

2015 TRAFFICKING IN PERSONS REPORT FOR BOSNIA AND HERZEGOVINA

BOSNIA AND HERZEGOVINA – Tier 2

Bosnia and Herzegovina is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. Bosnian women and girls are subjected to sex trafficking within the country in private residences, motels, and gas stations. Romani boys and girls are subjected by family members and local organized criminal groups to forced begging and involuntary domestic servitude in forced marriages. Foreign women and girls from European countries are subjected to sex trafficking within the country. Bosnian victims are subjected to sex trafficking and forced labor in construction and other sectors in countries across Europe including Azerbaijan, Montenegro, Croatia, Serbia, and Austria. Police corruption creates an environment enabling some trafficking crimes. Observers report some local police accept bribes or sexual services in exchange for notifying brothel and nightclub owners in advance of police raids, while others work at establishments where forced prostitution takes place.

The Government of Bosnia and Herzegovina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The State Prosecutor's Office issued the biggest indictment for trafficking in the country's history against 13 Bosnian nationals accused of subjecting 672 individuals to labor trafficking in Azerbaijan in a case originating in 2009. However, law enforcement efforts at the sub-state level decreased. Authorities tripled the number of victims identified but acknowledged the need to increase efforts to identify victims of forced begging and labor trafficking. The government began training labor inspectors on human trafficking and integrated them into regional monitoring and referral networks. The sub-national entity of the Federation of Bosnia and Herzegovina did not amend its criminal code to prohibit all forms of trafficking consistent with national and international law, which hampered the country's ability to prosecute trafficking crimes.

RECOMMENDATIONS FOR BOSNIA AND HERZEGOVINA: Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and deliver sentences that are sufficiently stringent; harmonize Federation government legislation to explicitly criminalize all

forms of trafficking consistent with state law and the 2000 UN TIP Protocol; train judicial authorities on a victim-centered approach to prosecution; train front-line officers on proactive identification of victims, particularly those subjected to forced labor and forced begging; standardize victim assistance throughout the country and develop specialized assistance for male and child trafficking victims; adequately protect victims from threats during the investigation and prosecution of trafficking cases, particularly child victims; integrate Romani groups into decision-making processes regarding victim protection; allow trafficking victims to leave shelters at will without a chaperone; and adequately assist all victims regardless of whether their cases go to trial.

PROSECUTION

The government demonstrated mixed progress on anti-trafficking law enforcement efforts. Bosnia prohibits sex trafficking and forced labor through Article 186 of the criminal code, which prescribes penalties of three to 10 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During 2014, the State Prosecutor's Office launched an investigation against one trafficking suspect under Article 186, compared with six suspects in 2013. In June 2014, the State Prosecutor's Office issued the biggest indictment for trafficking in the country's history against 13 Bosnian nationals accused of subjecting 672 individuals, almost all of whom were Bosnian nationals, to labor trafficking in the construction industry in Azerbaijan in 2009; this represents an increase from the five defendants prosecuted by the state in 2013. However, the state did not convict any traffickers, compared with two in 2013.

Bosnia consists of two entities within the state, the Federation of Bosnia and Herzegovina and the Republika Srpska. Each entity has political, legislative, and judicial authority. The Brcko District is a self-governing unit under the jurisdiction of the state. The Federation's parliament failed to adopt legislation criminalizing all forms of trafficking in harmony with state, Republika Srpska, and Brcko District laws and the 2000 UN TIP Protocol. In the absence of such a law, Federation authorities continued to prosecute sex traffickers under a dated Enticement to Prostitution statute, Article 210 of the Federation's criminal code. Federation authorities investigated three suspects and prosecuted four defendants under Article 210, compared with 14 suspects and eight defendants in 2013. Federation courts convicted five offenders, the same

number convicted in 2013, but suspended two sentences; the remaining three offenders received prison sentences totaling five years and seven months. Republika Srpska authorities did not investigate or initiate prosecutions of any suspected traffickers, compared with one investigation and one prosecution in 2013. However, Republika Srpska courts convicted three traffickers, compared with one in 2013; the courts replaced two prison sentences with a fine and delivered a 10-year prison sentence to one trafficker. The Brcko District decreased law enforcement efforts overall, investigating only one suspected trafficker, prosecuting no suspected traffickers, and convicting no traffickers, compared with investigating three suspects, prosecuting two defendants, and convicting one trafficker in 2013.

The state government provided basic training for judges and prosecutors on prosecuting trafficking crimes. The government provided in-kind support for one training on investigation of trafficking cases for 60 law enforcement personnel. The country's three police academies institutionalized courses on trafficking. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year.

