
***RESEARCH ON TRAFFICKING IN
CHILDREN IN BOSNIA AND
HERZEGOVINA
(DESK RESEARCH)***

Short version

IMPLEMENTED WITHIN THE PROJECT
STRENGTHENING CO-OPERATION OF CARITAS MEMBERS
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Research on trafficking in children in Bosnia and Herzegovina

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Abbreviations

BD	Brcko District
BIH	Bosnia and Herzegovina
BP	Border Police
CLBIH	Criminal Law of Bosnia and Herzegovina
CLBD	Criminal Law of Brcko District
CLRS	Criminal Law of Republika Srpska
CSW	Centre for social work
FBIH	Federation of Bosnia and Herzegovina
FCSFA	Field Centre of the Service for Foreigner's Affairs
FRONTEX	European Border and Coast Guard Agency
GRETA	Report of the Group of Experts on Action Against Trafficking in Human Beings
ICMPD	International Centre for Migration Policies Development
ILO	International Labour Organisation
IOM	International Organisation for Migrations
NGO	Non-governmental organisation
RMT	Regional monitoring teams
RS	Republika Srpska
SFA	Service for Foreigner's Affairs
SIPA	State Investigation and Protection Agency
TIP	Trafficking in Persons Report of the US Department of State
TC	Tuzla Canton
UN	United Nations
USC	Una-Sana Canton

Prefaces

Caritas Bosnia and Herzegovina

We are living in the time and concrete international and domestic environment that, with its complex and diverse contents, is a mosaic, especially when it comes to various social problems. A person and society of our near and distant environment are becoming day by day more vulnerable to various contents that are great burden for a quality and responsible living. In Bosnia and Herzegovina, like in numerous countries of Central and Eastern Europe, after half a century of the communist system - often referred to as the socialist system in our media everyday life - we have the time of war and post-war period behind us that brought numerous unwanted contents, and destroyed the value system of high-quality and responsible moral living for good of the individual and whole society. That is why we need to be aware of the overall situation we are in, but also of our individual and shared responsibility.

A difficult problem that we put under the common denominator and call the trafficking in human beings belongs to many negative contents that are present in Bosnia and Herzegovina. By specifying this issue, one should point out to the increasingly present and perfidious child and woman trafficking and human misery and poverty trafficking. The most vulnerable and the most endangered group are children, who are the future of every family, concrete environment, whole society and every country. Our personal and social behavior is particularly evident through our disinterest in interpersonal communication as well as in insufficient media presentations. International and domestic legislation on the trafficking in human beings and support and assistance to victims of the trafficking in human beings is helping all of us with greater and lesser responsibility. However, all those legal provisions with their content and provisions may and should be amended in order to obtain more responsible approach to this problem.

Let this prepared material, in whose preparation and enrichment Caritas of Bosnia and Herzegovina also participated, help us all to make more responsible approach to this problem. Protection of victims of the trafficking in human beings, which is multifaceted and complex, should be a lasting obligation to all of us in Bosnia and Herzegovina: criminal justice and civil legal protection. Permanent awareness and responsibility raising will help us all regardless of our living environment.

Mons. Tomo Knežević
Director of Caritas Bosnia and Herzegovina

Ministry of Security of Bosnia and Herzegovina

Trafficking in human beings is a form of a crime that enables criminals and individuals to gain large illegal profits. The presence of trafficking in human beings is particularly specific for post-conflict countries and countries in transition where there is a clear presence of all economic and social factors that enhance its existence, most important of which are poverty, unemployment, lack of opportunities, sexual discrimination, high levels of violence, loss of value systems, lack of appropriate legal framework and lack of social institutions. Special gravity for human trafficking, as a modern form of slavery, is also the fact that victims of trafficking are exposed to prolonged exploitation, violence, inhuman and degrading behavior, and that the frequent consequences of their status are severe mental and bodily injury and even death. Therefore, despite being one of the worst crimes of our time, trafficking in human beings is a serious violation of human rights and fundamental freedoms and violation of the basic principles of international documents in the field of human rights and freedoms.

Since the adoption of its first Action Plan for the Trafficking in Human Beings in 2001, Bosnia and Herzegovina is implementing planning, organized and coordinating activities aimed to combating trafficking in human beings. Today, the activities of government institutions and civil society organizations together implement a comprehensive, coordinated and effective response to this negative phenomenon. BiH's policy on combating trafficking in human beings is based on the principles of respect and protection of human rights, participation and accountability, interdisciplinarity, non-discrimination, gender sensitivity, sustainability, and international co-operation. The key value is that all activities are carried out in partnership between government and non-governmental sectors and in cooperation with international organizations and other countries. Despite all that, human trafficking has not been eradicated in BiH, as it is not the case anywhere in the world. Responding to measures aimed at its suppression, trafficking in human beings is changing and adapting to new circumstances so that BiH is now traded on people in much more disguised ways and for other purposes. In addition to continuing the activities to combat trafficking for the purpose of sexual exploitation, particular attention will be paid in the future to the fight against trafficking in human beings, especially children, for the purpose of compulsory labor in BiH, which is reflected in forced organized begging and other illegal activities and children which are exposed to other forms of exploitation, given the migration flows and opportunities faced in BiH.

Therefore, we consider it important that the Research on Trafficking in Children in Bosnia and Herzegovina was carried out under the project "Strengthening the Co-operation of Caritas Members of the Euro Mediterranean Region in Combating Trafficking in Human Beings" (2017 - 2019). We are confident that the Research will contribute to enhancing cooperation between competent institutions and civil society representatives, and that the next planned activities will be developed in a good partnership.

Samir Rizvo, State coordinator for combating trafficking in human beings
Ministry of security in Bosnia and Herzegovina

Introduction

Nowadays contemporary societies often encounter an extremely complex and dynamic phenomenon which, because of its invisibility, mobility and organization, both nationally and internationally, is a complex and serious social problem. It is a phenomenon known as "trafficking in human beings", which is a damaging phenomenon whose roots may be found in the tradition and development of civilization in general.

Presence of the trafficking in human beings as a phenomenon was officially confirmed and recognized in BIH for the first time in 1999 and there are official statistics on the number of identified victims ever since. In the period until 2004, BIH was primarily **the country of transit and final destination** for victims of the trafficking in human beings who were trafficked from Eastern European countries and sexually exploited in Bosnia and Herzegovina. From 2004 on, BIH also started becoming the country of origin for victims, women and girls, but also men and boys who were recruited for the purpose of sexual or labour exploitation and trafficked to the Western European countries and other countries within the region, as well as the country of transit for trafficking routes from the east and south to the north and west, i.e. along the well-known "Balkan Route". In addition, BIH started increasingly to face **the internal trafficking**, i.e. recruitment of its citizens for the purpose of sexual and labour exploitation in other parts of the country.

BiH authorities took significant measures to stand up against the trafficking in human beings by defining the national policies and action plans since 2001, adopting laws and other regulations dealing with the combat against the trafficking in human beings, allocating financial and other resources, developing capacities of competent institutions and establishing close partnerships between authorities and civil society, which evidently made significant progress in the overall situation and reduced the number of identified human trafficking victims.

Trafficking in human beings is a part of the new terminology in presenting the problem of the slavery position of people. Therefore, the simplest definition of this term is that "**trafficking in human beings, especially trafficking in woman and children, is human misery trafficking and is one of the greatest crimes of our time.**" (Bjelica & Cockburn, 2003) It is one of the largest and most profitable global criminal activities, along with drug trade, weapons trade and money laundering.

Legally observed, it is a criminal offense involving: recruitment, transport, transfer, delivery, sale, purchase, brokering in sale, concealment and keeping of persons using force, threat, fallacy, misuse of authorization, abuse of trust, abuse of a relationship of dependance, abuse

of other person's difficult circumstances, retention of personal documents, giving or receiving money or other benefits.

People are trafficked for: labour exploitation, forced labor, commitment of criminal offenses, prostitution, other types of sexual exploitation, beggary, pornographic use, establishment of slavish or similar relationship, seizure of organs or parts of the body and use in armed conflicts.

Caritas of Bosnia and Herzegovina was involved in this problem in 2005 and since then it has actively participated in its own capabilities and capacities in the field of prevention, networking, advocacy, resocialization, repatriation and readmission. Caritas of BiH and the State Coordinator Office (now the Ministry of Security of BiH - Department for Combating Trafficking in Human Beings) signed the Memorandum of Understanding in 2008 and since then co-operation in the planning, implementation and evaluation of the implemented activities has been intensified.

