victims of THB for the purpose of labour exploitation, GRETA urges BiH authorities to enhance the outreach efforts of labour inspectors, law enforcement officers, and other relevant actors to identify trafficking victims.

To align with GRETA's conclusions and recommendations and to enhance the knowledge and capacities of labour inspectors, law enforcement officers, and other relevant actors, the Council of Europe project "Strengthening anti-trafficking action in Bosnia and Herzegovina" developed a protocol on the detection and investigation of THB for the purpose of labour exploitation⁵. This protocol encourages joint inspections and aims to

¹ GRETA, Thematic Chapter on human trafficking for the purpose of labour exploitation in GRETA's 7th General Report, 2017, Council of Europe, 2017. Available at: <https://rm.coe.int/labour-exploitation-thematic-chapter-7th-general-report-en/16809ce2e7>

² Labour trafficking in Bosnia and Herzegovina: risk factors, trends and challenges. Council of Europe, Sarajevo 2022. Available at: <https://rm.coe.int/labour-trafficking-in-bosnia-and-herzegovina/1680a92ffa>

³ GRETA (2022)06, Access to justice and effective remedies to victims of trafficking in human beings, Third evaluation round, Bosnia and Herzegovina, published on 28 June 2022. Available at: <https://rm.coe.int/greta-evaluation-report-bosnia-and-herzegovina-3rd-evaluation-round/1680a70b3b>

⁴ GRETA (2022)06, para. 174, 175 and 213.

⁵ Protocol on the detection and investigation of THB for the purpose of labour exploitation prepared in 2023 within the framework of the Council of Europe project "Strengthening anti-trafficking action in Bosnia and Herzegovina" is available in Annex IV of this publication.

increase outreach efforts to identify victims of THB for the purpose of labour exploitation.

Additionally, within the same project, a resource package has been developed to enhance and integrate the knowledge of labour inspectors, investigators, employment agencies, and trade unions in BiH. The overall objective is to strengthen the fight against THB for the purpose of labour exploitation and protect victims' rights, with a particular focus on prevention and identification of victims in at-risk sectors.

The resource package consists of two units:

- I. **Handbook on the Prevention and Suppression of Trafficking in Human Beings for the Purpose of Labour Exploitation (The Handbook)**: This guide aims to improve the knowledge and practices of professionals in BiH, including labour inspectors, law enforcement, employment agencies, and trade unions. It encourages joint inspections and enhances the prevention, detection, and investigation of trafficking cases, particularly in high-risk sectors.
- II. **Training Materials for Trainers**: These materials provide trainers with the resources and tools needed to educate professionals in BiH on THB for the purpose of labour exploitation effectively. The goal is to improve the overall response to this form of THB and promote a more informed support system for victims.

The resource package relies on several documents, including GRETA's third report on BiH, a desk research document prepared for developing the Protocol on co-operation in the detection and investigation of THB for the purpose of labour exploitation and victims' referral, the Recommendation CM/Rec(2022)21 of the Committee of Ministers to Member States on preventing and combating trafficking in human beings for the purpose of labour exploitation⁶, the International Labour Organisation's (ILO) instruments ratified by Bosnia and Herzegovina, GRETA's Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation⁷ and Guidance Note on preventing and combating trafficking in human beings for the purpose of labour exploitation⁸, report "Labour trafficking in Bosnia and Herzegovina: risk factors, trends and challenges"⁹, A guide for labour inspectors in the detection and identification of victims of trafficking for the purpose of labour exploitation¹⁰, and A guide for labour inspectors on detection and preliminary identification of victims of human trafficking in Serbia¹¹.

Training materials are designed to equip future trainers with the necessary resources

⁶ Council of Europe, Recommendation CM/Rec(2022)21 of the Committee of Ministers to Member States on preventing and combating trafficking in human beings for the purpose of labour exploitation with Explanatory Memorandum, January 2023, Available at: <https://rm.coe.int/booklet-preventing-and-combating-trafficking-in-human-beings-for-the-p/1680aa08ef>

⁷ GRETA(2020)08 "Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation", Council of Europe, November 2020, Available at: <https://rm.coe.int/mpendium-of-good-practices-in-addressing-trafficking-in-human-beings-f/16809f9bef>

⁸ GRETA(2020)12 "Guidance Note on preventing and combating trafficking in human beings for the purpose of labour exploitation", December 2020, Available at: <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>

⁹ Labour trafficking in Bosnia and Herzegovina: risk factors, trends and challenges, Council of Europe, Sarajevo 2022.

¹⁰ Vodič za inspektore rada u otkrivanju i identifikaciji žrtava trgovine ljudima u svrhu radne eksploatacije, Criminal Policy Research Center, Sarajevo, 2016. Available at: https://www.cprc.ba/_files/ugd/b112e0_1b4625da8e084b13ba85cef2bd931189.pdf

¹¹ Vodič za inspektore rada o detekciji i preliminarnoj identifikaciji žrtava trgovine ljudima u Srbiji, Council of Europe, Belgrade, 2018. Available at: <https://rm.coe.int/hf26-guide-labour-inspectors-srp/16809cffad>

and tools to effectively educate professionals in BiH on THB for the purpose of labour exploitation. The aim is to improve the overall response to THB for the purpose of labour exploitation and promote better co-ordination of the support system for victims. The target group for the training developed within the Resource Package includes professionals who are, or will potentially be, in direct contact with victims, such as labour inspectors, police officers, judges, prosecutors, and support services providers from government institutions and bodies or non-governmental organisations (NGOs).

The Handbook on the Prevention and Suppression of Trafficking in Human Beings for the Purpose of Labour Exploitation and the Training Materials for Trainers are complementary and are recommended to be used simultaneously as a resource package. The chapters offered in the Handbook are followed by the educational sessions proposed to be implemented during the training on the topic “Trafficking in human beings for the purpose of labour exploitation”.

Terms used in this Resource Package in one grammatical gender, masculine or feminine, shall mean both natural genders of persons they describe.

I. HANDBOOK ON THE PREVENTION AND SUPPRESSION OF TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF LABOUR EXPLOITATION

Trafficking in human beings for the purpose of labour exploitation is one of the most challenging aspects of “modern-day slavery”. It is challenging on many accounts: because differences arise in practice in the interpretation and application of labour standards and in defining labour exploitation, because victims prefer not to lodge complaints or stand as witnesses due to fear, unregulated work and residence status, dependence on their traffickers for work, payment of wages and housing, and not least because combating trafficking for the purpose of labour exploitation requires co-ordinated action between the government and civil society, and often trade unions and the private sector.¹²

Most anti-trafficking systems worldwide, including BiH, have historically focused on trafficking in women for the purpose of sexual exploitation. However, recent years have highlighted the need to broaden this perspective and enhance overall capacities to address THB for the purpose of labour exploitation, encompassing prevention, prosecution, protection, and partnership. This involves not only the capacities and involvement of actors responsible for labour and employment, such as labour inspectors, other inspections, trade unions, and employment agencies, but also broadening of the capacities of criminal justice actors, including law enforcement and judiciary.

1. TRAFFICKING IN HUMAN BEINGS – BASIC CONCEPT

Although the exploitation of human beings in various forms has been present throughout history, THB as a particular form of exploitation came into focus in the early 20th century, with the adoption of the first international conventions. These conventions referred to THB as “white slavery”, a term that is unacceptable today. They aimed to prohibit the cross-border trafficking in white women for the purpose of forced prostitution. The contemporary definition of THB is much broader, encompassing all known forms of criminal exploitation whether within or beyond national borders, and recognising every individual as a potential victim, regardless of sex, race, nationality, or any other characteristic.

The contemporary definition of THB, based on three components, according to which this offence has been criminalised in the majority of criminal laws worldwide, was set out in 2000, in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol)¹³, supplementing the United Nations Convention against Transnational Organized Crime. The same definition is contained in the

¹² GRETA, Thematic Chapter on human trafficking for the purpose of labour exploitation in GRETA’s 7th General Report, Council of Europe, 2017. Available at: <https://rm.coe.int/labour-exploitation-thematic-chapter-7th-general-report-en/16809ce2e7>

¹³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>; Official Gazette of Bosnia and Herzegovina, International Agreements, No. 3/02.

Council of Europe Convention on Action against Trafficking in Human Beings (Article 4)¹⁴. According to the Palermo Protocol and CoE Convention, “**trafficking in human beings**” shall mean 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.

THB consists of three basic components:

ACTION: The recruitment, transportation, transfer, harbouring or receipt of persons;

MEANS: 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;

PURPOSE: Exploitation, which includes “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”.

For an offence to be classified as THB, all three components must be present: the action (what?), the means (how?), and the purpose (intention) of exploitation. In the case of children, the component of means is not required – any child who is exploited or held in such a situation is considered a victim, regardless of how they became one. For adults, if all three components are not proven, the offence does not qualify as THB, but may fall under a different category.

The term “child” refers to any underage person, that is, person under the age of 18, as defined in both international instruments and in this Handbook.

It is important to note that not all elements of the three components need to be carried out by the same individual. For example, in organised criminal groups, each member has their own role and responsibility. Even if a person’s actions do not involve all the three components, they can still be prosecuted for THB.

Although exploitation is a key element of THB, it is not necessary to prove that the exploitation actually occurred in order to establish the offence; the intention to exploit is sufficient.

The concept of exploitation is not clearly defined in international instruments. However, in the context of THB, exploitation always aims to secure some sort of benefit, primarily material, for the exploiter or trafficker.

¹⁴ Council of Europe Convention on Action against Trafficking in Human Beings, Article 4 e) “Victim” shall mean any natural person who is subject to trafficking in human beings as defined in this article; Official Gazette of Bosnia and Herzegovina, International Agreements, No. 14/07.

The **consent** of a victim of THB to the intended exploitation is irrelevant where any of the means mentioned above have been used.

THB victims must **not be punished** for their involvement in unlawful activities to the extent they have been compelled to do so (Article 26 of the CoE Convention). This includes coercion into committing criminal offences as a form of exploitation, as well as unlawful activities linked to other types of exploitation, such as illegal entry or residence in the destination country, or engaging in prostitution where it is prohibited, and similar acts.

THE PROCESS OF TRAFFICKING: FROM RECRUITMENT TO EXPLOITATION

THB involves a complex and organised process that begins with recruitment and ends in various forms of exploitation.

Types of exploitation

- Sexual exploitation, including in particular forced prostitution, forced participation in the production of pornographic material, forced participation in pornographic performances, sexual abuse via internet platforms and other forms of sexual exploitation.
- Labour exploitation, which will be discussed in detail in the next chapter.
- Forced begging, which must be distinguished from begging for one's own purposes caused by poverty, which will be further discussed in the chapter dealing with the first contact and identification of THB victims.
- Forced marriage, which includes various practices ranging from coercion into marriage against the will of one of the partners as a primary form of exploitation, through coercion into marriage combined with violence and other forms of exploitation and coercion, to coercion on the grounds of the age of marital partners who are not under the law considered sufficiently old and mature to give a consent.
- Coercion into criminal activity, which includes cases where victims are forced to commit offences for the benefit of others but are often treated as the actual perpetrators. These acts can range from petty crimes, robberies, and theft to the production and selling of narcotics, and similar activities.
- False adoption, which includes various practices, from adoption carried out contrary to regulations to adoption which aim is the exploitation of adopted child.
- Organ trafficking involves various criminal activities linked to the removal and transplantation of human organs.
- Recruitment and abuse of children for armed conflicts.

Victims are often exposed to multiple types of exploitation.

For any of these types of exploitation to be considered THB, previously mentioned components of the action and means must be present in the case of adults, that is, the action in the case of children.

Victims' Recruitment

Recruitment often involves deceit and manipulation. Traffickers may use false job offers or promises of education to lure victims. These offers may be formal, that is, victims find them in the form of job ads posted by fake employment agencies, employers or brokers, but also may be informal, made by acquaintances, relatives, friends and individuals known to victims. Sometimes, victims are recruited by a “lover boy”, through a simulation of romantic relationship they believe are genuine. In some cases, victims are sold by family members, guardians or relatives.

Victims' Transfer

Once recruited, victims are transported to the location of exploitation, often through coercion or deceit, and sometimes by force. Exploitation may take place in the country of victim's origin (internal THB) or in a foreign country (cross-border or transnational THB). Victims may enter foreign country legally, with valid passport, visa and other documents, or illegally, with false travel documents or even crossing the border outside official border checkpoints. Also, victims may travel alone or in groups, using any means of transportation, accompanied or not accompanied by the trafficker.

Victims' exploitation

During the exploitation phase, traffickers impose harsh conditions on the victims, stripping them of their freedom and subjecting them to physical, sexual, and psychological abuse. Victims often live in inhumane conditions, with insufficient food, without access to health care, forced to work excessive hours and earn the amounts of money ordered by the trafficker, of which they keep very little or even nothing. They often do not have free contact with outside world and every aspect of their lives is under surveillance, although it may formally seem that they have the freedom of movement.

Traffickers keep their victims under control and in the state of obedience by the use of threats directed towards them or their loved ones, physical and psychological violence, blackmails and intimidation. Victims are often confiscated documents so that they do not have any possibility to leave the trafficker legally, while intimidation and threats are often focused on victims' irregular status in the destination country and criminal offences (allegedly) committed by victims in order to come to the situation of exploitation. Some victims are bonded by debt and promised to be liberated as soon as they pay back the debt, which never happens. Other victims, especially those recruited by a lover boy, are in the state of psychological entrapment – they do what they are told and may even refuse to leave the THB situation when given a chance as they do not see themselves as victims.

ROOT CAUSES OF THB

The root causes of THB are multifaceted and interlinked, including socio-economic, political, and cultural factors. Poverty is a significant driver, making individuals vulnerable

to traffickers' promises of better opportunities. Lack of education and employment opportunities also play a crucial role, particularly in regions with high unemployment rates. Political instability, armed conflicts, and natural disasters can displace populations, increasing their susceptibility to trafficking. Cultural factors, such as gender inequality and discrimination, further exacerbate vulnerabilities, particularly for women and children. Additionally, weak law enforcement and corrupt practices within institutions can enable traffickers to operate with impunity.

CHALLENGES IN VICTIMS' RECOVERY

Recovery for THB victims is fraught with difficulties. The physical and psychological trauma inflicted by traffickers requires extensive medical and mental health care. Victims often need prolonged therapy to address PTSD, depression, and anxiety. Social reintegration poses additional challenges, as victims may face stigma, discrimination, and difficulties in securing employment and housing.

Support systems must be holistic, addressing not only immediate needs but also long-term reintegration. Legal support is critical, particularly for victims seeking justice against traffickers and navigating complex immigration issues. Education and vocational training are vital for economic independence and preventing re-trafficking.

Effective recovery requires a co-ordinated effort from government agencies, NGOs, and communities to provide a supportive and safe environment for victims. Ensuring that victims are treated with dignity and respect throughout the recovery process is paramount for their long-term well-being and successful reintegration into society.

Understanding the intricacies of THB, from recruitment to recovery, underscores the importance of comprehensive strategies to prevent trafficking, protect victims, and prosecute traffickers. Only through a concerted and sustained effort can the cycle of exploitation be broken, and the rights and dignity of trafficked persons be restored.

2. TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF LABOUR EXPLOITATION – DEFINITION AND MANIFESTATION

THB for the purpose of labour exploitation is one of the forms of THB. However, neither the Palermo Protocol nor the CoE Convention explicitly defines labour exploitation, but instead rely on the term “**forced labour**”, referring to the 1930 ILO Convention concerning Forced or Compulsory Labour (Convention No. 29).

In the 1930 ILO Convention concerning Forced or Compulsory Labour (Convention No. 29), forced labour is defined as “**all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily**”. The use of the term “**all work or service**” makes it clear that the prohibition of forced labour applies to all types of work, service, and employment – regardless of the industry and the occupation in which it occurs, and regardless of whether it is legal and formal or illegal and informal in nature. It also applies to all human beings, regardless of

age, gender, origin and legal status in the country where forced labour takes place.

The 1930 **ILO Forced Labour Convention** sets out the definition of forced labour, also specifying the situations of involuntary labour that shall not be considered forced labour.

ILO Convention concerning Forced or Compulsory Labour (Convention No. 29) - Article 2

1. For the purposes of this Convention the term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term forced or compulsory labour shall not include:

(a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;

(b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;

(d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;

(e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

The two elements necessary to assess forced labour in line with this ILO Forced Labour Convention are:

(1) **Involuntary offer:** Refers to the person's consent, which must be both freely given and informed. This consent applies during the whole cycle of employment, from recruitment to leaving employment. In other words, a worker who freely enters an employment relationship must also be able to terminate that relationship. The notion of free and informed consent excludes the use of deception, coercion and threat, or fraud. Consent is also irrelevant when obtained by abusing the vulnerability of the worker.

(2) **Menace of penalty:** Refers to all means that the trafficker or employer can use to coerce the worker. It includes physical, psychological, and sexual violence, or threats of violence, but also other means such as retention of wages, confiscation of identity or

travel documents, and threats of deportation.¹⁵

Of significance for understanding the concept of THB for the purpose of labour exploitation are also slavery and practices similar to slavery. Although mentioned within the elements of purpose, **slavery and practices similar to slavery** are also not defined in the Palermo Protocol and CoE Convention, but refer to other international instruments, such as the Geneva Convention on Slavery of 25 September 1926 (as amended by the New York Protocol of 7 December 1953), the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery of 7 September 1956, and the ILO Worst Forms of Child Labour Convention (Convention No.182).¹⁶ The 1926 Geneva Convention on Slavery defines slavery as **“the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”**. The concept of ownership can be found when people are “bought” or “sold” for labour exploitation, implying a full dependency of the individual on their “master” or “owner”. The 1956 Supplementary Convention retained this definition and introduced the term “practices similar to slavery”, which refers to institutions and practices including debt bondage, serfdom, servile forms of marriage, and exploitation of children.

With regard to **servitude** as another form of exploitation mentioned in the definition of THB in the Palermo Protocol and CoE Convention, the former European Commission of Human Rights observed it as having to live and work on another person’s property and perform certain services for them, whether paid or unpaid, while being unable to alter one’s condition.¹⁷ The Explanatory Report to the CoE Convention states that “Servitude is thus to be regarded as a particular form of slavery, differing from it less in character less than in degree. Although it constitutes a state or condition (...) it does not have the ownership features characteristic of slavery”.

Forced labour and services, as well as slavery and practices similar to slavery, are prohibited by numerous international human rights instruments that are binding for BiH, such as the Universal Declaration on Human Rights (Article 4)¹⁸, the European Convention of Human Rights (Article 4)¹⁹, the International Covenant on Civil and Political Rights (Article 8), and the 1957 ILO Convention concerning the Abolition of Forced Labour (Convention No. 105).

Debt bondage is not specifically mentioned in the CoE Convention, but Article 1(a) of the 1956 Supplementary Convention includes it in the list of institutions and practices similar to slavery, defining it as “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.

With regard to the **exploitation of children in the context of THB**, all the worst forms of child labour defined in the 1999 ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention) are considered to be exploitation when they are the result of one of the actions listed in the Palermo Protocol and CoE Convention. This also applies to

¹⁵ Guidelines for the first level identification of victims of trafficking in Europe, CoE, ICMPD, ILO, UNODC, 2013, p. 22.

¹⁶ Explanatory Report to the CoE Convention on Action against Trafficking in Human Beings, para. 93.

¹⁷ Explanatory Report to the CoE Convention on Action against Trafficking in Human Beings, para. 89 - 93, 95.

¹⁸ UN Universal Declaration of Human Rights

¹⁹ Guide on Article 4 of the European Convention on Human Rights <https://rm.coe.int/hf26-guide-article4-eng/1680a4c23d>

all work done by children below the minimum age for admission to employment. In other words, a child working below the minimum age as a result of recruitment, transportation, transfer, harbouring or receipt by a third person is a victim of trafficking.

Worst Forms of Child Labour Convention (Convention No.182) - Article 3

For the purposes of this Convention, the term the worst forms of child labour comprise:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

What THB is not?²⁰

It is crucial to differentiate between THB and other similar concepts it is often conflated with. These are completely distinct phenomena as they involve different circumstances and legal implications:

People smuggling: This involves the illegal transportation of individuals across borders, typically with their consent, in exchange for payment. Unlike THB, smuggling ends upon arrival at the destination, and individuals are generally free upon arrival. However, undocumented migrants are at high risk of being trafficked.

Sex work/voluntary prostitution: Engaging in sex work is not synonymous with THB. While some individuals in sex work may be trafficked, many engage in it voluntarily. The critical distinction lies in the presence of coercion and exploitation in THB.

Although these are different phenomena, it should always be borne in mind that irregular migrants and individuals engaged in sex work are at higher risk of THB. The similarity of these phenomena makes the identification difficult when irregular migrants and voluntary sex workers fall victim to THB. On the other hand, in the name of fight against THB and provision of assistance to victims, irregular migrants and sex workers may be exposed to intensive, often unpleasant controls.

Foreign nationals subjected to exploitation are often observed only through the lens of their irregular status, as individuals residing or working in the destination country without proper permits, but not as possible victims of THB. As irregular migrants, they are detained and deported to their countries of origin, with the ban to enter the destination country

²⁰ Guidelines for the first level identification of victims of trafficking in Europe, CoE, ICMPD, ILO, UNODC, June 2013, p. 23.

again. This also applies to the victims of forced prostitution who are often observed as voluntary sex workers and prosecuted for engaging in prostitution, without investigating possible background of engaging in prostitution, which may be forced and exploitative in the context of THB.

Also, **not all labour exploitation is trafficking for forced labour**. Workers can be found working in poor conditions, for low salaries, or in unhealthy environments, without being victims of trafficking. If the person accepted the job freely, knowing what the conditions would be, and if they can leave (provided they give reasonable notice to their employer) without fear of reprisals, that person cannot be considered to be a victim of THB for the purpose of labour exploitation. Workers enduring poor working conditions due to economic necessity and lack of alternatives cannot be automatically classified as victims of trafficking, even if they are migrant workers.

Concealed or undeclared work is not equal to THB. Undeclared work is described as “any paid activities that are lawful as regards their nature but not declared to the public authorities, taking into account differences in the regulatory systems of [EU] Member States”. This definition excludes criminal activities and work which does not have to be declared. While most cases of THB for the purpose of labour exploitation involve undeclared work, theoretically, people could be trafficked and exploited in declared work. Similarly, not all undeclared work results from trafficking: concealed work often occurs for financial reasons, so both parties can avoid paying taxes and social contributions.

Illegal employment of migrant workers is not necessarily THB. The European Commission defines illegal employment as “the employment of third-country national illegally staying in the country”, i.e. “a third-country national present on the territory of a Member State, who does not fulfil, or no longer fulfil, the conditions for stay or residence in that Member State”.²¹ Many undocumented migrants work freely, without any menace of penalty, and may or may not be in poor working conditions, which do not make them victims of THB.

Specific risks of THB for the purpose of labour exploitation

Typically, the **recruitment** of victims for the purpose of labour exploitation is carried out through fraud, where much better working conditions are promised, including higher wages and other attractive benefits. However, these promises turn out to be mere bait, luring victims into the complex labyrinth of THB. Often, during the recruitment process, victims are deliberately ensnared into debt slavery, especially when THB involves migrating to other countries. Upon arrival, workers have little or no opportunity to negotiate their position and are immediately subjected to labour exploitation. Specific risks for some groups of potential victims are presented below:²²

²¹ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, Art. 2. Available at: <https://eur-lex.europa.eu/legal-content/HR/TXT/HTML/?uri=CELEX:32009L0052>

²² Guidelines for the first level identification of victims of trafficking in Europe, CoE, ICMPD, ILO, UNODC, June 2013 https://www.renate-europe.net/wp-content/uploads/2013/12/2014.11_identification_1_GUIDELINES.pdf

Victim profile	Specific risks
Migrant workers	<ul style="list-style-type: none"> - Social isolation in the destination country - Debt bondage imposed by traffickers - Irregular immigration status affecting residence and work permits - Low level of education, increasing vulnerability to labour exploitation - Deceived about the purpose of migration
Workers in the informal economy	<ul style="list-style-type: none"> - Invisibility in the labour market and limited options for leaving trafficking environment - Lack of representation through trade unions
Domestic (home servitude) workers	<ul style="list-style-type: none"> - Insufficient legal protection due to weak legal framework and non-alignment with relevant international (ILO) standards - Hidden in private premises, making them invisible to supervisory (including labour inspection) and law enforcement bodies and means of communication - Increased vulnerability of female workers, especially migrants - For migrant domestic workers, deceived about working conditions
Women and men with mental issues	<ul style="list-style-type: none"> - Difficulties in calling for help - Inability to exercise their rights
Street and unaccompanied children	<ul style="list-style-type: none"> - Vulnerable to traffickers who are aware that children are without guardians and protection, making it easier to lure them away without concern for their well-being

Continuum of exploitation²³

Exploitation is a fundamental element of the criminalisation of THB. However, the concept of exploitation is not defined in international law. While various disciplines (economics, politics, philosophy, law) have sought to establish what “exploitation” is, the concept remains ambiguous and has both temporal and cultural dimensions.

Within the context of THB for the purpose of labour exploitation, there is general support for understanding “exploitation” - in the sense of taking unfair advantage of another person’s vulnerability or state of need - as a continuum, albeit one that is poorly defined and not static. It is not clear where on this continuum of labour exploitation changes from being considered a labour law issue to becoming a criminal law issue and it is up to every state to draw this line according to its legislation. The absence of a clear definition of “exploitation” makes it difficult to distinguish between exploitation in terms of labour rights violations and extreme exploitation amounting to forced labour. For this reason, for successful fight against THB for the purpose of labour exploitation, professionals

²³ *ibid.* p. 5.

must possess excellent knowledge of both labour and criminal legislation, with close cooperation of criminal justice actors and labour inspection as an institution responsible for supervising the implementation of labour legislation.

More detailed elaboration of the continuum of exploitation is provided in the [chapter](#) dealing with the identification of victims.

Legal persons

According to the CoE Convention, Article 22, State Parties are obliged by to adopt such legislative and other measures as may be necessary to ensure that a legal person can be held liable for a criminal offence of THB, committed for its benefit by any natural person, acting either individually or as part of an organ of the legal person, who has a leading position within the legal person, based on: a power of representation of the legal person; an authority to take decisions on behalf of the legal person; and an authority to exercise control within the legal person. The intention of those provisions is to make companies, associations and similar legal entities liable for criminal actions performed on their behalf by anyone in a leading position in them. Article 22 also contemplates liability where someone in a leading position fails to supervise or check on an employee or agent of the entity, thus enabling them to commit any of the offences established in the Convention.²⁴

Specificities of THB for the purpose of labour exploitation

The Committee of Ministers of the Council of Europe acknowledges that THB for the purpose of labour exploitation is facilitated by global economic disparities, armed conflicts resulting in the displacement of people, failure to uphold economic and social human rights, multiple and intersecting forms of discrimination and risks, the lack of labour market regulations and effective inspection mechanisms, increasing market pressure for cost reductions, and the attempt to maximise profits through the underpayment, overwork and exploitation of workers. THB for the purpose of labour exploitation takes place both transnationally and internally within the same State, and it is often associated with labour migration and situations where people are unable to access legal labour migration pathways that ensure decent work or have restricted access to the labour market as a result of their immigration or asylum status.²⁵ It generates significant profits and can be linked to other illegal activities, such as tax evasion, social benefit fraud, corruption or money laundering.²⁶

The process of THB for the purpose of labour exploitation, similarly to THB in general, is characterized by various deceptive and coercive tactics used by traffickers to control their victims. Traffickers often lure victims with false promises of lucrative job opportunities, education, or better living conditions. Recruitment can occur through personal contacts (acquaintances, individual brokers or agents), employment agencies, online advertisements, or fake recruitment agencies. In some cases, victims are approached directly in their home countries, while in others, they are recruited after arriving in the destination country. Offers made to the workers seem realistic and credible, and therefore

²⁴ Explanatory Report to the CoE Convention on Action against Trafficking in Human Beings, para. 247.

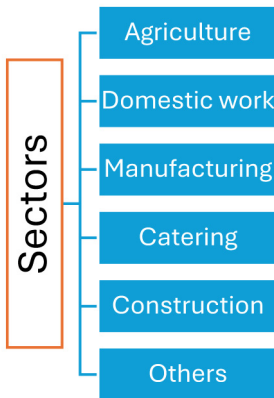
²⁵ Recommendation CM/Rec (2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation.

