GUIDELINES FOR WORK OF REGIONAL MONITORING TEAMS FOR COMBATTING TRAFFICKING IN HUMAN BEINGS IN BOSNIA AND HERZEGOVINA
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INTRODUCTION

Trafficking in human beings is a form of organized crime which enables criminal groups to gain huge amounts of illegal profit. Trafficking in human beings is typical of post-conflict countries and countries in transition where the presence of all economic and social factors that enhance its existence is evident. Some of the most relevant are: poverty, unemployment, lack of opportunities, sex discrimination, high rate of violence, loss of system of values, lack of adequate legal framework and underdeveloped society’s institutions. Additional weight to the trafficking in human beings as a modern form of slavery gives victims’ long-term exposure to exploitation, violence, inhumane and degrading treatment. Frequent consequences of their experience are harsh psychological and physical harm, even death. Therefore, not only that the trafficking in human beings is one of the worst crimes of modern times, it is also a severe violation of human rights and fundamental freedoms and violation of basic principles set by international documents in the domain of human rights and freedoms.

Results of researches and analysis of regularly collected statistical data and reports generated by international organizations and governments of some countries that actively monitor trafficking in human beings clearly show that Bosnia and Herzegovina is affected by trafficking in human beings as a country of origin, transit and destination for women and girls that are trafficked in the first place for sexual exploitation.

Trafficking cases usually are of transnational character. Bosnia and Herzegovina is primarily country of transit or destination for victims who typically come from East European countries and neighbouring countries. However, in the last few years a new trend appeared in Bosnia and Herzegovina - trafficking of women and girls who are recruited for trafficking chains within Bosnia and Herzegovina mainly to be sexually exploited. While the number of identified foreign victims is constantly decreasing, the number of Bosnia and Herzegovina female citizens identified as victims of trafficking inside Bosnia and Herzegovina is constantly increasing. Particularly aggravating factor is the high percentage of children, i.e. persons under 18 years of age, of the total number of identified potential victims of trafficking.

New trends of trafficking in human beings in Bosnia and Herzegovina are related to trafficking in humans for purposes of labour exploitation in its numerous forms – from exploitation in agricultural works and in industry, to taking advantage and abuse of children and persons affected by difficulties in development, disability and/or invalidity for organised begging, criminal undertakings, or commitments in arranged marriages.

The newest trends are associated with trends of the mass migration and migrant smuggling chains across territory of Bosnia and Herzegovina, especially when it comes to vulnerable groups in migrations, such as unaccompanied minors.

With the increase of the number of Bosnia and Herzegovina female citizens trafficked within Bosnia and Herzegovina, the law enforcement agencies and prosecutor’s offices are facing new challenges in the domain of identification and investigation of crimes related to trafficking in human beings. These developments are in the first place caused by trafficking that is taking a much more conspicuous form, at private and clandestine locations, run by smaller and more organized criminal groups. Also, in the recent years have been registered cases of trafficking for the purpose of forced labour, organized soliciting and arranged marriages. This trend is caused by the poverty in country; especially amongst vulnerable categories of population. The number of children that are forced to work out in the streets is steadily increasing, and one of the causes is the lack of efficient mechanism for protection and assistance to victims of trafficking.
This situation sets new challenges for governmental and non-governmental institutions and organisations competent for providing assistance and protection to victims of trafficking and victim-witnesses of trafficking. Assistance and protection of victims of trafficking has become a much more demanding, sensitive and longer process that requires adequate legal framework, developed capacities of governmental and non-governmental institutions and organisations, sufficient financial means and particularly, a functional system of cooperation and coordination of activities and high level of mutual trust.

Taking into consideration such course of the situation development, the BIH Council of Ministers on regular bases adopts Action plans to combat human trafficking in Bosnia and Herzegovina.

Council of Ministers of Bosnia and Herzegovina, bearing in mind these developments, has adopted the Action Plan for Prevention of Trafficking in Human Beings in Bosnia and Herzegovina for period 2008-2012. To include all structures and levels of government and civil society in Bosnia and Herzegovina, a task that requires a high and specific level of coordination and cooperation between all actors in the process, the Action Plan had to be based on the following principles: Human Rights Principle, Participation and Responsibility of Authorities, Inter-Disciplinary and Multi-Sector Approach, Principle of Non-Discrimination, Inclusion of Wide Civil Sector, Principle of Sustainability and International and Regional Cooperation.

The Action Plan, within Goal 1 and the supporting measures, has set the basic activities whose implementation is necessary to ensure adequate level of protection for victims and victim-witnesses of trafficking in Bosnia and Herzegovina, especially the improvement of system for gathering and exchange of information required for adequate implementation of Action Plan.