As part of the Caritas Europe and Caritas Internationalis network, Caritas of BIH co-operates at regional, European and international level and through the Euro-Mediterranean project it links knowledge, capacities and opportunities to tackle the problem of trafficking in human beings or emerging forms of trafficking in children in a few recent years of intercontinental migration.

Bosnia and Herzegovina is country with a complex administrative system, with 14 governments, 2 entities and a district, 3 languages and 2 scriptures, as well as other specificities, and it puts many challenges especially in the legal system in front of its citizens and all accidental and intentional passers-by and guests. It is very often possible to identify the failures that occur in overlapping of the system and law, that are sometimes at cantonal, entity or national level. In the ubiquitous bad economic situation of citizens, large unemployment and other socially aggravating circumstances, trafficking in human beings is getting more frequent, especially in child trafficking where opportunities for making money for survival are found in beggary, forced labor, forced marriages, sexual relations with minors or sale of organs.

In this desk research, which was conducted in 2018, the issue of trafficking in children was treated and, in addition to the definitions, legal frameworks and statistical data, the presentation of trafficking in children cases can be also found: sexual abuse (page 20), labor exploitation of juveniles (page 21), forced marriage and inconsistency of the system (page 25). By this presentation, we wanted to clarify picturesquely the situations in which the children and youth of risk groups found themselves and to explain how the system even with its excellent laws had lots of failures so we have to work together in the future to prevent them repeating anymore.

We would like to thank all the authors and organizations, especially the State Coordinator Office in BiH, who put their data at disposal in order to bring this research to an end. We would also like to thank the researcher Ms Samira Hunček who has readily prepared the integral version of the research as well as the short version that would be published as part of the Euro-Mediterranean joint research. And least and not last, we would like to thank the partners who have financially enabled this research.

The research will be available on the www.caritas.ba web site in the integrated version, short version as well as English translation and the integral part of the research within the Euro-Mediterranean network.

Review of the current status

Analysis of the strategic documents and action plans

Faced with the trafficking in human beings problem in BiH, the state authorities began dealing with the problem of the trafficking in human beings in 2001¹. On the 6th December 2001, the Council of Ministers of BiH adopted the *Action Plan for the Prevention of Trafficking in Human Beings in BiH* and established the *State Commission for Implementation of the Action Plan*. By the Decision on Procedures and the Method of Coordination of Activities in Preventing Trafficking in Human Beings in BiH and establishing the function of the State Coordinator, the Council of Ministers BiH in 2003, in order to implement common policies and procedures of the competent authorities in the field of human trafficking as well as effective coordination of activities within the jurisdiction of different institutions, established *the function of the State Coordinator*².

The State Coordinator is responsible for coordinating human trafficking activities with relevant domestic and international institutions, organizations, as well as routing activities and establishing contacts with other ministries at the BiH entity level and, where appropriate, other local authorities. These activities resulted in the adoption of periodic strategies and action plans for combating trafficking in human beings in BiH.

Analysis of the statistical indicators of trafficking in human beings for the period from 2013 to 2017

Most identified victims in the region are young women trafficked for the purpose of sexual exploitation. Recently, it has been noted that female victims are increasingly younger and often minors. Most identified victims come from rural areas and from poor areas (rural or urban). Common characteristics throughout the region include presence and connectivity of the trafficking in human beings to family violence, physical, psychological and emotional abuse, parental neglect and extreme poverty (IOM 2014).

www.vijeceministara.gov.ba
www.msb.gov.ba

Victims are usually caught up in personal contact, but they are often recruited by advertising on the Internet or by private employment agencies. The methods used by the perpetrator (recruiter) include promise of good jobs, marriage promise and offers of relief from a difficult life situation at home. The ways in which traffickers keep control of the victims are changing from strict control of movement and physical violence to the use of threats, intimidation or blackmails pertaining to the victim but also to her family. Such changes are logical, as traffickers have over time realized that in criminal proceedings it was very difficult to prove the use of non-violent means of coercion towards victims.

Given that illegal migrations are a closely related phenomenon to the trafficking in human beings, it is important to emphasize that the migrations taking place across the region rapidly and significantly change their trends, but at the same time they provide the traffickers with new opportunities.

Based on the above mentioned facts, it is possible to conclude that the trafficking in human beings continues to develop in the region, changing its trends and patterns in terms of organization of traffickers, forms of recruitment of victims, purpose and mode of exploitation, forms of control over victims, traffickers and victims' paths of movement and profiles of people involved in these processes. Such a development of the situation imposes new, complex and growing challenges to the authorities and the entire society in the region, stressing the need for constant raising of knowledge and awareness of the phenomenon both for the general and professional public, and constant development of policies and actions based on the objective indicators ("*evidence based policy*") aimed at opposing the trafficking in human beings.

At this point it is indisputable that the state of BiH is in the region where the trafficking in human beings is very present. In addition, BiH is post-conflict country, country in transition, but also country with a very complex political and administrative structure. Poor economic situation, high level of unemployment, still existing large number of refugees and internally displaced persons, insufficiently developed migration management structures, porous borders and limited law enforcement resources of the authorities have made BiH the country of origin, transit and final destination for the trafficking in human beings. In the second half of the nineties of the last century, trafficking in human beings appeared solely for the exploitation of young women who were coming from the countries of the former Soviet Union, for the purpose of sexual exploitation in BiH, which at that time had sufficient demand due to the presence of numerous international military, police and other staff. Kalaitzidis (2005), in his research, came to the conclusion that for a time the area around the place called "Arizona" in the north of BiH was a *hot spot* for the trafficking in human beings in this part of Europe, which was, inter alia, known for a very bad reputation for victims of the trafficking in human beings. He emphasizes the curiosity that this site was built by the US Army resources, in the form of shopping area, for the purpose of reconciliation of ethnic groups that have recently been involved in the war, but unfortunately this area quickly turned into a safe refuge for various criminal activities, including the trafficking in human beings, because of the shortcomings in its management and legal status.

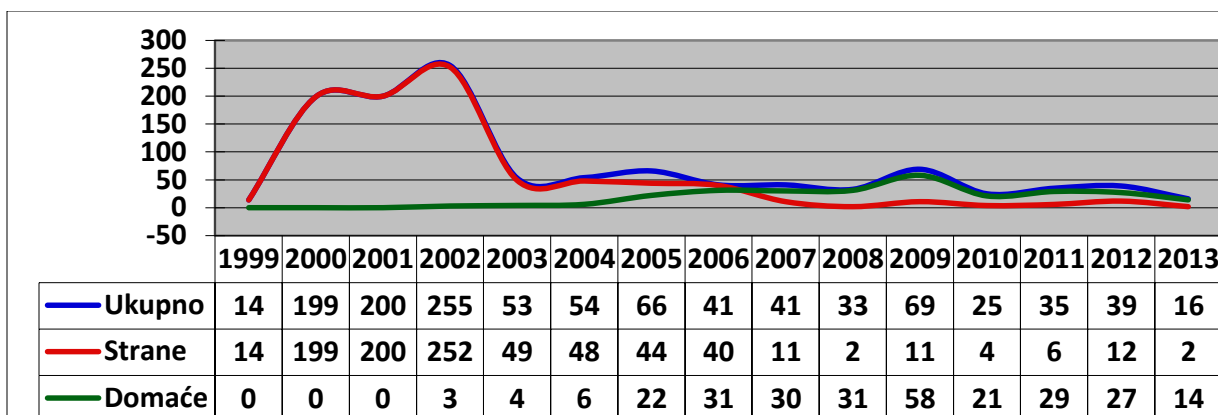
Until the period from 2003, there were no specific official indicators on the scope and structure of the human trafficking problem, primarily due to the fact that only the reform of criminal legislation in the country and provisions of the Criminal Code of BiH incriminated a completely new criminal phenomenon of the trafficking in human beings. Parallel with this, the first scientific and empirical research on this issue in BiH started to appear.

In his research, Obradovic found that 93% of the victims identified in BiH at that time were nationals of Moldova, Romania or Ukraine. The fact that trafficking victims were coming mainly from these three countries made it probable that BiH served at that time as the country of final destination, with well-established routes for the human trafficking for the purpose of sexual exploitation. Regarding recruitment means, it was found that in most cases the traffickers used friends or acquaintances to create the wrong prospect for future victims by information on the promising and attractive job abroad.