²⁶ GRETA, 7th General Report on GRETA's activities, thematic chapter on human trafficking for the purpose of labour exploitation (2017).

it is not easy to recognise them as deceptive and potentially exploitative – offered jobs are indeed better paid than in their home countries, but they are in accordance with the standards in the destination country. For this reason, it is necessary to check the credibility of the employers.

Victims of THB for the purpose of labour exploitation come from diverse backgrounds but often share common vulnerabilities such as poverty, lack of education, unemployment, and unstable socio-economic conditions. Migrants, especially those without legal status, are particularly at risk. Everyone - women, men, girls and boys - can all fall prey to labour trafficking, with each group facing unique challenges and forms of exploitation.

THB for the purpose of labour exploitation occurs in various sectors and industries, often those with high demand for cheap, unskilled labour. Common industries include agriculture, construction, manufacturing, domestic work, hospitality, and food service. These labour-intensive sectors with high worker turnover often operate with minimal oversight and regulation, making them attractive to traffickers.



Once recruited, victims are subjected to numerous control methods to keep them compliant and prevent escape. These methods include:

- **Confiscation of documents:** Traffickers often seize passports and identification documents to restrict victims' freedom of movement.
- **Debt bondage:** Victims are coerced into working to repay inflated debts incurred from recruitment, transportation, and other supposed costs.
- **Isolation:** Victims are isolated from the outside world, often living and working in the same place, with restricted access to communication.
- **Threats and violence:** Physical abuse, threats of harm to the victims or their families, and psychological manipulation are common tactics.
- **Deception and lies:** Victims are often misled about their legal rights, the true nature of their work, and their ability to seek help.

Debt bondage is a key element in the new forms of trafficking, where the debt may arise from the organisation of the departure, transportation, or recruitment, and may be manipulated by the trafficker, leaving the victim in a situation from which they cannot escape. People in debt are considered vulnerable and thus at risk of exploitation, as defined in the Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.²⁷

Victims of THB for the purpose of labour exploitation face significant barriers to escaping their situation. They fear immigration services, as many victims, especially those in irregular migration situations, fear deportation and legal repercussions if they contact authorities. Quite importantly for migrant workers, traffickers often threaten victims with permanent bans from the country, exploiting their fear of being barred from future opportunities. Also, victims may be unaware of their rights or available resources and support services. They may be economically dependent, and the lack of financial resources and the burden of debt bondage trap them in their exploitative situations. Like with victims of other forms of THB, prolonged abuse leads to feelings of helplessness, worthlessness, and fear, making it psychologically challenging for victims to seek help or attempt escape. An aspect important for accessing and understanding victims of THB for the purpose of labour exploitation is that they are mostly men who are reluctant to see themselves as victims.

3. INSTITUTIONAL, LEGAL AND REGULATORY FRAMEWORK IN BOSNIA AND HERZEGOVINA

3.1. INSTITUTIONAL, LEGAL, AND REGULATORY FRAMEWORK RELATED TO TRAFFICKING IN HUMAN BEINGS IN BOSNIA AND HERZEGOVINA

THB for the purpose of labour exploitation has recently garnered more attention in BiH. Despite this, many cases remain undetected, and victims seldom report their experiences.²⁸ The Strategies to Suppress Trafficking in Human Beings in Bosnia and Herzegovina (2020-2023 and 2024-2027) prioritise combating labour exploitation, raising awareness among law enforcement, labour inspectors, and the judiciary, and enhancing co-operation with labour market actors. Measures include disseminating information on false job offers, private sector collaboration, and revising referral mechanisms to involve relevant professionals. However, a co-ordinated approach to prevention is lacking, and it is not integrated into policies on sustainable development, poverty reduction, social exclusion, and migration management. Identifying and referring victims needs more comprehensive protocols,²⁹ with only the Protocol on the Detection and Investigation of THB for the

²⁷ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, <https://eur-lex.europa.eu/eli/dir/2011/36/oj>

²⁸ Labour Trafficking in Bosnia and Herzegovina: risk factors, trends and challenges, Council of Europe, Sarajevo, 2022.

²⁹ *Ibid.*

purpose of Labour Exploitation developed and adopted sporadically (at the level of FBiH, Canton 10 and the West Herzegovina Canton). GRETA emphasises the need for structured co-operation with trade unions and NGOs to effectively tackle labour exploitation.³⁰

In BiH, poor employment practices and exploitation are prevalent in both the formal and informal sectors, particularly in sales, catering, and construction. Workers face labour rights violations, such as excessive working hours, non-payment or manipulation of wages, and unsafe working conditions. The widespread informal economy highlights the problem's scope. Ineffective enforcement against labour rights violations increases the risk of THB for labour exploitation. High exposure to risks and low social protection coverage leaves most workers vulnerable to exploitation.³¹

BiH is a party to several international treaties and has committed to aligning its domestic policies and legal framework with international standards, primarily those protecting human rights of THB victims. Since 2001, BiH has implemented planned, co-ordinated and long-term measures to control THB. The Rulebook for the Protection of Foreign Victims of Human Trafficking³², which is a bylaw to the Law on Foreigners and applies to foreign victims of THB in BiH, and the Rules on the Protection of Victims and Victim-Witnesses of Human Trafficking Citizens of Bosnia and Herzegovina³³ adopted by the Council of Ministers of BiH in July 2007 are the binding standards for the protection of human rights of victims and witnesses of THB.

As a State Party to the Council of Europe Convention on Action against Trafficking in Human Beings, BiH is obliged to adopt laws, policies and strategies for combating THB, specifically addressing labour exploitation. These measures must take a human rights-based and victim-centred approach, supported by adequate funding to ensure their implementation. They should be co-ordinated, monitored, and evaluated by specific mechanisms, without prejudice to cross-cutting means. The goals of these policies are to prevent THB for the purpose of labour exploitation, protect victims' rights, ensure their access to effective remedies (including compensation), punish offenders, and promote international and multi-agency co-operation and co-ordination.

BiH is also required to ensure that businesses and public organisations act with due diligence, addressing and mitigating THB risks in their supply chains and procurement processes.³⁴

The institutional framework in BiH for combating THB includes legislative, judicial and executive institutions at all administrative levels, as well as numerous NGOs. These institutions and organisations are responsible, within their jurisdiction and authority, for adopting legal and regulatory frameworks, detecting, investigating, prosecuting,

³⁰ GRETA, 7th General Report on GRETA's activities, thematic chapter on human trafficking for the purpose of labour exploitation (2017).

³¹ Labour Trafficking in Bosnia and Herzegovina: risk factors, trends and challenges, Council of Europe, Sarajevo, 2022.

³² Official Gazette of BiH 79/2016.

³³ Official Gazette of BiH 66/2007.

³⁴ Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation.

and adjudicating THB offences, protecting victims' human rights, and providing various forms of victim assistance and support (social, medical, psychological, psychosocial, legal, educational, financial, etc.). Given a large number of institutions and organisations involved and the diverse anti-trafficking activities required, a planned and organised approach with mutual co-ordination is essential. The co-ordination mechanism includes:

- a) **State Coordinator for the Fight against THB:** Responsible for co-ordinating activities related to THB with relevant domestic and international institutions and organisations, and liaising with other ministries at the level of BiH and entities, and other local authorities as necessary.
- b) **Monitoring Team:** Responsible for monitoring and co-ordinating the implementation of the Anti-Trafficking Strategy.
- c) **Task Force for the Fight Against Trafficking in Human Beings and Organised Illegal Immigration:** Aims to improve co-operation and co-ordination between state and entity authorities in investigating and prosecuting THB cases at the highest level.
- d) **Coordination Teams at the level of entities, cantons and a district** (13 anti-trafficking co-ordination teams): These teams are responsible for developing and implementing action plans to enforce the Anti-Trafficking Strategy and co-ordinating anti-trafficking activities in their jurisdictions.

Additionally, local mobile identification teams and local anti-trafficking protocols have been set up in several cities and municipalities.

THB was first criminalised in BiH in 2003. Since then, the provisions on THB have been amended several times to align with international standards and new trends. Currently, THB with an international element is criminalised under the Criminal Code of BiH³⁵, while internal THB is criminalised in criminal codes of the Federation of BiH (FBiH)³⁶, Republika Srpska (RS)³⁷ and Brčko District of Bosnia and Herzegovina (BD)³⁸. THB is criminalised in accordance with the definition of the offence set out in the Palermo Protocol and the CoE Convention, and all four criminal codes include forced labour or services, slavery or practices similar to slavery, and servitude in the definition of THB. A detailed description of the legal framework is enclosed in Annex III.

Under current legislation, the Prosecutor's Office of BiH has jurisdiction over THB prosecution as prescribed in Criminal Code of BiH, while cantonal and district prosecutor's offices have jurisdiction over THB crimes as defined in the criminal codes of FBiH, RS, and BD. In The Prosecutor's Office of BiH prosecutes THB offences with an international element, while other prosecutors' offices³⁹ in BiH prosecute other THB offences.

³⁵ Criminal Code of Bosnia and Herzegovina, Art. 186 International Trafficking in Human Beings.

³⁶ Criminal Code of the Federation of Bosnia and Herzegovina, Art. 210a Trafficking in Human Beings.

³⁷ Criminal Code of Republika Srpska, Art. 145 Trafficking in Human Beings.

³⁸ Criminal Code of Brčko District of Bosnia and Herzegovina, Art. 207a Human Trafficking.

³⁹ Prosecutorial System of BiH: Prosecutor's Office of Bosnia and Herzegovina, Prosecutor's Office of the Federation of Bosnia and Herzegovina, Prosecutor's Office of Republika Srpska, Prosecutor's Office of Brčko District of BiH, ten cantonal prosecutor's offices in the Federation of Bosnia and Herzegovina and five district prosecutor's offices in Republika Srpska.

3.2. BOSNIA AND HERZEGOVINA'S INSTITUTIONAL, LEGAL AND REGULATORY FRAMEWORK RELATED TO LABOUR AND LABOUR INSPECTIONS

As said earlier, familiarity with labour-related legal and regulatory framework, and responsible institutions acting within that framework is necessary for successful tackling THB for the purpose of labour exploitation. This is the only possible way to recognise when smaller or larger labour law violations turn into extreme forms of criminal exploitation.

The labour laws in force in the entities of the Federation of BiH, Republika Srpska, and the Brčko District regulate labour relations and standards in a similar manner. The laws cover, among other issues, the conclusion, amendment, and termination of employment contracts, working hours, safe working environments, holidays and leaves, minimum wages and salaries, protection of labour rights, protective measures for women, participation of workers in trade unions, collective bargaining agreements, and dispute settlement between workers and employers. Although the laws do not explicitly reference THB, they do address forced or compulsory labour and prohibit labour exploitation and discrimination. A tabular presentation of the relevant provisioning the labour laws is provided below.

Law / Standards	Contract	Elements	Non-discrimination	Posting workers abroad
Labour Law (FBiH) Art. 24; Art. 8; Art. 25.	Written form, voluntary agreement of two parties.	Information and data on the employer, employee, workplace, contract duration, salary, working hours, etc.	It is prohibited to discriminate against workers and persons seeking employment based on gender, sexual orientation, marital status, family obligations, age, disability, pregnancy, language, religion, political and other opinions, nationality, social origin, property status, birth,	Prior to departure, a written agreement must be reached between the employer and the worker regarding the conditions of work abroad: workplace abroad; the duration of work; the place of work and residence; the currency in which the salary and other income will be paid; and the
Labour Law (RS) Art. 35; 26-27. Art. 19; Art. 173.	Persons who are at least 15 years old and able to work.	Art. 24		
Labour Law (BD) Art. 20; Art. 24; Art. 7; Art. 37.	Persons aged 15-18 must have the consent of their legal guardian and proof of general health. Art. 24. In RS, an employment relationship with a person under the age of			

	<p>18 can only be established with the written consent of a parent, adoptive parent or guardian, if such work does not endanger the underage person's health, morals and education, or if such work is not prohibited by law.</p> <p>Proof from a health institution is required, establishing that the underage person can perform the tasks for which they establish the employment relationship and that such tasks are not harmful to their health.</p>		<p>race, skin colour, membership or non-membership in political parties and trade unions, health status, or some other personal characteristics.</p>	<p>conditions for returning to the home country.</p> <p>In RS, a worker can be temporarily assigned to work with another employer for a suitable job if the need for their work has temporarily ceased, if business premises have been leased, or if a contract on business co-operation has been concluded as long as the reasons for the assignment last, but for a maximum of one year.</p> <p>With the employee's consent, it can be extended beyond one year, provided an employment contract is concluded with the new employer under at least the same conditions as the original contract.</p> <p>The worker retains the right to return to work with the employer who made the referral.</p>
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JURISDICTION AND ORGANISATION

Federation of Bosnia and Herzegovina

Labour inspections supervise the implementation of labour regulations, including: the Labour Law of FBiH⁴⁰, the Law on the Employment of Foreigners of FBiH⁴¹, the Law on Strikes of FBiH⁴², the Law on Workers' Councils of FBiH⁴³, the Law on Mediation in Employment and Social Security of Unemployed Persons of FBiH⁴⁴, the Law on Safety at Work of BiH⁴⁵, and other laws and some by-laws (ordinances, regulations, etc.). The labour inspections operate under the Law on Inspections of FBiH⁴⁶, the Law on Administrative Procedure of FBiH⁴⁷, and the Law on the Organisation of Administrative Bodies in FBiH⁴⁸.

The Federal Labour Inspectorate, located within the Federal Administration for Inspection Affairs, operates at the federal level. In addition, ten cantonal labour inspections function within the cantonal administrations in Una-Sana Canton, Posavina Canton, Tuzla Canton, Zenica-Doboj Canton, Bosnia-Podrinje Canton, West Herzegovina Canton, Sarajevo Canton, and Canton 10. In Herzegovina-Neretva Canton and Middle Bosnia Canton, labour inspections operate within competent ministries. The Federal Labour Inspection is responsible for monitoring the implementation of laws in the companies, enterprises and institutions deemed to be of interest to FBiH. Other companies, enterprises and institutions are monitored by cantonal labour inspections.

In FBiH, inspections are conducted and recorded mainly electronically via the "E-inspector" platform. According to the law, inspections are always carried out *ex officio*, based on the inspection order and following an established Checklist. However, this Checklist does not include specific questions related to THB, forced labour, or labour exploitation. Inspections, covering both labour issues and health and safety at work, can be conducted at all registered employers, whether legal entities or individuals.

Republika Srpska

The inspection system in RS, governed by the Law on Inspections of RS⁴⁹, consists of the Republic Administration for Inspection Affairs (hereinafter: Inspectorate) and specialized units within local self-government administrations. The Inspectorate is an independent body responsible for inspection, administrative, specialized, and other tasks related to the enforcement of laws and other regulations. Inspection in RS is carried out by officers from the Inspectorate, while inspections within local self-government units are carried out by local inspectors. Labour inspectors, as part of this system, ensure compliance with all labour standards, labour relations and occupational safety. They monitor adherence

⁴⁰ Official Gazette of the Federation of BiH, no. 26/2016, 89/2018, 23/2020 – Decision of the Constitution Court of the Federation of BiH, 49/2021 – other law, 103/2021 – other law, 44/2022 and 39/2024.

⁴¹ Official Gazette of the Federation of BiH, no. 111/2012.

⁴² Official Gazette of the Federation of BiH, no. 14/2000.

⁴³ Official Gazette of the Federation of BiH, no. 38/2004.

⁴⁴ Official Gazette of the Federation of BiH, no. 55/2000, 41/2004, 22/2005 and 9/2008.

⁴⁵ Official Gazette of the Federation of BiH, no. 79/2020.

⁴⁶ Official Gazette of the Federation of BiH, no. 73/2014 and 19/2017 – Decision of the Constitutional Court of the Federation of BiH.

⁴⁷ Official Gazette of the Federation of BiH, no. 2/1998, 48/1999 and 61/2022.

⁴⁸ Official Gazette of the Federation of BiH, no. 35/2005.

⁴⁹ Official Gazette of Republika Srpska, no. 18/2020.

to regulations on employment, labour, safety and health at work. Labour inspectors independently conduct procedures, make decisions, and take measures and actions within their rights and duties as established by the Law on Inspections of Republika Srpska and other regulations. Their jurisdiction includes supervising the application of the Labour Law of RS⁵⁰ and its bylaws, collective agreements, and labour regulations. Additionally, labour inspectors oversee the implementation the Law on Safety at Work of RS⁵¹, the Law on the Employment of Foreigners and Stateless Persons of RS⁵², the Law on Mediation in Employment and Rights During Temporary Unemployment of RS⁵³, the Law on Records in the Field of Labour and Health Insurance of RS⁵⁴, the Law on Strikes of RS⁵⁵, and other laws and regulations.

Brčko District of Bosnia and Herzegovina

Labour inspection in BD is conducted based on the Law on Inspections of BD⁵⁶ by District Government inspectors. The Inspectorate operates as an independent sector of the District Government, accountable to the Government and the Mayor.

Labour inspectors are tasked with supervising the implementation of regulations on labour and occupational safety. Key laws include the Labour Law of the BD BiH⁵⁷, the Law on Employment and Rights During Unemployment of BD BiH⁵⁸, the Law on Safety and Health at Work of BD BiH⁵⁹, and the Law on Employment of Foreigners of BD BiH⁶⁰.

Labour inspectors oversee the implementation of laws and regulations related to employment contracts, employer and employee rights and obligations, employment of foreigners, and workplace safety and health. Inspectors have the authority to review relevant acts, records and documents; verify the identity of responsible persons; conduct hearings and request statements; investigate workplace injuries or fatalities; inspect buildings, sites, and equipment; and take necessary measures in accordance with the law.

THB AND FORCED LABOUR IN LABOUR LEGISLATION IN BOSNIA AND HERZEGOVINA

Federation of Bosnia and Herzegovina

The labour regulations in FBiH lack specific and explicit provisions defining “trafficking in human beings”, “forced labour” and “labour exploitation.” However, the Labour Law of FBiH includes several provisions that prohibit labour exploitation, such as non-discrimination clauses, strict conditions for signing contracts, minimum wage requirements, and special protection for minors and women. It also regulates working hours and ensures the right to

⁵⁰ Official Gazette of Republika Srpska, no. 1/2016, 66/2018, 91/2021 – Decision of the Constitutional Court of RS, 119/2021, 112/2023 and 39/2024.

⁵¹ Official Gazette of Republika Srpska, no. 1/2008 and 13/2010.

⁵² Official Gazette of Republika Srpska, no. 24/2009 and 117/2011.

⁵³ Official Gazette of Republika Srpska, no. 30/2010, 102/2012, 94/2019 and 112/2023.

⁵⁴ Official Gazette of Republika Srpska, no. 18/1994 and 64/2006.

⁵⁵ Official Gazette of Republika Srpska, no. 111/2008 and 23/2020.

⁵⁶ Official Gazette of BD BiH, no. 24/2008, 25/2008 - correction, 20/2013, 16/2018, 8/2019, 11/2020, 24/2020 and 40/2020.

⁵⁷ Official Gazette of BD BiH, no. 34/2019, 2/2021, 6/2021 and 15/2022.

⁵⁸ Official Gazette of BD BiH, no. 1/2023.

⁵⁹ Official Gazette of BD BiH, no. 20/2013 and 7/2021.

⁶⁰ Official Gazette of BD BiH, no. 15/2009, 19/2009 and 20/2010.

a safe work environment with multiple provisions prohibiting force labour. Employment contracts compliant with this law guarantee a safe working environment, respect for rights, and reduce the risk of vulnerable workers becoming victims of forced labour or THB.

The Criminal Code of FBiH⁶¹ protects workers' rights through provisions related to labour rights violations and criminal offenses of Trafficking in Human Beings (Article 210a) and Organised Trafficking in Human Beings (Article 210b). The offence of THB is determined by constitutive elements such as actions, means, and purpose, with the qualification depending on the factual circumstances, including consent. For children (under 18), the means of exploitation are irrelevant. Chapter XXIV of the Criminal Code criminalises various offences against work relations, including Violation of Equality in Exercising Right to Employment (Article 279), Violation of Rights Arising from Employment (Article 280), Violation of Rights during Temporary Unemployment (Article 281), Violation of Rights Arising from Social Security (Article 282), Abuse of Rights Arising from Social Security (Article 283), and Failure to Implement Decision on Reinstatement of a Person in the Former Post (Article 284).

Republika Srpska

The Labour Law of RS does not regulate or define THB. However, the Criminal Code of RS⁶², Chapter XXIII, envisages the following labour related criminal offences: Violation of Fundamental Rights of Employees (Article 209), Abuse at Work (Article 210), Violation of Rights during Recruitment and Periods of Unemployment (Article 211), Violation of Rights to Social Security (Article 212), Abuse of Rights to Social Security (Article 213,) and Failure to Implement Safety at Work Regulations (Article 214). These offences require the perpetrator to deny or limit certain rights prescribed by specific laws. A criminal offense exists only if an offense has been committed, determined by resulting consequence, which can be a complete denial or limitation of work rights.

The Criminal Code of RS also criminalise the following acts of THB: Trafficking in Human Beings (Article 145), Trafficking in Children (Article 146), and Associating for the Purpose of Perpetrating the Criminal Offence of Trafficking in Human Beings and Children (Article 147). THB offenses are identified by their constitutive elements (action, means and purpose). It is essential to understand the connection between labour rights protection and THB. For children (under 18), the means of exploitation is irrelevant.

Brčko District of Bosnia and Herzegovina

The Labour Law of BD does not define or mention THB. However, Chapter XXIV of the Criminal Law of BD criminalises the following act against labour relations: Violation of Equality in Employment (Article 273), Violation of Work Relations Rights (Article 274), Violation of Rights During Temporary Unemployment (Article 275), Violation of Social Insurance Rights (Article 276), Abuse of Social Insurance Rights (Article 277), Failure to Enforce Decision on Reinstatement (Article 278), and Failure to Take Safety at Work Measures (Article 279).

⁶¹ Official Gazette of the Federation of BiH, no. 36/2003, 21/2004 – correction, 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016, 75/2017 and 31/2023.

⁶² Official Gazette of Republika Srpska, no. 64/2017, 104/2018 – CC BiH decision, 15/2021, 89/2021, 73/2023 and Official Gazette of BiH, no. 9/2024 – CC BiH decision.

The Criminal Code of BD⁶³ also criminalises Trafficking in Human Beings (Article 207a), Trafficking in Children (Article 207b) and Organised Trafficking in Human Beings (Article 207c). A criminal offense of THB exists when constitutive elements (action, means and purpose) are determined. Institutions must recognise the connection between protecting labour rights and THB. For children (under 18), the means of exploitation is irrelevant.

EMPLOYMENT OF FOREIGNERS

The Law on Employment of Foreigners of FBiH, the Law on the Employment of Foreigners and Stateless Persons of RS, and the Law on Employment of Foreigners of the Brčko District of BiH all stipulate that foreigners employed by domestic legal and natural persons have the same rights, obligations, and responsibilities as local employees, unless otherwise specified by international agreements. In both entities and in BD, foreigners employed by domestic legal and natural persons must meet general legal conditions, collective agreements, and employer's general acts. Additionally, they must have an approved temporary residence permit and obtain a work permit.

In FBiH, the work permit is issued by the competent cantonal employment office with the approval of the Federal Employment Agency, based on the established quota of work permits, at the employer's request.

In RS, the work permit is issued by the Employment Office of RS, with the relevant branch handling the issuance based on the established quota, at the employer's request.

In BD, the work permit is issued by the Employment Office of the Brčko District of BiH based on the established quota of work permits, at the request of the employer.

4. INDICATORS OF THB FOR THE PURPOSE OF LABOUR EXPLOITATION

Vulnerability and its abuse are central to understanding of THB. In international human rights discourse, vulnerability highlights the particular disadvantages faced by specific groups needing special support. However, there is no single definition of vulnerability or criteria for identifying a group or person as vulnerable. The Explanatory Report to the CoE Convention defines the abuse of a position of vulnerability as exploiting any situation where the person involved has no real and acceptable alternative but to submit to the abuse. This vulnerability may be of any kind - physical, psychological, emotional, family-related, social or economic. It may involve insecurity or irregularity of the trafficked person's administrative status, economic dependence, or fragile health. Various forms of vulnerability, e.g. poverty or poor health, do not constitute elements of THB in themselves. The abuse of such vulnerability is key to identifying THB.

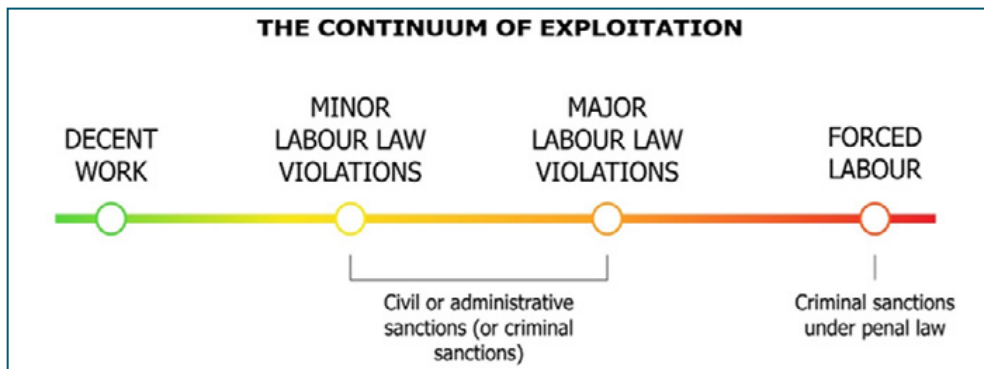
As previously mentioned, neither international instruments nor BiH legislation provide a clear definition of THB for the purpose of labour exploitation. This makes it difficult

⁶³ Official Gazette of Brčko District BiH, no. 19/2020 – consolidated text, 3/2024 and 14/2024.

to distinguish between exploitation in terms of violation of labour rights and extreme exploitation amounting to forced labour.⁶⁴ Exploitation can take many different forms but usually involves dirty, dangerous work for little or no pay, with inadequate rest time, no safety nets like health insurance or social assistance, and often with a degree of force or violence.

To help making clearer distinction between labour exploitation as the form of THB and other practices that may be considered exploitative in the field of labour, the concept of “**continuum of exploitation**”⁶⁵ was introduced. Namely, workers’ experiences can be understood as existing on a “continuum”. At one end, there is decent and well-paid work. Along the continuum, various bad practices, such as breaches of employment rights (e.g., unpaid wages, discrimination etc.) occur, culminating at the opposite end in severe labour exploitation, such as THB and forced labour. It is not explicitly specified where on the continuum of exploitation violation of rights shifts from being the issue of labour legislation, either as misdemeanours or criminal offences, to becoming the issue of criminal legislation⁶⁶, but it is up to each state to define it based on its internal regulations.

When minor breaches of rights occur and are not sufficiently addressed, the risk of more severe exploitation along the continuum increases.⁶⁷ For this reason, labour inspectors play an extremely important role.



Klara Skrivankova, Between Decent Work and Forced Labour: Examining the Continuum of Exploitation, Joseph Rowntree Foundation, November 2010.

GRETA has noted that preventing and combating THB for the purpose of labour exploitation is challenging on many accounts. One of the most significant barriers is the lack of understanding of the concept of THB for labour exploitation among both anti-

⁶⁴ Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, para. 83.

⁶⁵ Klara Skrivankova, *Between Decent Work and Forced Labour: Examining the Continuum of Exploitation*, Joseph Rowntree Foundation, November 2010. Available at: <https://www.jrf.org.uk/sites/default/files/migrated/migrated/files/forced-labour-exploitation-full.pdf>

⁶⁶ GRETA, Guidance Note on preventing and combating trafficking in human beings for the purpose of labour exploitation, GRETA(2020)12, Council of Europe, December 2020.

⁶⁷ Labour Exploitation Advisory Group, “So I Decided to Carry On...”: The Continuum of Exploitation in Practice, February 2024. London: Focus on Labour Exploitation (FLEX). Available at: <https://labourexploitation.org/app/uploads/2024/02/The-continuum-of-exploitation-report-2024-.pdf>

trafficking actors and general population. This has hindered proactive identification of labour exploitation situations. Differences in interpreting and applying labour standards and understanding labour further complicate efforts.⁶⁸

Indicators of THB for the purpose of labour exploitation are facts pointing to the presence of elements constituting the criminal offence of THB. Indicators are not the elements of the definition of the offence: for example, coercion is not an indicator of THB, but the element of the offence, while indicators are spot signs indicating that coercion is in place. There are various approaches to the indicators all of which aim to help detect THB situations and identify trafficking victims. Several sets of indicators have been developed so far, globally and regionally.

