

## **Bosnia and Herzegovina (Tier 2)**

The Government of Bosnia and Herzegovina does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Bosnia and Herzegovina was upgraded to Tier 2. These efforts included strengthening the anti-trafficking strike force by allocating resources for honoraria and operational costs, expanding membership of the strike force, and creating a network of prosecutors and investigators to facilitate coordination. The Republika Srpska (RS) amended their law to increase the minimum sentence of child trafficking from five to 20 years and expanded the definition of trafficking. A judge from Tuzla Canton issued the highest sentence to date for forced child begging, and the State Investigation and Protection Agency (SIPA) established an operational team across four regional offices. The government increased overall victim protection efforts by identifying more victims, combining the domestic and foreign victim funds and disbursing funds to anti-trafficking NGOs, and drafting guidelines to standardize victim assistance, particularly for children. The government created a new database to standardize data collection on trafficking victims, established 18 regional monitoring teams (RMT) to coordinate anti-trafficking efforts, and helped recruit and train 25 Romani activists to join RMTs. However, the government did not meet the minimum standards in several key areas. The state, RS, and Brcko District (BD) did not convict any traffickers, while the Federation of Bosnia and Herzegovina (Federation) convicted fewer traffickers than the year before. Law enforcement continued to regularly investigate trafficking under lesser offenses, while Federation judges continued to issue sentences below minimum penalties. Law enforcement lacked capacity, resources, and technical knowledge, which hindered their ability to conduct effective and victim-centered investigations and prosecutions. Authorities justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs and sometimes returned children to their families even when parents were involved in their exploitation. Additionally, the government lacked proactive identification efforts and, as a result, often penalized victims for unlawful acts traffickers compelled them to commit, particularly with misdemeanor charges for petty crimes.

## **PRIORITIZED RECOMMENDATIONS:**

Vigorously investigate, prosecute, and convict traffickers and impose adequate penalties, which should involve significant prison terms. • Implement the law that exempts victims from penalties for unlawful acts their traffickers compel them to commit, particularly victims of sex trafficking, forced begging, and forced criminality. • Train first responders on victim identification and referral and increase proactive identification efforts, particularly for migrants, refugees, asylum seekers, and Roma. • Institutionalize and implement screening procedures for migrant flows. • Establish and implement policies to formally disconnect identification procedures and official victim status from cooperation on investigations and prosecutions. • Increase resources, personnel, and training for law enforcement to investigate complex trafficking cases. • Train judges to understand the severity of trafficking when issuing sentences and sensitize prosecutors and judges to the issues of secondary trauma and victim-centered approaches. • Establish procedures to ensure trafficking cases are handled by trained prosecutors. • Improve cooperation and coordination among state and sub-state actors, including allocating adequate resources and enhancing participation in the anti-trafficking strike force. • Standardize victim assistance throughout the country, including the ability to access assistance and support outside of shelters and specialized assistance for male victims. • Integrate Romani advocates into decision-making processes regarding victim protection. • Train judges on restitution in criminal cases, establish procedures to seize assets from traffickers, and create effective methods to allocate restitution to ensure victims receive restitution in a timely manner.

## **PROSECUTION**

The government increased law enforcement efforts. Bosnia and Herzegovina (BiH) consisted of two entities within the state – the Federation and RS. Each entity has political, legislative, and judicial authority. BD was a self-governing area under the jurisdiction of the state. Entity-level authorities addressed domestic trafficking offenses internal to their territories and state-level authorities addressed cases with international aspects. Article 186 of the state-level criminal code criminalized sex trafficking and labor trafficking only in cases where the victim was exploited in a country in which he or she did not reside or have citizenship; it prescribed penalties of one to 10 years' imprisonment. Articles 210a and 210b of the Federation's criminal code criminalized sex and labor trafficking and prescribed a

minimum penalty of five years' imprisonment. Article 145 of RS's criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of three years' imprisonment. RS amended Article 146 to increase the minimum sentence of child trafficking from five to 20 years. Article 207a of BD criminal code criminalized sex and labor trafficking and prescribed a minimum penalty of five years' imprisonment. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape.