Over the past few years, a new form of the trafficking in human beings has appeared in BiH. In fact, the victims are recruited at the local level for sexual exploitation in other parts of the country. **Thus we can conclude today that the number of foreign victims identified is steadily declining while the number of BIH citizens who are identified as victims of the trafficking in human beings within the BIH borders is on a slight rise.**

The vast majority of victims of the trafficking in human beings in BIH are recruited and trafficked for the purpose of sexual exploitation. This figure is also indicated by the statistics of official institutions in BiH, in particular the statistics of the Ministry of Security of BIH. The statistical data on the total number of identified victims of the trafficking in human beings in BiH in the period 1999 - 2013, and the ratio of domestic and foreign victims are shown in the graph. At the same time, in addition to the usual methods of recording by gender and age of the potential human trafficking victims, initiation of activities to improve the work of competent institutions in accordance with the Rules on protection of victims and witnesses of the human trafficking of BiH citizens³ and changes in trends and forms of the human trafficking, **resulted in establishment of *the regional monitoring teams in 2007. Since then, the recording process has been improved in terms of recording the first cases of children as potential victims of the trafficking in human beings.***

³ www.msb.gov.ba



Graph 1 – Presentation of the number of identified human trafficking victims in the period from 1999-2013

The BIH authorities have taken significant measures to combat the trafficking in human beings by defining national policies and plans since 2001, adopting laws and other regulations treating combat against trafficking in human beings, directing financial and other resources, developing capacities of the competent institutions and establishing close partnership between the authorities and civil society, which was a significant improvement in the overall situation and resulted in reduction in the number of identified victims of trafficking.

However, trafficking in human beings in BiH has obviously not been eradicated, but has only changed its *modus operandi*.

Since 2004, the trafficking in human beings has been retreating into thoroughly disguised activity, so the sexual exploitation now takes place in motels, private houses and flats, victims are taken abroad for the same purpose or they are forced to work or to some other form of exploitation. With regard to labour exploitation, one of the new forms is definitely the exploitation of BiH citizens, men, on construction sites abroad.

The most prominent and visible problem is begging, mostly present in Roma communities, which is the direct consequence of the complex economic and social situation in the country. Organized and forcible begging carried out by children is the complex pattern of behavior that keeps children, victims of the human trafficking, in exploitation circles, forcing them to beg for the account of their families or criminal groups. Some referent and official reports point to the extent and possible ways of treating it (Human Rights Ombudsman⁴, 2010). In the past, the problem of children living and begging in the streets was not recognized as the trafficking in human beings. Because of this, there was no serious intervention by the authorities and services, although sporadic reports, media articles, and commentaries on children and their day-to-day work in the streets were noted.

⁴ www.ombudsman.gov.ba

Reports of the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration indicate that the presence of indicators that organized crime is a prevalent form of trafficking for the purpose of labour exploitation in BiH has not been established. With regard to this, the available information indicate that individuals are the most common perpetrators of crimes related to the human trafficking for the purpose of labour exploitation and that the basic goal of such activities is to obtain personal financial gain for the traffickers. Such cases usually include BiH citizens and in some cases individuals from countries of the region.

The Ministry of Security of BiH, Department for Combating Trafficking in Human Beings, is obliged to collect and record data on potential and/or identified victims of trafficking twice a year and to report to the Council of Ministers of BiH on the above mentioned issue on a yearly basis. Data collected in this regard are used for the purpose of preparing annual reports. In accordance with the mentioned facts, we may say that:

- In total, for the year of 2013, 16 potential victims of the human trafficking/forcing into prostitution and/or sexual exploitation/human trafficking for the purpose of beggary/sale for marriage were identified/assisted.
- In 2014, total of 49 potential victims of the human trafficking for the purpose of labour exploitation/forcing into prostitution and/or sexual exploitation/organized and forced beggary/forced marriages and production, possession and screening of child pornography were identified/assisted.
- In 2015, total of 35 potential victims of the human trafficking/forcing into prostitution and/or sexual exploitation/human trafficking for the purpose of beggary/sale for marriage/common-law marriage with minors were identified/assisted.
- In 2016, total of 48 potential victims of the human trafficking/labour exploitation/forcing into prostitution and/or sexual exploitation/human trafficking for the purpose of beggary/sale for marriage were identified/assisted.
- In 2017, total of 83 potential victims of the human trafficking/labour exploitation/forcing into prostitution and/or sexual exploitation/human trafficking for the purpose of beggary/sale for marriage/acts of indecency etc. were identified/assisted⁵.

Conclusion from the above-mentioned facts:

Victims	2013	2014	2015	2016	2017
Identified	16	49	35	48	83
Adults	7	12	18	38	36
Minors	9	37	17	10	47
Women	11	35	27	30	58
Men	5	14	8	18	25

Table 1 – Indicators of structure of identified human trafficking victims in BiH

Form of exploitation of human trafficking victims	2013	2014	2015	2016	2017
Sexual exploitation	3	10	6	13	10
Forced labour	4	3	1	12	7
Sale for forced marriage	2	4	4	1	5
Beggary	7	31	24	22	52
Production, possession and screening of child pornography	0	1	0	0	0
Acts of sexual misconduct	0	0	0	0	4
Sexual intercourse with child	0	0	0	0	1
Minor without document at the border	0	0	0	0	1
Common-law marriage to a minor	0	0	0	0	2
Exploitation form not cited	0	0	0	0	1

Table 2 - Indicators of structure of identified human trafficking victims in BIH

International recommendations for BIH

Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings acting in accordance with the provisions of Article 38 (7) of the convention; taking into account the purpose of the Convention on Action against Trafficking in Human Beings, while ensuring gender equality, protection of human rights of victims of trafficking, develops a comprehensive framework for protection and assistance to victims and witnesses, ensuring effective investigation and prosecution of the criminal acts related to the trafficking in human beings and promotes international cooperation.

Group of Experts on Action against Trafficking in Human Beings – GRETA, Convention of the European Council

Bearing in mind the provisions of the Article 36 (1) of the Convention on monitoring role of the Group of Experts on Action Against Trafficking in Human Beings (GRETA) in implementation of the convention, it has made certain recommendations. At the same time,

progress has been made since the first round of evaluation in the fields related to the further development of the legal framework for combating the trafficking in human beings, including introduction of the criminal offense of trafficking in humans in the criminal laws at entity levels and adoption of provisions on the rights of victims of trafficking in new Law on Foreigners. Improvement and progress are related to the extension of composition of four regional monitoring teams that have been established to improve coordination of combat against the trafficking in human beings by involving labor inspectors, representatives of mental health centers and day centers for children, advancements in training of relevant experts and expansion of targeted categories of employees in partnership with non-governmental organizations and international organizations, measures taken to raise awareness of trafficking in human beings in the wider public and target groups and preventive activities that promote online child safety. Speaking of the improvements in the international cooperation, progress has been made in participation in joint investigative teams dealing with transnational human trafficking cases, adoption of the legal provision for non-punishment of the human trafficking victims for the criminal activities they were forced to commit, which was a direct consequence of subjecting to every form of the trafficking in human beings, in the criminal laws of BiH, Federation of BiH and Brcko District.

At the same time, concrete recommendations to the authorities in BiH are to take urgent measures to address the issues identified in the GRETA report regarding the following:

- establishing a comprehensive statistical system of data relating to measures to protect and improve the rights of victims as well as to investigation, processing and sentencing trafficking cases;
- victim statistics should be collected from all major actors at state, entity and district levels and clearly defined by gender, age, type of exploitation, country of origin and country of exploitation; which should be accompanied by all the necessary measures to respect the rights of data carriers to protect personal data, including when non-governmental organizations working with victims of trafficking asked to provide information for the national database,
- strengthening efforts to prevent trafficking for the purpose of labor exploitation,
- taking additional steps to improve the identification of victims of the trafficking in human beings,
- ensure that all potential and identified victims of the trafficking in human beings, irrespective of their nationality and whether they have cooperated with the investigative authorities and prosecution bodies and whether they are in shelters, receive appropriate assistance in accordance with their needs,
- improving identification and assistance to children victims of the trafficking in human beings,
- facilitation and guaranteed access to compensation for victims of the trafficking in human beings.

Recommendation related to efforts to prevent trafficking for the purpose of labor exploitation is explained by a series of measures, such as enhanced monitoring of the agencies for labour

and temporary employment, review of the legislative framework, including consideration of the introduction of licensing procedures, sensitization of relevant officials, in particular the police, prosecutors and judges in the trafficking in human beings for labor exploitation and victims' rights, strengthening efforts to combat deceptive business offers via the Internet, achieving close co-operation with the private sector, in line with the guiding principles of business and human rights.