For example, the International Labour Organisation (ILO) has developed a list of indicators of forced labour, which include elements present in the THB definition, such as abuse of vulnerability, deception, intimidation and threats, as well as other indicators such as restriction of movement, isolation, physical and sexual violence, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime. Separate sets of indicators have been developed for children and adults. The Ministry of Security of BiH, in co-operation with International Organization for Migration (IOM), has developed and introduced a digital Vulnerability Assessment Tool encompassing the list of indicators of THB for the purpose of labour exploitation.⁶⁹ The Council of Europe, together with International Centre for Migration Policy Development (ICMPD), ILO, and the United Nations Office on Drugs and Crime (UNODC), has developed guidelines for the first level identification of victims of trafficking in Europe that are presented in Annex I of the Handbook.

In using the indicators, the role of labour inspectors and other front-line officer is to observe situations and listen to individuals to gather enough information to decide if they have detected a possible victim of trafficking. If possible, they are also encouraged to document the signs of THB by collecting available evidence.

The presence of an indicator alone is not sufficient to qualify the case as THB. Presence or absence of an indicator is not sufficient to qualify a situation as THB. Also, when it is reasonable, it is better to investigate possible THB for the purpose of labour exploitation even where indicators are not very strong than to deny assistance and protection to possible victim due to formalistic approach. In addition to criminal justice implications, identification is also the first and necessary step in the protection of victims' rights and their access to assistance depends on it.

The List of Indicators developed within the Guidelines for the First Level Identification of Victims of Trafficking in Europe⁷⁰ and presented in Annex I of this Handbook suggests spotting signs which could indicate THB, and investigating causes and intentions behind the indicator. Explanations for the presence of one sign may lead to disregard the indicator or, on the contrary, to go deeper in the investigation and look for other indicators. Only a combination of different indicators from the three elements of the THB definition (Action, Means (for adults), Purpose) will lead to the conclusion that a situation likely constitutes

⁶⁸ GRETA, Thematic Chapter on human trafficking for the purpose of labour exploitation in GRETA's 7th General Report, 2017. Available at: <https://rm.coe.int/labour-exploitation-thematic-chapter-7th-general-report-en/16809ce2e7>

⁶⁹ Ministry of Security of BiH, Resource Center, available at: [Resursni centar \(msb.gov.ba\)](https://resursni.centar.msb.gov.ba)

⁷⁰ Guidelines for the First Level Identification of Victims of Trafficking in Europe, CoE, ICMPD, ILO, UNODC, June 2013.

THB for the purpose of labour exploitation, warranting referral to a specialised anti-trafficking authority.

Each indicator is presented with four dimensions:

1. **Spot signs** – These are the signs that first attract attention and indicate that something is seriously wrong. Each indicator should be linked to a sub-set of warning signs. Once warning signs have attracted attention, the official should try to spot other signs of the indicator as well as signs of other indicators whilst the inspection proceeds. Most of the signs are perceivable by monitoring, observance and questioning as part of initial screening in the field without in depth interviewing and examinations. These signs point that an indicator of THB might be present. But for some indicators (such as deception), there are not obvious and easily observable signs. On the contrary, they require more questions and other methods.
2. **Check causes** – This step provides the inspector with a set of questions to help verify whether the indicator relates to a THB offence. These questions are not meant to be asked directly to the possible victim. Instead, they aim to uncover the causative acts, reasons, and intentions behind the indicator. The questions guide the front-line officer in further investigating the cases, especially when interviewing victims and other witnesses of THB. The questions should be indirect, rather than direct questions such as “Was the violence used to coerce the person to work”. They should be asked from different angles, with the answers leading to conclusions by the front-line officer.

These two phases can be supplemented by two more investigative steps, namely “Use methods” and “Collect evidence”. These steps are not the responsibility of labour inspectors, but are listed here so that the labour inspector knows how to respond if some of these elements emerge during communication with the possible victim.

3. **Use methods** – These are suggestions on how a front-line officer can find answers to the set of questions. In the case of THB for the purpose of labour exploitation, this includes direct observations in the workplace and sleeping areas, reviewing relevant company and employee documentation, taking samples, and conducting on-site and off-site interviews. The list is by no means exhaustive.
4. **Collect evidence** – If it appears likely that the case could constitute an offence of THB, the front-line officer is provided with a non-exhaustive list of evidence specific to the indicator in question. Under each indicator, the front-line officer should aim to obtain a detailed testimony from the possible victims based on the questions provided. Other evidence that corroborates the worker’s account may also stand on its own, especially if the victim refuses to testify. This type of evidence is detailed under each indicator.

The indicators presented in [Annex I](#) can be used at all stages of the trafficking cycle. Therefore, the person to whom they apply may have migrated or not, may be on their way to the place of destination, may be currently working, or may have escaped a situation of exploitation. To avoid naming the person according to the stage where they are detected (e.g. applicant, possible migrant, migrant, worker, ex worker), the indicators use the generic term of “the Person” to refer to the child, woman or man who may be a possible

victim of trafficking, at least for all phases before employment.

This is a short list of selected indicators that is not exhaustive but serves as an illustration. The full list of indicators is provided in Annex I

- The worker is required to undertake hazardous work without adequate protective gear.
- The worker does not have the necessary education and experience to work safely.
- Workers are expected to live in the same place where they work.
- One ethnic group is overly represented in the workplace.
- The worker is required to undertake illicit or humiliating activities.
- The working environment is unhealthy, with poor lighting and ventilation, lack of heating, and inadequate access to sanitary facilities.
- There are no safety or health notices in the workplace, and equipment is lacking.
- Working conditions grossly violate labour laws and collective agreements.
- Workers look exhausted and scruffy.
- Even sick people or pregnant women are expected to work.
- The employer cannot provide employment contracts, insurance details, or registers of the workers.
- The worker must work overtime without overtime compensation.
- Working hours are loosely defined, if at all.
- Compensation is results-based and tied to production targets.
- The worker must work overtime to earn the legal minimum wage.
- If the worker refuses to work overtime once, they are blacklisted and never given the chance to work overtime again.
- The worker works on call 24 hours a day, 7 days a week.
- The worker works during unusual hours.
- The worker also works in the employer's private residence.
- The worker is denied breaks, days off, and free time.
- The worker is denied benefits they are entitled to, such as paid holidays.
- The worker looks tired and exhausted.
- The worker is required to work while sick or pregnant.

For children, there is no need to detect the existence of signs of the use of force, deception or any other mean to suspect a case of trafficking.⁷¹

⁷¹ Guidelines for the first level identification of victims of trafficking in Europe, CoE, ICMPD, ILO, UNODC, June 2013, p. 27.

5. THE ROLE OF POLICE AND LABOUR INSPECTORS IN FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS: PREVENTION, INSPECTION, REFERRAL

Recent investigations in Europe have shown that forced labour victims are exploited in various economic sectors, both legal and illegal. These sectors include agriculture, horticulture, food processing, commercial sex, contract cleaning, construction, domestic work, entertainment, residential care, hospitality, small sweatshops, petty crime, and street runners in drug trafficking.⁷² The assessment of labour rights violations is complicated by businesses using obscure and deceptive and fraudulent recruitment methods, including online platforms based outside the jurisdiction where recruitment occurs. To reduce labour costs and maximise profits, businesses may exploit legal constructions such as self-employment, recruitment agencies, letter-box companies in other countries, payrolling, sub-contracting via other countries, or posting workers.

Public authorities, including labour inspectorates, play a critical role in preventing an environment where wider and more severe offences against workers may become more pervasive.⁷³ Effective counter-trafficking efforts require multi-agency and multi-disciplinary co-operation and mechanisms, particularly between law enforcement agencies and labour inspectorates. This co-operation is essential for success, as both entities regularly gather vital intelligence and work to combat and reduce THB.

The **police** play a complex role in addressing THB cases. They must not only investigate and produce evidence, but also ensure the security and protection to victims throughout the reflection and stabilization period, during the trial, and before/after repatriation. Measures taken should be based on individual needs of the victim and adhere to agreed quality standards. It should be borne in mind that individualized case management is costly and complex, requiring specific action by a variety of specialists, professional services, and institutions.

Labour inspectors often serve as the first authority in contact with potential victims of THB for the purpose of labour exploitation. In the field, they can detect labour exploitation and identify potential victims. Their jurisdiction allows them to identify illegal and undeclared work, labour exploitation and THB for the purpose of labour exploitation, making them essential in the timely and accurate identification of THB victims, initiating criminal justice responses, preventing further rights violation, and referring victims to support organisations.

Co-operation between the police and labour inspectorates should not be limited to single cases but should be a regular part of to all anti-trafficking activities. This includes prevention, victim protection, investigation and prosecution of THB for the purpose of labour exploitation, with law enforcement officers playing a key role at each stage.

In carrying out their duties, labour inspectors are likely to encounter situations of THB or forced labour at workplaces, as well as scenarios that indicate a risk of exploitation.

⁷² ILO, A Global Alliance Against Forced Labor, pp. 46-47.

⁷³ Council of Europe, Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and Explanatory Memorandum "Preventing and Combating Trafficking in Human Beings for the Purpose of Labour Exploitation", January 2023.

The main function of labour inspectors relevant to combating THB for the purpose of labour exploitation is **ensuring compliance with labour legislation**: preventing violations, enforcing labour legislation, and collecting data on compliance levels across different sectors.⁷⁴

According to GRETA,⁷⁵ labour legislation and the extension of labour protection to all economic sectors and undocumented workers, along with labour and workplace inspections - including health and safety checks, compliance with labour standards, and revenue laws - play an important role in deterring labour trafficking and identifying possible victims. In that regard, labour inspectors can actively prevent and detect cases of THB for the purpose of labour exploitation, and protect the victims whose integrity and rights are violated, as they typically have a range of discretionary measures at their disposal.

For the purpose of this publication, the three inspection systems in Bosnia and Herzegovina and general and special powers of inspectors have been analysed. These powers are particularly relevant to the detection and reporting of potential THB for the purpose of labour exploitation. The general powers of inspectors are presented comparatively in the following table, while the special powers related to the reporting of criminal offenses are described in detail.

GENERAL POWERS OF INSPECTORS

Level Powers	Federation of BiH (Articles 62 and 126 of FBiH Law on Inspections)	Republika Srpska (Articles 38 and 56 of RS Law on Inspections)	Brčko District of BiH (Article 21 of BD Law on Inspections)
	Determining the identity of persons	Determining the identity of persons	Determining the identity of persons
	Inspection of facilities, premises, products, goods, documentation, etc. <i>* Including modalities of performing activities - work process, safety of goods and quality of products and services provided</i>	Inspection of facilities, premises, products, goods, documentation, etc. <i>* Including computer programs, data, audio and video recordings</i>	Inspection of facilities, premises, products, goods, documentation, etc.

⁷⁴ Council of Europe, Group of Experts on Action against Trafficking in Human Beings GRETA(2020)12, Guidance note on preventing and combatting trafficking in human beings for the purpose of labour exploitation, September 2021.

⁷⁵ GRETA, 7th General Report on GRETA's activities, thematic chapter on human trafficking for the purpose of labour exploitation (2017), page 28.

THE RESOURCE PACKAGE: PREVENTING, DETECTING AND INVESTIGATING TRAFFICKING IN HUMAN BEINGS
FOR THE PURPOSE OF LABOUR TRAFFICKING

	Taking statements	Taking statements Including issuing orders to the subject of the inspection to submit the requested data and documentation within the deadline, or to respond to an invitation to come to the official premises for the purpose of providing data	Taking statements
	Sampling	Sampling	Sampling
	Issuing an order to ensure the inspection <i>* Including orders for forced opening of the facility for the purpose of inspection</i>	Issuing an order to ensure the inspection	Issuing an order to ensure the inspection
	Temporary confiscation of documentation, objects and other items	Temporary confiscation of documentation, objects and other items	Temporary confiscation of documentation, objects and other items
	Temporarily prohibit the performance of certain actions or activities <i>* Including bans on the use of construction sites, premises, devices and equipment</i>	Prohibition of the subject of the inspection from performing activities or taking actions	Temporarily prohibit the performance of certain actions or activities
	Placing a seal, marks and other symbols		Placing a seal or other actions that ensure the execution of the imposed measures
	Taking administrative and other measures	Issuing a decision to eliminate illegalities, irregularities and deficiencies and sets a deadline for their execution	Issuing a decision on the elimination of observed deficiencies

	Taking other measures and actions to ensure the inspection	Taking other measures and actions to ensure the inspection	Taking other measures and actions to ensure the inspection
	Prohibition of access to the place where the inspection is carried out	Ordering measurements and tests performed by an authorized professional organisation	
		Dealing with seized goods during the inspection (offer to the subject of the inspection to buy the seized goods or order to the subject to destroy them)	

In summary, all three inspection systems in BiH have very similar general powers. The only difference lies in the normative scope of the regulation. In some cases, legislators have provided more detailed definitions of inspectors’ powers, likely in response to practical issues that required clearer legal guidelines.

SPECIAL POWERS OF INSPECTORS

Laws regulating inspections and labour in BiH grant labour inspectors significant powers to combat THB. Beyond their regular duties, labour inspectors in FBiH, RS and BD have specific obligations to report criminal acts, including THB.

For example, in FBiH, labour inspectors must inform the competent prosecutor’s office if they obtain knowledge of a possible criminal offense during inspection (Article 15 of FBiH Law on Inspections). In RS, inspectors are similarly required to immediately report any criminal offence discovered during an inspection to the public prosecutor’s office. Their special powers also include preserving evidence (including traces and objects) of the offense and notifying other authorities without delay and where necessary (Article 57 of RS Law on Inspections). In BD, the powers of inspectors differ in terminology and partially in content; inspectors have the right to request the determination of criminal or misdemeanour liability or to issue a misdemeanour order (Article 21 of BD Law on Inspections).

Inspectors in all three jurisdictions can conduct inspection in residential premises with the court order:

- In FBiH, labour inspectors can inspect residential premises if they are used for business activities, with a court order (Article 62 of FBiH Law on Inspections).
- In RS, labour inspectors can enter an apartment or room if there is justified suspicion of finding crucial evidence. If access is denied, they must obtain a court order (Article 55 of RS Law on Inspections). Evidence found can be used in misdemeanour proceedings or referred to the public prosecutor for criminal proceedings.

- In BD, labour inspectors can inspect residential buildings with a court order if there is suspicion that the premises contain items related to a misdemeanour or criminal offense or pose a threat to the safety and health (Article 21 of BD Law on Inspections).

These powers are very important, aligning with Recommendation CM/Rec(2022)21, which emphasizes that labour inspectors must be authorized to secure evidence of offenses to support prosecutions and ensure effective, proportionate and dissuasive sanctions. The laws in BiH provide the minimum conditions for labour inspectors to enter private premises and secure evidence, differing in scope and content but enabling effective action, especially in joint co-ordinated operations with police and prosecutors.

Joint inspection teams, composed of labour inspectorates and other agencies, ensure effective co-operation and co-ordination in anti-trafficking efforts. Joint inspections enable a multidisciplinary approach and information pooling, enhancing operational effectiveness. The primary objective of the inspectors remains to protect workers' rights and improve their working conditions.

Inspection methods and techniques relevant to labour exploitation, which should be used by labour inspectors, both independently and in collaboration with other actors, include interviews, direct observation, document verification, enforcing notices, and inspecting workplace materials and substances. All actions by labour inspectors, police, or other entities should consider and mitigate the risk of reprisals against workers from their employers after inspection.

The roles of labour inspectors and police in the field of victim identification, protection and assistance are discussed in subsequent chapters.

6. INITIAL CONTACT AND IDENTIFICATION OF POTENTIAL VICTIMS OF TRAFFICKING FOR LABOUR EXPLOITATION

Identification is a formal process through which a person is assessed and evaluated to determine whether they may be a potential or presumed victim of THB and to identify their immediate needs for referral to appropriate services. **All the subsequent actions depend on the outcome of preliminary identification, including whether the person will have access to assistance and protection.** For this reason, it is better to identify someone as a victim and later correct it if necessary, rather than fail to identify and possibly endanger the person. The factors that most impact the identification process can be sorted as:⁷⁶

⁷⁶ <https://rm.coe.int/hf20-gender-guide-eng-cover-for-approval/1680a9fe24>

Stereotypes	<ul style="list-style-type: none"> • Identification of THB victims is largely affected by stereotypes about what THB is and who the victims are. The consequence is under-identification of male victims, the types of exploitation other than sexual, and adult victims of the types of exploitation that is considered to affect children, e.g. forced begging.
Lack of victim's co-operation	<ul style="list-style-type: none"> • Many victims do not see themselves as victims and are reluctant to co-operate, or even decisively refuse any notion of victimhood. Because of traditional understanding of masculinity, men are reluctant to identify as victims of labour exploitation, but rather see themselves as deceived workers.
Shame and fear	<ul style="list-style-type: none"> • Women and girls who survived sexual exploitation may feel shame and fear of stigmatisation for being involved in prostitution. Very often, due to the severity of trauma and distressed by their experience, victims will not be able to give a precise account of what really happened to them, making anti-trafficking professionals conclude that it was not THB. At that moment, they may be under the influence of drugs, alcohol, long-term fear, lack of sleep, fatigue, post traumatic syndrome disorder.

The identification of victims of THB for the purpose of labour exploitation is additionally challenging due to the fact that, unlike other forms of exploitation, it occurs within the realm of labour and employment which are not inherently unlawful. For example, in cases of sexual exploitation, where prostitution is not legal, the police will likely intervene when encountering a sex worker and hence, they will be in position to investigate possible THB. In contrast, with labour exploitation, authorities may encounter labour practices that, while potentially in breach of legislation, are nonetheless lawful and routine activities. This contributes to the complexity of addressing this issue, which, as said earlier, requires specialised knowledge within the usual remit of relevant authorities to recognise THB, along with multisectoral and multi-agency co-operation and co-ordination among various actors.

As previously said, victim's consent to exploitation is irrelevant for qualifying a situation as THB, as long as all elements of the offence are present. Workers may have various reasons for consenting to sub-standard labour practices and conditions, and thus may refuse identification, assistance, or any form of co-operation. Some fear deportation after investing money and time to reach their destination and are willing to endure exploitation as a first and necessary stage of their life in a foreign country. In that respect, authorities should not rely solely on workers' testimony or co-operation as evidence of exploitation. On the other hand, 'do no harm' principle is a very important part of the rights-based approach. This means that every effort must be made to avoid causing harm when providing protection and assistance from the first contact with possible victim.

In the context of country's regulations and institutional arrangements in BiH, the identification of potential victims of THB for labour exploitation is primarily undertaken by various actors encountering possible victims, particularly law enforcement agencies. This includes general police services, specialised departments for THB prevention and suppression, immigration agencies, prosecutors' offices, courts, other government bodies, and diplomatic staff. Additionally, specialised services in charge of social work, childcare, health care, and education, as well as NGOs providing victim assistance and entities that work with migrants (e.g. in the centres for temporary reception of migrants or

their detention) play a crucial role. This is preliminary identification. Final identification of victims of THB in BiH is done by the public prosecutor or judge, based in which an individual may obtain the status of the victim. Both potential victims (that is, preliminary identified victims) and finally identified victims have equal rights to protection and assistance.

All actors, depending on their roles and positions, should be trained to recognise the indicators of THB for the purpose of labour exploitation. These indicators vary based on the nature of the work performed by officials and organisations in the field. The following list illustrates how different actors can recognise the signs of THB for the purpose of labour exploitation:⁷⁷

- By **law enforcement officers**, in open or closed places where recruitment of victims takes place, such as recruitment agencies (including temporary employment agencies), but also streets, malls, cafes and restaurants, etc. In cases of recruitment through the internet, specialised police officers can access the real (as opposed to virtual) places where recruiter and worker meet.
- By **law enforcement officers, immigration officials at border points, border guards, international bus drivers, airline and airport staff** where victims may or may not be accompanied and under the control of their traffickers.
- By **transportation agencies**, as law enforcement officers and specialised police can respond to complaints by transportation staff or other transport users in public or private transport.
- By **NGOs or state child protection agencies**, that is, staff working with children in need of care and protection.
- By **labour inspectors, social security officials, building and fire safety inspectors, health inspectors or trade unions** in workplaces.
- By **NGO workers in centres for migrant workers or people in need of assistance**, where some THB victims may be present.
- By **government officials responsible** for issuing work and residence permits, when THB victims come to claim their papers.
- By staff from **chambers of commerce or government officials** responsible for authorising businesses to open and recruit staff.
- By **law enforcement officers or NGO workers in detention centres**, where THB victims may be held along with other illegal migrants awaiting deportation.
- By **law enforcement officers or NGO workers in centres for asylum seekers**, where some THB victims may stay under false pretences, forced to do so by their traffickers.
- By **law enforcement officers in prisons** where some offenders may have been forced to work in illicit activities by their traffickers.
- By **organisations delivering services to migrant workers or people in need of support**, where victims who may not identify themselves as “trafficking victims”

⁷⁷ Guidelines for the first level identification of victims of trafficking in Europe, CoE, ICMPD, ILO, UNODC, June 2013, pp. 24-25.

may nonetheless lodge complaints about their working conditions.

- By **embassies or consulates** receiving requests for help from citizens trapped in THB situations in a foreign country, or during the visa application process.
- By **law enforcement officers or specialised agencies**, when individuals independently seek help regarding their working conditions.
- By **law enforcement agencies or any dedicated agency known for victim identification and protection**, recognised by public and other professionals.

Labour inspectors must understand the importance of recognising people as potential THB victims. In many cases, potential victims do not want to be labelled as such and do not recognise themselves as victims. However, identifying potential victims is crucial as they are likely in danger, and it is the duty of professionals to protect them. Additionally, by detecting and protecting trafficking victims, labour inspectors contribute to the fight against organised crime.

Non-punishment: Trafficked persons are often coerced into committing unlawful activities by their traffickers. For instance, victims may travel with false documents provided by their trafficker or be forced to commit thefts or other offences for the trafficker's financial gain. Victims should not be held responsible for these unlawful activities committed during their exploitation. Victims who were compelled to commit unlawful acts during their trafficking situation, like all trafficked persons, should receive protection, not punishment. When victims of THB first come to the attention of authorities as offenders, they are often not recognised as victims, which can lead to wrongful prosecution, conviction, and punishment. Early identification of victims is crucial for the correct and full application of the non-punishment principle.⁷⁸

The Check List for labour inspectors for the initial contact and identification of potential victims of THB for the purpose of labour exploitation, and reporting to the police and prosecutor, summarizes the actions that labour inspectors can or should take from the moment they begin to suspect THB for labour exploitation until the possible victim is referred to the police or prosecutor. This checklist is provided in [Annex II](#).

To avoid the criminalisation of poverty and provide an appropriate response when detecting forced begging and identifying its victims, it is crucial to distinguish between **forced begging as the form of THB** and other forms of begging. The Annex to the Guide for Expert Opinion Writing designed for employees of the Centre for Trafficking Victims' Protection, the institution responsible for the final identification of THB victims in Serbia, serves as a good practice example.

“The dilemmas that arise during the identification of an individual as THB victims are mostly related to the question whether the case involves neglect and abuse of a child or THB. Expert analysis in each case should address the following questions: Who initiated the begging? Does the person who initiated the begging beg themselves or make efforts

⁷⁸ La Strada International, Explanatory Brief: Non-Punishment Principle: Explanatory Brief, February 2024. Available at: <https://documentation.lastradainternational.org/lisidocs/3531-LSI%20-%20Explanatory%20Brief%20on%20Non-Punishment%20-%20260224%20-%20SRB.pdf>

to generate income for the family in other ways? What is the material situation of the family, and what income alternatives are available to them? How is money earned through begging spent, and who makes the decision regarding its use? Does the individual who begs have the option to refuse or influence the conditions of their begging? Are they required to meet a specific monetary target, and is there punishment for failing to meet it? Is the individual who begs exposed to additional risks, such as safety or health, while begging? What other effects does begging have on the presumed victim? Has the child dropped out of school? Does the presumed victim experience any form of violence and abuse? According to the Annex, answering these questions provides clearer understanding of the situation. For example, if parents force their children beg without contributing to the family's income themselves, punish the children for not meeting the required amount, or spend the money primarily on their own needs - especially on psychoactive substances or games of chance – this may indicate THB, rather than the criminal offence of neglect and abuse of a minor.”⁷⁹

7. PROTECTION AND ASSISTANCE TO VICTIMS OF THB FOR THE PURPOSE OF LABOUR EXPLOITATION

Victim-centred and gender-sensitive approach to victims of THB

A victim-centred and rights-based approach prioritizes the rights, dignity, well-being, and safety of trafficking victims, including those exploited for labour. Gender sensitivity is crucial as trafficking has distinct gender dimension. While anyone can be a victim, they experience exploitation differently and have specific needs based on gender roles, economic dependence, and inequality. Women and girls are particularly vulnerable, while male victims often face discrimination due to stereotypes.

Failing to consider victims' gender during identification and protection can lead to poor identification or under-identification, hinder recovery and reintegration, and result in unsuccessful prosecution. It is also important to remember that victims' needs, vulnerabilities, and behaviours are influenced by more than just gender. Gender intersects with other social factors, such as age, ethnicity, race, citizenship, socio-economic status, class, and education, which together can result in privilege or discrimination/marginalisation/deprivation.

All THB victims share the same basic needs: a need to be safe and protected, to be accepted and understood. However, gender, other individual characteristics, and the type of trafficking experience, including the severity of trauma experienced during exploitation, influence how these needs are manifested, communicated and met. Therefore, it is vital to assess each victim's needs individually, remaining aware of gender stereotypes and prejudice that may be present.

For detailed guidance on gender-sensitive approach to tackling THB for the purpose of labour exploitation, including how to communicate with victims, please refer to Council of Europe BiH's publication "[Promoting gender equality and combating gender-based violence and stereotypes as means of combating trafficking in human beings: Guidance for stakeholders in Bosnia and Herzegovina](#)" (2020).

⁷⁹ Vladan Jovanović, *Prinudno prosjačenje – analiza propisa i institucionalne prakse u Srbiji*, ASTRA, Belgrade, 2024.

Victims often remain in exploitative situations due to a combination of coercion, fear, and psychological manipulation. Traffickers use various control tactics, such as threats of violence against the victims or their families, debt bondage, and confiscation of identification documents. Victims may also be deceived with false promises of better opportunities or manipulated into believing they have no other options. Additionally, language barriers, cultural differences, and isolation from support networks contribute to their inability to escape. The psychological impact of prolonged abuse can result in learned helplessness, where victims feel incapable of seeking help or escaping their situation.

Victims often face an effective impossibility to leave their situation of exploitation, even when they are physically free and can communicate with the outside world. This can occur in cases where, for example, construction workers are in remote and poorly connected parts of the country. Despite having physical freedom, their isolation, lack of transportation, limited access to communication, and fear of repercussions prevent them from escaping their exploitative conditions. Their traffickers may also control their identification documents, restrict their movements, or threaten them and their families, creating a psychological barrier to leaving the situation.

Trafficking victims endure severe physical and emotional hardships during their period of exploitation. Physically, they may suffer from malnutrition, injuries, sexually transmitted infections, chronic pain, and other health issues due to harsh working conditions, physical abuse, and lack of medical care. Emotionally, victims often experience extreme trauma, including anxiety, depression, post-traumatic stress disorder (PTSD), and feelings of hopelessness and worthlessness. The constant threat of violence and manipulation by traffickers instills a profound sense of fear and helplessness, leaving long-lasting scars on their mental health.

Victims who escape from their traffickers often find themselves in a position of great insecurity and vulnerability. Besides suffering psychological trauma and physical injuries, they may lack means of subsistence, be in irregular migration situations, without documents, and have no resources to return to their home countries. They may also fear retaliation against themselves or their families. The CoE Convention, Chapter III, requires States Parties to adopt measures to assist victims in their physical, psychological, and social recovery, taking into account their safety and protection needs. These measures apply to all victims in a non-discriminatory manner - women, men girls and boys, whether subjected to transnational or national trafficking, regardless of the form of exploitation and the country where they were exploited.

After escaping trafficking, victims often face significant challenges and may refuse identification and protection for several reasons. The stigma associated with being trafficked can lead to social ostracism, making victims hesitant to disclose their experiences. Many victims also struggle with complex trauma, which can impair their ability to trust others and engage with support services. The lack of adequate resources and support systems further exacerbates their vulnerability, making reintegration into society difficult.

