

2016 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. Economically-vulnerable Romani children are subjected to forced begging and involuntary domestic servitude in forced marriages. Foreign women and girls from European countries are vulnerable 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 Croatia, France, Serbia, Slovenia, and Austria. Corruption creates an environment enabling some trafficking crimes.

The Government of Bosnia and Herzegovina does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Federation, Republika Srpska, and Brcko District authorities increased law enforcement efforts overall. The national, state-level criminal code was amended to further establish legal jurisdiction and increase the prescribed penalties for transnational human trafficking. While the Federation began the process of amending its criminal code to prohibit all forms of trafficking, its parliament had not yet formally passed the legislation at the end of the reporting period, hampering overall prosecution of trafficking crimes at all levels of the government during the year. The government trained prosecutors and judges on trafficking case-management techniques; however, experts stated judges deciding trafficking cases remained inadequately prepared, and interview techniques and protections available to shield child trafficking victims from further trauma were not adequately utilized. The government continued to allocate small grants to NGOs for assistance to trafficking victims, but male victims could not access specialized services.

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 victim identification, particularly those subjected to forced labor and forced begging; standardize victim assistance throughout the country and develop specialized assistance for male victims; adequately protect victims from threats and re-victimization 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 are prosecuted.

PROSECUTION

The government demonstrated increased progress on anti-trafficking law enforcement efforts. 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. Entity-level authorities address domestic trafficking offenses internal to their territories and state-level authorities address cases with international aspects. In May 2015, to distinguish legal jurisdiction, article 186 of the state-level criminal code was amended from prohibiting both domestic and international trafficking to only prohibiting sex trafficking and forced labor if the victim is exploited in a country in which he or she does not reside or have citizenship. The amendment also increased the prescribed penalties from a minimum of three to five years' imprisonment. Republika Srpska and Brcko District prohibit sex trafficking and forced labor with minimum prescribed penalties of three years' (Republika Srpska) and five years' (Brcko District) imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the Federation Parliament began the process of adopting articles 210a and 210b to criminalize sex trafficking and forced labor and organized human trafficking, respectively, but at the close of the reporting period had not formally passed the legislation.

During 2015, the state prosecutor's office launched an investigation against one trafficking suspect, the same number as during 2014, and indicted one individual under article 186. This was a decrease from 13 individuals indicted in 2014 for subjecting 672 individuals to labor trafficking; the case—Bosnia's largest indictment for trafficking in the country's history—remained ongoing. The state did not convict any traffickers in 2014 or 2015. In January 2015, with the support of Eurojust—the European Union's Judicial Cooperation Unit—Bosnian and French law enforcement officials formed a joint investigative team to address a case in which Bosnian citizens, primarily Romani women and girls, were sent to France and forced to pickpocket and steal. During the reporting period, seven arrests related to the investigation were made in Bosnia and 11 in France.

During the reporting period, Republika Srpska, Brcko District, and Federation authorities increased law enforcement efforts overall. Republika Srpska authorities began two investigations into five suspected traffickers and indicted two persons, compared with zero investigations and prosecutions in 2014. Republika Srpska courts convicted two traffickers, compared with three in 2014, and sentenced them to two and three years' imprisonment. Brcko District authorities began one investigation against three suspected traffickers, compared with one suspected trafficker investigated in 2014, and issued one indictment against two suspects, compared with zero in 2014; there were no convictions in 2014 or 2015. Federation authorities investigated 10 suspects and prosecuted four defendants under their Enticement to Prostitution statute, compared with five suspects investigated and four defendants prosecuted in 2014. Federation courts convicted eight traffickers, compared with five in 2014. Two individuals received one year of imprisonment, one received two years', two received one-and-a-half years', and two persons

were sentenced to three-and-a-half years' imprisonment. One trafficker received a suspended sentence, compared with two suspended sentences in 2014.