Recommendation for prevention of trafficking in children includes: sensitization and training of child protection specialists throughout the country, strengthening the role and capacity of social work centres to prevent trafficking in children and to make these centres play a proactive role in alerting other relevant institutions about possible trafficking and exploitation cases, including the provision of sufficient resources for training of social workers, increasing efforts to combat the low representation of Roma children in the regular education system and their excessive representation in special schools, risk assessment before children return to their families and extension of foster care, conducting research on the phenomenon of trafficking in children in BiH as a basis for the preparation of future preventive measures.

According to the GRETA6 recommendations, it is necessary to ensure:

- formal identification of victims of trafficking in human beings is not dependent on their cooperation with investigative and prosecution bodies,
- strengthening multidisciplinary cooperation in the process of identification, including involving specialized NGOs, labour inspectors, social workers and other leading experts
- provide training to use tools and indicators to identify victims,
- ensure the adoption of a more proactive approach to law enforcement officers, labour inspectors, social workers, non-governmental organizations and other relevant actors, and more engaged work in investigating victims for all forms of the trafficking in human beings.

⁶ www.msb.gov.ba/trgovinaljudima/izvjestaji

Report of the United States of America Government (TIP Report)

Analyzing the state and trend of the trafficking in human beings in BiH, it is important to note that the authorities in BiH, i.e. the competent institutions and civil society organizations as well as the international organizations, make their contribution to the assessment of the situation as well as the reports published each year by the United States Government. BiH has been recognized as a country of sources, transit and destination of the trafficking in human beings victims, which was not the case from the late 1990s and beginning of 2000 when it was only the country of transit and destination. At the same time, the competent institutions had information on the fact that there was great number of foreign victims of the trafficking in human beings in BiH for the purpose of sexual exploitation and that BiH has made significant progress in the reporting period and that in the TIP report BiH has moved from the level 3 to the level 2 of the countries. Significant activities which were undertaken by the competent institutions and civil society representatives in prevention activities and more adequate protection of victims of the trafficking in human beings and especially in significant progress in prosecution in 2014 when the Court of BiH confirmed the indictment, because of the existence of a grounded suspicion that the aforementioned persons committed a criminal offense of *organized crime* related to the criminal offense of the trafficking in human beings through the exploitation of hundreds of people in Azerbaijan and criminal offense of money laundering, so BiH has progressed in the TIP report and was rated as a country meeting the requirements of the level 1.

However, from the following year, the activities undertaken in the combat against the trafficking in human beings were at the level 2 and the TIP report, which was published in June 2018, informed the relevant institutions in BiH that the grade was at the level **2 - watchlist**.

Status and trend reports prepared and published by the United States Government, in addition to assessing the status and trends of trafficking in human beings in each country, include specific recommendations and action plan for removing possible obstacles and problems in the assessed country. Current reports and recommendations have mostly suggested that the BiH authorities did not fully comply with the minimum standards for the elimination of trafficking in human beings, but that they made significant efforts in this direction.

During 2016, the authorities showed greater efforts by adopting the Amendments to the Criminal Code in the Parliament of BiH, thus aligning the FBiH Law with the Criminal Code, Criminal Code of Republika Srpska and Criminal Code of Brcko District.

The Court of BiH and the Court of Brcko District convicted officials involved in crimes related to the trafficking in human beings and continued cooperation with investigators and prosecutors in foreign countries. However, the authorities failed to comply with minimum standards in a number of key fields: the victim's referral mechanism had no formal procedures and no roles and competencies of the relevant actors existed and the victims had

to have the victim status officially recognized by the competent institutions in order to gain the right to support and assistance.

Compared to 2016, the TIP report for the period 2017 indicated that the BiH authorities did not fully comply with the minimum standards for the elimination of the trafficking in human beings. Recognizing the new victims of forced begging and meeting the property-legal requirements for four victims in a successfully completed civil lawsuit that were settled from seized property gains of the traffickers in humans, the authorities showed significant efforts during the reporting period. However, the authorities did not show any greater efforts than in the previous reporting period. The authorities were pronouncing verdicts to victims for the acts committed by those victims as a direct consequence of subjecting to the trafficking in human beings partly because of inadequate practices of victim identification. Police and social workers justified the cases of beggary to which children were forced to do, forcible work and forcible marriage among Roma people, as the traditional cultural practices. The authorities did not provide protection to the victims, nor was the prosecution focused on the victim, there was no access to assistance outside the shelters run by non-governmental organizations and the Task Force was inefficient due to non-participation of the relevant actors. For these reasons, the level of BiH fell to the level 2 - Supervisory List.

With this assessment of the state of affairs, the recommendations were made for the BiH authorities:

1. to enforce laws prohibiting the punishment of victims of illicit acts committed by victims as a direct consequence of the trafficking in human beings, in particular victims of the trafficking in human beings for the purpose of sexual exploitation, forcible beggary and forcing to commit criminal offenses;
2. to formalize a multidisciplinary national referral mechanism,
3. to improve official procedures for victim identification and to provide assistance and support to all victims irrespective of whether they cooperate with investigative authorities;
4. to educate officials who first come into contact with victims in the field of victim identification and referral, in particular for victims of forced labour and forcible beggary;
5. to conduct investigations, prosecute and punish perpetrators of the trafficking in human beings as well as accomplices among officials and to impose penalties corresponding to the severity of the criminal offense;
6. to conduct investigative and prosecutorial approaches to victims;
7. to involve Roma communities in decision-making processes on victim protection measures;
8. to allocate sufficient funds for shelters run by non-governmental organizations and create financial policies that will provide sufficient funds to assist the victims;
9. to standardize victim assistance services across the country, as well as provide access to help and support services outside the safe houses and specialized assistance services to men who are victims of the trafficking in human beings;
10. to increase proactive efforts towards identifying, in particular identifying adult victims;
11. to improve cooperation and coordination among the state and lower level actors, including the allocation of adequate resources and appointment of representatives to the Task Force for Combating Trafficking in Human Beings.

Given all the above, the relevant institutions and organizations have, in the upcoming period, a major challenge in terms of improving activities in all areas and activities related to the combat against the trafficking in human beings in order to overcome the shortcomings and identified problems⁷.

Existing forms of trafficking in human beings

Under the provisions of the Protocol, "trafficking in human beings" means and is prescribed as violation of the international law and its constituent elements are prescribed by the relevant international instruments. The first comprehensive definition given in the Palermo Protocol states that „the trafficking in human beings“ means 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 (Britton & Maljevic, 2010)⁸.

It is important to note that exploitation includes exploitation of prostitution others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. A very important part of this definition is the fact of referring to the provisions of the Convention on the Rights of the Child according to which **the child is any person below the age of eighteen.**

The most common circumstances that cause a person to become a victim of the trafficking in human beings are approximately reduced to phenomena such as social exclusion - poverty, family violence, low education or exclusion from the education system, poor health status (mentally underdeveloped persons, mental illnesses, persons with physical disabilities etc.), inadequate and neglected upbringing, addiction diseases (psychoactive substances and alcohol), working conditions, disrupted family relationships and other reasons may lead to an individual at an increased risk of recruitment (gender, race, age, ethnicity). Children, as a particularly vulnerable category, are much more likely to become victims of the trafficking in human beings. (Gallagher & Holmes, 2008)

⁷ www.msb.gov.ba/trgovinaljudima/izvjestaji

⁸ Trafficking in human beings in Bosnia and Herzegovina Ljudima u Bosni i Hercegovini, E. Mujanović, E. Muratbegović, M. Budimlić, V. Obradović, www.msb.gov.ba , www.cprc.ba

From an interview:

I am fifteen years old. I was born in 1993 in a small town. I am a student of the first grade of high school. I do not have many friends. I have only one friend and she introduced me to the guy I was later in contact with. On one occasion, this ex-boyfriend and I went outside, and then he introduced me to a big black man.

It was almost a year after we had gone outside and a man called me on the phone. First I thought he he dialed the wrong number and he asked me if I wanted to talk to him for a while. He was very polite and we had a lot of conversation topics. He told me that he had never met me before and that he dialed my number accidentally. Since then we have heard each day in the next few months. Every conversation would be more interesting to me. He promised to help me if I had some problems in my company; he talked about his acquaintances who could help me with school success, people who would find me a job etc. Once I asked him what he looked like, he told me that he was very handsome, high and black. I was fourteen then.