Victim recovery is challenging due to the multifaceted nature of the trauma experienced and the myriad barriers to accessing effective support. Physically, victims may need extensive

medical treatment to address chronic health issues and injuries. Emotionally, overcoming deep-seated trauma requires long-term psychological support and counselling. Social reintegration is also problematic, as victims may face discrimination, lack of employment opportunities, and difficulties in rebuilding their lives. Comprehensive, victim-centred support systems are often inadequate, and the bureaucratic hurdles in accessing assistance can be overwhelming. Effective recovery requires a holistic approach that addresses the physical, psychological, and social needs of victims, ensuring their safety, dignity, and long-term well-being.

Victims' recovery is also hampered by expectations coming both from their surroundings and the institutions with which they interact. These expectations include a rapid, straightforward recovery process, as well as victim's high-quality co-operation in the prosecution of traffickers. Quite often, the treatment of victims, whether in relation to criminal prosecution, victims assistance, or even trust in the victims themselves, depends on how closely the person aligns with the notion of the "ideal victim". This concept typically refers to someone who is visibly weaker than the trafficker (such as women, children, the elderly, people with disability - often not the case with victims of THB for the purpose of labour exploitation), who behaves impeccably, has no involvement in illegal or immoral activities, bears no responsibility for their exploitation, and has no prior relationship with the trafficker - where the trafficker is unquestionably "big and bad". The "ideal victim" is also expected to be obedient, refraining from expressing strong opinions or emotions that contradict societal expectations. Although the reality is vastly different, any departure from this ideal often leads to doubts about the authenticity and credibility of the victims' experience, influencing the approach taken by the authorities. Every victim is entitled to unconditional assistance and protection, and the relevant authorities are obliged to provide such support, irrespective of whether the victim conforms to these stereotypes of the "ideal victim".

Assistance services must be provided on a consensual and informed basis, taking into account the special needs of persons in a vulnerable position, especially children. The CoE Convention, Article 12, lists minimum assistance measures that must be guaranteed by law, including ensuring victims' subsistence (appropriate and secure accommodation, psychological and material assistance), access to emergency medical treatment, translation and interpretation services, counselling and information, representation during criminal proceedings against traffickers, and access to education for children. Timely and effective support to trafficking victims is crucial for their recovery and reintegration and for encouraging them to break away from traffickers. Delays in, and limitations on, delivering assistance make victims vulnerable to further trafficking and abuse. Providing timely assistance is also essential to encourage victims to serve as witnesses in trials against traffickers.⁸⁰

BiH is therefore obliged to undertake measures to protect and promote the rights of victims, ensuring gender equality, including identifying victims by providing trained and qualified personnel in preventing and combating THB and aiding victims, keeping in mind gender equality. This includes protecting victims' privacy, offering assistance, granting a recovery and reflection period, issuing residence permits, providing compensation and

⁸⁰ GRETA, Assistance to Victims of Human Trafficking, thematic Chapter of the 8th General Report on GRETA's activities, Council of Europe, 2019.

legal redress, and managing repatriation and return.⁸¹ Some provisions also apply to individuals not yet formally identified as victims, but where there are reasonable grounds to believe they are. These individuals shall not be removed from the country until the identification process is completed.

Every victim and potential victim of trafficking is entitled to assistance. Additionally, a recovery and reflection period of at least 30 days is granted to every potential victim to recover, escape the influence of traffickers, and make an informed decision about co-operating with authorities. During this period, any expulsion order against the potential victim cannot be enforced.

Investigations into or prosecution of THB must not be dependent on the report or accusation made by a victim. The aim of such requirement of the CoE Convention is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Similarly, **victim's access to assistance is not conditional** on their co-operation with authorities.

Legal grounds for victim protection

The Constitution of BiH ensures the protection of internationally recognised human rights and fundamental freedoms. Relevant rights include the right to life, freedom from torture, inhuman or degrading treatment and punishment, freedom from slavery and forced or compulsory labour, personal freedom and security, and the right to a fair hearing and other rights in connection with criminal proceedings. Article II/2 of the Constitution stipulates that the rights and freedoms in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in BiH and take precedence over other laws. The Constitutions of the FBiH and RS and the Statute of BD similarly incorporate or refer to international instruments.

THB victims are protected by both criminal and civil legislation, emphasizing their protection as witnesses and injured parties in criminal proceedings and their family status, right to marriage, guardianship, compensation, employment, registration, and citizenship. Details on victim protection can be found in the Rulebook for Protection of Foreign Victims of Trafficking in Human Beings, bylaw to the Law on Aliens (applicable to the foreign victims), and the Rules for Protection of the Victims and Victims Witnesses of Trafficking in Human Beings Citizens of Bosnia and Herzegovina (applicable to domestic victims).

Minimum standards for the provision of victim assistance were introduced by the Decision of the Minister for Human Rights and Refugees of Bosnia and Herzegovina on the adoption of the Minimum standards for the provision of quality assistance and support to the victims of trafficking in human beings, especially children, in Bosnia and Herzegovina in May 2023.⁸² This document establishes and elaborates the following standards:

⁸¹ CoE Convention on Action against Trafficking in Human Beings, Art. 10, 11, 12, 13, 14, 15, and 16.

⁸² Official Gazette of Bosnia and Herzegovina, no. 38/23.

1. Uniform understanding of definitions.
2. Efficient identification of THB victims.
3. Recognition of victims' rights.
4. Implementation of the non-discrimination principle.
5. Provision of sustainability of victim support actions.
6. Development of standard operating procedures (SOP) in different sectors.
7. Universal tools – international regulations.
8. Harmonised domestic regulations.
9. Quality and sustainable THB prevention programmes.
10. Established efficient referral mechanism.
11. The system for financing victim support established (programming the needs for combating THB).
12. All institutions involved, including NGOs which provide support to children, shall develop a document of children's safety (Children Protection Policy), and the instructions for the implementation of the Children's Protection Policy, which shall contain clear guidelines and activities to be taken when the violation of child's safety is suspected.
13. Competent institutions shall ensure the implementation of measures to prevent harm of the best interest of the child by staff in direct or indirect contact with the child, such as introducing additional criteria for the employment of persons for work with children and for children.
14. The institutions involved should create guidelines for behaviour towards children, such as codes of conducts or regulations on the treatment of children by professionals.
15. The institutions and NGOs involved should ensure that professional standards are upheld at all levels where services to children are provided. This includes adopting procedures for addressing reports of discrimination and developing a training plan for professionals working with or for children, in co-operation with the Ministry of Human Rights and Refugees of BiH.
16. The institutions and NGOs involved should develop materials and online platforms to inform children, professionals, and the public about the documents currently being adopted, and ensure the implementation of training and professional development for those responsible for children's safety, as well as provide counselling and support for both children and professionals, enabling them to fulfil their roles in the protection of children.
17. The institutions and NGOs involved should work continuously on the development of indicators for the detection of vulnerability situations and risks for all specific groups of children.

Victims' rights:⁸³

- Right to information
- Right to protection
- Right to witness protection
- Right to psychological, medical, legal and financial assistance
- Right to safe accommodation
- Right to interpretation and translation
- Right to safe return
- Right to reflection period
- Right to non-punishment
- Right to compensation

Labour inspectors do not primarily provide direct assistance and protection to trafficking victims, but make the referral to relevant organisations and institutions. However, all activities must be undertaken in the victims' best interest, especially for children, with special care, and without discrimination based on gender, race, language, skin colour, religion, political and other views, nationality, property status, age, mental and physical disability, or any other status. All THB victims in BiH, regardless of citizenship, have rights to physical protection, medical assistance, privacy and identity protection, social protection, legal assistance, and other protections according to their status and physical and mental condition.

Labour inspectorates should co-operate with following institutions:

Medical services. Victim may need emergency medical assistance due to injuries sustained during exploitation, or health problems that are visible at the time of the labour inspector's intervention. They may exhibit aggressive behaviour or irritability from trauma or drug addiction imposed by traffickers to increase their vulnerability and control over them. In this regard, victims may feel uncomfortable, nervous and threatened by the persons trying to help them. It is essential to provide health care and notify the nearest emergency medical services to stabilize the victim's condition and ensure further protection and assistance.

Free legal assistance. Victims have the right to free legal assistance during discussions with competent institutions and throughout the referral, treatment, and reintegration process. All actions with victims, including interviews, should ensure the presence of legal counsel to respect the victims' rights. Free legal assistance can be provided by the legal service within social work centres, free legal assistance centres, or other available forms of free legal assistance.

⁸³ In accordance with Article 12 of the CoE Convention on Action against Trafficking in Human Beings.

Social protection services. If the victim of trafficking is a child without parents or legal guardians, regardless of citizenship, social protection services must be involved in all activities undertaken by any authority. This requirement also applies to victim needing of social protection.

Service for Foreigners' Affairs. According to the Law on Aliens, all foreign victims must be referred to this service for status issues and assistance. They have the right to a humanitarian visa allowing temporary legal stay in BiH and the possibility of legal employment. Victims have thirty days to decide whether to apply for a visa. Cantonal Labour Inspectorates should co-operate with Service for Foreigners' Affairs field offices in each canton.

NGOs running shelters. After identification, communication with competent institutions and determination of the type of accommodation and assistance needed, (potential) victims are placed in shelters for at least 30 days, a reflection period provided by law. After the reflection period, the assistance continues based on individual reintegration plans.

Shelters provide accommodation, food, hygiene, counselling and psychological support, medical, legal and social assistance, as well as support in communication with competent institutions. Placement in a safe house for adults requires consent. Although the law stipulates that it is not necessary to ensure consent of a child victim to placement, in order to provide effective assistance and care, it is necessary to prepare the child victim for placement in a shelter or safe house in co-operation with the centre for social work. During the stay in the shelter, the NGO appoints a case manager who co-ordinates with the prosecutor's office, police, social work centre, the Service for Foreigners' Affairs, temporary guardian, legal counsel and other organisations and institutions involved to support the victim's adaptation and provide effective assistance. The case manager is a contact point for labour inspectors if they need to contact accommodated victim for the regulation of any labour-related issue.

Effective protection and assistance to victims depends on mutual co-operation and co-ordination among all institutions and organisations involved. Timely and effective co-operation and communication among labour inspectors, law enforcement agencies, social work centres, the Service for Foreigners' Affairs, health services, and NGOs are essential in protecting and assisting trafficking victims. Competent institutions must constantly co-operate within their jurisdiction, collect and exchange information, assess risks, provide evidence of abuse and exploitation, and offer emergency protection services.

8. ROLES OF OTHER RELEVANT ACTORS IN THE PREVENTION AND FIGHT AGAINST THB FOR THE PURPOSE OF LABOUR EXPLOITATION

Successful fight against THB requires a multidisciplinary and multisectoral approach, involving all relevant governmental and civil society actors. THB for the purpose of labour exploitation is no exception in this regard. Strengthening and effectively implementing

labour legislation for all workers and across all sectors, particularly those at risk, is crucial to addressing vulnerabilities to labour trafficking in BiH. Combating THB for the purpose of labour exploitation necessitates stronger actions against employers breaching laws and standards, as well as against job brokers and intermediaries. It also requires measures to ensure that workers' rights are protected and respected, regardless of their ethnicity, age, gender or migration status.

From labour inspectors' perspective, the most relevant partners in combating THB for the purpose of labour exploitation in BiH are as follows:

Police and Prosecutors. Labour inspectors, during their inspections, always check whether labour and other legislation, regulations and employment contract are concluded and implemented. Any non-compliance with these provisions could be the first signs of a possible THB situation. Labour inspectors are obliged, during inspections, to determine all irregularities and non-compliance, as well as presence of indicators of forced labour or labour exploitation that could lead to THB. They must note these in the inspection report and, if there are reasonable grounds for suspicion of THB for the purpose of labour exploitation, report it to the police or prosecutor and continue to co-operate with them, as well as with authorities and organisations competent for the protection and assistance to trafficking victims. Establishing contact with the prosecutor's office, police, and tax administrations is necessary to exchange information on the planning and implementation of investigations and parallel financial investigations. The contribution of labour inspectors to the criminal justice response to THB is valuable and needed, particularly in issues related to compensation for victims from traffickers and legal persons involved in THB, as well as issues related to corporative liability and non-punishment of trafficking victims for offences related to breaches of labour and other related legislation.

Jurisdiction for the prosecution of international THB and organised international THB lies with the Prosecutor Office of Bosnia and Herzegovina. In contrast, jurisdiction for prosecuting THB criminalised in the criminal codes of FBiH, RS and BD lies with the cantonal prosecutor offices in FBiH, district prosecutor offices in RS and the Prosecutor Office of BD. SIPA generally has jurisdiction for investigating international and organised international THB, while entities, cantons, and district police have jurisdiction for investigating cases criminalised in the criminal codes of FBiH, RS, and BD. However, the prosecutor leading the investigation can entrust any police force with implementing the investigation or certain investigative measures.

Service for Foreigners' Affairs. If labour inspectors identify potential foreign victims of trafficking, they must establish close co-operation with the Service for Foreigners' Affairs, which has exclusive jurisdiction to determine the legal status of foreign victim, apply relevant provision of the Law on Aliens, and take further measures regarding victim assistance and protection. This includes accommodation in shelters, granting residence status on a humanitarian basis, and organising the return to the victim's country of origin in co-operation with international organisations involved in assisted voluntary return and

reintegration. The Service for Foreigners' Affairs has 16 field offices across BiH (Sarajevo, Banja Luka, Mostar, Tuzla, Zenica, Brčko, Dobo, Istočno Sarajevo, Bihać, Travnik, Trebinje, Bijeljina, Livno, Ljubuški, Orašje, Goražde).

Social protection services. If labour inspectors identify a child presumed to be a victim of THB for the purpose of labour exploitation or any other person in need of social protection services, they should report this to local social protection services and establish close co-operation to determine the potential victim's status, conduct risk assessments, and organise further protection measures and guardianship.

Non-governmental organisations.⁸⁴ NGOs running shelters and providing assistance to trafficking victims play a crucial role. If labour inspectors identify a potential victim of THB for the purpose of labour exploitation, they should refer them to the police or prosecutor, and then to NGOs. Labour inspectors should establish close co-operation with those organisations to continue determining the victim's status, applying labour legislation, and planning and implementing rehabilitation and reintegration plans for the victim.

Workers' organisations/trade unions. The role of workers' organisations and trade unions in BiH needs to be strengthened to protect vulnerable workers and their rights. The practice of private employment agencies employing a worker on fixed-term contracts and then "leasing" them to work on a temporary basis for different business should be reviewed as part of measures to counter increasing rates of undeclared work and employment in the "grey economy". Stronger engagement by trade unions, especially in collective bargaining and setting and monitoring minimum labour standards, should be encouraged. Trade unions should be enabled to assist workers in the informal sector or those without identity documents. Targeted prevention strategies represent a vital opportunity for trade unions in BiH to secure measures to end exploitative labour practices and advance opportunities for decent work through social dialogue and action. Public understanding of necessary changes to prevent THB for the purpose of labour exploitation, particularly when contracting services and employing people in informal sectors, should be improved. Special attention needs to be placed on effectively informing children and youth about the risks of THB for the purpose of labour exploitation and ensuring they fully understand their rights in an age-appropriate manner and language.

Anti-trafficking coordination teams. Anti-trafficking co-ordination structures are established at all government levels in BiH and are tasked by the governments of entities, cantons and District with initiating and advocating for anti-trafficking measures to be added to the list of political priorities. The Council of Ministers of BiH, entity governments, cantonal governments, and Brčko District have created the preconditions for co-ordination structures to perform their tasks, including allocating matching funding and providing

⁸⁴ According to Art. 27 of CoE Convention, states are obliged, through legislative or other measures, to ensure that any group, foundation, association or NGO dedicated to combating THB or human rights protection, has the possibility to assist and/or support the victim, with their consent, during criminal proceedings concerning THB offence.

necessary trainings. These co-ordination structures work on enhancing and advancing existing co-operation and co-ordination among actors at all government levels in BiH. A multidisciplinary approach should be ensured in newly formed teams, involving bodies competent for social protection, NGOs providing direct assistance and other support services to trafficking victims, and day-care centres for children working and living on the street. Labour inspectorates should establish close co-operation and co-ordination with these teams in line with its territorial jurisdiction.

Task Force for Fight against Trafficking in Human Beings and Organised Illegal Immigration. Established by the Council of Ministers of BiH, this mechanism co-ordinates prosecutorial offices and law enforcement services between BiH, entities, and Brčko District to ensure co-operation and intelligence exchange in investigating THB cases throughout the country. The Task Force is managed directly by the BiH Chief Prosecutor, while representative of other institutions, including labour inspectorates, may be invited to meetings upon request.

SCHEME OF THE COORDINATION MECHANISM IN BOSNIA AND HERZEGOVINA

ACTORS/administrative levels

STATE LEVEL OF BiH

Ministry of Security of BiH
State Coordinator
State TASK Force
State Monitoring Team

ENTITIES (FBiH and RS)

Coordination team at the level of FBiH
Republic Coordinator + Six regional monitoring teams

CANTONS IN FEDERATION OF BiH

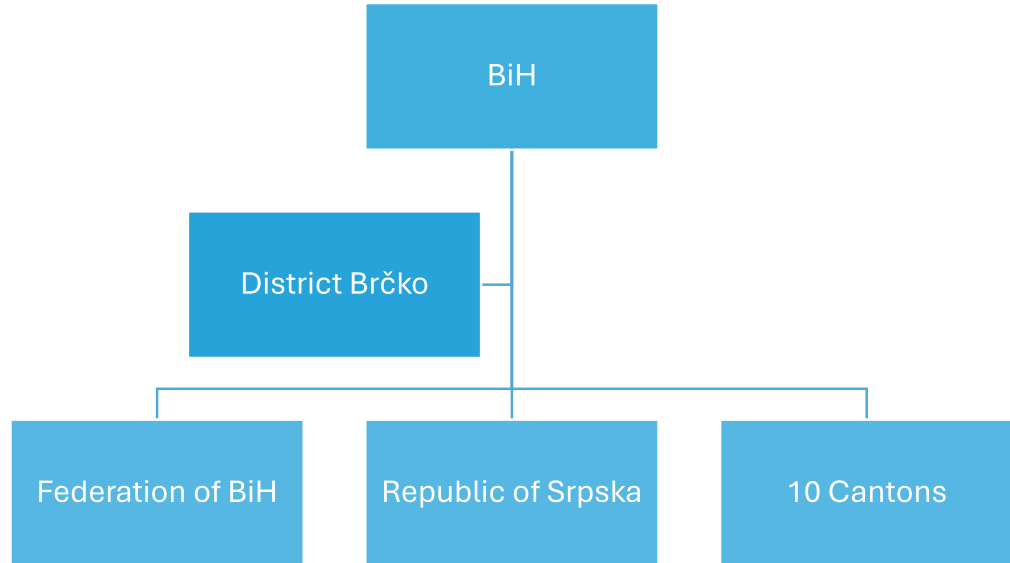
Each canton has its own coordination team that is responsible to the cantonal government

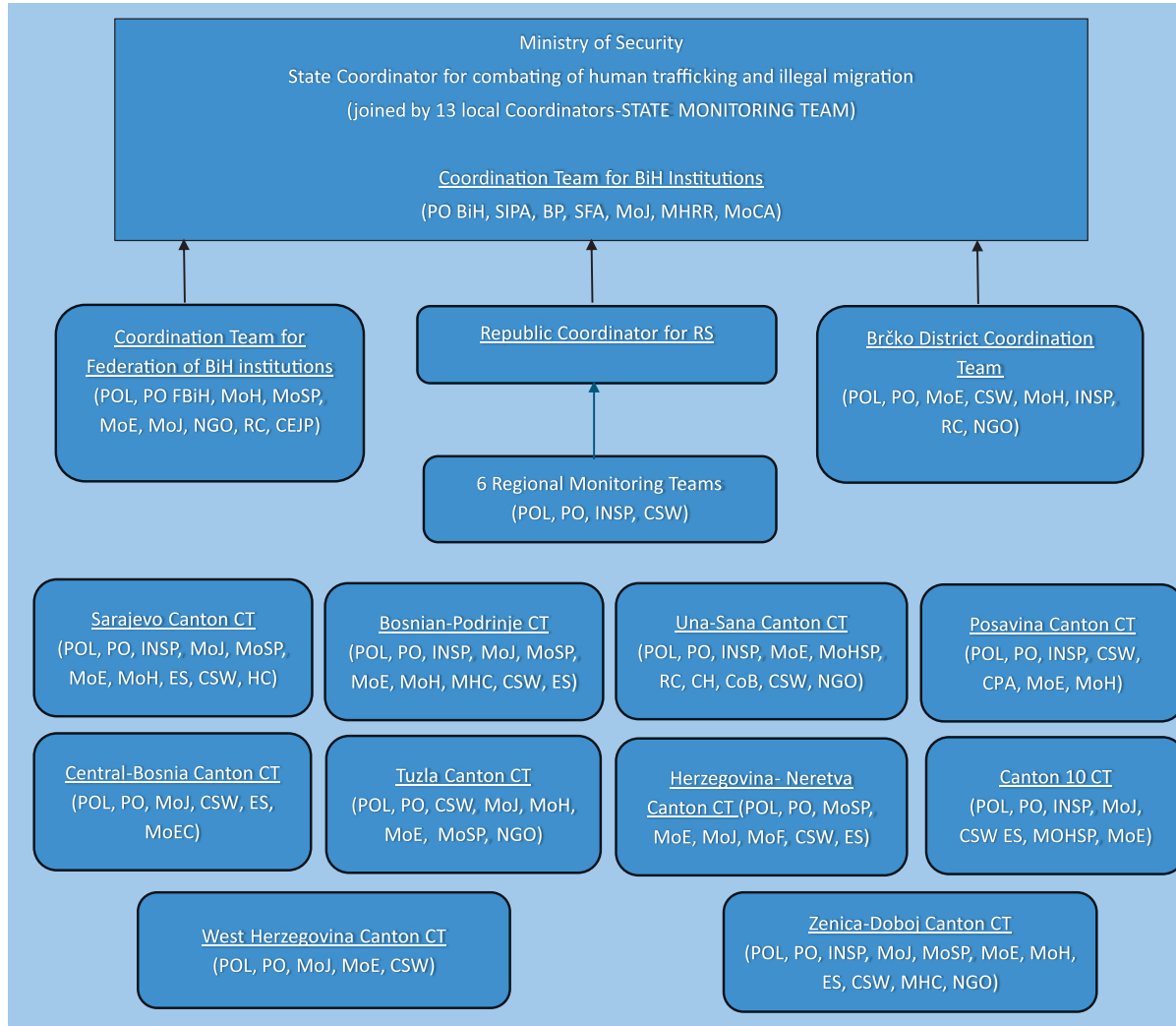
BRČKO DISTRICT

Coordination team of the district.

NGOs shelter/assistance

BOSNIA AND HERZEGOVINA'S COORDINATION SYSTEM IN THE PREVENTION AND FIGHT AGAINST HUMAN TRAFFICKING





Abbreviations

BP - Border Police
 CEJP - Centre for Education of Judges and Prosecutors
 CH - Cantonal Hospital
 CoB - City of Bihad
 CPA - Cantonal Public Attorney
 CSW - Centre for Social Work
 ES - Employment Service
 HC - Health Centre
 INSP - Inspectorate
 MHC - Mental Health Centre
 MHRR - Ministry for Human Rights and Refugees
 MoCA - Ministry of Civil Affairs
 MoE - Ministry of Education
 MoEC - Ministry of Economy
 MoF - Ministry of Finances
 MoH - Ministry of Health
 MOHSP - Ministry of Health and Social Policy
 MoJ - Ministry of Justice
 MoSP - Ministry of Social Protection
 NGO - non-governmental organisation
 PO - Prosecutor Office
 POL - Police administration
 RC - Red Cross
 SFA - Service for Foreigners Affairs
 SIPA - State Investigation and Protection Agency

ANNEX I LIST OF INDICATORS FOR IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS FOR PURPOSE OF LABOUR EXPLOITATION

(from Guidelines for First Level Identification of Victims of Trafficking in Europe)¹

The guidelines were developed in the context of the project “Development of Common Guidelines and Procedures on Identification of Victims of Human Trafficking” in June 2013. The six participating countries are Bulgaria, France, Greece, Romania, Spain and the Netherlands. In addition, four partners are also associated with the project: the Council of Europe (CoE), the International Centre for Migration Policy Development (ICMPD), the International Labour Organisation / Special Action Programme to Combat Forced Labour (ILO SAP-FL) and the United Nations Office on Drugs and Crime (UNODC).

Spot SIGNS – These are signs that first attract attention and indicate that something is seriously wrong. Each indicator should be linked to a sub-set of warning signs. Once warning signs have attracted attention, the official should try to spot other signs of the indicator as well as signs of other indicators whilst the inspection proceeds. Most of the signs are perceivable by monitoring, observance and questioning as part of initial screening in the field without in depth interviewing and examinations. These signs point that an indicator of trafficking might be present. But for some indicators (such as deception) there are not obvious and easily observable signs. On the contrary, they require more questions and other methods.

Check CAUSES – This provides the officer with a set of questions which help to verify whether the indicator indeed relates to an offence of trafficking or not. They are not questions to be addressed to the possible victim. The idea is to find out the causative acts, reasons and intentions behind the indicator. The questions guide the officer to investigate the cases further, especially when interviewing the victims and other witnesses of trafficking. The questions are not direct, such as “was the violence used to coerce the person to work”, but rather indirect to be asked from different angles – the answers obtained leading to conclusions by the officer.

USE METHODS – These are only suggestions on how a specialised officer can find answers to the set of questions. In the case of labour exploitation, this will include direct observations in the workplace and sleeping areas, reviewing of relevant company and employee documentation, taking samples, conducting on and off-site interviews. The list is by no means exhaustive. In the case of

¹ Available at https://www.renate-europe.net/wp-content/uploads/2013/12/2014.11_identification_1_GUIDELINES.pdf

sexual exploitation, some observations may take place in brothels, massage parlours or other places where prostitution is taking place. But is unlikely to have access to “employers’ documentation and the investigator will have to rely more on testimonies.

COLLECT EVIDENCE – If it seems likely that the case could constitute an offence of trafficking, the specialised officer is given a non-exhaustive list of evidence specific to the indicator in question to be gathered. Under each of the indicators, the officer should strive for obtaining a detailed testimony of the possible victims based on the questions provided. Other evidence corroborates the worker’s account but may also stand on its own especially if the victim refuses to testify. This type of evidence is presented in detail under each indicator.

These indicators can be used at all stages of the cycle of trafficking, and therefore the person to which they apply may have migrated or not, may be on their way to the place of destination, may be currently working or may have escaped a situation of exploitation. In order to avoid naming the person according to the stage where they are detected (applicant / possible migrant / migrant / worker / ex-worker), the indicators use the generic term of “the Person” to refer to the child, woman or man who is may be a possible victim of trafficking, at least for all phases before employment.

