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Trafficking in Persons Report 2017 - Country Narratives - Bosnia and Herzegovina

BOSNIA AND HERZEGOVINA: Tier 2

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. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Bosnia and Herzegovina remained on Tier 2. The government demonstrated increasing efforts by the Federation Parliament’s adoption of a human trafficking law consistent with the laws of the state, Republika Srpska, and Brcko District. The state and Brcko District courts sentenced officials complicit in human trafficking offenses and continued law enforcement cooperation with foreign governments. However, the government did not meet the minimum standards in several key areas. The victim referral mechanism lacked formal procedures and did not establish roles and responsibilities for relevant actors. Victims required official recognition from authorities to access support and assistance.

RECOMMENDATIONS FOR BOSNIA AND HERZEGOVINA

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sentences that reflect the serious nature of the crime; formalize a multidisciplinary national referral mechanism with established roles, procedures, and responsibilities for relevant actors, including NGOs; provide assistance to all victims regardless of whether their traffickers are prosecuted; standardize victim assistance throughout the country and provide specialized assistance for male victims; develop financial policies that effectively allocate funding for victim assistance; train judicial authorities on a victim-centered approach to prosecution; train first responders on victim identification and referral, particularly for those subjected to forced labor and forced begging; and integrate Romani groups into decision-making processes regarding victim protection.

PROSECUTION

The government increased law enforcement efforts. Bosnia consists of two entities within the state, the Federation of Bosnia and Herzegovina and the Republika Srpska (RS). Each entity has political, legislative, and judicial authority. The Brcko District (BD) 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. During the reporting period, the Federation Parliament adopted articles 210a and 210b, making the trafficking laws consistent with the state, RS, and BD. Article 210a criminalizes sex trafficking, forced labor, and trafficking of a child with a minimum prescribed penalty of five years and a minimum of 10 years for trafficking of children. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Article 210a also criminalizes the use of services from a trafficking victim with imprisonment for six months to five years. Article 186 of the state-level criminal code prohibits 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 law punishes these crimes with a minimum of five years imprisonment. Article 186 also prescribes a mandatory minimum of 10 years imprisonment for offenses committed involving a child. RS and BD prohibit sex trafficking and forced labor with minimum prescribed penalties of three and five years respectively. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape.

The State Prosecutor’s Office launched an investigation against one suspect, the same number as in 2015, issued no indictments, and suspended two separate investigations of two suspects. This was a decrease from one person indicted in 2015 and 13 persons indicted in 2014 for subjecting 672 persons to labor trafficking; the latter case—Bosnia’s largest indictment for trafficking in the country’s history—remained ongoing during the reporting period. The state convicted two persons, compared to zero convictions in 2015 and 2014; both traffickers received sentences of three years imprisonment. RS, BD, and Federation authorities increased law enforcement efforts overall. Federation authorities investigated 25 trafficking suspects prior to the adoption of Article 210a and 210b and investigated four suspects under the new article, compared to 10 suspects investigated in 2015. Federation prosecutors indicted 21 persons, an increase from four in 2015. Federation courts convicted six persons, compared to eight in 2015. One person received four months imprisonment, two persons received three years, and three persons received a two-year suspended sentence. RS authorities investigated 12 trafficking suspects but issued no indictments, compared to investigating five trafficking suspects and indicting two persons in 2015. RS did not report statistics on convictions. BD courts convicted two persons to eight months of imprisonment and acquitted one person, compared to 0 convictions in 2015. Cases in which perpetrators received sentences less than those for other serious crimes undermined the government’s record of vigorously investigating and prosecuting traffickers.

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. The state, in partnership with OSCE, trained prosecutors and judges on labor trafficking and on interviewing techniques for child trafficking victims. However, the government reported the low understanding of forced labor and forced begging among relevant actors remained an issue. Corruption and official complicity in trafficking crimes remained significant concerns. During the reporting period, the state court and a Bosnian consular official entered a plea bargain for involvement in

trafficking-related crimes and was sentenced to 11 months imprisonment; the Bosnian 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. In another case, Federation courts convicted a Federation police officer and sentenced the officer to three years and three months of imprisonment for enticement to prostitution for coercing his partner to provide sexual services to clients in exchange for money.