On one occasion, he suggested that I meet his friend who could help me. I agreed and that friend came to pick me up at school with a red mercedes. First, he took me for a drink and then he took me to a dark place and asked me to have the sexual intercourse. I was afraid of what he could do to me, so I agreed. After that, he drove me home and I never saw him again. After a couple of days he called me again and said I had nothing to do if I did not want to, but in the days after that he continued to send me other men. These men used to take me from school to a red house. I think they used that house for those purposes only. Sometimes only one would sleep with me and sometimes all together. They made me do things I do not want to remember. They bought me a phone and constantly paid my bills. They gave me some money a few times only.

Case report – Sexual exploitation of a minor

The most common circumstances in which children are recruited for the trafficking in human beings may be:

- socially and economically endangered family;
- family is from rural environment that relies on the financial assistance of the growing children;
- children without parental care, children of divorced parents or children who have suffered from war events without one or both parents;
- children are accommodated in institutions;
- children from family where parents work abroad;
- children from family with children with disabilities in psychological and physical development;
- children from family where parents are addicts;
- children from family without registered place of residence, e.g. Roma and displaced families;
- children from families that tolerate their children going out late in the night and similar situations of inadequate parental control. (<http://www.msb.gov.ba>)

During 2016, 2017 and on, at the territory of a larger town, in a room where a couple with six children were living, M.E., although aware of the fact that he was recruiting, forcing and transporting persons who did not reach the age of 18 in order to exploit them by forced labor and forcible beggary, and seeking to earn cash, forced his six underaged children to begging and heavy physical work, regardless of weather, on a daily basis.

Using their inadequate mental development, since they were children, he forced them to begging in a way that he used to beat some of them and order them all to get into his vehicles, Mercedes or van, in the morning hours, and then he would take them to certain locations around the city, where they were forced to beg and ask citizens for money. After each child individually collected the amount between 10 and 20 BAM, they would phone him to pick them up.

At the same time, four of these children in the mentioned family were exploited in the form of work on collecting secondary raw materials, so the children would drag a tricycle with up to 100 kg of raw material. Children were collecting sponge in one of the local furniture factories, washing the car glasses at the crossroads or selling items at flea market. Threatening by force and using the immaturity of children and juveniles in order to achieve unlawful gains and for the purpose of labour exploitation, he monitored, restricted and prevented the freedom of movement of the children and the children, under the threat of physical force, had to deliver the money they begged in the above mentioned amounts to the mother, who used to give that money to M.E. or they would hand it directly to M.E.

Although aware of the fact that in that way she was roughly neglecting the care for her children, what she actually wanted to do, she used to allow M.E. to force the children to beg and work. She would go with her children to certain locations, begging herself, and leave her children on the street without supervision. The children were visibly neglected, both in external appearance and personal hygiene. They were without adequate health care and did not attend school. For these reasons the Centre for Social Work took them and placed them in a foster family.

The competent prosecution office accused M.E. for the criminal offense – Trafficking in human beings - Article 210 a (2) of the Criminal Law of FBiH and S.A. for the criminal offense - Neglection or abuse of a child or a minor - Article 219 (3) in conjunction with Paragraphs 2 and 1 of the Criminal law of FBiH.

Case study – Labour exploitation of a minor

Indicators for recognition of existing forms of trafficking in human beings

International legal obligations regarding the identification of victims of the trafficking in human beings are clearly identified in the framework of several international standards, in particular in the Council of Europe Convention on Action against Trafficking in Human Beings and in the court practice of the European Court of Human Rights. In accordance with these obligations, the signatory states undertake more measures to improve the capacity of competent institutions and organizations to recognize cases of the trafficking in human beings or identify victims of the trafficking in human beings. Indicators for identification of victims of the trafficking in human beings are based on the definition of the trafficking in human beings of the Criminal Code of BiH, entity criminal codes and Criminal Code of Brcko District.

The indicator represents one of several reasons for believing that a person may be a potential victim of the trafficking in human beings. Indicators can be used to interpret observations, facts, statements and other information pertaining to a person suspected of being a victim. However, not all the indicators are present in all situations involving the trafficking in human beings. Presence or absence of the individual indicators or more of them cannot even prove or deny the existence of a single person trafficking case. To do this, it is necessary to make an integral assessment of the overall life situation of a person we suspect to be a victim of the trafficking in human beings. A person with whom we recognize several indicators does not have to be in a situation where he/she has been trafficked.

Indicators for the recognition of victims of the trafficking in humans are expressed in three specific components of the trafficking in human beings, they are related to the action, means and purpose, and they contain information and circumstances for each component that may indicate the existence of a criminal offense of the trafficking in human beings.

Nowadays, modern societies often encounter an extremely complex and dynamic phenomenon which, due to its invisibility, mobility and organization, both nationally and internationally, is a complex and serious social problem.

Particularly warning is the fact that victims, mostly children (girls), but even men - boys primarily, are becoming younger, making this problem more complex and more problematic with regard to the violations of human rights and basic freedoms, and it is necessary to ensure adequate protection, especially to children and minors and other marginalized groups of the population.

On the other hand, when it comes to the trafficking in human beings, we have to conclude that there are very little empirical research and theoretical generalizations, as opposed to the large space given to it by the media, governmental and non-governmental organizations. Lack of systematic knowledge, as well as covertness, have influenced a whole series of vagueness and confusion regarding the terms used in the media, official and informal reports, and even in the academic works here and in the world. It is therefore very important that this phenomenon is explored in this way.

Abuse of human organs - In a multitude of emerging forms of the trafficking in human beings, it is possible to identify the basic forms of exploitation for the purpose of trafficking in human beings. Various forms of abuse of human organs that are not necessarily included under the legal mechanisms of control of the trafficking in human beings are increasingly causing concern and require an adequate response to this problem. It is about **various forms of removal and transplantation of human organs** that are often at the verge of lawful action or, on the other hand, have all the key features of the trafficking in human beings as defined by relevant legal regulations.

Some classifications distinguish three basic principles in which abuses of human organs are done:

- forcing or deluding victims to give their organs,
- giving formal or informal consent by the victim to transplantation of his/her organs, after which the victim is deceived because he/she is not paid the amount he/she agreed for consent to give the organ or he/she is paid a much smaller amount than agreed,
- subjecting victims to the treatment in medical institution for a disease that often does not exist, but is made up, simulated, after which the organs are taken from that person without his/her knowledge.

The legal regime governing the trafficking in human organs, as a part of the trafficking in human, includes cases of the trafficking in human beings for the purpose of the trafficking in human organs, while the trafficking in organs itself is outside the scope of legal norms. A special problem is the fact that consent of the victim or contracting of the amount for which the victim agrees to sell his/her organ is an aggravating circumstance for proving the criminal offense of the trafficking in human beings, unless the requirements for enforced coercion, deception, kidnapping, fraud, abuse of authority, influence or position, exploitation of helplessness, giving of payments and other typical actions that are linked to the trafficking in human beings are met.

In this regard, removal of parts of the human body is covered by the provisions of the Article 3 (a) of the Protocol together with the UN Convention against Transnational Organized Crime, as well as the provisions of domestic criminal law that incriminate the trafficking in human beings. Most often cases of abuse of human organs are learned *post-festum*, especially in cases of fatal outcomes of such medical interventions, when investigating

disappearance of person, especially children who are highly vulnerable groups, after the victim asks for medical help as a result of a deterioration in health, after the victim finds out that the organs have been removed etc. The greatest task that is placed before the law enforcement officials is to identify potential victims before they are used for the purposes of removal of organs and it is very important to achieve systematic and constant cooperation among all actors in the process of combat against this phenomenon.

Forced marriages are on the margins of the trafficking in human beings and this emerging form of exploitation is first linked to practices that have the characteristics of slavery that is prohibited by the world community for a long period of time. Forced marriages consist of the formal contract into marriage or establishment of common-law marriage (which is, by the way, equated to the contracted marriage), where one or both parties in such a community have not entered it with full and free agreement, which is actually the result of physical and/or psychological coercion. In the legal sense, there is not a sufficiently precise definition of forced marriages as an integral part of the trafficking in human beings, but they are rather defined as a modern form of slavery. Existing forms of such a slavery include sales, transportation or inherited marriages. The Protocol together with the UN Convention against Transnational Organized Crime recognizes forced marriages for the purpose of the trafficking in human beings under the term "*slavery-like practices*". Domestic criminal legislation also uses similar terms (CC of BiH and CC of BD), but it clearly recognizes forced marriages as a form of the trafficking in human beings (CC of RS). When it comes to the term "slavery-like practice ", which includes forced marriages as a form of the trafficking in human beings, its content was defined much earlier in the Supplementary Convention on the Abolition of Slavery from 1956.