State Prosecutor's Office (SPO) initiated two investigations on two suspects (one investigation on one suspect in 2019) and indicted one defendant (none in 2019). State courts did not convict any traffickers in 2019 and 2020. Federation authorities investigated three suspects (16 in 2019). Federation prosecutors indicted three defendants (none in 2019) and courts convicted 10 traffickers (12 in 2019). Federation judges issued sentences ranging from one year and 10 months' imprisonment to 10 years' imprisonment for six traffickers, which included a judge from Tuzla Canton issuing 10 years' imprisonment, the highest sentence to date for forced child begging. Federation courts did not provide sentencing information for the other four traffickers (five traffickers with no sentencing information in 2019). RS authorities investigated four suspects (seven in 2019) and indicted three defendants (two in 2019). RS lower courts did not convict any traffickers (one in 2019) but the RS Supreme Court upheld a conviction and sentenced the child trafficker to five years' imprisonment. BD authorities initiated three investigations on three suspects (none in 2019) and prosecutors indicted two defendants (none in 2019). BD courts did not convict any traffickers in 2019 or 2020. The government reported law enforcement personnel suffered from COVID-19 infections, lockdown measures halted operations from March to May 2020, and many courts suspended hearings with three or more defendants due to the pandemic. Court proceedings lasted many years and judges continued to issue sentences below minimum penalties, while often citing unreasonable "mitigating circumstances" to decrease further the sentences. Additionally, the government reported traffickers avoided imprisonment by utilizing a law that allowed convicted perpetrators to buy their way out of up to one year of imprisonment for 100 convertible marks a day (\$63).

SIPA established an operational team with 20 officers across four regional offices and Tuzla Canton in the Federation maintained a specialized trafficking unit in addition to trafficking liaison officers in all police units within the canton. RS, BD,

and other Federation cantons did not have specialized officers, although organized crime and corruption units were designated to investigate trafficking. Law enforcement continued to report that the lack of capacity, resources, and technical knowledge hindered their ability to conduct effective investigations. Authorities continued to regularly investigate and prosecute sex trafficking, forced begging, and trafficking cases involving family members under lesser crimes, such as “enticement to prostitution,” “child negligence,” and “enticement to child prostitution.” Prosecutors reported they were evaluated on monthly quotas, which incentivized pursuing trafficking offenses as lesser offenses that are easier and faster to prosecute, while police experienced obstacles in investigating trafficking crimes involving multiple cantons or entities, due to a lack of communication and coordination with cantonal prosecutors. The standing anti-trafficking strike force remained the only mechanism to coordinate law enforcement efforts across entities on trafficking cases. In previous years, the strike force was largely ineffective due to a lack of participation and the state failing to disburse operational funds, which the government worked to address in 2020. The government approved and allocated 80,000 convertible marks (\$50,190) for honoraria and operational expenses in December 2020. Additionally, the government assigned another prosecutor from SPO, a second Federation prosecutor, a Federation Ministry of Interior (MOI) investigator, and two border police representatives to the strike force. The strike force, in cooperation with a foreign government during the reporting period, established a network of prosecutors and investigators to facilitate coordination across BiH; as a result, most prosecutors’ offices, except in RS, appointed a point of contact for trafficking cases to participate in the network.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking. SPO established a joint investigative team with Swedish authorities to investigate a forced labor case and cooperated with Austrian authorities on a forced criminality case. The government continued its joint investigation with French authorities initiated in 2015 of a Bosnian and Croatian married couple alleged to have forced six Romani children to pickpocket in France; SPO indicted eight defendants in May 2018 but the court did not order authorities to place defendants in custody during court proceedings, and officials reported one defendant was in Turkey likely involved in another forced begging case. In June 2014, SPO issued the biggest indictment for trafficking in BiH's history against 13 Bosnian nationals accused of exploiting 672 individuals in the construction industry in Azerbaijan in 2009; judges acquitted all

defendants involved in the case in December 2019, but SPO prosecutors appealed the decision and presented arguments in January 2021. The government did not enter any new bilateral agreements; the lack of bilateral agreements regarding witness protection created obstacles for witnesses and victims to participate effectively in international investigations. Police academies maintained basic and advanced courses on trafficking, and the government, with financial and technical assistance from an international organization, trained police, border police, prosecutors, and judges on various trafficking issues.