The government increased law enforcement cooperation with foreign governments; however, the lack of bilateral agreements regarding witness protection created obstacles for witnesses and victims to participate effectively in international investigations. During the reporting period, state authorities in coordination with law enforcement in Serbia and Germany conducted synchronized raids and arrested 11 members of an organized crime group in Serbia and Bosnia and Herzegovina for trafficking and recruiting young women and girls from Bosnia and Herzegovina and Serbia for exploitation in Germany. State prosecutors assisted the Netherlands and Austria in a joint investigation of a Bosnian and Croatian married couple forcing six Roma children to pickpocket in the Netherlands. Bosnian and French law enforcement officials, with the support of the EU’s Judicial Cooperation Unit, maintained a joint investigative team.

PROTECTION

The government maintained victim protection efforts. The government identified 44 trafficking victims in 2016, an increase from 31 victims in 2015. Of these, six were victims of sex trafficking, 32 of forced labor, and six of both sex trafficking and forced labor, compared to seven of sex trafficking and 24 of forced labor in 2015; 26 were female and 18 were male, compared to 23 and 8, respectively, in 2015; 10 were children, compared to 14 in 2015; and there were four foreign victims compared to zero in 2015. The state coordinator acknowledged there were additional victims who likely did not come to the attention of authorities.

The Ministry of Human Rights and Refugees allocated 60,000 marks (\$32,327) for assistance to domestic trafficking victims, the same amount as in 2015. Domestic victims did not have to stay at the shelters to receive reintegration assistance. The Ministry of Security allocated 70,000 marks (\$37,716) for assistance to foreign victims, a significant decrease from 120,000 marks (\$64,655) in 2015. Funding for victim assistance was disproportionately lower for domestic victims, although they constituted the majority of identified victims. The funds to assist foreign victims were returned to the state budget when no foreign victims were identified and were not reallocated for domestic victim assistance. An international organization reported the victim’s ability to access assistance and support were contingent on law enforcement initiating an investigation and a prosecutor providing official victim status. Observers reported the victim referral mechanism lacked formalized procedures, roles, and responsibilities for relevant actors. Authorities referred 13 victims to NGO-run shelters; officials provided assistance to victims only if they proactively requested it. The state amended

regulations allowing foreign victims to voluntarily leave shelters without a chaperone. Shelters accommodated male trafficking victims but did not offer them specialized services. Seven government-run social welfare centers provided assistance to children involved in begging or working on the streets and identified 28 potential child trafficking victims. Law enforcement identified most trafficking victims, but other identification channels included drop-in centers operated by NGOs for street children, mobile teams, hotlines, and interaction with officials from schools and clinics. Labor inspectors were newly included in the referral process.

Observers reported law enforcement and prosecutors were often unwilling to pursue investigations and prosecutions against a child’s parents, particularly with Roma families, even if they were involved in subjecting the child to trafficking; shelters would subsequently return the child to their parents. 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 children 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. Criminal codes of the state, BD, and Federation contain provisions exempting trafficking victims from prosecution for such acts. Foreign victims were eligible for a humanitarian visa allowing them to temporarily live and work in Bosnia and victims were permitted a 30-day reflection period to determine whether they wanted to request a visa. Trafficking victims could seek restitution through criminal or civil suits. During the reporting period, a district court upheld an appeal made by an NGO that filed the first lawsuit for non-material compensation on behalf of four trafficking victims and returned the case before the district court.

PREVENTION

The government maintained efforts to prevent trafficking. The government continued to implement the 2016-2019 national anti-trafficking action plan, including specific efforts, in partnership with OSCE and NGOs, to improve identification and protection of trafficking victims. A nationwide interagency taskforce met monthly to monitor the progress of trafficking investigations and prosecutions. Regional monitoring teams also met regularly to monitor the referral process. The government incorporated labor inspectors, mental health centers, and representatives of daily centers for children into the regional monitoring teams. State and entity-level governments, in partnership with OSCE and NGOs, organized two multidisciplinary trainings with a human trafficking component for 85 labor inspectors. The government allocated \$5,500 to 16 NGOs for activities associated with the 2016 European Anti-Trafficking Day. The Ministry of Defense continued to provide training on identifying and reporting trafficking to peacekeepers in the country. The government continued public prevention campaigns targeting the demand for commercial sex acts. The government did not provide anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Bosnia and Herzegovina is a source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. In 2016, victims from Cuba, Gambia, and Serbia were subject to trafficking in Bosnia. Bosnia is a transit country for Ukrainians subjected to trafficking in Germany. Bosnian women and girls are subjected to sex trafficking within the country in private residences, motels, and gas stations. Economically marginalized 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.

ecoi.net summary:

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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