INDICATORS OF ACTION

RECRUITMENT			
Signs	Causes (questions to be asked to oneself, not directly to the victim)	Use methods	Collect evidence
<ul style="list-style-type: none"> · The Person does not know how they got work documents. · The Person pay excessive fee for recruitment. · The Person did not know where they were going to work. · The employer cannot show an employment contract. 	<ul style="list-style-type: none"> · How did the Person learn about the job (advertisement, informally, direct contact)? Was the Person targeted by a recruiter or broker? · Who organised the recruitment? · To whom did the 	<ul style="list-style-type: none"> · Gather and examine all documents related to recruitment and the terms and conditions of work, from employer, worker and other sources (transportation services, newspapers and other media containing the original job advertisement, banks or other money transmittal services that establish recruitment fees). · In a case of sexual exploitation, examine documents, if available, with promises of a 	<ul style="list-style-type: none"> · Witness statement. · Employment contract or other documents indicating the terms and conditions of work (correspondence, employment contract, annexes). · Sources related to

<ul style="list-style-type: none"> · The person paid someone for the job. · The Person did not apply for the job. · The Person has no employment contract or the terms and conditions are poorly defined. · The employment contract is written in the language that Person does not understand. · The Person signed a new employment contract upon arrival at work (contract substitution). 	<p>Person paid recruitment fees? How much?</p> <ul style="list-style-type: none"> · Is there a current debt linked to the recruitment? · Did the Person ask for not taking the job after having completed the training? · Did the Person sign an employment contract? If so, is the Person's signature genuine? Was the contract signed under duress? · If the Person signed the employment contract, do they understand the terms and conditions? Is it written in a language the Person understands? Has the contract been altered in any way since the Person signed it? 	<p>job, its nature and conditions.</p> <ul style="list-style-type: none"> · Search for the record of communication to establish means of recruitments, relationship between employers and recruiters or brokers, and terms and conditions of the job. · Interview workers. Find out how they were recruited what they were promised and what their expectations were, and the actual terms and condition of work. · Interview employers, managers/superiors and the other relevant personnel. Ask about recruitment practices and policies, employment agreements and how terms and conditions of work are communicated to prospective and current workers. If the employer uses intermediary, does the employer have procedures in place to prevent fraud and abuse? · Interview intermediaries involved in hiring workers, including recruiters, brokers and private employment agencies. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective workers. Find out whether the intermediary continues to play a role after the Person has been hired? · Inspect the premises of the intermediary and examine relevant records, licences, model or actual employment contract, professional qualifications, correspondence. 	<p>recruitment (job advertisement in newspapers, internet, radio, television, posters, leaflets).</p> <ul style="list-style-type: none"> · Records of financial transactions between employer, intermediary and the Person (pay slips, books and registers, bank records, other electronic or paper records). · Correspondence between the recruiter, employer, worker, and any third party involved. · Records of communication (diaries, agendas, phone records, actual phones calls made and received, emails, letters, message slips). · Records of transportation (ticket stubs or receipts, pieces of papers with dates and times,
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		<ul style="list-style-type: none"> · Where applicable, check whether the intermediaries are licenced and certified by the competent authority. · Check public records (court database, government website), government database and media sources for information about any complaints or pending cases involving the employer or intermediary. · If appropriate speak with other law enforcement and civil society to find out what information, if any, they know about the employer and intermediary. · In case of internal or cross-border movement, reach out to local law enforcement in the region or country of origin for any information about the Person, intermediary or the employer. · Interview third parties, such as relatives, neighbours, local community members, who may be familiar with recruitment methods used and the terms and conditions of work originally promised. 	<ul style="list-style-type: none"> petrol receipts). · Public reports, media reports and information from government databases.
TRANSPORTATION, TRANSFER			
<ul style="list-style-type: none"> · The Person did not organise their transport. · The Person had to hide during transportation. · The Person had to lie during border control. · The Person does not know 	<ul style="list-style-type: none"> · Who organised transport? Who paid for it? · Is there an agreement for the Person to pay it back? Under which 	<ul style="list-style-type: none"> · Interview the Person · Interview people accompanying the Person during the trip · Gather and examine all travel documents and receipts of payments related to transport · Inspect the mean of transport (bus, car, lorry) 	<ul style="list-style-type: none"> · Witness statements · Transport receipts · Photos

<p>the travel route from the place of origin to destination.</p> <ul style="list-style-type: none"> · The Person shows signs of fear of those accompanying them. · A third person gives the passport back to the Person just before crossing the border. · Travelers in a group do not appear to know each other. · A third party (driver) answers questions on behalf of one or several travellers. · The travel documentations and statements provided by the Person do not match other observations (luggage, physical appearance and conditions, language abilities, the person story). 	<p>terms?</p> <ul style="list-style-type: none"> · Who forced the Person to hide? · Who forced the Person to lie? · Why did the Person hand over passport to someone else to cross the border? 		
<p>HARBOURING, RECEIPT</p>			
<ul style="list-style-type: none"> · The Person lives and sleeps at work. · The sleeping areas are overcrowded. · The conditions are unhealthy and there are no basic hygiene facilities. · Lack of access to food and water. 	<ul style="list-style-type: none"> · Does the Person sleep at work or do they live in another place provided by the employer e.g. do they live with the family of employer? What are the living conditions? Is their freedom to 	<ul style="list-style-type: none"> · Inspect sleeping areas and check whether workers have adequate sanitary facilities, private space, access out of the premises, available media, other services etc. · Talk to workers about living conditions and their willingness to accept them. · Talk to employers about their policies concerning the living at the work place · Take and remove samples, material and 	<ul style="list-style-type: none"> · Photos of the housing facilities · Measure the temperature during day and night time · Receipts with amount deducted for housing · Workers' testimonies

<ul style="list-style-type: none"> · There is limited or no right to privacy. · The living place is unsuitable for living, such as basement, storage shed or tent. · The Person has limited freedom to move in their place. · The Person is denied to choose or change their place of residence. · The Person is forced to stay in a confined place during work. 	<p>move somehow restricted by employer?</p> <ul style="list-style-type: none"> · What part of the salary is deducted to cover accommodation costs? · Is the Person dependent on the employer or in vulnerable position? What happens if the Person complains and refuses to live in the place imposed by employer? Is the Person afraid of dismissal or other penalties? Is the Person obliged to work in substandard positions in order to keep the job? · Does the Person report any other threats? 	<p>substances used at the place of living for analysing possible health and safety risks</p> <ul style="list-style-type: none"> · Look for video surveillance 	
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INDICATORS OF MEANS

Signs	Causes (questions to be asked to oneself, not directly to the victim)	Use methods	Collect evidence
THREATS			
<ul style="list-style-type: none"> · The Person demonstrates fear and anxiety, especially at the presence of supervisor or manager. · The Person demonstrates fear and anxiety, especially at the presence of man or woman that accompany them during transport, transfer or border control. · The Person makes statements that are incoherent or show indoctrination. · Man or woman who accompany the Person during transport, transfer or border crossing shows aggression towards the Person. · The Person is subjected to unjustified, arbitrary disciplinary measures. · The Person seems harmed and deprived of essential life necessities, such as food, water, accommodation and sleep. 	<ul style="list-style-type: none"> · Does the Person try to escape while crossing the border? · Have workers who were not subjected to violence witnessed it occurring? Did they feel threatened or intimidated as result? · Does the Person report any threat or sanction against themselves, their co-workers or family members? What kind of threats? · The reason threats and sanctions are used according to the employer (absenteeism, production errors, strike, unsatisfactory performance or refusal to work)? Do 	<ul style="list-style-type: none"> · Speak with workers individually, keep in mind the security and confidentiality of interviews to protect the Person from any possible reprisals; if appropriate and possible, meet workers off-site or use hotlines. · Speak with a broad cross-section of workers to determine whether disciplinary measures require or result in an obligation to work; try to identify and interview especially workers who have been disciplined for different types of infractions; seek also workers who have been dismissed by the employer. · In cases of recent strikes, speak with workers who participated in or led the strike to determine whether they faced punishment for having done so. · Contact employers' and workers' organisations and examine legal records for any evidence of outstanding complaints or actions taken against the company, for example before a labour tribunal. · Talk with the employer about the company policy on violence, harassment or 	<ul style="list-style-type: none"> • Notifications, e-mails, other correspondence concerning blackmailing, denunciations to authorities, informing the family of the Person, dismissal or other threats and sanctions. • Workplace documentation regarding disciplinary measures, such as disciplinary codes, other workplace regulation, written warnings or reprimands given to workers. • Pay slips, records of bank accounts and other evidence on financial transactions verifying the use of

	<p>they have any legal or factual foundation? Does the Person agree with the given reasons?</p> <ul style="list-style-type: none"> · What is the impact and credibility of threat from the Person's perspective taken their personal characteristics, beliefs and socio-economic background? · Does the Person feel unable to leave the work? Has any worker actually left or refused to work when they wanted? If yes, what happened? · If workers were dismissed or punished in some other way, were they given any warnings and notices, oral or written? · Does the Person demonstrate any fear or call for help, directly or indirectly?? Do they want to leave 	<p>intimidation in the workplace and examine the copies of the policy; ask about the grievance mechanism, disciplinary measures and management response on strike action.</p> <ul style="list-style-type: none"> · Speak with supervisory staff to determine whether the measures used to discipline workers result in an obligation to work. · Review company documentation and correspondence on disciplinary measures and sanction to determine whether the company imposes work as a penalty. 	<p>punitive fines.</p> <ul style="list-style-type: none"> • Workers' testimonies, including also dismissed and escaped workers. • Records of previous complains against the employer. • Expert statements about trauma and post-traumatic disorder and the religious and cultural background of victims (credibility of the threat). • Photos of attitude during border crossing.
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	<p>the work? If yes, do they think that would be possible? What are Person's emotional reactions to the possibility of staying?</p>		
<p>• USE OF FORCE</p>			
<ul style="list-style-type: none"> • The Person has visible injuries (bruises, scars, cuts, stab wounds, mouth and teeth injuries, cigarette burns). • The Person's injuries are untreated. • The Person shows signs of anxiety and fear (e.g. sweating, trembling, difficulty responding to questions directly, avoidance of eye contact for reasons unrelated to culture or health). • The employer, manager/supervisor or others display aggressive behaviour towards the Person. • Multiple workers have injuries. • The Person has consumed drugs, alcohol or other intoxicants. 	<ul style="list-style-type: none"> • What is the explanation given for injuries? Do the injuries seem consistent with the explanations given (e.g. could they be result of workplace accidents or do they seem to be deliberately inflicted)? • Do other workers have similar injuries? • If the Person was subjected to violence, where did it take place and on how many occasions? Who assaulted the Person (e.g. a superior or a co-worker) and what was the exact nature and extent of the assault? • If the Person was subjected to violence, why did it occur? Was it 	<ul style="list-style-type: none"> • Interview workers separately and in a confidential environment. Be sensitive to the risk of reprisal and workers' safety, and ask for detailed description of any incidents involving violence (e.g. by whom and against whom, date and time, exact location and its layout, any witnesses present, physical description of those involved, whether medical treatment was obtained, etc.). • Obtain medical assessment of workers' health and injuries from experienced healthcare professionals (after obtaining Person's consent). If relevant, test for drugs or other intoxicating substances that may have been administered to or taken by the Person. • Interview employers, supervisor/managers and other relevant personnel. Ask about any policies or practices related to harassment, violence and discipline in the workplace. • Examine any written policies and procedures related to physical and sexual 	<ul style="list-style-type: none"> • Witness statements • Written description/notes • Audio-visual evidence (e.g. photos, videos or digital recordings, diagrams/sketches indicating the location of the injury) depicting the injuries. • Medical records of treatment or examination of injuries. • Physical items that were used to cause the injuries (e.g. object found on the premises, weapons). • Objects, victim's and attacker's clothes, other material (e.g. bedding, furniture) that shown signs of

	<p>used to threaten or punish the Person? Did any other workers witness the violence, and what was their reaction?</p> <ul style="list-style-type: none"> · If the employer claims that another worker or other workers were responsible for the violence, what was employer's response? Did the employer punish anyone or take preventative measures? · What are employer's policies and practices on violence, harassment and workplace discipline? What instructions have been provided to those enforcing those policies, such as guards? · How do workers describe the environment/atmosphere in the workplace? · If the Person has consumed drugs, alcohol or other 	<p>violence.</p> <ul style="list-style-type: none"> · Interview security personnel separately about policies and practices related to harassment, violence and discipline in the workplace. Ask about employer's instructions, their roles and responsibilities, and the means they use to carry out their jobs. · Check public records (e.g. court databases, government websites), government databases and media sources for information about any prior incident of violence involving employer and workers. · Use forensic techniques to preserve, document and analyse physical evidence (e.g. biological materials, fibres from clothing). · Record any visible injuries. 	<p>violence, blood or other biological materials.</p> <ul style="list-style-type: none"> • Biological materials (blood, semen, saliva, hair etc.). • Detailed noted description of the injuries. • Records from law enforcement, social service providers and other actors that may have received reports of the violence. • Public records, media reports and information from government databases describing any prior incidents of violence.
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	intoxicants, were they administered involuntarily or under coercion?		
RESTRICTION OF MOVEMENT			
<ul style="list-style-type: none"> • The Person was confined in some way while being transported to the workplace. • The Person lives and works at the same location. • The Person is locked inside the workplace or living quarters. • The workplace, living quarters or workers themselves are concealed in some way. • There is an inaccessible fence around the premises (e.g. too high or covered in barbed wire). • Windows are inaccessible (have bars or are too small or high to access) or rooms have no windows at all. • Entrances and exits are guarded. • Guards carry weapons. • Surveillance cameras are used on the premises. • Signs warning workers not to leave the premises. • A curfew is in place. 	<ul style="list-style-type: none"> • Who was or is responsible for putting restrictions into place? Who enforces restrictions, and what is their extent (e.g. are workers confined to one space only, or can they move freely within a specified area)? • How is the Person monitored? In addition to means such as surveillance by security guards or cameras, are there more suitable and less obvious means used (e.g. monitoring by co-workers)? • If the Person lives and sleeps at the workplace, why? Does the Person have access to private, secure space? • Was the Person confined when they 	<ul style="list-style-type: none"> • Inspect working areas, sleeping areas, and surroundings for signs of confinement. • Interview workers separately and in a confidential environment. Ask about any conditions related to their freedom of movement. • Interview employers, managers/supervisors and other relevant personnel. Ask about any policies and practices related to restriction of movement, such as workplace discipline, employer-provided housing and safety and security measures. • Examine any written policies and procedures related to restriction of movement. • Interview security personnel separately about policies and practices related to restriction of movement. Ask about employer’s instructions, their roles and responsibilities, and the means they use to carry out their jobs. • Conduct an “off-the-clock” inspection to determine whether workers are, in fact, free to leave the premises. • Conduct surveillance to determine 	<ul style="list-style-type: none"> • Witness statements • Written descriptions/notes • Audio-visual evidence (e.g. photos, video or digital recordings, sketches) depicting means of confinement and surveillance (e.g. locks, keys, chains, surveillance cameras, barbed wire, bars on windows, high fences, warning notices) • Floor plans of the working and living areas • Recordings from the surveillance cameras • Physical items (e.g. weapons, ammunition, warning notices)

- The Person is always accompanied when they leave the premises.
- The Person has serious injuries or illnesses that are untreated.
- The Person shows other signs that their movement is controlled.

- travelled to the premises?
- Are restrictions imposed only during certain hours or at all hours?
 - If restrictions are imposed at all hours, does the Person ever leave the premises?
 - Does the Person need permission to go to the doctor, store, religious institution or other places? If permission is required for certain activities, is it granted promptly or often delayed? What must a worker do to obtain permission?
 - Is there a curfew?
 - Is the Person accompanied by an agent of the employer when they leave the premises?
 - What are the reasons given for any restrictions? Do they reflect legitimate safety

- whether workers are, in fact, free to leave the premises. Maintain a detailed surveillance log and if possible, take photos and recordings.
- Assess whether any visible means of confinement are used to keep workers in or intruders out. For instance, does barbed wire face in or out of the premises?
 - Record any means of confinement and surveillance.

	<p>and security concerns, or do they seem disproportionate and extreme?</p> <ul style="list-style-type: none"> • If a worker was to violate the restrictions, what would be the consequences? Has any worker ever resisted the restrictions? If so, what happened? 		
ISOLATION			
<ul style="list-style-type: none"> • The Person did not speak to anyone during transport and transfer. • The workplace is in a remote location far from other buildings or communities. <ul style="list-style-type: none"> • The workplace is difficult to reach by public or private transportation. • The workplace cannot be reached by public transportation. • The Person has limited or no access to the means of communication (e.g. phone, mail, internet). • The Person has limited or no access to the media (e.g. no television, radio, magazines, 	<ul style="list-style-type: none"> • How did the Person arrive at the workplace? Does the Person know his or her location or address? Does the Person know how to return home? • Where is the workplace located, and are there any homes, businesses or other neighbouring dwellings nearby? If so, is the Person aware of them or allowed to access them? • Is the workplace accessible by public or private transportation? If the Person sleeps and 	<ul style="list-style-type: none"> • Inspect the premises working areas, sleeping areas and surroundings for the signs of isolation. Look for means of communication (e.g. pay phones and mobile phones, mail and mailboxes, internet). Verify whether workers are able to use these means in practice (e.g. do pay phones work, are workers provided with change to use them, and are they able to use them for personal communications)? • Look for media (e.g. televisions, radios, internet, magazines, newspapers). Verify that workers are able to access media in practice. • Interview workers separately and in a confidential environment. Ask how they arrived at the workplace and if they know their location, whether they're able to maintain contact with relatives, friends and 	<ul style="list-style-type: none"> • Witness statements • Written descriptions/notes • Audio-visual evidence (e.g. photos, video or digital recordings, maps, diagrams, sketches) depicting the isolation of the location (e.g. badly maintained and inaccessible roads, distance from other buildings and persons) • Audio-visual evidence depicting restrictions on communication (e.g. lack of public phones

newspapers).

- The employer, manager/supervisor or other relevant personnel monitor Person's contact with others outside the premises.
- The Person is not permitted to contact others outside the premises.
- The Person does not know their location or address.
- The Person cannot speak local language.
- The workplace is inaccessible and difficult to reach for other reasons (e.g. private household, unregistered business).
- The employer, manager/supervisor or other relevant personnel insist on answering questions on behalf of the Person and/or on translating all conversations.

works at the same location, how often do they leave the premises?

- Does the Person have access to means of communication (e.g. phone, mail, internet)? If so, is the Person able to use them in practice? If not, why?
 - Does the Person have access to media (e.g. television, radio, internet, magazines, newspapers)? If so, is the Person able to access media in practice? If not, why?
 - Is the Person allowed to freely contact their relatives, friends or associates? Are Person's communications monitored? When was the last time the Person was in contact with them?
 - Is the Person allowed to study or learn local language? If not, why?
- Has the employer taken

the outside world, and about any other restrictions related to isolation.

- Interview employers, managers/supervisors and other relevant personnel. Ask about any policies and practices related to isolation, such as prohibition on mobile phones, monitoring of phone calls, emails or letters, or other restrictions on communication and access to media.
- Examine any written policies and procedures related to isolation.
- Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin) who can provide information about the nature and extent of their contact with workers.
- Speak with local authorities who are familiar with the location of the workplace about the area's population, infrastructure, transportation and other services.
- Record any means of isolation.

or of places to purchase and add credit to mobile phones, keeping phones, internet, etc. in places that are off-limits to the Person).

- Records of transportation to or from the premises (e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts)
- Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips)
- Other physical items (e.g. mobile phones)

	<p>any measures to prevent the Person from learning local language?</p> <ul style="list-style-type: none"> • Can the Person freely interact with others outside the premises (relatives, friends and associates but also members of the public such as shopkeepers, taxi drivers, doctors, members of the same religious or ethnic community, etc.)? • What are the reasons given for any restrictions on communications and media? Do they reflect legitimate workplace concerns, or they seem excessive and unwarranted? 		
RETENTION OF ID DOCUMENTS			
<ul style="list-style-type: none"> • The Person does not possess or have access to their ID documents (passport, ID card, visa, work or residence permit) or other valuable personal effects (return ticket). • Identification documents or other valuable personal effects 	<ul style="list-style-type: none"> • What documents or belongings are retained? When were they taken and for how long have they been retained? By whom? • Are the documents or belongings retained 	<ul style="list-style-type: none"> • Interview workers. Ask about the location of their documents and belongings and their ability to access them. • Interview employers, managers/ supervisors, and other relevant personnel. Ask about the policies and practices underlying the retention of documents and belongings and for proof that they are being 	<ul style="list-style-type: none"> • Witness statements • Audio-visual evidence (e.g. photos, video or digital recordings, maps, diagrams, sketches) depicting the location where workers'

are kept by the employer or an intermediary.

- If kept by the employer or an intermediary, the Person cannot access ID documents or other valuable personal effects within a reasonable period of time.
- Retention of ID documents or other valuable personal effects is used to punish workers.
- The employer or intermediary provides different explanations for retaining ID documents or other valuable personal effects.

temporarily or indefinitely?

- How are the documents or belongings secured (e.g. locks, keys, combination, off-site location)?
- Was the Person told that their documents or belongings would be retained? Did the Person agree?
- What explanation so the employer or intermediary provide for retaining documents or belongings? Does the explanation seem reasonable? Is it legal?
- If the explanation given is that the documents or belongings are retained for security reasons, do workers have access to them on request or within a reasonable period of time?
- What impact does the retention have on the Person? Does the Person feel unable to leave

retained for the reasons provided.

- Check with other government agencies to verify whether explanations that are given for the retention of documents (e.g. for visa renewals or registration purposes) are valid.
- Examine and record the location where documents or belongings are retained.
- Record or obtain copies of the documents or belongings.

documents or belongings are kept and the means used to secure them (e.g. locked drawer, safe, guarded or off-site location)

- Audio- visual evidence (e.g. photos, video or digital recordings, maps, diagrams, sketches) depicting the documents or belongings that have been retained
- Copies of documents that have been retained

	<p>employment without risking the loss of the documents or belongings? Does the Person fear the authorities because of the retention?</p> <ul style="list-style-type: none"> • Does the Person have any documents or means of proving identity, nationality, legal status, or other ways to access certain services? 		
<p>WITHOLDING OF WAGES</p>			
<ul style="list-style-type: none"> • The employer cannot show an employment contract or proof that wages have been paid to the Person. • The Person has no employment contract or the terms and conditions are poorly defined. • The Person is paid on a results basis and must work overtime in order to earn the legal minimum wage. • Employment documents and wage records have been altered. • The employer maintains two 	<ul style="list-style-type: none"> • Does the employer use irregular, delayed, deferred or non-payment of wages to ensure that workers cannot freely terminate employment? • Why are wages withheld or subjected to deductions? What are the reasons given? Do these reasons seem valid and reasonable, and are they consistent with legal requirements? • Did the Person know that their wages would 	<ul style="list-style-type: none"> • Gather and examine all documents and records related to the nature of any employment agreement and wage payments, from the employer, worker, and other sources (e.g. third parties such as banks or money transmittal services). • Check whether the company is using a double set of books to mislead investigators. • Interview workers, selecting a representative cross- sample (i.e. workers on indefinite and fixed duration contracts as well as those paid on an hourly or piece-rate basis). Ask about wage payment and deduction practices, and find out what expectations were prior to employment and 	<ul style="list-style-type: none"> • Witness statements • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums) • Records of financial transactions between the employer, intermediary and worker (e.g. pay slips, books and registers,

sets of books, or there are significant discrepancies between what the employer and worker claim have been paid.

- The Person is paid less than the legal minimum wage and less than they were promised.
- Wages are paid in the form of vouchers, coupons or promissory notes.
- The Person cannot directly access their earnings.
- A large percentage of Person's wages is paid "in-kind" (e.g. through the provision of goods or services such as food and housing).
- Payments are irregular and/or frequently delayed.
- The Person is subjected to excessive and illegal wage deductions.
- The Person is not provided with pay slips or any other record of wages or deductions.
- The Person does not understand how wages or deductions are calculated or does not know how much they are earning.

be withheld or subjected to deductions? If not, does the Person feel that if they stopped working, the Person would lose the unpaid wages? Do wage payment and deduction practices impact Person's ability to leave the job in any other way?

- Does the Person have an employment contract? If so, what are its terms and conditions, and are they consistent with legal requirements? Do the contract's provisions seem abusive or exploitative?
- Is the Person paid in accordance with any payment records maintained by the employer? Have documents been altered or falsified in any way?
- If the Person is provided with pay slips or other payment records, are any deductions

whether wage withholding has impacted the Person's ability to leave their job.

- Interview employers, managers/supervisors, and other relevant personnel. Ask about policies and practices related to recruitment, wage payments, and deductions. If the employer uses an intermediary such as a private employment agency to hire workers, ask about policies related to this practice.
- If the employer uses an intermediary to hire workers, interview the intermediary. Ask about policies and practices related to recruitment, wage payments, and deductions.
- Check whether the intermediary is licensed and certified by the competent authority.
- Inspect the premises of the intermediary and examine relevant records (e.g. license, model or actual employment contracts, professional qualifications, correspondence).
- Search for records of communication to establish practices related to recruitment, wage payments, and deductions.
- Interview third parties, such as relatives, neighbours, and others (both at the location of destination and origin), who may be familiar with the Person's financial situation as well as with the terms and conditions of

bank records, other electronic and paper records)

- Government records of taxes and social security contributions
- Records of paid (and not paid) taxes and tax deductions
- Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips)
- Public records, media reports and information from government databases

<ul style="list-style-type: none"> • The employer provides the Person with food and other goods at inflated, non-market prices (store controlled by the employer). • The employer does not pay required taxes or social security on behalf of workers. 	<p>clearly explained?</p> <ul style="list-style-type: none"> • Why does the Person not understand how wages or deductions are calculated or how much they are earning? • How are the Person’s wages calculated? Are wages based on time (e.g., hourly, weekly, monthly, or seasonal rate) or results (what is produced), or is the wage basis undefined? • How much is the Person paid? Is the Person paid an amount that is less than agreed or below the legal minimum wage requirement? Has the Person received any wages at all? • How are wages paid to the Person? Are they paid in cash, to a bank account, or using some other means? If to a bank account, does the Person or someone else control the account? Are wages 	<p>work originally promised.</p> <ul style="list-style-type: none"> • Check government records for information about whether the employer is paying taxes and social security contributions on behalf of workers. • Check public records (e.g. court databases, government websites), government databases and media sources for information about any complaints or pending cases involving the employer or intermediary that relate to wage disputes. 	
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	<p>paid directly to the Person or to a third party?</p> <ul style="list-style-type: none"> • Is the Person paid partially or wholly “in-kind”? Are in-kind payments consistent with the reasonable market value of the goods and services provided? Are in-kind payments used to create a state of dependency of the Person on the employer? • Are workers compelled to use certain stores or services connected to the employer? Are the goods and services sold provided at fair and reasonable prices? 		
FRAUD/DECEPT			
<ul style="list-style-type: none"> • The actual terms and conditions of work differ from those that were promised orally or in writing (e.g. in written or oral employment agreements or job advertisements). • The employer cannot show an employment contract. • The Person has no 	<ul style="list-style-type: none"> • How did the Person learn about the job (advertisement, informally, direct contact)? Was the Person targeted by a recruiter or broker? • Did the Person sign an employment 	<ul style="list-style-type: none"> • Gather and examine all documents related to recruitment and the terms and conditions of work, from the employer, worker, and other sources (e.g. third parties such as transportation services, newspapers or other media containing the original job advertisement, banks or money transmittal services that establish recruitment fees) • Search for records of communication to 	<ul style="list-style-type: none"> • Witness statements • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence,

<p>employment contract or the terms and conditions are poorly defined.</p> <ul style="list-style-type: none"> • The employment contract is written in a language that the Person does not understand. • The Person signed a new employment contract upon arrival at work (this practice is sometimes called “contract substitution”). • The Person is not provided with pay slips or any other record of wages or deductions. • The Person does not understand how wages or deductions are calculated or know how much he / she is earning. 	<p>contract? If so, is the Person’s signature genuine? Was the contract signed under duress?</p> <ul style="list-style-type: none"> • Did the Person sign more than one employment contract (e.g. before departure and upon arrival)? If so, do the contracts differ from each other? • If the Person signed an employment contract, do they understand the terms and conditions? Is it written in a language the Person understands? Has the contract been altered in any way since the Person signed it? • What were the agreed-upon terms and conditions of work? What was the Person promised about the job (location, nature of 	<p>establish means of recruitment, relationships between employers and recruiters or brokers, and terms and conditions of work.</p> <ul style="list-style-type: none"> • Interview workers. Find out how they were recruited, what they were promised and what their expectations were, and the actual terms and conditions of work. • Interview employers, managers/supervisors and other relevant personnel. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective and current workers. How does the employer maintain records of wages and deductions, and are workers also provided with such records? If the employer uses an intermediary, does the employer have procedures in place to prevent fraud and abuse? • Interview any intermediaries involved in hiring workers, including recruiters, brokers and private employment agencies. Ask about recruitment practices and policies, employment agreements, and how the terms and conditions of work are communicated to prospective workers. Find out whether the intermediary continues to play a role after the Person has been hired. • Inspect the premises of the intermediary and examine relevant records (e.g. license, model or actual employment contracts, professional 	<p>employment contracts, annexes or addendums).</p> <ul style="list-style-type: none"> • Sources related to recruitment (e.g. job advertisements in newspapers, on the internet, on the radio, or on television; posters; leaflets). • Records of financial transactions between the employer, intermediary and the Person (e.g. pay slips, books and registers, bank records, other electronic and paper records). • Correspondence between recruiter, employer, worker, and any third parties involved. • Records of communication (e.g. diaries, agendas,
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	<p>work, pay) and benefits (such as access to education, housing, and food)? What were the Person's and the employer's expectations?</p> <ul style="list-style-type: none"> • Do the actual terms and conditions of employment differ from those that were promised (e.g. working and living conditions, travel and recruitment fees, access to food and housing, legal status)? • Why is the Person not provided with pay slips or any other record of wages or deductions? • Why does the Person not understand how wages or deductions are calculated or how much they are earning? • Is the calculation of wages and wage 	<p>qualifications, correspondence).</p> <ul style="list-style-type: none"> • Where applicable, check whether intermediaries are licensed and certified by the competent authority. • Check public records (e.g. court databases, government websites), government databases and media sources for information about any complaints or pending cases involving the employer or intermediary. • If appropriate, speak with other law enforcement and civil society representatives to find out what information, if any, they know about the employer and intermediary. • In cases of internal or cross-border movement, reach out to local law enforcement in the region or country of origin for any information about the Person, the intermediary, or the employer. • Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin), who may be familiar with recruitment methods used and the terms and conditions of work originally promised. 	<p>phone records, actual phones showing calls made and received, emails, letters, message slips).</p> <ul style="list-style-type: none"> • Records of transportation (e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts). • Public records, media reports and information from government databases.
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	<p>deductions manipulated by the employer?</p> <ul style="list-style-type: none"> • Was the Person particularly vulnerable to deception (e.g. because unfamiliar with the local language or laws, disabled, irregular work status, etc.)? • If the Person had known about the actual terms and conditions of work, would they have accepted the job? If not, why has the Person remained? 		
ABUSE OF POWER / VULNERABILITY			
<ul style="list-style-type: none"> • The Person is under 18 years old (young children who lack a parent or other adult family member are especially vulnerable). • The Person is in an irregular situation without legal documents (e.g. irregular migrants). • The Person's employment is unregulated or poorly regulated 	<ul style="list-style-type: none"> • Why is the Person in a particularly vulnerable position? Was the vulnerability pre-existing or created by the trafficker? If pre-existing, did the trafficker intentionally seek to take advantage of it? • How did the Person 	<ul style="list-style-type: none"> • Gather and examine documents and records related to recruitment, work or residency status, the nature of any employment agreement, and wage payments. • Review wage records to ensure that wage levels are the same. • Search for records of communication to establish means of recruitment and relationships between employers and recruiters or brokers. 	<ul style="list-style-type: none"> • Witness statements • Work or residence permits • ID documents, including pass-ports, ID cards and papers, birth certificates, visas and other travel documents • Employment contracts or other

(e.g. temporary workers, subcontracted workers, non-formal-sector workers, part-time workers, rural workers, domestic workers).