In the context of the phenomenology of forced marriages, cases of use of physical coercion, psychological violence, deception, fraud and other types of acts occur to force the victim to contract into marriage with a person due to contracted and/or completed payment, service, arrangement or other engagement for which the victim did not have the right to agree or refuse. Violent marriages are considered to be a major violation of human rights, especially if children or juveniles are victims of such acts, because it is known that those vulnerable categories have no opportunity and right to refuse such arrangements to their detriment.

At the beginning of 2009, representatives of a NGO, during their daily activities at the Tuzla crossroads, found a nine-year-old girl who was begging under the supervision of her mother every day. The girl was living with her mother in the territory of the Tuzla Canton, they had no permanent income and they survived by begging and collecting secondary raw materials. Through the engagement of all competent officials in the local community, the mother and children were provided with accommodation in the collective centre, the girl was included in the regular school system, completed three grades successfully, succeeded in catching up her peers and continued regularly attending the fourth grade of elementary school. Field work at the collective centre, at the beginning of March 2014, provided the information that marriage of the mentioned minor girl, who did not turn 14, was being prepared. Representatives of the NGO promptly informed the competent Social Work Centre in writing and provided information that the mother had made a deal with a family about her underage daughter's marriage and that there were indications she would receive money in return. The bridegroom was an adult person who lived with his family outside of BiH for a long period of time and who would return to the country from which he had come after the marriage was contracted. The "marriage" was planned for the next month. The mother had already asked the elementary school to deregister the underage girl. The competent Center for social work was asked to visit the family as soon as possible and to inform the parents or the mother on provisions of the Family Law of FBiH regarding the issue of marriage with a person under the age of 16, as well as the sanctions for perpetrators of such criminal offense. At the same time, the relevant law enforcement agencies, as well as the Ministry of Security of BiH - Department for Combating Trafficking in Human Beings were notified. Taking regular activities in cooperation with appointed representatives of the competent institutions of the Regional Monitoring Team, the girl was found on the street (Una-Sana Canton) as she was involved in economic exploitation for the purpose of begging. By reaction of the locally competent Centre for Social Work, the Ministry of Internal Affairs of Una Sana Canton, the Ministry of Security of BiH and the Ministry of Human Rights and Refugees of BiH, the girl was immediately placed in the safe house and the bridegroom and other members of his family were arrested. After leaving the safe house, the girl was adequately taken care of in an alternative form of accommodation and the case of criminal offense of sexual intercourse with a minor child was being heard against the bridegroom (the Prosecutor's Office of Una Sana Canton). The the Prosecutor's Office of Tuzla Canton filed an indictment against the mother for the criminal offense of neglect or abuse of a child or juvenile (Article 219 (1) Criminal law of BiH). The indictment was confirmed on the 7th August 2014⁹. The Municipal Court of Tuzla in the trial against the mother reached a verdict that she had neglected its duty to care for and bring up a minor girl, although she had been aware that it violated her parental and legal obligation to fulfill the stated duties. Thus, she as a parent, for the self-seeking reasons, forced the minor girl, i.e. enabled her to get into the common-law marriage with an adult. Duration of the sentence - we quote: "The defendant is sentenced to 6 months of imprisonment and at the same time the sentence will not be executed if the defendant does not commit a new criminal offense within the period of two years after the absolute sentence". Procedure against the perpetrator, i.e. the adult male who contracted the marriage with the mother of the underage girl is suspended due to lack of evidence.

Case study: Forced marriage, inconsistency of the system

⁹ In the case where financial transaction has been recorded, identified exploitation (labour/sexual) and even transport of the victim should be treated as the criminal offense of the trafficking in human beings. Unfortunately, so many times our legislation neglects the obvious cases of the trafficking in human beings and thus contributes to further victimization of the human trafficking victims.

Interaction of competent institutions and non-governmental organizations

Referral system for trafficking in humans and interaction with the competent institutions and organizations

Professionals from the competent institutions and organizations within their daily activities can get information or make contact with a potential victim of the trafficking in humans, a child or an adult. In such situations, if there is a reasonable suspicion that someone is a victim of the trafficking in human beings, steps are taken in accordance with the valid legal regulations and these steps are applied in practice under the name Intervention (Hunceck et al., 2010).

In view of the above and with the aim of providing urgent and efficient assistance to the victim, the professionals take the following interventions:

Intervention I:	Contact of the competent institutions
Intervention II:	Planning and organizing care and accommodation
Intervention III:	Transport
Intervention IV:	Accommodation
Intervention V:	Cooperation with competent institutions during care
Intervention VI:	Rehabilitation
Intervention VII:	Repatriation
Intervention VIII:	Resocialization

When it comes to juveniles, if there is a suspicion that the victim is a human trafficking victim, the child will be treated as a victim until the opposite is proven. In the case of a suspected child victim, it is extremely important to bear in mind the fact that "consent of the child victim to the intended exploitation is irrelevant", because it is a child who itself is not able to make such and similar decisions.

If it is an adult person, it is necessary for the person to identify himself/herself, i.e. to explain the type of exploitation he/she was exposed to for a certain period of time in order to obtain the status of the victim. For instance, if it is an adult, the adult, during a professional interview with some of professionals from the competent institutions, declares that someone restricts his/her freedom of movement, keeps him/her against the will, retains his/her personal identification documents, forces him/her against his/her will to work, beg, provide sexual services, deprives him/her of the right to earnings or any other act, the obligation of the professional is to categorize him/her as a potential victim of the trafficking in human beings and take action to protect and care for that person.

Identifying potential victims is a continuous process that occurs by the nature of the crime of trafficking in human beings at any time of day and night, 24 hours a day. Since the involvement of a social worker is needed when identifying and treating most cases, it is of

the utmost importance that the employees of the Social Work Centre, in particular the members of the team, formed within the Social Work Centre for treatment in such cases, are available and willing to work with potential victims of the trafficking in human beings 24 hours a day. (Hunceck et al., 2010)

All these interventions are preceded by activities to detect, i.e. identify victims of the trafficking in human beings. It is a very complex process and it is important to pay particular attention to the first steps taken by the competent institutions and organizations. In accordance with all mentioned laws and competences of the institutions, any institution or non-governmental organization or international organization may come into the first contact with the potential victim and the activities being undertaken, irrespective of whether the victim is a child/underage or adult person, are the same. In the case of children, upon suspicion and identification, they immediately contact the relevant Social Work Centre in order to take the following activities:

- detection/identification of a potential victim of the trafficking in humans
- conversation with victim/the initial conversation
- conversation with child victim
- case assessment
- reporting

Given the complexity of treatment of the competent institutions of this issue and in particular in direct assistance to victims of the trafficking in humans, the way of intervention can be presented in the following way:

Proceedings of the competent institutions per assistance interventions to the victims:

	Detection	Conversation	Case assessment	Reporting	Collaboration during detection	Care	Transport	Accommodation	Collaboration during care	Rehabilitation	Repatriation	Resocialization
Ministry of Security	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	
Ministry of Human Rights and Refugees	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	
Ministry of Civil Affairs	✓			✓						✓	✓	✓
Ministry of Justice	✓				✓						✓	
Competent prosecution authorities	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Competent law enforcement agencies	✓	✓	✓	✓	✓	✓	✓	✓	✓			
Competent ministries in the social protection field Centres for social affairs	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Competent institutions in the educational field	✓			✓								✓
Competent institutions in the health field	✓	✓	✓	✓	✓					✓		✓
Administration for Inspection Affairs	✓			✓							✓	
Non-governmental organizations	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Development of multi-disciplinary cooperation model of supporting human trafficking victims in BIH

Bosnia and Herzegovina, seeking to fulfill the obligations deriving from the international documents signed by it, makes significant efforts to systematize direct assistance to victims of the trafficking in human beings, i.e. to clearly define the steps in dealing with the victim of the trafficking in humans. Significantly, through a variety of manuals, guidelines and guides, a system that works very well has been established since the moment when the victim was identified, through interventions provided by the social work centres to accommodation in a safe house.