## **PROTECTION**

The government increased victim protection efforts. The government identified 80 potential trafficking victims during the reporting period, an increase compared with 61 in 2019. Of these, 17 were victims of sex trafficking, 48 of forced begging, and 15 of multiple types of exploitation; 55 were female and 25 were male; 45 were children; and seven were foreign victims. The government implemented a new database to standardize data collection and expand access to information on identified trafficking victims. Two bylaws provided standard operating procedures (SOPs) for identifying and referring victims to services, including a list of general indicators, but observers continued to report that first responders did not know or consistently use the guidelines and lacked the knowledge to accurately identify trafficking victims. The government operated seven drop-in centers for children and a mobile team for street children in Sarajevo that conducted outreach work. The mobile team identified 165 (160 street children in 2019) and drop-in centers provided 373 children with academic tutoring, hot meals, and laundry services (163 in 2019). Drop-in centers lacked resources, capacity, and staff and could only provide basic food, workshops, and short-term accommodation for a small number of children. Observers reported mobile team members were attacked, threatened, and intimidated by traffickers and perpetrators during their outreach efforts but law enforcement did not investigate these allegations. Law enforcement and social workers at centers for social welfare (CSW) justified cases of potential forced child begging and forced labor involving Roma as traditional cultural practices and customs and sometimes returned children to their families even when parents were involved in their exploitation. In addition, a report from an international organization indicated first responders, including border police, local police, and Service for Foreigners' Affairs, lacked standard guidelines and trafficking indicators for migration flows, interview questions and interpreters, as well as

general capacity to screen the large influx of migrants and refugees. First responders referred potential trafficking victims to law enforcement, which conducted an interview and had authority to officially recognize victims. However, international organizations reported the interview and identification procedures lacked transparency and authorities often required victims to cooperate with investigations and prosecutions to receive assistance and support.

The government partly funded five NGO-run shelters and authorities referred 51 victims to them in 2020. The Ministry of Human Rights and Refugees allocated 60,000 convertible marks (\$37,640) to four NGOs assisting domestic trafficking victims in 2020 and the Ministry of Security allocated 70,000 convertible marks (\$43,910) to two NGOs assisting foreign victims in 2020. In 2019, the government did not disburse funds to NGOs due to the absence of a state government and budget. The government merged the internal and foreign victim funds into one victim protection fund with 130,000 convertible marks (\$81,560) administered by the State Coordinator. This provided a more effective use of victim assistance funds than in previous years when the government returned unused funds allocated to assist foreign victims to the state budget instead of reallocating those funds for internal victim assistance. The government, in cooperation with NGOs, provided accommodation, psycho-social support, medical assistance, legal assistance, and guardianship for child victims. While access to care was not standardized and was based on bylaws that were not legally binding, the government, in cooperation with an NGO, drafted guidelines and standards on providing assistance to victims, particularly children. NGO-run shelters allowed victims to leave voluntarily after informing the staff, but no mechanisms were in place to assist victims outside of shelters, including at CSW. One NGO-run shelter accommodated male trafficking victims but did not offer specialized services. Authorities reported developing a reintegration plan for each victim, including vocational training, but the government did not provide funding for reintegration programs, and observers reported victims spent, at times, multiple years at shelters due to slow court proceedings and a lack of reintegration opportunities. The law provided repatriation assistance to Bosnian citizens identified abroad and foreigners identified in Bosnia; no victims required repatriation assistance in 2019 and one victim required assistance in 2020. Foreign victims were eligible for a humanitarian visa allowing them to temporarily live and work in BiH, and victims were permitted a 30-day reflection period to determine whether they wanted to

request a visa; one foreign victim received a humanitarian visa, compared with three in 2019.