- The Person belongs to a group that has been discriminated against or does not have equal rights in society (e.g. based on sex, refugee/asylum status, ethnicity, disabilities, orphan status, or being part of a minority religious or cultural group).
- The Person comes from an area affected by natural disasters, political or armed conflicts, economic downturns or other crises that have reduced alternative livelihood options.
- The Person is poor and their family is fully dependent on their earnings.
- The Person's family situation is difficult or unstable (e.g. abusive, family members have been threatened or black-mailed, or one or more parents is absent in the case of a minor).

learn about the job (advertisement, informally, direct contact)? Was the Person targeted by a recruiter or broker?

- What were the Person's prospects to find employment when they were recruited? What are they now?
- Did the employer/recruiter create or contribute to the Person's vulnerability (e.g. by imposing high recruitment fees, through deception, or through other actions linked to the indicators)?
- Is the Person's vulnerable position somehow abused? For instance, is the Person illegally subjected to substandard working and living conditions, including overtime, or are wages illegally withheld? If so, does the Person know his or her rights?

• Interview workers. Find out about their situations, including their personal characteristics, background and awareness of relevant laws, the circumstances of their employment, and conditions of work.

- Interview employers, managers/supervisors, and other relevant personnel. Find out what measures, if any, are taken to support vulnerable workers, such as by ensuring that work-related information is communicated to workers in a language and medium that they can understand.
- Interview third parties, such as relatives, neighbours, or co-workers (both at the location of destination and origin), who may be familiar with the situation and characteristics of workers.
- Interview third parties, such as relatives, neighbours, and local community members (both at the location of destination and origin), who may be familiar with recruitment methods used and the terms and conditions of work originally promised.
- Check employer and government records for any information about the characteristics of workers, including statistics on age, ethnicity, nationality, race, sex, and religion.
- Check government records for information about whether workers have received social

documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums)

- Records of financial transactions between the employer, intermediary and the Person (e.g. pay slips, books and registers, bank records, other electronic and paper records)
- Medical records addressing illnesses, disabilities, addictions, history of trauma or abuse
- Government records on social security, unemployment and other benefits
- Expert statements providing relevant background and context (e.g. on patterns of discrimination against

<ul style="list-style-type: none"> • The Person has significant debts related to their recruitment. • The Person has limited education and/or is illiterate. • The Person does not know the local language. • The Person lacks information about local laws and the role of authorities. • The Person is sick or has a physical or mental disability. • The Person is induced to consume and/or is addicted to drugs, alcohol or other intoxicants. • The work or residence permit is tied to the employer, or there are other structural dependencies. • The Person is in a situation of multiple dependency (e.g. reliant on the employer for accommodation, food, and relatives' jobs or other benefits). • The Person is emotionally and economically tied to the employer/recruiter (e.g. because of a romantic or blood relationship). 	<ul style="list-style-type: none"> • What happens if the Person complains or refuses to work under abusive employment conditions? Would the Person be dismissed, paid wages below the legal minimum or face other illegal sanctions? 	<p>security, unemployment and other benefits and the applicability of such protection schemes to the sector or type of work.</p> <ul style="list-style-type: none"> • Obtain medical assessments of the Person's physical and mental health from experienced healthcare professionals (after obtaining the Person's consent). If relevant, test for drugs or other intoxicating substances that may have been administered to or taken by the Persons. Medical examinations may also be used to help determine a worker's age. 	<p>certain groups and how certain characteristics can make one especially vulnerable to exploitation)</p> <ul style="list-style-type: none"> • Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips) • Records of transportation (e.g. ticket stubs or receipts, pieces of paper with dates and times, petrol receipts)
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- The Person fears exclusion from their community, social, cultural or religious life.

GIVING OR RECEIVING PAYMENTS AND DEBT BONDAGE

<ul style="list-style-type: none"> • The Person must repay excessive recruitment and transportation fees. • The Person must pay excessive fees for accommodation, food, tools or safety equipment that are deducted directly from the Person's wages. • The Person must pay financial deposits or "security fees". • Repayment terms for wage advances are unclear or manipulated. • Interest rates for wage advances are unreasonable and may exceed legal limits. • The Person must work to repay an actually incurred or inherited debt. • Parents received a payment to let their child go. 	<ul style="list-style-type: none"> • What is the reason for the debt (e.g. recruitment fees, goods or services provided by the employer, wage advances, inherited)? Is the calculation of the debt reasonable and consistent with legal requirements? • Who is responsible for the debt, the employer, an intermediary or someone else? If the intermediary, what measures has the employer taken to ensure that workers are not subjected to illegal recruitment fees? • Is the Person repaying their debt through their labour? Is the Person's arrangement with the employer or intermediary consistent with legal requirements? 	<ul style="list-style-type: none"> • Check all financial records maintained by the employer for signs of falsification and debt manipulation. • Assess whether the costs of employer-provided goods and services, such as accommodation, food, tools or safety equipment are reasonable and consistent with market prices. • Gather and examine all documents and records from the employer, worker, and other sources that are related to the employment agreement. Look for provisions on debts, repayment terms and the costs of goods and services. • Interview workers. Ask about their recruitment, any debts (including repayment terms) and how they were incurred. Find out what expectations were prior to employment and whether debt conditions have affected the Person's ability to leave their job. • Interview employers, managers/supervisors, and other relevant personnel. Ask about policies and practices related to debts (including repayment terms) and the fees for goods and services provided by the employer. If the employer 	<ul style="list-style-type: none"> • Witness statements • Employment contracts or other documents indicating the terms and conditions of work, including the terms of any loans or fees and the original length of employment (e.g. correspondence, employment contracts, annexes or addendums) • Records of financial transactions between the employer, intermediary and worker (e.g. pay slips, books and registers, bank records, other electronic and paper records) • Government records of taxes and social security contributions • Records of
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	<ul style="list-style-type: none"> • Did the Person know about the debt and the repayment terms they started working? If not, when and how did the Person learn about the debt? • If the Person would not have accepted the job if they had known about the debt and repayment terms, why has the Person remained? • Have the repayment terms, including any interest rates, changed or remained the same? Did the Person consent to any changes? • Are the repayment terms reasonable and do they comply with legal requirements? • Does the employer use any means to manipulate the debt, such as undervaluing the Person’s labour, falsifying accounts or imposing excessive deductions? Are adequate and 	<p>uses an intermediary such as a private employment agency to hire workers, ask about policies related to this practice and what measures the employer has taken to ensure that workers are not subjected to illegal recruitment fees.</p> <ul style="list-style-type: none"> • If the employer uses an intermediary to hire workers, interview the intermediary. Ask about policies and practices related to recruitment fees, wage advances, and other forms of debt that may be incurred by workers. • Check whether the intermediary is licensed and certified by the competent authority. • Inspect the premises of the intermediary and examine relevant records (e.g. license, model or actual employment contracts, professional qualifications, correspondence). • Search for records of communication to establish practices related to debt (e.g. recruitment fees, wage advances, interest rates). • Check public records (e.g. court databases, government websites), government databases and media sources for information about any complaints or pending cases involving the employer or intermediary. • Check if there is pending complaints about 	<p>communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips)</p> <ul style="list-style-type: none"> • Public records, media reports and information from government data-bases
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	<p>accurate records of the debt maintained and provided to the Person?</p> <ul style="list-style-type: none">• Is the Person forced to remain in the employment situation longer than agreed because of the debt?• Aside from the debt, does the Person depend on the employer for any other reasons (e.g. food and housing or jobs for relatives) that make them feel unable to leave freely?	<p>the workplace in courts or other authorities.</p> <ul style="list-style-type: none">• Interview third parties, such as relatives, neighbours, and local community members, who may be familiar with wage advance or recruitment fee arrangements that were originally made.	
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INDICATORS OF PURPOSE

LABOUR EXPLOITATION			
Signs	Causes (Questions to be asked to oneself – not directly to the victims)	Use methods	Collect evidence
<ul style="list-style-type: none"> • The worker is demanded to undertake hazardous work without adequate protective gear. • The worker does not have the required education and experience to work safely. • The worker is demanded to undertake illicit or humiliating activities. • The working environment is unhealthy, including poor lighting and ventilation, lack of heating and access to sanitary facilities. • There is no safety or health notices in the workplace and the equipment is lacking. • The working conditions are in gross violation with labour laws and collective agreements. • Workers look exhausted and scruffy. • Even sick people or pregnant 	<ul style="list-style-type: none"> • Are the working conditions in accordance with legal requirements? If there are breaches of the labour laws and collective agreements, how many and severe breaches you notice? Does the worker know about the illegality? • How The worker ended up working in these conditions? Were they recruited by an agency or a broker? • How the terms and conditions are stipulated in the employment contract? What were the Person’s expectations about the work when they were recruited? Are the 	<ul style="list-style-type: none"> • Observe the work premises, working tools, protective gear, existence of health and safety notices and equipment, etc. • Inspect sleeping areas and check whether workers have adequate sanitary facilities, private space, access out of the premises, available media, other services, etc. • Speak with workers about the working conditions and their willingness to work and what were their expectations when they were recruited, etc. • Speak with managers about the working conditions and policies concerning the living at the workplace. • Take and remove samples, materials and substances used at the workplace for analysing the possible risks for health and safety of workers. • Examine the employment contracts and other documents that could include abusive clauses or discriminatory practices, or deviances from the real conditions. • Check if there are any reports of other authorities on violations on 	<ul style="list-style-type: none"> • Detailed report of inspection including list of breaches of certain labour laws and safety and health regulations (provide officers that would act as eyewitnesses and take notes) • Reports on the actions and instances during inspection, especially where workers were found, in what kind of conditions, who was using machines, etc. • Photographs, audio-visual records of the work premises, sleeping areas, surroundings • Eyewitnesses, such as inspectors/ other officers, testimonies of

<p>women are demanded to work.</p> <ul style="list-style-type: none"> • The employer cannot show employment contracts, insurances or registers of the Persons. • Workers do not have true representatives to negotiate their conditions in the workplace. • The worker must work overtime without overtime compensation. • Working hours are loosely defined, if at all. • Compensation is results based and bound to production targets. • The worker must work overtime in order to earn the legal minimum wage. • If the worker refuses to work overtime on one occasion, they are never given the chance to work overtime again (blacklisted). • The worker works on call (24 hours a day, 7 days a week). • The worker works during unusual hours. • The worker works also in 	<p>current working conditions something that was not as agreed (check 'deception')?</p> <ul style="list-style-type: none"> • Does the worker sleep at work? Or do they live in another place provided by the employer, e.g. do they live with the family of the employer? What are the conditions of living? Is their freedom to move somehow restricted by the employer? • Is the worker dependent on the employer or in a vulnerable position (see the signs of 'vulnerable position')? What happens if the worker complains and refuses to work with the given terms and conditions? Does the worker fear from dismissal or other penalties? Is the worker obliged to work in substandard conditions 	<p>labour/health/safety regulations concerning the workplace, or pending complaints in courts, etc.</p> <ul style="list-style-type: none"> • Interview workers. Ask about working hours, overtime and compensation, and what the consequences would be if they refused to work overtime. • Interview employers, managers/supervisors, and other relevant personnel. Ask about policies and practices related to working hours, overtime and compensation, and what happens if workers refuse to work overtime. Find out if the employer is familiar with the overtime limits of national legislation or agreed to in collective agreements. • Gather and examine all documents and records related to working hours, from the employer, worker, and other sources. • Gather and examine all documents and records from the employer, worker, and other sources that are related to the employment agreement. Look for provisions on working hours and over-time. • Inspect the workplace outside of normal working hours to determine whether workers are performing overtime "off the clock". 	<p>the Persons, etc.</p> <ul style="list-style-type: none"> • Diary/logbook of the worker (including records of working hours and money earned in prostitution or other exploitative work; events that have happened to them, etc.) • Samples of the materials/substances used, such as toxic pesticides in agriculture, etc. • Physical objects, such as working tools, clothing used in the work, etc. • Any correspondence between employee, employer and recruiter, such as complaints about the conditions of the work • Employment contracts, job advertisements, other documents and media • Witness statements • Records of working
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<p>employer's private place.</p> <ul style="list-style-type: none"> • The worker is denied breaks, days off, and free time. • The worker is denied benefits they are entitled to, such as paid holidays. • The worker looks tired and exhausted. • The Person has to work even sick or pregnant 	<p>in order to keep the job?</p> <ul style="list-style-type: none"> • Does the worker report any other threats? • What are Person's livelihood options if they leave the job? • How many hours does the worker work per day/per week? Do working hours exceed those allowed by national law or collective agreements? • Is the Person's normal salary in accordance with the employment contract and minimum wage requirements? • Is the worker compensated appropriately for overtime? Is the compensation consistent with legal requirements? If the worker works on call, are they only paid for the time they are actively working? 		<p>hours and overtime (timesheets, punch cards, logbooks, pay slips)</p> <ul style="list-style-type: none"> • Employment contracts or other documents indicating the terms and conditions of work (e.g. correspondence, employment contracts, annexes or addendums) • Records of wage and overtime payments (e.g. pay slips, books and registers, bank records, other electronic and paper records) • Government records of taxes and social security contributions • Records of communication (e.g. diaries, agendas, phone records, actual phones showing calls made and received, emails, letters, message slips) • Public records, media reports and information
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	<ul style="list-style-type: none">• How often does the worker work overtime? Is the overtime required temporarily (e.g. to meet production deadlines)? Or is the worker working overtime on a continuous basis?• Is the worker willing to do extra hours? If yes, why exactly? If not, why not?• If the worker refused overtime, would they earn less than the minimum wage? What would the consequences be?		from government databases
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ANNEX II CHECK LIST FOR LABOUR INSPECTORS FOR THE INITIAL CONTACT AND IDENTIFICATION OF POTENTIAL VICTIMS OF TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

(adjusted based on Guidelines for First Level Identification of Victims of Trafficking in Europe)²

Point	Steps	Notes
1. Ensure safety and basic needs	The first priority is to make sure that the situation is safe for a possible trafficked person and for a labour inspector.	
	If there are any safety concerns (for example if there is someone listening to the conversation or threatening the person), then it is necessary to leave the place immediately and call for help.	
	As soon as possible, the person who displays signs of trafficking should be offered food, drink, place to rest and access to other basic needs if necessary.	
2. Assess if the person in question is a child	It is necessary to determine if a possible trafficked person is a child as the procedures that are to be followed are specific.	
	In case of doubt whether a possible trafficked person is a child, if there are enough reasons to believe that the child was exploited in any way, they should be presumed to be the child and receive immediate assistance, support and protection.	
	Labour inspector should call the unit in charge of child protection. It is their responsibility to go further in the identification of trafficking.	
	Meanwhile, it is important to make the child feel safe and secure, to listen to their fears.	

² https://www.renate-europe.net/wp-content/uploads/2013/12/2014.11_identification_1_GUIDELINES.pdf

	The police and prosecutor will decide whether and when the parents/guardians should be informed.	
3. Make sure the person understands the labour inspector	Basic language may be sufficient to offer protection and determine if the person is a child but, in order to go further in the detection of trafficking, it is necessary to make sure that the person understands the language spoken by the labour inspector.	
	If not, the labour inspector should find an interpreter or a trained cultural mediator speaking the language who can facilitate communication.	
	A possible trafficked person should agree on the choice of the interpreter.	
	Moreover, it is recommended not to use “colleagues” from the same workplace of the possible trafficked person, as they may be related to the trafficker.	
	Even when a possible trafficked person is domestic citizen, i.e. person who understand local language, labour inspector should use simple and understandable common language and avoid professional jargon.	
	Labour inspector should focus on the assessment of the situation and not on the status – for various reasons, possible trafficked persons do not perceive themselves as victims and that word should be avoided.	
4.	A possible trafficked person, who may have just escaped a situation of fear, exploitation and threats, must be informed about the identity of individual speaking to them, the organisation/institution they represent, and the purpose of the communication/interview.	
	A possible trafficked person should give consent to start communication with the labour inspector and be informed that they can interrupt it or ask more details at any moment of time.	

<p>Create confidence, explain who you are</p>	<p>A possible trafficked person should know that their identity will be disclosed only with their consent to organisations/institutions for the purpose of assistance and support.</p>	
	<p>Taking notes during the communication can be very helpful to refer the possible trafficked person to the authorities, but it should not be done without their consent.</p>	
	<p>While talking and listening to the possible trafficked person, a human rights-based approach should be strictly followed, and they should be treated as holders of rights.</p>	
	<p>At the end of the communication, if the conclusion is that the person in question may be a victim of trafficking, the labour inspector must inform the police or prosecutor and the possible trafficked person must be offered to be referred to an organisation which will provide support and protection for short, medium and possibly long term if they are identified as victim of trafficking.</p>	
	<p>SPOT SIGNS</p> <ul style="list-style-type: none"> Spot signs that first attract attention and indicate that something is seriously wrong. Link indicators to warning signs. Once warning signs have attracted your attention, try to spot other signs of the indicator and signs of other indicators whilst the inspection proceeds. 	
	<p>CHECK CAUSES</p> <ul style="list-style-type: none"> Verify whether the indicators relate to the offence of trafficking or not. 	

5. Listen, observe, ask questions	<ul style="list-style-type: none"> • Find out the causative acts, reasons and intentions behind the indicator. • Investigate the cases further, especially when interviewing the victims and other witnesses of trafficking. 	
	<p>“Spot signs” and “Check causes” can be completed by two more investigative steps: “Use methods” and “Collect evidence”. They are not the responsibility of the labour inspector, but they are listed here so that the inspector knows how to react if some of these elements come to surface in the discussion with the possible victim.</p>	
	<p>USE METHODS</p> <p>These are only suggestions on how a labour inspector can find answers to the set of questions. In the case of labour exploitation, this will include:</p> <ul style="list-style-type: none"> • Direct observation in the workplace and sleeping areas. • Reviewing of relevant company and employee documentation. • Taking samples. • Conducting on- and off-site interviews. • Other appropriate methods. • If the possible trafficked person refuses to testify, gather other evidence that corroborates the worker’s account but may also stand on its own. 	
	<p>COLLECT EVIDENCE</p> <ul style="list-style-type: none"> • If it seems likely that the case could constitute a THB offence, gather evidence specific to the indicators. • Under each of the indicators, strive for obtaining a detailed testimony of the possible victims. 	
	<p>In case that the possible trafficked person asks questions on what will happen once referred to the police or prosecutor, it is important for labour inspector to be able to answer and explain the rights of possible victims.</p>	

<p>6. Explain what are the different steps of identification of victims of trafficking</p>	<p>The person referred to the police or prosecutor will be interviewed by specialists in charge of identifying trafficking victims.</p>	
	<p>Once identified as a presumed victim of trafficking, the person shall be treated as a victim and will benefit from the following assistance: <u>Adults:</u> Once identified as a presumed victim, and providing they consent, they should:</p> <ul style="list-style-type: none"> - Be offered a recovery and reflection period which entitles trafficked person with no legal residency to the right to remain in the country, recover from their ordeal and make an informed decision as to whether they wish to co-operate with competent authorities to provide evidence against the trafficker; - Be protected from previous exploiters/traffickers by security measures decided jointly with the victim upon a risk assessment; - Be offered protection for physical safety and well-being, including some solutions for safe housing, if needed; - Be offered the services of an interpreter; - Be granted with free legal aid; - Be offered medical and pharmaceutical assistance if needed; - Be offered psycho-social services and care; <p>Later, prosecutor will examine their case more thoroughly in order to grant (or not) the formal status of victim of trafficking. This formal status opens the right to:</p> <ul style="list-style-type: none"> - A long-term residence/work permit for third country victims without legal residence; - Benefit from some training/education offers for the youngest; - Regular medical-pharmaceutical care; - Compensation from the perpetrators and legal redress; - Victims who wish so can be provided with safe and dignified repatriation to their country of origin or sometimes to another country. 	

	<p><u>Children</u> are entitled to special measures as soon as they are identified as a presumed victim. This includes:</p> <ul style="list-style-type: none"> - Special measures taken by competent authorities to determine identity and nationality of the child, and whether they were accompanied or not; - Legal representation; - Necessity for the competent authorities to take all possible efforts to locate the child's family; - Access to schools or other forms of education; - Possibility of voluntary return, if the child expresses the wish to do so and if, following an assessment by the competent authorities it is determined that it is in the best interests of the child to be returned. 	
7. Summarize the perception of the presence or absence of trafficking in human beings for the purpose of labour exploitation	<p>Once you have gone through the whole process and detected some signs of trafficking, summarize your perception of the presence or absence of each indicator in the following way:</p>	
	<p>0 - Absence: there is no sign of the presence of the indicators.</p>	
	<p>1 - Signs present: Some signs were spotted; satisfactory explanations were provided which confirm the likelihood of the presence of the indicators.</p>	
	<p>2 - Signs are present and evidence has been collected during the communication with possible trafficked person. This evidence will support the case during the phase of formal identification.</p>	
	<p>3 - Unable to decide for the time being: Due to unclear facts and explanations, it is not possible to make the decision. Further clarification is needed.</p>	
	<p>At the end of your communication with a possible trafficked person,</p>	

8. Take action	<p>there are four follow-up possibilities.</p>	
	<p>The person is a child: The first thing to do is to call the social protection service.</p>	
	<p>The person is an adult: You assess that they may be a trafficked person and they have agreed to be referred to police or prosecutor, you need to call the police or prosecutor.</p>	
	<p>You assess that they may be a trafficked person, but they do not want to be referred to police or prosecutor, at least for the time being. You must invite the person to think about it and - in case they change their mind - to provide them with a list of contacts of organisations that can provide support for specific topics, such as check-ups, or legal aid. Please note, that it is mandatory to inform the police or prosecutor when you witness a crime, irrespective of the victim’s consent.</p>	
	<p>You assess that the person in question is not a trafficked person, but still needs some support. Provide them with contacts of support organisations and a leaflet with information on THB.</p>	

TIPS FOR GENDER-SENSITIVE COMMUNICATION WITH THB VICTIMS³

The tips and principles presented below should always be applied when communicating with THB victims by any relevant actor – **law enforcement, labour inspectors, prosecutors, medical professionals, service providers**. Some of them will be more applicable on identification interview, while others will be more useful for service providers.

- **The interview should always take place in a safe and comfortable space, where the victim will feel secure and have privacy and where professionals would not be disturbed.** Victims are often ashamed of what happened to them, both men and women, albeit for different reason. The interview should not be organised in the office with other people present or passing through, or in the location where the victim was found, in front of others who were there with them. If there are several possible victims to be interviewed, it should always be done with separately.
- **The interview should be conducted by trained and gender-sensitive professionals.** The victim should be given a choice between male and female professionals instead of assuming what they need. When the gender of the interviewer turns to be of importance for specific victim, the same should apply to the interpreter - the victim should be allowed to choose the gender of interpreter as well.
- **Language that professionals use should be formulated in the way understandable to the victim, taking into account their age, gender, education, social and cultural background and any other characteristics** relevant in a specific case. The victim should always be treated with respect, which also means using formal language; however, sometimes it is better to talk with victim on the first-name basis, because they would not understand that you ask them about their personally, and not as a member of the group. A decision should be made in every individual case. Also, like in every other profession, there is a certain professional jargon used by anti-trafficking professionals, which is not understandable to victims. The task of every professional communicating with the victim is to make sure that they understand each other.

³ Ivana Radović, Lejla Gačanica, *Promoting gender equality and combating gender-based violence and stereotypes as means of combating trafficking in human beings: Guidance for stakeholders in Bosnia and Herzegovina*, Council of Europe, 2020.

- Language-wise, both men and women in trafficking situations often **do not see themselves as victims**. This can be due to perceptions of masculinity, feelings of guilt and responsibility, a desire to maintain a sense of control over their lives, the belief - embedded by traffickers - that they are the actual perpetrators of the offences, or something else. **Anti-trafficking professionals should always assess whether the use of the term “victim” is appropriate in a particular situation.**
- Especially relevant for the first contacts with trafficked persons, **not all information can be obtained in a single interview** and anti-trafficking professionals should never push for it. Interviews should not be too long and exhausting for victims. They should not be repetitive content-wise, too. All anti-trafficking professionals should collaborate and share information obtained from victims instead of having countless separate interviews.
- Victims are afraid of judgment and stigmatisation. Especially when it comes to sexual exploitation or some other form of sexual violence against women, there is a widespread belief that it was somehow provoked or consented. **Anti-trafficking professionals should never ask the victim why they did not run away or do something else to leave that situation.** They should not moralize. Victims often blame themselves for what happened to them. The task of anti-trafficking professionals is to tell them that it was not their fault, and not to reinforce it. They should show understanding, empathy, and trust.
- **Anti-trafficking professionals should never make promises that they are not sure they can keep.** At that moment, the victim may feel better and they may connect better. In the long run, not only that such acting will result in losing victim’s trust, but all other anti-trafficking professionals will suffer consequences.

ANNEX III CRIMINAL PROVISIONS RELATED TO TRAFFICKING IN HUMAN BEINGS IN BOSNIA AND HERZEGOVINA

Criminal Code of Bosnia and Herzegovina⁸⁸

International trafficking in human beings - Article 186

(1) Whoever, by use of force or threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power or influence or a position of vulnerability, or by the giving or receiving payments or other benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, harbours or receives a person for the purpose of exploitation of that person in the country in which that person does not have residence or citizenship, shall be punished by imprisonment for a term of at least five years.

(2) Whoever recruits, solicits, transports, transfers, harbours or receives a person younger than 18 years of age with the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of body parts or of some other type of exploitation, in the country in which that person does not have residence or citizenship, shall be punished by imprisonment for a term of at least ten years.

(3) If the criminal offense referred to in Paragraphs (1) and (2) of this Article is committed by an official person while executing official duty, the perpetrator shall be punished by imprisonment for a term of at least ten years.

(4) Whoever counterfeits, procures or issues travel or identification document, or uses, holds, seizes, alters, damages or destroys travel or identification documents of another person with the purpose of facilitating international trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(5) Whoever uses the services of a victim of international trafficking in human beings shall be punished by imprisonment for a term of between six months and five years.