When defining the priorities on which the victim assistance plan is based, it is necessary to assess effectively the degree of presence of a particular problem, the importance of difficulties by the length of their duration, the area of functioning of the person concerned and the degree of impact of the problem on the victim itself, as well as on its environment. Given that the entire process of assistance includes representatives of various competent institutions as actors in realization of the assistance plan, and who play an important role in the victim's life, it is necessary to obtain an image of the victim's problem from the perspective of various people who know him/her, from different contexts and situations in which the victim lives. In this way, it is possible to compare images obtained by others with the victim's self-image, which will also indicate the fields of action in the assistance plan. Due to the above mentioned, it is necessary to identify the responsibilities and activities of all competent institutions involved in the referral mechanism, which can be most adequately presented on the basis of interventions undertaken by the competent institutions that are reflected in: detection/identification of potential victims of the trafficking in human beings, interviews/conversations, case assessment, contacting competent institutions, planning and organizing the care and accommodation, transportation of victims of the trafficking in human beings, as well as other previously recognized interventions that are being carried out.

Identifying victims of the trafficking in human beings is a process that requires time and expertise of all representatives of the competent institutions and it is not possible to identify potential victims of the trafficking in human beings in a short period of time. However, every representative of the competent institution who, during the course of carrying out his/her regular activities, doubts that he or she may be a potential victim, may observe and evaluate the circumstances justifying the fear of being a victim of the trafficking in human beings and intervene in order to remove that person from the situation in which he/she suffers from adverse consequences and refer him/her to the institutions and organizations for receiving assistance and protection. Indicators referring to the trafficking in human beings can be recognized at any stage of the human trafficking process. It is important to note that it is possible to identify the victim of the trafficking in human beings even before the exploitation of that person occurs if there is evidence of trafficker's intention to exploit the person.

In the case of minors, it is necessary to prove only two constituent elements of the offense: actions and purpose (graphically shown in the patterns of criminal offense of the trafficking in human beings figure 3 and 4).

The indicators refer to "actions", "means" and "purpose" and circumstances and information that can indicate the existence of the trafficking in human beings and can help identify the victims of the human trafficking are listed for each element of the act 10. Accordingly, every natural person subjected to the trafficking in human beings, as defined in the criminal codes of BiH, is a victim. Every juvenile who has been subjected to any "act" and any "purpose" from the definitions of the trafficking in human beings contained in the criminal codes is considered a victim and it is not necessary to disclose any signs indicating the use of means of abuse and coercion. In other words, there is no need to prove the "means", it is enough to prove the "actions" and "the purpose of exploitation" to determine the existence of acts of the trafficking in juveniles.

Identifying the victims is a process that requires multidisciplinary cooperation, coordination and time necessary to identify and evaluate the various circumstances under which certain person can be considered a victim of the trafficking in human beings.

There is no need to have evidence for all indicators to suspect that it is a victim of the trafficking in human beings or to initiate the mechanism of referring the victim to the institution and organization that will provide the victim with assistance and protection. Not all signs are needed to consider a certain situation as the trafficking in human beings.

Only one indicator may be sufficient to suspect that it is the trafficking in human beings/ exploitation/risk of damage and it is necessary to refer the person immediately to the appropriate institutions according to that indicator.

Also, despite the existence of one or more indicators, a person does not have to be a victim of the trafficking in human beings. Officers on the first line of work should always bear in mind the possibility that any information that is not currently available can significantly change the picture that they are currently seeing, pointing to the situation of the trafficking in human beings and the risk of harm to the person. In addition, the victims are very often reluctant to tell the truth because of the reasonable fear of retaliation by traffickers, distrust of the authorities, fear of deportation, but also due to forgetfulness that is a trauma symptom etc. This means that each case is special and it is necessary to appreciate the circumstances in each case separately. When it comes to the juveniles, it is especially important to keep all this in mind. (Sorrentino 2017).

Given all the above, it is indicative that all competent institutions that make up the referral mechanism, in accordance with their competencies, undertake activities in the field of detection, i.e. identification of potential victims of the trafficking in human beings. Work of the competent institutions in the referral mechanism is particularly elaborated in the part that indicates the interventions and procedures that those institutions are obliged to apply in cases of the trafficking in human beings, which is elaborated in detail in the integral text of this research.

10 Short guide and indicators for identification of the trafficking in human beings in Bosnia and Herzegovina, L. Sorrentino, ICMPD

Indicators of successfulness of assistance to human trafficking victims

The Assistance Plan must have clearly defined objectives, activities, key areas of change and key issues for their most effective implementation. It is also necessary to define change indicators, as well as data collection means, i.e. of information.

Indicators are quantitative and qualitative determinants that provide a simple and reliable basis for assessing achievements, changes or performance. They are the means of analyzing and monitoring the characteristics of work, services and processes, as well as their implementation. In addition, they can be used to measure, monitor, evaluate and improve the outcome.

As each individual plan is personalized and adapted to each victim, so the success indicators should also be personalized. For example, when in the plan for the victim, who has problems in controlling emotions and responding to stressful situations, we have anticipated activities aimed at reintegration, they can be realized through the group work, individual counseling, free activities or family therapy activities.

In this case, the key areas of change and key issues can relate to the field of socially acceptable behavior, i.e. development and adoption of successful communication models, improved problem solving and improved self-respect.

In that case, the indicators we monitor may be the regularity of arrivals and the quality of participation in structured and unstructured activities (quality of participation in free activities), change in the number of incidents within the victim's control, self-confidence in expressing own attitudes (taking initiatives, feeling self-respect at the beginning of the plan implementation and after a certain period of time). The means of collecting information and data sources may be the same: list of arrivals (monthly reports, daily observations, minutes, etc.), form for individual monitoring, individual monitoring, etc. (Rizvo et al., 2015).

Monitoring of the process and outcome of (re)integration

Competent institutions and authorized organizations that make up the referral mechanism (regional monitoring teams) are obliged to exchange all available information on identified and/or potential victims and witnesses of victims for the purposes of assistance and protection, collecting statistical data, producing relevant reports and information and other relevant needs important for solving the human trafficking cases.

Information exchange forms the basis for developing functional links among the involved institutions, all with a view to developing and implementing appropriate programmes for protection and referral of victims and witnesses of victims of the trafficking in human

beings ¹¹.

Given that RMTs include institutions and organizations that may have the knowledge or reason for suspicion of potential victims or witnesses of victims of the trafficking in human beings or they have already been identified, information and experience on how to handle such cases is exchanged depending on the situation. This information is exchanged solely for the purpose of drawing up a programme of protection and referral of victims and witnesses of victims of the trafficking in human beings (operational activities within the jurisdiction of prosecution and police are not mentioned here).

The primary goal of establishment of the RMT is to develop a system of functional links among the competent institutions and personal connections of individuals involved in the regional team. Functional links among the competent institutions are reflected in defining the standard procedures, type and content of information exchanged and the way these activities are implemented.

¹¹ Rules on protection of victims and witnesses of victims of the trafficking in human beings citizens of Bosnia and Herzegovina (Official Gazette of BiH, No. 66/07), Article 5. (Rules of exchange)

Conclusion

In detecting cases of the trafficking in human beings, especially children, it is very important to provide accommodation, safety and support to the victim, to work with the victim in terms of appropriate therapies and to get prepared for continuing the process and reintegrating into normal social flows. It is very important to bear in mind that the criminal coverage of forced marriages as a form of the trafficking in human beings created the pre-conditions for full involvement of the services and organizations providing assistance and support to victims of the trafficking in human beings.

It is necessary to continually improve the awareness and knowledge of this phenomenon, because this phenomenon is a good introduction to the trafficking in human beings or different forms of exploitation. In this regard, special attention should be paid to identifying and supporting all children affected by migration (migrant children, asylum seekers, internally displaced persons, nomads, returnees from readmission processes, children victims of trafficking, etc.) as a particularly vulnerable group.

Nevertheless, the trafficking in human beings in BiH has obviously not been eradicated, but has only changed the methods of execution. Since 2004, the trafficking in human beings has retreated into thoroughly disguised activity. *Sexual exploitation* takes place in motels, private houses and flats, victims are taken abroad for the same purpose or victims are forced to work or some other forms of exploitation. With regard to *labour exploitation*, one of the new forms is certainly the exploitation of BiH citizens, men on construction sites abroad. The most prominent and most visible problem is *begging*, which is a direct consequence of the complex economic and social situation in the country and exclusion of certain groups of population. Organized and forcible begging of children is a complex pattern of behavior that keeps children, victims of the trafficking in human beings, in the exploitation circles, they are forced to beg for the account of their families or criminal groups. Some referent and official reports point to the extent and possible ways of treating it (Human Rights Ombudsman, 2010). In the past, the problem of children living and begging on the streets was not recognized as the trafficking in human beings. Because of this, any serious intervention by the competent authorities and services was lacking although sporadic reports, articles and comments about children and their day-to-day work on the streets could be noted.