All three police academies maintained basic and advanced courses on trafficking, and the national state government continued to provide basic training for prosecutors and judges on trafficking cases. However, experts stated judges deciding trafficking cases remained inadequately prepared, and more training was necessary. During the reporting period OSCE, in partnership with the state, developed curricula for prosecutors and judges on trafficking cases and trained nine officials to serve as future trainers to their colleagues. NGOs hosted additional trainings for officials. Corruption and official complicity in trafficking crimes remained significant concerns. In December 2015, the state prosecutor's office issued an indictment of a Bosnian official for involvement in trafficking-related crimes; the consular official, based in Paris, was charged with sustained abuse of position for issuing travel documents to facilitate the movement of potential labor trafficking victims in exchange for money. A Federation police officer was charged with enticement to prostitution for coercing his paramour to provide sexual services to clients in exchange for money.

PROTECTION

The government maintained its protection efforts. The government identified 31 victims of trafficking in 2015, compared with 48 in 2014; 24 victims were subjected to forced begging and seven to sex trafficking. Of these, 23 victims were female, 14 were minors, and all were citizens of Bosnia and Herzegovina. The state coordinator acknowledged there were likely to be additional victims that did not come to the attention of authorities. 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 NGO-run shelters; officials provided assistance to victims only if they proactively requested it. Shelters accommodated male trafficking victims but did not offer them specialized services. Shelters did not permit victims to leave without a chaperone. Six government-run social welfare centers provided assistance to 129 children involved in begging or working on the streets and identified of being at risk of trafficking. The Ministry of Human Rights and Refugees distributed small grants totaling 60,000 marks (\$33,400) to six 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 Ministry of Security budgeted 120,000 marks (\$66,800) for NGOs to provide assistance to foreign victims, including shelter, medical and psychological support, and repatriation services. The funds were returned to the state budget when no foreign victims were identified and were not re-allocated for domestic victim assistance.

Observers reported law enforcement and prosecutors were often unwilling to pursue investigations and prosecutions against a child's parents, even if they were involved in subjecting the child to trafficking; shelters would subsequently return the child to their parents. Experts expressed concerns about interview techniques used with child trafficking victims, reporting one

instance where 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 and re-victimization. Sub-state laws against enticement to prostitution permitted law enforcement to treat minors 14 years and older as juveniles willingly engaged in prostitution instead of victims of rape or sex trafficking crimes; however, during the reporting period, 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 the criminal codes of the state and Brcko District contain provisions exempting trafficking victims from prosecution for such acts. Officials acknowledged the need to strengthen continuity of victim care throughout trials and improve protection of marginalized populations, such as Roma. Foreign victims were eligible for a humanitarian visa allowing them to temporarily live and work in Bosnia. Victims were permitted a 30-day reflection period to determine whether they wanted to request a visa, although 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. Trafficking victims could seek restitution through criminal or civil suits. In 2014, an NGO filed the first lawsuit for non-material compensation on behalf of four trafficking victims; in 2015, a district court dismissed the charges and the NGO has since filed an appeal.

PREVENTION

The government continued efforts to prevent trafficking. In December 2015, the Council of Ministers approved the 2016-2019 national anti-trafficking action plan. A nationwide interagency taskforce met monthly to monitor the progress of trafficking investigations and prosecutions and continued to implement its 2015-2017 work program towards increased awareness of trafficking, interagency cooperation, and cooperation with neighboring countries. The national anti-trafficking coordinator published its annual report in 2015. The government allocated 10,000 marks (\$5,570) for activities associated with the 2015 European Anti-Trafficking Day; an NGO developed a social media campaign that concluded with a photo exhibition and media event. The Ministry of Defense provided training on identifying and reporting trafficking to members of the armed services from other European countries who participate in UN peacekeeping operations. The government continued public prevention campaigns targeting the demand for commercial sex acts. The government did not make efforts to reduce the demand for forced labor. The government did not provide anti-trafficking training for its diplomatic personnel