(6) If the perpetration of the criminal offense referred to in Paragraphs (1) and (2) caused serious health damage, grievous bodily harm or the death of the persons referred to in Paragraphs (1) and (2), the perpetrator shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(7) Exploitation, for the purpose of paragraph (1) of this Article, means: prostitution of another person or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of body parts or some other type of exploitation.

(8) Items, means of transport and facilities used for the perpetration of the offense shall be confiscated.

(9) Consent of the victim of international trafficking in human beings to the exploitation

⁸⁸ Official Gazette of Bosnia and Herzegovina, no. 3/2003, 32/2003 - correction., 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015, 35/2018, 46/2021, 31/2023 and 47/2023.

bears no relevance to the existence of the criminal offense of international trafficking in human beings.

(10) 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 their status of the victim of international trafficking in human beings.

Organised International Trafficking in Persons - Article 186a.

(1) Whoever organises or manages a group or another association that jointly perpetrates criminal offense referred to in Articles 186 (International Trafficking in Persons) of this Code shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(2) Whoever commits a crime as a member of the group or another association referred to in Paragraph (1) of this Article or in any other way assists the group or the association, shall be punished by imprisonment for a term of at least ten years.

(3) The provisions set forth in paragraphs (4) and (5) of Article 250 (Organised Crime) of this Code shall apply to members of the organised group or another association referred to in Paragraph (1) of this Article.

Criminal Code of the Federation of Bosnia and Herzegovina⁸⁹

Article 210a Trafficking in Human Beings

(1) Whoever, by use of force or threat of use of force or other forms of coercion, abduction, fraud or deception, abuse of power or influence or a position of vulnerability, or by giving or receiving payments or other benefits to achieve the consent of a person having control over another person, recruits, transports, transfers, harbours or receives a person for the purpose of exploitation of that person, shall be punished by imprisonment for a term of at least five years.

(2) Whoever recruits, solicits, transports, transfers, harbours or receives a person younger than 18 years of age with the purpose of exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or similar status, servitude or the removal of body parts or of some other type of exploitation, shall be punished by imprisonment for a term of at least ten years.

(3) Exploitation, for the purpose of this Article, means: prostitution of another person or other forms of sexual exploitation, forced labour or services, forced begging, slavery or similar status, servitude or the removal of body parts or some other type of exploitation.

(4) If the criminal offense referred to in Paragraphs (1) and (2) of this Article is committed

⁸⁹ Official Gazette of FBiH, no. 36/2003, 21/2004 - correction., 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2016, 75/2017 and 31/2023.

by an official person while discharging official duties, the perpetrator shall be punished by imprisonment for a term of at least ten years.

(5) Whoever counterfeits, procures or issues travel or identification document, or uses, withholds, seizes, alters, damages or destroys travel or identification documents of another person with the purpose of facilitating trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(6) Whoever uses the services of a victim of trafficking in human beings shall be punished by imprisonment for a term of six months to five years.

(7) If the perpetration of the criminal offense referred to in Paragraphs (1) and (2) of this Article caused serious health damage, grievous bodily harm or the death of the persons referred to in Paragraphs (1) and (2) of this Article, the perpetrator shall be punished by imprisonment for a term of at least ten years or long-term imprisonment.

(8) Items, vehicles and facilities used for the perpetration of the offense shall be confiscated.

(9) Consent of the victim of trafficking in human beings to the exploitation bears no relevance to the existence of the criminal offense of trafficking in human beings.

(10) No criminal proceedings will be conducted against a victim of 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 their status of the victim of trafficking in human beings.

Article 210b - Organised Trafficking in Human Beings

(1) Whoever organises or manages a group of people, an organised group of people or an organised crime group that jointly perpetrates or attempts to perpetrate the criminal offense referred to in Article 210a (Trafficking in Human Beings) of this Code shall be punished by imprisonment for a term of at least ten years or a long-term imprisonment.

(2) Whoever commits a crime as a member of a group referred to in Paragraph (1) of this Article, shall be punished by imprisonment for a term of at least ten years.

(3) A member of the group referred to in Paragraph (1) of this Article who reveals this group or association may be exonerated of punishment.

Criminal Code of Republika Srpska⁹⁰

Trafficking in Human Beings - Article 145

(1) Whoever, by force or threat or other forms of coercion, abduction, fraud or deception, abuse of authority or influence, abuse of relationship of trust, dependence or vulnerability, difficult circumstances of another person, by giving or receiving of money or other

⁹⁰ Official Gazette of Republika Srpska, no. 64/2017, 104/2018 – CC BiH decision, 15/2021, 89/2021, 73/2023 and Official Gazette of BiH, no. 9/2024 – CC BiH decision.

benefits in order to obtain consent of a person who has control over another person, recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, receives or keeps a person for the purpose of the use or exploitation of that person's labour, perpetration of a criminal offence, prostitution, use for pornographic purposes, establishment of slavery or a similar relationship, forced marriage, forced sterilization, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than three years.

(2) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between two and twelve years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article was perpetrated as member of an organised criminal group, the perpetrator shall be punished by imprisonment for a term of not less than five years.

(4) Whoever uses, or enables other person to use sexual services or other forms of exploitation, and was aware that it concerns the victim of human trafficking, shall be punished by imprisonment for a term between six months and five years.

(5) If the offence referred to in paragraphs 1, 2, 3, and 4 of this Article is perpetrated by an official person in the exercise of duty, he shall be punished by imprisonment for a minimum term of eight years.

(6) If the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(7) The consent of the victim to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of the criminal offence of human trafficking.

(8) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

(9) When the victim of human trafficking is forced by the offender of criminal offence to participate in commission of another criminal offence, the criminal proceedings shall not be conducted against him if such action has been a direct consequence of his status of a victim of human trafficking.

Trafficking in Children - Article 146

(1) Whoever recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, keeps or receives a child with the purpose of use or exploitation of his labour, perpetration of a criminal offence, prostitution or other uses of sexual exploitation, pornography, establishment of slavery or similar relationship, forced marriage, forced sterilization, illegal adoption or a similar relationship, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than five years.

(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article by use of force, serious threat or other forms of coercion, by deception, abduction, blackmail, abuse of office, abuse of relationship of trust, dependence of vulnerability, difficult circumstances of another person, by giving money or other benefits in order to obtain consent of a person who has control over another person, shall be punished by imprisonment for a term of not less than eight years.

(3) Whoever uses, or enables other person to use sexual services or other forms of exploitation of a child, and was aware that it concerns the victim of human trafficking, shall be punished by imprisonment for a term of not less than five years.

(4) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term between three and fifteen years.

(5) If the criminal offence referred to in paragraphs 1, 2, 3, and 4 of this Article was perpetrated as member of an organised criminal group, the perpetrator shall be punished by imprisonment for a term of not less than ten years.

(6) If the offence referred to in paragraphs 1, 2, 3, and 4 of this Article is perpetrated by an official person in the exercise of duty, he shall be punished by imprisonment for a minimum term of eight years.

(7) If the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(8) The consent of the minor to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of this criminal offence.

(9) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

(10) When the victim of child trafficking is forced by the offender of criminal offence to participate in commission of another criminal offence, the criminal proceedings shall not be conducted against the child if such action has been a direct consequence of his status of a victim of child trafficking.

Association for the Purpose of Perpetration of Criminal Offences of Human Trafficking or Trafficking in Children - Article 147

Association for the Purpose of Perpetration of Criminal Offences of Human Trafficking or Trafficking in Children - Article 147

(1) Whoever organises a group or organised criminal group for the purpose of perpetration of the criminal offences referred to in Articles 144 and 145 of this Code, shall be punished by imprisonment for a term between three and fifteen years.

(2) Whoever becomes the member of a criminal group or organised criminal group referred to in paragraph 1 of this Article or otherwise assists the group or organised criminal group, shall be punished by imprisonment for a term between one and ten years.

Criminal Code of Brčko District of Bosnia and Herzegovina⁹¹

Trafficking in Human Beings - Article 207a

(1) Whoever, by force or threat of force or other forms of coercion, abduction, fraud or deception, abuse of authority or influence or vulnerability, or by giving or receiving of money or other benefits in order to obtain consent of a person who has control over another person, recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, receives or keeps another person or exchange or transfer control of a person for the purpose of the use or exploitation of that person's labour and services through forced labour, perpetration of a criminal offence, prostitution, use for pornographic purposes, or other form of sexual exploitation, forced begging, serve, establishment of slavery or a similar relationship, forced or arranged marriage, forced sterilization, forced pregnancy or artificial insemination, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for at least five years.

(2) If the offences referred to in paragraph 1 of this Article were perpetrated by an official person in exercising their duty, s/he shall be punished by imprisonment for a term of not less than ten years.

(3) Whoever counterfeits, obtains or issues travel or identification document or uses, seizes, holds, trades, damages, destroys travel or identification document of another person to enable trafficking in human beings, shall be punished by imprisonment for a term between one and five years.

(4) Whoever uses services provided by a victim of trafficking, shall be punished by imprisonment for the term between six months and five years.

(5) If due to the criminal offences referred to in paragraph 1 of this Article caused serious health problems, grievous bodily harm, or the death of one or more persons referred to in paragraph 1, the perpetrator shall be punished by imprisonment for a minimum term of ten years or a long-term imprisonment.

(6) Items, vehicles and facilities used for the perpetration of the offence shall be seized.

(7) The consent of the victim to exploitation shall bear no relevance to the existence of the criminal offence of human trafficking.

(8) The victim of trafficking that was forced by the perpetrator of that criminal offence to take part in committing another criminal offence, shall not be prosecuted for the offence s/he committed if their actions were direct consequence of their status of the victim of trafficking.

Trafficking in Children - Article 207b

(1) Whoever recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, keeps or receives a child with the purpose of use or exploitation of his labour, perpetration of a criminal offence, prostitution or other uses of sexual exploitation,

⁹¹ Official Gazette of Brčko District BiH, no. 19/2020 – consolidated text, 3/2024 and 14/2024.

pornography, forced begging, serve, establishment of slavery or similar relationship, forced or arranged marriage, forced sterilization, forced pregnancy, illegal adoption or a similar relationship, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than ten years.

(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article by use of force, serious threat or other forms of coercion, by deception, abduction, blackmail, abuse of position, authority or influence, abuse of relationship of trust, dependence or vulnerability, difficult circumstances of another person, by giving money or other benefits in order to obtain consent of a person who has control over another person, shall be punished by imprisonment for a term of not less than twelve years.

(3) Whoever uses or enables other person to use sexual services or other forms of exploitation of a child, and was aware that it concerns the victim of human trafficking, shall be punished with imprisonment for a term between ten to twenty years.

(4) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term between seven to fifteen years.

(5) If the criminal offence referred to in paragraphs 1, 2, 3, and 4 of this Article was perpetrated as member of an organised criminal group, the perpetrator shall be punished by imprisonment for a term of not less than twelve years.

(6) If the offence referred to in paragraphs 1, 2, 3, and 4 of this Article is perpetrated by an official person in the exercise of duty, he shall be punished by imprisonment for a minimum term of twelve years.

(7) If the criminal offence referred to in paragraphs 1, 2 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of fifteen years.

(8) The consent of the minor to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of this criminal offence.

(9) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

(10) When the victim of child trafficking is forced by the offender of criminal offence to participate in commission of another criminal offence, the criminal proceedings shall not be conducted against the child if such action has been a direct consequence of his status of a victim of child trafficking.

Organised Trafficking in Human Beings - Article 207c

(1) Whoever organises or leads a group, (an organised group or a criminal group which jointly perpetrates or attempts a criminal offence referred to in articles 207a of this Code (Trafficking in Human Beings), shall be punished by imprisonment for a term of at least ten

years or long-term imprisonment.

(2) Whoever perpetrates a criminal offence as a member of the group referred to in paragraph 1 of this Article, shall be punished by imprisonment of at least ten years.

(3) Whoever becomes a member of a group referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term of at least one year.

(4) A member of a group referred to in paragraph 1 of this Article who divulges the group may be released of punishment.

ANNEX IV PROTOCOL ON CO-OPERATION OF THE POLICE AND LABOUR INSPECTION IN DETECTING AND INVESTIGATING TRAFFICKING IN HUMAN BEINGS FOR THE PURPOSE OF LABOUR EXPLOITATION

Recognising that recent investigations about cases of forced labour in Europe reveal that victims are being exploited in a wide range of economic sectors – legal or illegal, including agriculture, horticulture and food processing industry; commercial sex; contract cleaning; construction industry; domestic service; entertainment industry; residential care; restaurant, hotel and catering business; small sweatshop; petty crime; street runners in drug trafficking,

Recalling that effective counter-trafficking efforts require multi-agency and multi-disciplinary co-operation and mechanisms, as close co-operation between law enforcement agencies and labour inspectorates in cases of trafficking in human beings for labour exploitation. Such co-operation is essential for a successful outcome since both agencies regularly gather vital intelligence of great use to one other and work to combat and reduce human trafficking cases,

Bearing in mind that the role of the police in cases of human trafficking is complex, as they have to investigate and produce evidence, but also to provide security and protection to victims, based on the individual needs of the victim and in accordance with given quality standards,

Bearing in mind that the role of labour inspectors as regards trafficking cases for the labour exploitation is essential since labour inspectors are responsible for enforcement of labour law and are often the first authority in contact with potential victims of human trafficking for the purpose of labour exploitation. Performing their tasks in the field labour inspectors could be in situation to detect labour exploitation and to identify potential victims of human trafficking. Therefore, labour inspectors represent a valuable resource that can contribute to the timely and accurate identification of potential victims of human trafficking for the purpose of labour exploitation, can initiate reaction of criminal justice authorities and prevent further violation of the human right of the victims,

Considering that in anti-trafficking activities, co-operation between the police and labour inspectorates should not be restricted to single cases, but should rather take place regularly, and should be applied to all anti-trafficking activities, including but not limiting to the prevention, protection of the victims of trafficking, investigation, and prosecution,

Based on the need for co-ordinated action of institutions in the fight against human trafficking for the purpose of labour exploitation, and confirming that direct co-operation will contribute to more effective investigation and prosecution of perpetrators of criminal acts and misdemeanours, and at the same time will improve the identification, referral and protection of victims of labour exploitation,

Respecting the role and responsibilities of law enforcement agencies and labour inspectorates, guided by relevant legislation and regulations, including the Law on Internal Affairs, The Law on Police Officials, The Criminal Law, The Criminal Procedure Law, The Law on Protection of Vulnerable Witnesses and Witnesses under Threat, The Law on Witness Protection Program, The Law on Foreigners, The Labour Law, The Law on the Employment of Foreign Citizens and Stateless Persons, The Law on Inspections, The Law on Safety at Work, and The Law on Administrative Procedure,

the Police of _____ and
Labour Inspectorate of _____,
(Hereinafter the Signatories)
have agreed as follows:

I PURPOSE AND AREAS OF CO-OPERATION

Article 1

Purpose

(1) The purpose of this Protocol is to strengthen the mutual co-operation of the Signatories in order to improve the prevention, detection, prosecution and suppression of human trafficking for the purpose of labour exploitation within their jurisdiction in criminal and misdemeanour proceedings, as well as the timely protection of victims of human trafficking for the purpose of labour exploitation.

(2) For the purposes of this Protocol, the term “police” includes the competent police authority and authorized police officials acting in a specific case, while the term “labour inspection” includes the competent administration or labour inspection body and competent labour inspectors acting in a specific case.

Article 2

Areas of co-operation

The co-operation between the Signatories will take place in accordance with the regulations governing their competences, in the following areas:

- Prevention of human trafficking for the purpose of labour exploitation;
- Mutual exchange of information;
- Organising and conducting joint supervision and controls;
- Co-ordination of mutual activities in criminal and misdemeanour proceedings;
- Co-ordination of activities in providing support and assistance to victims of human trafficking for the purpose of labour exploitation.

II PREVENTION

Article 3

Prevention

Signatories shall co-operate in the development and implementation of the monitoring of the situation in the field of trafficking in human beings for labour exploitation in their respective jurisdiction, participating in and providing support for research on trends in human trafficking for the purpose of labour exploitation, activities to raise the awareness of the general and professional public about human trafficking for the purpose of labour exploitation, proposing new policies, laws and other acts with the aim of preventing human trafficking for the purpose of labour exploitation, and activities on capacity building of competent institutions, including education and training.

III EXCHANGE OF INFORMATION

Article 4

- (1) The Signatories shall exchange information, reports and documentation that may contribute to the achievement of the purpose of this Protocol, respecting the regulations governing the protection of personal and secret data.
- (2) In cases where there are indications of violations of regulations in the field of labour, employment, safety at work and endangering the safety of workers, as well as other regulations whose implementation is supervised by the labour inspection, such information, reports, minutes and other documentation shall be submitted by the labour inspection to the police for action, including information on employers who have been reported for significant deficiencies in the implementation of the aforementioned regulations.
- (3) The labour inspection will submit to the police reports of employees or citizens about extremely poor working conditions, abusive behaviour of employers, and other information that points to significant violations of the law, working conditions and protection at work, if they indicate criminal acts of human trafficking for the purposes of labour exploitation.
- (4) The police will submit to the labour inspectorate reports from employees that contain information about the need to carry out inspection control over certain legal entities that violate regulations on labour relations, employment, safety and health at the workplace, as well as official notifications about the existence of operational knowledge about labour exploitation that indicates human trafficking.
- (5) Delivery and exchange of information and documentation for the purposes provided for in this Protocol shall be delivered through the usual official channels (in writing, electronically or through designated contact persons).
- (6) The Signatories may, for the purpose of implementing this Protocol, designate contact persons, who may be previously appointed representatives of the police and labour inspection as members of Local/regional coordination team for the fight against human trafficking (hereinafter: L/RKT) if such persons are appointed in L/RKT.

IV ORGANISATION AND IMPLEMENTATION OF JOINT SUPERVISION

Article 5

- (1) The police and the labour inspection will co-ordinate the implementation of joint activities within their competences, especially through regular or focussed inspection controls of individual employers in risk areas, where there are indications of serious violations of labour relations regulations and regulations on occupational safety and health that may lead to labour exploitation of workers which indicates human trafficking.
- (2) Joint activities from the previous paragraph are planned and implemented through regular official meetings or contact persons in accordance with Article 4, paragraph 6 of this Protocol.
- (3) Joint activities from paragraph 1 of this article will be carried out at the initiative of the police or the labour inspection, if there is information about the risks of labour exploitation in the business of certain legal entities that indicate human trafficking.

(4) Information and data on the planning and implementation of joint activities from paragraph 1 of this article will be protected in accordance with the applicable legal regulations and the Signatories commence to undertake all necessary measures to ensure that the location, date, time and other operational data on the implementation of these joint activities will not be made available to unauthorized subjects.

(5) After the completion of joint activities from paragraph 1 of this article, the Signatories will exchange all necessary reports and other official documentation on the established situation and the measures taken. The official documentation will contain at least: the date and place of implementation of the joint activities, information on the officials who carried out the supervision, information on the situation found, information on the people found in irregular working relationships, lists of indicators of labour exploitation that indicate human trafficking and others necessary information. Data on potential victims of human trafficking are entered separately in the report.

(6) If, during the joint activities referred to in paragraph 1 of this article, there is reason to suspect that a person is a potential victim of human trafficking, in order to identify the victim, the police will inform the competent prosecutor and proceed in accordance with the instructions and orders of the prosecutor.

Article 6

Regular inspection controls

(1) The Signatories will hold regular meetings on planning joint activities for the purposes of implementing this Protocol. Meetings will be organised at least once every three months in a manner agreed upon by the Signatories. If it is possible and necessary, the Signatories will assign contact persons from Article 4, Paragraph 6 of this Protocol to co-ordinate activities related to holding regular meetings.

(2) Based on the annual, quarterly and monthly work plan of the labour inspector, the labour inspection together with the police, in accordance with the risk assessment methodology for planning inspection supervision, will jointly determine inspection controls in which, if necessary, assistance will be provided by police officers in accordance with the risk assessment and other circumstances of the case.

Article 7

Extraordinary inspection controls

If there are indications of human trafficking for the purposes of labour exploitation and there is a need to conduct an extraordinary inspection control at employers that is not covered by regular inspection controls, and for the implementation of which, according to the risk assessment of the labour inspection, there is a need to engage police officers, the Signatories will co-ordinate joint activities for the purposes of conducting such extraordinary control, through usual official communication or contact persons from Article 4, paragraph 6 of this Protocol.

V CO-ORDINATION OF ACTIVITIES IN CRIMINAL AND MISDEMEANOUR PROCEEDINGS

Article 8

The Signatories, in undertaking activities within their jurisdiction, will co-ordinate activities within their jurisdiction in the domain of conducting criminal proceedings for criminal offenses of human trafficking and misdemeanour proceedings for violations of regulations related to labour relations and safety at work, especially in the following:

- a) Collection and exchange of intelligence, information and data. The Police and the Labour Inspectorate collect and exchange various information and data that have operational and strategic significance, and in connection with human trafficking for the purpose of labour exploitation, and use them for the purposes of planning and implementing joint activities in accordance with the provisions of this Protocol.
- b) Investigation of cases of human trafficking, which consists in labour exploitation of victims. In each specific case, the Signatories will analyse the circumstances of the case and evaluate the engagement of other competent institutions, co-ordinate the actions of police officers, labour inspectors, officials of other competent institutions and representatives of organisations that provide assistance to victims of human trafficking. Police officers and the labour inspector will co-ordinate the methods of investigation in relation to the victims and the perpetrator, they will co-ordinate on-site investigations, collect material evidence in human trafficking investigations, conduct interviews with victims of human trafficking who are potential witnesses and other official actions they undertake within its jurisdiction. Evidence collected during joint activities will be used by the police for criminal proceedings, and labour inspectors for administrative proceedings against legal entities involved in violations of the Labour Act and other laws under the jurisdiction of the Labour Inspectorate.
- c) Search and temporary confiscation of property. During the planning and conducting evidentiary actions for the purpose of finding and temporarily confiscating objects and property that indicate human trafficking for the purposes of labour exploitation, the police will, if necessary, co-ordinate these activities in consultation with labour inspectors, especially with regard to the time, location and objectives of the search and confiscation actions.
- d) Discovery and use of digital evidence. In accordance with their competences, the police and labour inspectors can, for the purposes of criminal and misdemeanour proceedings, use digital evidence, whereby they will co-ordinate joint activities and co-operate in terms of finding, collecting, identifying, handing over, exchanging and evaluating such evidence for the prosecution of human trafficking for the purposes of labour exploitation.
- e) Interrogation of suspects. The police and labour inspectors will co-ordinate activities in terms of planning and conducting interrogation of suspects, in order to gather evidence for criminal and administrative proceedings within their jurisdiction, which may include co-operation in preparing the interrogation plan and conducting interviews with suspects.

- f) Interviewing and hearing victims and victim-witnesses of human trafficking for the purposes of labour exploitation. The police and labour inspectors will jointly plan and prepare for the interview and hearing of victims and victim-witnesses, in order to gather evidence for criminal and administrative proceedings within their jurisdiction and will co-operate in the further stages of hearing the victims of the aforementioned crimes.
- g) Collection of other evidence. The police and labour inspectors will, in order to obtain other necessary evidence that verifies the statements of victims of human trafficking for the purposes of labour exploitation, act in a co-ordinated manner in accordance with their competences in finding and obtaining other evidence, in order to comprehensively and thoroughly prove the case in question the criminal offense of human trafficking and enabled the use of all obtained evidence in criminal and administrative proceedings.
- h) Parallel financial investigations. The police and labour inspectors, in accordance with their competences, will undertake appropriate and co-ordinated activities to find and obtain evidence that indicates financial transactions related to human trafficking for the purposes of labour exploitation. The police and labour inspectors will co-ordinate and co-operate in a parallel financial investigation in accordance with the current regulations governing this area, with the aim of collecting evidence that will be used in criminal and administrative proceedings within their jurisdiction.

VI CO-ORDINATION OF ACTIVITIES IN PROVIDING SUPPORT AND ASSISTANCE TO VICTIMS

Article 9

Identification of victims of human trafficking for the purpose of labour exploitation

- (1) The police and the Labour Inspectorate will co-operate in the identification of victims of human trafficking for the purpose of labour exploitation through the regular and enhanced exchange of all intelligence, information and data they possess and co-ordinate further steps in the identification of victims and potential cases of human trafficking for the purpose of labour exploitation.
- (2) The Signatories will agree and co-ordinate the scope and manner of co-operation with other institutions, organisations and individuals with the aim of identifying victims and perpetrators, and referring victims to institutions and organisations that provide support and assistance to victims in accordance with generally accepted standards for the protection of victims of human trafficking.
- (3) The Signatories will especially maintain communication and co-ordinate activities with the competent Center for Social Work with the aim of timely and reliable identification of victims of human trafficking for the purposes of labour exploitation and adequate protection of victims.

Article 10

Risk assessment in human trafficking investigations

(1) The Signatories will co-operate in carrying out a risk assessment for victims of human trafficking and persons close to them, so that labour inspectors will inform the police of all intelligence, information and data they possess, related to the risk for victims of human trafficking for the purpose of labour exploitation.

(2) After being notified of the risks for victims of human trafficking and persons close to them, or separately finds out about the existence of such risks, the police shall immediately inform the competent prosecutor and immediately take the necessary measures to protect persons under the risk.

Article 11

Protection

(1) The Signatories will co-operate in providing adequate protection for victims of human trafficking and referring them to institutions and organisations that provide support and assistance to victims in accordance with generally accepted standards for the protection of victims of human trafficking.

(2) In order to protect the victims of human trafficking from the previous paragraph, the police and labour inspectors will provide the necessary information to the experts who work directly to protect the victims regarding the circumstances from which the victims were rescued and co-ordinate further activities related to the appropriate services that will be provided to the victims in accordance with the standards of protection of victims of human trafficking.

(3) In order to provide timely and effective protection for victims of human trafficking from paragraph 2 of this article, the Signatories will co-operate with institutions and organisations that provide support and assistance to victims of human trafficking, with the aim of stabilizing the victim through security and professional assistance, including: assuring the victim and ensuring the safety, ensuring the victim's privacy, assessing potential medical/psychological/other needs, crisis counselling; ensuring a sense of comfort, helping to understand that the physical and emotional symptoms they may experience are the result of a crime, clear and simple communication, informing the victim about available resources and services, giving choices in daily routines, taking into account the special needs of children and other necessary services.

VII RIGHTS AND OBLIGATIONS

Article 12

Rights and obligations of the police

(1) In accordance with Article 4, paragraph 6 of this Protocol, the police can appoint a contact person and a deputy from the Criminal Police Sector with the task of implementing the provisions of this Protocol in the part of mutual exchange of information and organisation and implementation of joint activities with labour inspections, and prevention of human

trafficking for the purpose of labour exploitation.

(2) The contact person and deputy have the task of implementation of this Protocol in the part of co-ordinating activities in criminal and misdemeanour proceedings and co-ordinating activities in providing support and assistance to victims of human trafficking for the purposes of labour exploitation.

Article 13

Rights and obligations of the Labour Inspection

(1) In accordance with Article 4, paragraph 6 of this Protocol, the labour inspection can appoint a contact person and a deputy with the task of implementing the provisions of this Protocol in the part of mutual exchange of information and organisation and implementation of joint activities with the police, and prevention of human trafficking for the purpose of labour exploitation.

(2) The contact person and the deputy have the task of implementation of this Protocol in the part of co-ordinating activities with the police in criminal proceedings, as well as misdemeanour proceedings under their jurisdiction, as well as co-ordinating activities in providing support and assistance to victims of human trafficking for the purposes of labour exploitation.

(3) If the Signatories have agreed on the appointment of contact persons in accordance with Article 4, paragraph 6 of this Protocol, after its signing, the parties shall inform each other of the authorized contact persons for the exchange of information and joint co-ordination in accordance with the provisions of this Protocol.

(4) The labour inspection will, in accordance with its own assessments, submit reports to the police on the determination of serious violations of the labour law by legal entities. The reports will contain data on visits to legal entities, the observed condition, data on persons found to have an irregular employment relationship and other relevant data that could be linked to human trafficking for the purpose of labour exploitation.

(5) At the request of the police, and for the purposes of conducting a criminal investigation, the Labour Inspectorate will also submit to the police the records of the inspections of certain legal entities.

VIII TRANSITIONAL AND FINAL PROVISIONS

Article 14

This Protocol enters into force on the day of signing, and each signatory may cancel it by delivering a written notice to the other party.

This Protocol shall not prevent its Signatories from using other forms of co-operation while complying with laws and bylaws.