The government penalized victims for unlawful acts traffickers compelled them to commit due to inadequate identification efforts; authorities penalized victims of sex trafficking, forced begging, and forced criminality with misdemeanor charges for petty crimes with some victims owing 10,000 to 15,000 convertible marks (\$6,270 to \$9,410) after receiving multiple fines. The government reported SOPs incorporated non-penalization standards but acknowledged authorities still penalized victims due to a lack of knowledge of the SOPs exacerbated by frequent rotations and turnover. Sub-state laws against “enticement to prostitution” permitted law enforcement to treat children 14 years and older as juveniles willingly engaged in commercial sex instead of victims of rape or sex trafficking; there were six prosecutions of enticement to prostitution in 2020. The law provided witness protection and free legal aid; the government did not report the number of victims in witness protection and relied mainly on NGOs to provide free legal aid. The government did not consistently conduct victim-centered investigations and prosecutions. For example, prosecutors did not need certification to work with children and often interrogated child victims without a psychologist or social worker present. Police did not consistently notify victims’ lawyers when conducting interviews, and some courts required victims to testify with no prior notification or preparation. Victims could obtain restitution through criminal proceedings or compensation through civil suits; in 2019, a district court awarded a victim 7,500 convertible marks (\$4,710) but the victim has not received the restitution because seized properties and assets of the traffickers went toward the state budget rather than restitution. Judges generally rejected restitution in criminal proceedings and encouraged victims to seek compensation by filing civil suits, according to observers, who noted civil suits required victims to submit new testimonies and medical examinations, causing re-traumatization, despite the government convicting their trafficker in criminal proceedings.

## **PREVENTION**

The government increased efforts to prevent trafficking. The government continued to implement the 2020-2023 national strategy and the state coordinator continued to produce annual reports and organized four virtual coordination meetings. The national strategy required the state, Federation, RS, BD, and cantonal governments to adopt their own action plans; the state, RS, Sarajevo,

Tuzla, and Herzegovina-Neretva cantons adopted their action plans during the reporting period. In 2019, the state coordinator organized meetings to solicit feedback on RMTs and accordingly changed the structure from four to 18 RMTs: 10 in the Federation; six in the RS; one in BD; and one overarching team at the state level. The government formed all of the 18 RMTs during the reporting period. RMTs consisted of government and NGO representatives and an MOI official as the coordinator. The government, with financial and technical assistance from NGOs, trained RMT members, organized discussions with the Romani community on trafficking, and recruited and trained 25 Romani activists to join RMTs. The government, in partnership with civil society, conducted an awareness campaign targeting children and students. State-level institutions regulated recruitment agencies and required agencies to obtain a license and register, but labor inspectors lacked resources to adequately inspect recruitment agencies. The government did not make efforts to reduce 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, human traffickers exploit domestic and foreign victims in BiH, and traffickers exploit victims from BiH abroad. In 2020, traffickers exploited foreign victims from Afghanistan (1), Iran (2), Serbia (2), and Syria (2). In previous years, victims from Afghanistan, Cuba, The Gambia, Libya, and Serbia, Sri Lanka, and neighboring Balkan countries were exploited in BiH. Traffickers exploit BiH women and girls in sex trafficking within the country in private residences and motels. Romani children are exploited in forced begging, sex trafficking, and domestic servitude in forced marriages. Foreign women and girls from European countries are vulnerable to sex trafficking within the country. Traffickers exploit BiH victims in sex trafficking and forced labor in construction and other sectors in neighboring Balkan countries and other countries across Europe. Thousands of migrants and refugees from Afghanistan, Bangladesh, Iraq, Morocco, Pakistan, Syria, and neighboring countries traveling through, stranded in, or being smuggled through BiH are vulnerable to trafficking, particularly women and unaccompanied minors.