Reports from the BiH Ministry of Security of BiH and the State Coordinator for Combating Trafficking in Human Beings for the period 2013 - 2017, which were analyzed in this research, indicate that the presence of indicators stating that organized crime is a prevalent form of trafficking for the purpose of labour exploitation in BiH has not been established. Available information on this issue indicate that individuals are the most common perpetrators of the trafficking in human beings for the purpose of labour exploitation and that the primary objective of such activities is to obtain financial gains for traffickers. Such cases

usually include BiH citizens, but also the individuals from countries in the region, sporadically. The judicial practice of prosecuting criminal offenses of the trafficking in human beings for the purpose of labour exploitation is very modest, with an insignificant number of cases, mainly due to the issue of qualification of offenses and gray zones, present in these cases, which are taken into consideration in deciding whether it is the case of the trafficking in human beings for the purpose of labour exploitation or it is simply the case of bad working conditions and underpaid labour, which are, in the end, some of the offenses from the gender legal field.

The most significant features of the previously registered cases were: use of vulnerability of the victim and his/her health situation, stay with tourist visa and illegal work during such a stay, lower salary than previously agreed, suspension of payment, long working hours, restriction of freedom of movement, absence of adequate medical care and assistance after possible accidents at work, involvement of private agencies for employment mediation, seizure of travel documents, illegal stay abroad, indebtedness as a method of control, use of interest to increase debt, punishment for violation of rules and even punishment of behaviour after working hours, charging unrealistically increased costs for accommodation, food, transportation and the like. It is a very indicative fact that many victims of this kind of the trafficking in humans, in spite of their very difficult position, prefer to remain in their situation rather than return home empty-handed. Lots of those who come home are desperate and try to go abroad again and look for work.

Activities to counter the trafficking in human beings in the country, including work of the police focused on this issue, investigations, accusations and trials, along with the legal reform, have brought about several changes in forms of the human trafficking, but there is still a lot to be done. At the same time, the results of various published surveys, analyses, statistical data and statements about status and trend of the trafficking in human beings in BiH point to the facts identified during investigation of the referral mechanism for assistance and support to victims of the trafficking in human beings.

By carrying out the activities related to this research, the largest number of representatives of the competent institutions pointed to the usefulness and need for joint action of the representatives in the referral mechanism, although there is a constant need to improve all activities related to the assistance and protection of victims of the trafficking in human beings. The ongoing improvement needs relate to the improvement of knowledge and capacity that are part of the referral system, but more specifically the recommendations and needs are reflected in the awareness and education of civil servants in public institutions. The afore-mentioned is reflected in the quality, efficiency and effectiveness of the implementation of procedures in the best interest of the victim, since the professionals who do not have the knowledge cannot be adequately involved in assistance to the victims, they cannot provide quality services and they cannot influence the prevention of this problem either.

The biggest problem, which is at the same time a challenge for better acting, is the complex administrative and political system and insufficient material resources that the state does not provide for solving this problem, although there are capacities and conditions for that.

In preparing this analysis, data, findings, recommendations and reports of the relevant institutions and relevant non-governmental organizations were used relating to the prevention, protection and assistance of victims of the trafficking in human beings, especially the child victims of the human trafficking. Analysis of the action plans for combating trafficking in human beings, reports on the situation and trend in the trafficking in human beings in Bosnia and Herzegovina, a series of guidelines and instructions for dealing with potential and/or identified victims of the human trafficking, prepared and coordinated in accordance with the competences of the Ministry of Security of BiH and State Coordinator, revealed numerous advantages and disadvantages of the referral mechanism for treatment of the victims. It is evident that the competent institutions and authorized/relevant organizations work in the best interest of victims of the human trafficking, especially the child victims, and invest maximum efforts to ensure adequate accommodation and all the necessary activities (interventions) during the accommodation, which is a positive experience of cooperation. However, many reports and analyses indicate that the long-term monitoring and assistance during interventions related to rehabilitation, re-socialization and reintegration must be ensured to the human trafficking victims, regardless of whether they are potential and/or identified victims.

One of the results of this research reflects in provision of the financial resources for adequate assistance to victims of the trafficking in human beings, as the practice over the past period has shown that the largest number of assisted potential and/or identified victims of the trafficking in human beings were not "visible" in the system after leaving the accommodation capacities. They are invisible especially in the segment of inadequate procedures performed by the representatives of executive and legislative authorities, since even after so many years of work, initiatives sent and proposals for improvement of the legislative framework have not resulted in adoption of the legal solutions for improvement of the situation and assistance to victims of the trafficking in human beings.

Recommendations

Bosnia and Herzegovina has become in the previous period the country of origin for victims, women and girls, but also for men and boys who were recruited for the purpose of sexual exploitation, labour exploitation, beggary and other forms of the human trafficking, but at the same time, it is the country of transit and destination. Apart from the efforts of the competent institutions and improvement of the activities that are being carried out, we are faced with the increase of domestic victims of the trafficking in human beings for the purpose of sexual and labor exploitation as well as increasingly frequent exploitation of children for the purpose of begging and some new forms.

In order to improve the multidisciplinary approach of the competent institutions and organizations in identifying and assisting the trafficking victims, especially children, it is necessary to identify all the necessary resources to raise awareness of this issue. There is no ideal system of human trafficking prevention, given that the form and module of the trafficking in human beings are rapidly changing, both in Bosnia and Herzegovina and globally. The speed of action and response of the competent levels of authorities in BiH and cooperation with the non-governmental sector are constant challenge. Improvement of the system is possible if an effective human trafficking prevention system is established. The prospect of multidisciplinary and institutional action can be improved through implementation of activities recommended by international and field reports.

Non-governmental sector and civil society as a whole are a very important actor in all stages of the process of action on prevention and control of the trafficking in human beings. Caritas of Bosnia and Herzegovina has its place in that process, conducting preventative activities, providing assistance in re-socialization, advocating for victims' rights and economic empowerment which is, beside networking, a very important part of the whole process. This research shows that Caritas of Bosnia and Herzegovina has contributed to the combat against the trafficking in human beings, both through the activities conducted in BIH and networking in BIH and abroad. The power of the international Caritas network enables faster circulation of information, greater connectivity of all Caritas members and better protection of people exposed to this crime.

The recommendations of this research are the following ones:

- Caritas should continue to engage in prevention, advocacy, resocialization, empowerment and networking programmes. New areas of work can be opened if the interest of Caritas or the need of the Ministry of Security of BiH, Department for Combating Trafficking in Human Beings are shown.

- Caritas, in accordance with the existing Memorandum of Cooperation with the Office of the State Coordinator for Combating Trafficking in Human Beings and Illegal Migration, should continue the good practice of exchange of information, joint implementation of activities and planning. It is recommended to update the Memorandum of Cooperation for the next period.
- Caritas should continue its work in the referral mechanism as an active member of the regional monitoring teams because its actions contribute to better understanding and observation of the procedures. Caritas also enriches them by its advice.
- Preventive activities carried out by Caritas in the wider community, sensitizing, work with children and young people, work with teachers and teachers of religion and work in parish communities contribute to the dissemination of information on the problem of trafficking in human beings and possibilities of protection of the individuals and community.
- Advocacy for more quality laws, rights of the disfranchised is a very important role Caritas can carry out. In this way, Caritas acts correctively towards the state, entity and cantonal institutions that are competent for these activities.
- Applying all relevant protection principles and the code of ethics, Caritas should continue to mediate for victims who are in the phase of reorganization, rehabilitation and resocialization in accordance with its capabilities and capacities.
- Caritas' important role can be in networking, exchange of experience, education, planning and innovative approach to the problem of the trafficking in human beings and especially trafficking in children in Bosnia and Herzegovina with all relevant actors. An important part of these activities is conduction of campaigns and research.
- Through regional, European and international networks, Caritas can contribute to the promotion of important processes in BiH in this field.
- Through its network of employees and volunteers, Caritas can expand information on the trafficking in human beings problem so that all people are trained in the oncoming period to recognize potential victims of the trafficking in human beings, especially those working within programmes in counseling centers, reception offices, social services, migration centers, etc .