Article 15

The Signatories of the Protocol will, within three months after the conclusion of this Protocol, develop and adopt a joint instruction for the action of the police and the labour inspectorate in cases of human trafficking for the purpose of labour exploitation, in which the Standard Operating Procedures (SOP), including lists of indicators of human trafficking for the purposes of labour exploitation, will be developed in detail, for the purpose of improving the proceedings in the mentioned cases.

Article 16

This Protocol is drawn up in four copies, of which each party retains two copies.

ANNEX V PRACTICAL GUIDANCE FOR POLICE AND LABOUR INSPECTORS TO ENHANCE COOPERATION AND EFFICIENTLY MANAGE CASES OF TRAFFICKING IN HUMAN BEINGS FOR LABOUR EXPLOITATION

Introduction. Trafficking in human beings (THB) for the purpose of labour exploitation is one of the most challenging aspects of “modern-day slavery”. It is challenging on many accounts: because differences arise in practice in the interpretation and application of labour standards and in defining labour exploitation, because victims prefer not to lodge complaints or stand as witnesses as they are often dependent on their traffickers for work and housing, and not least because combating trafficking for the purpose of labour exploitation requires co-ordinated action between the authorities, civil society, trade unions and the private sector. Awareness among institutions of the specificities of trafficking for the purpose of labour exploitation has for a long time been limited. This clearly has implications with respect to the lack of proactive identification of situations of labour exploitation.⁹²

To strengthen the implementation of the obligation to prevent and combat trafficking for the purpose of labour exploitation, Council of Europe Group of Expert on Action against Trafficking in Human Beings (GRETA) published a Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation⁹³ (hereafter: GRETA’s Compendium) and a Guidance Note on preventing and combatting trafficking in human beings for the purpose of labour exploitation⁹⁴ (hereafter: GRETA’s Guidance Note), which provide an outline of measures that can be taken by the State Parties and explains key concepts and definitions. As noted in GRETA’s Guidance note, “The internationally agreed definition of trafficking in persons, replicated in Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings, as well as in other instruments is a combination of three components: an “action” (recruitment, transportation, transfer, harbouring or receipt of persons), which is committed through the use of “means” (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. The definition provides an open-ended list of “exploitation” practices, which include 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. The consent of a person to the intended exploitation is irrelevant where any of the previously mentioned “means” have been used, or where the trafficked person is a child. GRETA’s Guidance Note further notes that “Trafficking for the purpose of labour exploitation as a term is used to differentiate

⁹² <https://www.coe.int/en/web/anti-human-trafficking/labour-exploitation>

⁹³ GRETA, Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation, 2020 Available at: <https://rm.coe.int/mpendium-of-good-practices-in-addressing-trafficking-in-human-beings-f/16809f9bef>

⁹⁴ GRETA, Guidance note on preventing and combatting trafficking in human beings for the purpose of labour exploitation, 2020. Available at: <http://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>

between trafficking for the purpose of sexual exploitation, and trafficking for exploitative purposes in different economic sectors, both in the formal and informal economy.” The concept of “labour exploitation” in the context of THB is taken to cover, at a minimum, forced labour or services, slavery or practices similar to slavery, and servitude, notions that are well acknowledged in international law, including in the case law of the European Court of Human Rights regarding Article 4 of the European Convention on Human Rights (ECHR). Notably, forced or compulsory labour is defined in Article 2(1) of the International Labour Organization (ILO) Convention concerning Forced or Compulsory Labour (No. 29 of 1930) as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

Practitioners in many states experience great difficulty in separating bad working conditions from situations that could or should be pursued as trafficking offences. Restrictive interpretations by courts of what constitutes THB for the purpose of labour exploitation may result in acquittals or the cases being considered as labour law violations or exploitation which does not involve THB. Similarly, restrictive interpretations of what constitutes exploitation by bodies responsible for the identification of victims of THB may result in victims being denied recognition and access to assistance, remedies, and protection.⁹⁵

The recent investigations of cases of forced labour in Europe reveal that victims are being exploited in a wide range of economic sectors, legal or illegal, including: agriculture, horticulture and food processing industry; commercial sex (in massage parlours, bars, brothels, apartments, escort services etc.); contract cleaning; construction industry; domestic service; entertainment industry (e.g. fun fairs); residential care; restaurant, hotel and catering business; small sweatshop; petty crime; street runners in drug trafficking.⁹⁶

Effective counter-trafficking efforts require multi-agency and multi-disciplinary co-operation and mechanisms, including close co-operation between law enforcement agencies and labour inspectorates in cases of THB for the purpose of labour exploitation. Such co-operation is essential for a successful outcome since both regularly gather vital intelligence of great use to both institutions.

The **role of police** as regards THB cases is complex and demanding. Police must not only investigate and produce evidence of the crime of THB, but also assure security and protection to the victims of trafficking, once identified, throughout the period of reflection and stabilization, during the investigation and trial, and before/after repatriation, should it take place. The different measures taken should in theory be based on the individual needs and best interest of the victims and be in accordance with agreed quality standards. However, such an individualised case management system is costly and difficult to manage, as it requires specific action by a variety of specialists, professional services and institutions.⁹⁷

The **role of labour inspectors** as regards THB cases for the purpose of labour exploitation

⁹⁵ Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation, Group of experts on action against trafficking in human beings (GRETA) (2020)08

⁹⁶ ILO, A Global Alliance Against Forced Labor, p.46-47.

⁹⁷ ICMPPD, Law Enforcement Manual to Combat Trafficking in Human Beings, <https://www.icmpd.org/file/download/54287/file/Law%2520Enforcement%2520Manual%2520to%2520Combat%2520Trafficking%2520in%2520Human%2520Beings.pdf>

is essential since labour inspectors are responsible for enforcement of labour laws and other related laws and regulation and are regularly the first authority in contact with potential victims of THB for the purpose of labour exploitation. Performing their tasks in the field, labour inspectors could be in situation to detect labour exploitation and identify potential victims of human trafficking. Due to the labour inspectors' jurisdiction and the possibility of detecting illegal and undeclared work, labour exploitation and THB for the purpose of labour exploitation, they represent a valuable resource that can contribute to the timely and accurate identification of potential victims of THB for the purpose of labour exploitation, can initiate reaction of criminal justice authorities, can prevent further violation of the human right and fundamental freedoms of the victims, and can refer victims of trafficking to the institutions and organizations providing protection and assistance to victims. Further, labour inspectors play an important role in the prosecution of traffickers in terms of conducting subsequent inspections and providing minutes and material evidence about irregularities observed with regard to legal entities, that is, perpetrators where victims of THB exposed to labour exploitation were found. Labour inspectors will often act as prosecution's witnesses and have an active part in trials for THB for the purpose of labour exploitation, where they are expected to present to the court the state of affairs and irregularities they observed and recorded during inspections. This is an important role of labour inspectors in the cases of THB for the purpose of labour exploitation. For this reason, improved co-ordination and co-operation of labour inspectors with law enforcement officers is necessary for successful fight against THB and prosecution of perpetrators.

Due to the roles of police and labour inspection in the suppression of THB, co-operation between the police and labour inspectorates should not be restricted to single cases, but should rather take place regularly, and should be applied to all anti-trafficking activities, including but not limiting to the prevention, protection of the victims of trafficking, investigation and prosecution of THB for the purpose of labour exploitation, with law enforcement officers playing a key role at each stage.⁹⁸ Their cooperation should fully respect the roles and responsibilities of law enforcement agencies and labour inspectorates, and be guided by relevant legislation and regulations of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republika Srpska, Brčko District and cantons, including the laws on internal affairs, the laws on police officials, the criminal laws, the criminal procedure laws, the laws on protection of vulnerable witnesses and witnesses under threat, the Law on Witness Protection Program, the Law on Aliens, the labour laws, the law on the employment of foreign citizens and stateless persons, the laws on inspections, the laws on safety at work, and the laws on administrative procedure.

Cooperation between police and labour inspectorates is necessary in following activities:

Prevention. THB for the purpose of labour exploitation can be prevented through different activities, such as inspection controls by labour inspectors and other inspection services, education about the indicators of THB for the purpose of labour exploitation to help all actors that can come across potential victims, awareness raising among general public and professionals, education, trainings, especially in educational institutions, and research on the main trends and patterns of THB for labour exploitation. The activities of prevention and suppression of THB for the purpose of labour exploitation, in particular with regard to

⁹⁸ Ibid.

migrant workers, should, inter alia, include education of employers who employ migrant workers and co-operation with the chambers of commerce. Labour inspectors represent an important link in such activities, as well as members of the law enforcement agencies with experience on investigating cases of THB for the purpose of labour exploitation.

The police and labour inspectorate should co-operate in the development and implementation of the joint intelligence gathering in the field of THB for labour exploitation in their respective jurisdictions, awareness raising, education and trainings as well as in collecting and exchanging information and research on the main trends and patterns of THB for labour exploitation.

Identification of the victims of trafficking for the purpose of labour exploitation⁹⁹ - In order to identify THB for the purpose of labour exploitation cases, victim identification process must be multidisciplinary involving all actors that may come in contact with trafficked persons (labour inspection, police, prosecutor's office, border police, tax authorities, non-governmental organizations, health institutions, services for foreigners' affairs, employment agencies, etc.). Victim protection and assistance must not be dependent on their cooperation in investigation and prosecution. When a suspected victim is found, the following steps must be taken without delay: notify the police; in the event of underage victim, notify social welfare centre; in the event of foreign national, notify the Service for Foreigners' Affairs and the State Investigation and Protection Agency (SIPA). If a potential THB victim is found in the state requiring emergency medical assistance, all necessary actions must be taken to provide such assistance. Identified person must be treated as the victim of a serious crime; victims' initial account must be accepted as true; victim should be ensured accommodation at the safe house and reflection and recovery period, during which any expulsion order cannot be enforced; victim should be provided with free legal aid, interpretation services if necessary, as well as assistance in referral to specialised support services. If the victim is an unaccompanied minor or minor separated from their family, a guardian should be appointed and legal assistance should be provided as soon as possible, Persons presumed to be victims of trafficking must not be prosecuted or detained, including for reasons related to their immigration status.

An important tool in handling potential victim of THB, including for the purpose of labour exploitation, is the referral mechanism for trafficked persons and the involvement of all authorities responsible for victims' care and protection.¹⁰⁰

Using their authorities under the law and being familiar with the indicators of THB for the purpose of labour exploitation, labour inspectors may recognise potential victims of THB while conducting inspections and inform thereof the police or prosecutor's office.

The police and labour inspection shall co-operate in the identification of the victims of THB for the purpose of labour exploitation through regular and expedited exchange of all information and intelligence they possess, and shall co-ordinate further steps in the identification of victims and potential cases of THB for purpose of labour exploitation, and the extent and method of co-operation with other bodies and individuals in order to identify victims and perpetrators and refer victims to the institutions and organizations providing assistance and support to victims.

⁹⁹ Ibid.

¹⁰⁰ Smjernice o postupanju regionalnih monitoring timova za borbu protiv trgovine ljudima, http://msb.gov.ba/anti_trafficking/dokumenti/prirucnici/?id=6068

Risk assessment in THB investigations¹⁰¹ - Police officers should inform THB victims about legislation in force, so that they are made fully aware of the issues, responsibilities and potential consequences and risks attached to any decision they are asked to make during the investigation. It is critical that THB victims understand the risks and consequently reach a fully informed and free decision. Deception of victims is a recurring theme in THB, and it is important that they are not deceived at any stage in the law enforcement process.

All actors in the process of documenting criminal offence and protecting victims have a duty to conduct a continuous process of risk assessment in respect of the safety and welfare of the victims and their families at every stage of the investigative and judicial process and beyond. The police investigators have a duty to inform victims of their rights and to ensure that they are made fully aware of all available support agencies and services that exist to help them recover from their ordeal. Victims should also be informed that they may establish initial contact with these services. It is of particular importance that police investigators are familiar with the Judicial Guidelines for the action in cases of human trafficking in Bosnia and Herzegovina, adopted by the High Judicial and Prosecutorial Council of BiH (HJPC BiH) in 2023, and especially the part of the document that refers to compensation for damages, which require police officers to inform the victims in detail about the right to compensation and free legal aid.¹⁰² Based on the HJPC Guidelines, all competent prosecutor's offices are obliged to issue binding instructions for dealing with cases of human trafficking. By referring victims to free legal aid or legal representatives, victims' rights will be adequately represented in all stages of the proceedings. Once a victim becomes a witness, if they feel their safety is at risk, they should be granted the status of protected witness or witness under threat in accordance with the law. The status of protected witness or witness under threat shall be granted by the court upon request of the public prosecutor.

Labour inspectors shall inform the police about all intelligence and information they possess, in relation to the risk imposed to the victims of THB for the purpose of labour exploitation and cooperate with police in the risk assessment for victim they initially identified.

Co-operation with police officers and labour inspectors with THB victim contributes to efficient prosecution of traffickers. However, victims' access to the right to assistance and protection must not be dependent on such co-operation, having in mind the obligation to minimize the risks imposed on the THB victim.

Protection of the victims of trafficking - Any individual suspected to be (potential) victim of THB will be provided with necessary medical, psychological, material and legal assistance, interpretation services, safe and appropriate accommodation, as well as basic living necessities. Counselling and information regarding their rights should be provided in a language they understand. This right is not subject to any other consideration, including whether or not the victim co-operates with law enforcement authorities.

Law enforcement officers are duty-bound to protect victims and their families from further suffering or danger. After identification, victims must therefore be taken away from their

¹⁰¹ ICMPCD, Law Enforcement Manual to Combat Trafficking in Human Beings, <https://www.icmpd.org/file/download/54287/file/Law%2520Enforcement%2520Manual%2520to%2520Combat%2520Trafficking%2520in%2520Human%2520Beings.pdf>

¹⁰² https://www.cprc.ba/_files/ugd/7e0f63_bfeeb21d853d46fe9b2c0d6a0da21565.pdf

exploiters and brought to a safe place to be assisted by service providers. Further, THB victims will be given a reflection period which allows them to stabilise and decide whether to cooperate with law enforcement agencies. If victims are foreign nationals, according to the Regulation of Protection of Foreign Victims of Trafficking, which defines the actions and authorities responsible for the process of accommodation and protection of foreign THB victim, the reflection period shall last 30 days.¹⁰³

Following the identification, the police, in co-operation with labour inspection, shall initiate the referral mechanism, and co-operate with agencies, institutions and non-governmental organisations that have the mandate and resources to provide shelter, support, and legal and psychosocial assistance that facilitates (re)integration. In that respect, they shall refer potential victims to the service providers including providing information to the service providers on circumstances from which victims has been rescued and suggestion regarding the proper services that victims shall be provided with.

Intelligence Gathering and Exchange¹⁰⁴ - It is critically important to gather and exchange intelligence in order to effectively combat THB. Intelligence gathering has to be conducted holistically, by collecting and collating as many different sources as possible.

Working as front-liners within their authority, law enforcement officers and labour inspectors are in position to gather intelligence on THB for labour exploitation, which subsequently may have both tactical and strategic importance. The final objective of strategic intelligence gathering is to conduct an assessment of the strategic factors underpinning the existence of the trafficking crime. The value of tactical intelligence is in provision of the raw material that forms the basis for reactive, pro-active and disruptive investigations. The police and labour inspectorate shall gather and exchange strategic and tactical intelligence related to THB for labour exploitation and use it for strategic analyses and preparation and conduction of joint counter trafficking actions.

Investigation of trafficking cases¹⁰⁵ - At the outset of each investigation, be it pro-active (intelligence led) or re-active (based on evidence provided by the victim), the component parts of the case should be analysed to identify which other agencies are to be involved. According to the specifics of each case, co-ordination has to be defined with regard to front-line officers, police investigators, labour inspectors, immigration service officers and staff of service providers.

Police can benefit from the labour inspectors' contribution to the consideration of the processes and procedures or investigative options in the labour exploitation cases, as well as the planning and conduct of operations and their aftermath. Police shall use collected evidence during joint actions for criminal proceedings, while labour inspectors shall use it for administrative proceedings against legal persons involved in violation of the Labour Law and other laws under jurisdiction of the labour inspectorate.

Essentially, there are three investigative alternatives: re-active investigation is victim-led and based on the victim's statement and testimony in judicial proceedings; pro-active investigation is based on intelligence generated; and disruptive investigation takes place

¹⁰³ http://msb.gov.ba/PDF/Pravilnik_o_zastiti_stranaca_zrtava_trgovine_ljudima_B03112016.pdf

¹⁰⁴ ICMPD, Law Enforcement Manual to Combat Trafficking in Human Beings, <https://www.icmpd.org/file/download/54287/file/Law%2520Enforcement%2520Manual%2520to%2520Combat%2520Trafficking%2520in%2520Human%2520Beings.pdf>

¹⁰⁵ Ibid.

when the investigation could harm the safety of the victim or evidence is not valid/sufficient to lead a re-active or proactive investigation. Police in consultation with labour inspectorate shall choose the most appropriate of the three methods.

Re-active investigations are victim-led, based on the victim's statements and live testimony in judicial proceedings. The testimony is essential, since victims of trafficking are best placed to provide or confirm important information regarding the trafficking process, such as the use of threats, the abuse of a situation of extreme poverty, or the practice of debt bondage. In order to obtain as much evidence as possible, it is essential to simultaneously ensure careful treatment of the victim.

Pro-active methods are most effective in the investigation of THB for all forms of exploitation. Given the fact that forced labour is a less visible crime, the tactical options of this route may be a little limited, however, many of its features are nevertheless still effective. By using a combination of intelligence gathering, human and technical surveillance, undercover deployments and standard investigative techniques, the objective is to identify the traffickers and prosecute them for the offences most appropriate to the circumstances of the case. It is the method law enforcement agencies employ when dealing with cases where victims cannot testify against their exploiters, for fear of reprisals against themselves or their loved ones. It also provides a means to combat the traffickers without victims having to go to the police or give evidence. This type of investigation is not intended to disenfranchise victims from the judiciary process or to circumvent the state's duty to assist and protect them (the victim's testimony remains a prime source of quality evidence). It simply acknowledges the fact that a prosecution based solely on the victim's testimony has many chances to fail. Indeed, if it is possible to gain evidence through other means, this, in combination with any later possible testimony from the victim, may make the prosecution stronger. It has to be acknowledged that pro-active operations can be resource intensive, time consuming and expensive. However, given the gravity of the impact on victims and the risks that human trafficking poses to economic and civil society, the expenditure of the resources is justifiable and should be committed.

Disruptive investigative methods may be appropriate for a variety of reasons: where the level of risk to the victims demands an immediate response that precludes the pro-active option; and where the pro-active option is not viable for operational reasons, for example, if geographical and/or topographical features make surveillance of the target premises impracticable, or where it is impossible to achieve undercover penetration of the network.

Search and seizure – joint actions - On the basis of collected and previously verified information, police, in consultation with labour inspectors, will determine the time, locations and objectives of joint action. Before enforcing a search order, police officers and labour inspectors will agree on the specific pieces of evidence to be searched for and expected to be found. During the search, the labour inspector will conduct the inspection in accordance with their authority and jurisdiction and may recommend which objects and documents are of relevance to the proceedings and need to be seized. Within the limits of the law, any item that may constitute evidence should be collected, even if its significance is in doubt. The police will issue a note on the seized items. Items may be returned later if they are proven to have no evidential significance, in accordance with the prosecutor's decision during the investigation or the court's decision after the completion of the proceedings. This procedure helps to prevent the loss of potentially significant

items that might otherwise be left behind. Furthermore, if there are sufficient grounds for suspicion, the police will obtain an order to search the employer's business premises. The search must be systematic and thorough in order to find evidence such as victims' travel documents, contracts, bank records, large quantities of cash and the like.

Digital evidence – Procedural legislation stipulates that the search of movable items includes computer devices, electronic data storage devices, and mobile telephones. In the context of THB for labour exploitation, information and telecommunication technologies are mainly employed to recruit victims, particularly through online job advertisements. Such advertisements are not only published on job websites, but also posted and circulated on social media in specialised job searching groups and mutual aid groups as well as webpages meant to foster information exchange among migrant workers as a recruiting space targeted by traffickers. Traffickers tend to be revealed by the evidence that is produced in the course of their commercial activities, for example, in the marketing of their commodities.¹⁰⁶ Digital evidence encompasses any and all digital data that can establish that a crime has been committed or can provide a link between a crime and its victim or a crime and its perpetrator. Gathering digital evidence from computers, networks, and storage media has become a vital weapon against THB for the purpose of labour exploitation. Digital evidence is collected by the police.

Interrogation of suspects - Having ensured that the trafficked persons are safely placed in the shelter receiving appropriate care, the suspect as a person officially informed about being suspected for the criminal offence of THB by law enforcement authority, regardless of whether they are in custody or not, has the right of defence and is informed about the consequences of waiving that right. The suspect can be interrogated by the police officers or prosecutor. Police officers and labour inspectors will jointly elaborate the plan for interrogating the suspect in accordance with evidence collected so far and other data relevant of the subject of interrogation. The quality of joint preparation of interrogation of the suspect could significantly advance the course of investigation. Suspect's confession should be accepted with caution, as well as all other information provided by the suspect, because the police officers and labour inspectors have to find evidence for all the facts contained in the confession that will corroborate or contradicts credibility of every confession.

Interviewing victims and victim-witnesses¹⁰⁷ - In ideal circumstances, it should be possible to allow the victim a period of time to reflect on their situation (reflection period). They can then reflect on and assess all the issues, such as residence status and security risks attached to their co-operation. During this period, the victim is protected at the safe house and has support from experts and psychologists. Police officers should refer the victim to free legal aid or legal representative that will be available to them through the proceedings. The whole co-operation process should also be honestly and openly discussed with the acting investigator in the presence of the legal representative assigned to the victim who can advise and assist the victim. Victims should be able to seek (legal) advice from an independent counsellor or free legal aid officer prior to reaching a fully informed and considered decision.

¹⁰⁶ Online and technology-facilitated trafficking in human beings, Full report, April 2022, Council of Europe

¹⁰⁷ ICMPCD, Law Enforcement Manual to Combat Trafficking in

Human Beings, <https://www.icmpd.org/file/download/54287/file/>

Law%2520Enforcement%2520Manual%2520to%2520Combat%2520Trafficking%2520in%2520Human%2520Beings.pdf

However, a potential problem exists for the investigator during the period the victim decides upon their course of action. The problem centres on cases that occur where there is a need to detain suspects and seize and secure evidence before the victim has had chance to reach a decision. Urgent action by the investigator to detain the perpetrators and secure evidence such as forensic samples and documentary evidence, may result in denying the victim any decision-making power in the process because the arrests will disclose to the traffickers that they are in the care of law enforcement officers. This, in turn, may trigger the risk of reprisals, one of the critical issues the victim needs to evaluate during the course of the decision-making process. Equally, if the investigator delays action until the victim reaches their decision, the suspects may have escaped from the relevant jurisdiction and/or vital documentary evidence may be lost or destroyed. The result may make it impossible, or extremely difficult, to detain those exploiting them or to secure sufficient independent evidence to make a conviction possible. Still, given severe consequences suffer by trafficked persons, it is crucial to distance them from the perpetrators immediately and protect them by placing them in safe environment. In accordance with the risk assessment, police officers will take measures and actions to assess risks and provide additional protection of location at which the victim is accommodated.

No specific rules can be given at this point to assist an investigator with this difficult task. Ultimately, it is a case of finding a balance between the two competing demands and each case will need to be assessed on its own merits.

Eventually, the success of any investigation will depend on the ability of the victim to provide the most detailed account of what happened to them and on their credibility as a live witness during the trial process. Therefore, obtaining evidence is a vital part of the process and demands the utmost sensitivity and professionalism on the part of the investigator if they wish to secure the victim's testimony.

From the very first moment of contact, it is imperative, in order to build trust that the investigator is completely open and honest with the victims about every stage of the process that they will have to undergo. In all these contacts with victims, it is crucial to also include witness support officers at competent prosecutor's office, as these officers are psychologists and have experience in working with traumatised and vulnerable victims. This is how the relationship of trust is additionally built with the victim and their co-operation ensured. Two key topics will be of great concern to them: safety and media exposure. These will need to be efficiently addressed for the victims to relax and provide detailed evidence.

Victims will need to receive assurances regarding their safety and, when necessary, that of their loved ones. At this stage, they are aware of the traffickers' capabilities more than anyone else. Thus, it is important that the investigator eliminates any possible risks to security of the victims and their loved ones.

Corroboration of the evidence¹⁰⁸ - Having obtained a detailed account from the victim, the next objective is to collect other evidence corroborating and strengthening it. In order to establish the victim's credibility, it is necessary to obtain independent corroboration of the facts garnered in the statement. There is also a second and important benefit to be gained from this process: in addition to proving that the victim is honest, each piece

¹⁰⁸ *Ibid.*

of independent corroborative evidence significantly strengthens the case against the traffickers. For example, if the victim states that due to poor working conditions, they were exposed to occupational injuries and received medical assistance, in such case medical documentation may serve as corroborating evidence. Or if the victim states that the inspection paid a visit and the trafficker hid the workers during inspection control, then the list of inspection visits and reports on conducted inspection could corroborate victim's account.

Police and labour inspectors should jointly corroborate evidences to be used in criminal and administrative procedure under their jurisdictions, and consequently exchange evidences to be used in their respective procedures.

Parallel Financial Investigations¹⁰⁹ - The importance of parallel financial investigations cannot be overstated. It is necessary to track down financial transactions during the course of a pro-active financial investigation into THB for labour exploitation generally always produce results. This principle should be followed during both pre-arrest and post-arrest investigative phases. When applied during the pre-arrest phase, their use must be considered against the risk of releasing information regarding the operation.

Financial investigation during the pre-arrest phase is of particular value for two additional reasons:

- the investigation of financial transactions and the analysis of the results will often provide important information that can be used to ensure that the operation progresses in the most efficient manner; and
- depending on the circumstances of the case, financial investigation during the pre-arrest phase is designed to identify the amount and location of the criminal assets derived from the crime as accurately as possible.

Provided that this has been achieved, it is then possible to co-ordinate the arrest phase with the seizure procedures in order to ensure a synchronized arrest of the traffickers and seizure of their assets.

There are two further benefits to be derived from the parallel financial investigation of traffickers:

- firstly, the evidence of large-scale financial gain and expenditure, in excess of any legitimate source of income, means that the trafficker's defence is significantly weakened because the evidence is in the form of documentary financial transactions, usually computerized, which are extremely difficult for defence lawyers to challenge;
- and secondly, the same financial evidence forms the basis for the post-conviction assets confiscation proceedings.

In addition to the above-mentioned benefits, preliminary injunction against traffickers' property, also ensure the possibility for the victim to successfully collect the compensation from trafficker's property subjected to security measure in the event that they were awarded compensation in criminal proceedings.

¹⁰⁹ *Ibid.*

In addition to the two advantages mentioned above, temporary security measures for the property of the perpetrator of the human trafficker also ensure the possibility for the victim of human trafficking that if compensation for damages is awarded as part of the criminal proceedings, the victim can successfully collect the awarded amount from the property of the human trafficker, which is secured by a judicial security measure.

The purpose of post-arrest financial enquiries is to establish the following facts: how much money was generated by the crime; how much remains; and where is it now. The evidence arriving out of the investigations will have provided answers to the above questions and will require the suspect to account for the existence of large sums of money in the absence/ in excess of any legitimate source. Many documents will also be able to place a suspect at a given location at any given time. This not only applies to major transactions conducted in banks, but also small items such as petrol receipts or restaurant bills. The documentary evidence of financial transactions, combined with the preliminary work carried out during the pre-arrest phase, should be analysed and examined for the following types of evidence: payments for accommodation, advertising, travel expenditure, visas, as well as personal expenditure on items such as vehicles, jewellery, restaurants, casinos, nightclubs, road and bridge toll payments, parking payments, receipts from Internet cafes, phone cards, money transfer receipts through companies, inter-bank transfers to intermediary bank accounts in different countries, transfers of funds between credit card accounts, the purchase of vehicles or bulk purchases of clothing.

Financial investigation is conducted by the police upon the order of the prosecutor and court.

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This publication was produced with the financial support of voluntary contributions in the framework of the Council of Europe Action Plan for Bosnia and Herzegovina (2022–2025), through Council of Europe project “Strengthening anti-trafficking action in Bosnia and Herzegovina”. The views expressed herein can in no way be taken to reflect the official opinion of the Council of Europe.