PROTECTION

The government significantly increased efforts to protect victims of trafficking after victim identification dropped to its lowest point ever during the previous reporting period. The government identified 48 victims of trafficking in 2014, triple the 16 victims identified in 2013. Thirty-seven of the identified victims were minors. Thirty-five victims were subjected to forced begging, 10 victims were subjected to sex trafficking, and three were subjected to forced labor. The state coordinator acknowledged there were likely to be additional victims that did not come to the attention of authorities. Sub-state laws against enticement to prostitution permitted law enforcement to treat minors 14 years and older as juveniles engaged in prostitution instead of victims of rape or trafficking in persons. Bosnian law enforcement used a screening questionnaire to evaluate potential victims, and authorities followed a formal referral mechanism for assisting victims. Authorities referred 14 victims to three NGO-run shelters and one victim to an orphanage for assistance; government-run social welfare centers assisted 21 victims, and 13 victims did not receive any assistance because they did not request it. Authorities provided

assistance to victims only if they proactively requested it. Decisions regarding assistance to child trafficking victims were made by the respective guardians or social welfare officials, depending on the circumstances. The Ministry of Human Rights and Refugees distributed small grants totaling 60,000 marks (\$37,200) to two NGOs for assistance to domestic trafficking victims, including shelter, clothing, counseling, education, and job training. Domestic victims did not have to stay at the shelters to receive reintegration assistance. The security ministry provided 120,000 marks (\$74,400) to two NGOs to assist foreign victims, including shelter, medical and psychological support, and repatriation services. Shelters accommodated male trafficking victims but did not offer them specialized services. Shelters did not permit victims to leave without a chaperone.

Foreign victims were eligible for a humanitarian visa that allowed them to temporarily live and work in Bosnia. The government issued one trafficking victim a residence permit in 2014. Victims were permitted a 30-day reflection period to determine whether they wanted to request a visa, though in practice temporary residence permits were granted only to victims whose cases were prosecuted. Observers reported when prosecutors determined a victim's testimony was not needed, or when they closed a case, the government often initiated deportation procedures without providing adequate assistance or arranging for the victims' safe repatriation. The government rarely referred foreign victims to legal service providers, despite agreements with an NGO to do so. Experts expressed concerns about interview techniques used with child trafficking victims, noting a victim was interviewed in front of the suspected exploiter. Furthermore, GRETA documented child victims were intimidated during trials, and authorities did not use available legal protections to shield them from threats. Officials acknowledged the need to strengthen continuity of victim care throughout trials and improve protection of marginalized populations, such as Roma. Trafficking victims could seek restitution, and an NGO filed the first lawsuit for non-material compensation on behalf of four trafficking victims in September 2014. There were no reports of victims detained, fined, or otherwise penalized for unlawful acts committed as a direct result of being subjected to human trafficking. Only Brcko District contains a provision exempting trafficking victims from prosecution for such acts.

PREVENTION

The government continued efforts to prevent trafficking. The government had in place a 2013-

2015 national anti-trafficking action plan and a team of national, sub-state, and Brecko District officials, and NGOs monitored its implementation. A nationwide interagency investigative taskforce met monthly and adopted a 2015-2017 work program. The national anti-trafficking coordinator published its annual trafficking report during the reporting period. The government allocated 10,000 marks (\$6,200) for activities associated with the 2014 European Anti-Trafficking Day, including a public awareness campaign aimed at preventing child labor. The government trained labor inspectors on trafficking and integrated them into the regional monitoring teams that coordinated implementation of the national referral mechanism. The government continued public prevention campaigns targeting the demand for commercial sex acts, although a 2013 GRETA report concluded these efforts were inadequate. The government did not make efforts to reduce the demand for forced labor. The government did not provide antitrafficking training or guidance for its diplomatic personnel.

(NON PAPER AND ACTION PLAN)

-- Each TIP Report narrative contains specific recommendations for a government to consider implementing over the coming year. In addition to the country-specific recommendations within the TIP Report narrative, the Department of State is providing your government with a short suggested action plan that reflects these recommendations. Both the action plan and accompanying recommendations are aimed at providing countries with guidance related to the minimum standards outlined in the Trafficking Victims Protection Act; these standards are generally consistent with the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the “Palermo Protocol”).

Action Plan for the Government of Bosnia and Herzegovina

Below please find recommendations for specific goals and objectives to further the Government of Bosnia and Herzegovina’s anti-trafficking efforts over the next year:

- 1. Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and deliver sentences that are sufficiently deterrent.**
- 2. Harmonize Federation government legislation to explicitly criminalize all forms of trafficking consistent with the state law and the 2000 UN TIP Protocol.**
- 3. Train judicial authorities on a victim-centered approach to prosecution.**
- 4. Train front-line officers on proactive identification of victims, particularly those subjected to forced labor and forced begging.**
- 5. Standardize victim assistance throughout the country and develop specialized assistance for male and child trafficking victims.**
- 6. Adequately protect victims from threats during the investigation and prosecution of trafficking cases, particularly child victims.**
- 7. Integrate Romani groups into decision-making processes regarding victim protection.**
- 8. Allow trafficking victims to leave shelters at will without a chaperone.**
- 9. Adequately assist all victims regardless of whether their cases go to trial.**

(end non-paper and action plan)