Operational Plan for Implementation of Action Plan, within Goal 1 (Institutional Coordination), defines obligation to: "improve coordination of activities of competent institutions at state, entity, cantonal and Brčko District level and coordination with non-governmental organisations and international organisations". For implementation of this obligation within Measure 2 has been set the obligation to: "establish regional working groups for the purpose of coordination, monitoring and implementation of activities on prevention of trafficking in human beings at local level".

Having in mind the competencies and roles of institutions at all levels of governing in Bosnia and Herzegovina and non-governmental organisation involved in the combating trafficking in human beings and aiming at further development of institutional capacities for implementation of legal framework and providing adequate assistance and protection to victims of trafficking, in accordance to Article 22 of the Book of Rules on Protection of Domestic Victims and Victim-Witnesses, four regional monitoring teams have been established: Sarajevo, Mostar, Banja Luka and Tuzla. Basic task of these teams is to, in accordance to individual needs of every victim, create protection and referral programs for victims and victim-witnesses and provide any necessary assistance and protection to victims through efficient implementation of individual programs for recovery of victims of trafficking. During their activities, Regional Monitoring Teams take action in accordance to principles and common standards related to identification procedure, organising assistance and protection, primary and secondary prevention and other activities related to protection and assistance to victim and victim-witnesses of trafficking in Bosnia and Herzegovina set by the Book of Rules on Protection of Domestic Victims and Victim-Witnesses and the Book of Rules on Protection of Foreign Victims and Victim-Witnesses.

Guidelines for Work of Regional Monitoring Teams for Combatting Trafficking in Human Beings have been created to facilitate the work of professionals - members of monitoring teams and enhance their cooperation. The Guidelines were created by the Ministry of Security and Ministry of Human Rights and Refugees in consultations with the representatives of governmental institutions and non-governmental organisations involved in suppression of trafficking in human beings in Bosnia and Herzegovina.

Content of the Guidelines is based on: international legal documents signed and ratified by Bosnia and Herzegovina and which govern the protection of fundamental human rights and freedoms and the specific field of trafficking in human beings, the current legislation of Bosnia and Herzegovina (criminal, family, social and health care, stay and movement of aliens and asylum) and other bylaws governing the matter.
Guidelines for Development of Transnational Referral Mechanisms for Victims of Trafficking in South-East Europe (TRM Guidelines) developed within the Support Program for Development of Transnational Referral Mechanisms for Victims of Trafficking in South-East Europe implemented by the International Centre for Migration Policy Development (ICMPD) and the best practices acquired through past experiences and work on projects for providing adequate assistance and protection to victims of trafficking in Bosnia and Herzegovina were used for creation of Guidelines.

Guidelines for Regional Monitoring Team are composed of two parts.

The first part contains general guidelines for work of teams regarding activities on suppression and combating trafficking in human beings in Bosnia and Herzegovina and monitoring of application of international standards for protection of human rights of victims and victim-witnesses of trafficking. This part provides detailed description of the purpose of regional monitoring teams, form and contents of their functional coordination.

The second part of guidelines includes special instructions for governmental institutions and non-governmental organisations that are involved in the work of monitoring teams. This part of Guidelines is related to obligations and methods of work applicable in the following segments of procedures for dealing with victims of trafficking in human beings:

- process of identification of victims of trafficking in human beings,
- process of reporting a criminal offence and perpetrator,
- referral procedure and providing assistance to victims of trafficking,
- activities related to establishing a system for financing programmes for rehabilitation of victims of trafficking,
- activities related to establishing a system for emergency financing of programmes for reintegration of domestic victims of trafficking,
- enhancement and formal defining of functional links, establishing a system for exchange of crucial data,
- obligation to create the necessary forms and defining methods of exchange of needed information between law enforcement agencies, other institutions at all levels of governing and non-governmental organisations that provide direct support to victims and victim-witnesses of trafficking.

Guidelines for work of Regional Monitoring Teams For Combatting Trafficking in Human Beings in Bosnia and Herzegovina are one of the methods through which the competent Ministries provide professional, administrative and technical assistance to participants in the implementation of Action Plan for Combatting Trafficking in Human Beings and institutions and organisation involved in activities on suppression of trafficking in human beings. The Guidelines will definitely strengthen the joint efforts and improve the capacities for efficient implementation of the legal framework for assistance and protection of victims and victim-witnesses of trafficking and by doing so achieve the ultimate goal: secure the timely, comprehensive and effective assistance and protection to all victims of trafficking in human beings in Bosnia and Herzegovina.
ABBREVIATIONS:

<table>
<thead>
<tr>
<th>Organization</th>
<th>Abbreviation</th>
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<tr>
<td>Bosnia and Herzegovina</td>
<td>BiH</td>
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<tr>
<td>Ministry of Security</td>
<td>MOS</td>
</tr>
<tr>
<td>Ministry of Human Rights and Refugees</td>
<td>MHRR</td>
</tr>
<tr>
<td>State Investigation and Protection Agency</td>
<td>SIPA</td>
</tr>
<tr>
<td>Border Police</td>
<td>BP</td>
</tr>
<tr>
<td>Service for Foreigner’s Affairs</td>
<td>SFA</td>
</tr>
<tr>
<td>Ministry of Foreign Affairs</td>
<td>MFA</td>
</tr>
<tr>
<td>Federal Ministry of Internal Affairs</td>
<td>F MOI</td>
</tr>
<tr>
<td>Cantonal Ministry of Internal Affairs</td>
<td>C MOI</td>
</tr>
<tr>
<td>Ministry of Internal Affairs of RS</td>
<td>RS MOI</td>
</tr>
<tr>
<td>Public Security Centre</td>
<td>PSC</td>
</tr>
<tr>
<td>Brčko District Police</td>
<td>BDP</td>
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<tr>
<td>Centre for Social Work</td>
<td>CSW</td>
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<tr>
<td>Non-government organisation</td>
<td>NGO</td>
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<tr>
<td>International Organisation for Migrations</td>
<td>IOM</td>
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<tr>
<td>South-East Europe</td>
<td>SEE</td>
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LIST OF TERMS

**Migration** (Latin: *migratio, migrare* - wandering, movement, moving) implies consent to leave the country of origin and move to another country. Migration is voluntary and does not imply fraud, coercion, exploitation and violence. Migration involves physical movement through space between two points; the distance is of relevance here, including time or duration of stay in another country, residence i.e. living, activities and its consequences.

**Trafficking in human beings** indicates the recruitment, transportation, transfer, harbouring or receipt of persons, by 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. Exploitation includes, in particular, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. The term trafficking in human beings also includes criminal offences proscribed by the Criminal Code of Bosnia and Herzegovina: slavery and transport of enslaved persons, international recruitment for prostitution and unlawful withholding of identification documents. It also includes criminal offences of trafficking in human beings prescribed by criminal codes of Entities and Brčko District of Bosnia and Herzegovina for the purpose of prostitution, abuse of children for pornography, production and showing of child pornography, enticement to prostitution and showing pornography to a child.

**Smuggling** is the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state of which the person is not a national or a permanent resident. Smuggling implies illegal entry, which is a crime against the state but not a crime against the person since there is consent of that person to migrate in such a manner.
**Prostitution** is practice of voluntary involvement in sexual activities, usually with persons who are not a spouse or friend, for direct payment in cash or other valuables. Prostitution can be voluntary if such is the personal choice of a strictly adult person, proviso that there is no organised activity of several persons (e.g. pimp and one or more prostituting persons).

**Victim** is a person who is subject to the crime of trafficking in human beings in the sense of definition of trafficking of human beings.

**Minor/child** is a person younger than 18 years of age.

**Victim-Witness** is a witness whose personal safety or safety of his/her family is endangered because of threats, intimidation or similar acts in relation to his/her participation in the criminal proceedings and testimony. (Witness may be the victim of trafficking and victim-witness of trafficking at the same time.)

**Competent institutions** are all state, entity, cantonal and municipal bodies and institutions in Bosnia and Herzegovina who have legal power to coordinate or implement activities on prevention and suppression of trafficking in human beings, i.e. competent to provide assistance and protection. Bodies and institutions are: State Coordinator for Combatting Trafficking in Human Beings and Illegal Immigration in the BiH, Ministry of Security of BiH, State Investigation and Protection Agency of BiH, Interpol of BiH, Border Police of BiH, Service for Foreigner’s Affairs, Prosecutor’s office and Court of BiH, Ministry of Human Rights and Refugees, Agency for Gender Equality of BiH, Ministry of Civil Affairs of BiH, Ministry of Justice of BiH, Ministry of Foreign Affairs, entity, cantonal and municipal institutions and organisations including the competent departments of Brčko District of Bosnia and Herzegovina for internal affairs, social, family and health care, science and education, displaced persons and refugees, gender centres, courts and prosecutor’s offices (hereinafter: competent institutions in the BiH).

**Authorised organisations** are registered societies or foundations (non-governmental organisations) that have the capacity to provide protection and assistance to victims and victim-witnesses i.e. organisations who have signed protocols on cooperation in activities related to combatting trafficking in human beings with competent institutions in the BiH.

**Discrimination** is making difference or treating differently, i.e. omission (exclusion, limiting or giving advantage) in relation to persons or groups including members of their families or persons related to them, openly or secretly, based on race, skin colour, national or ethnic background, language, religious or political beliefs, sex, sexual orientation, economic situation, birth, health condition, marital status and other private characteristics.

Discrimination is active action and behaviour based on prejudice or deliberate denial of rights against a social group and/or members of those groups. Criteria for denial may be based on sex/gender, sexual orientation, race, religion, ethnicity, age and similar. Discriminating action favours individuals or groups at the expense other individuals/groups aggravating their lesser position in the society. Norms and rules which are the basis for exclusion of other, most often minority groups, are integrated in the society’s structure and through socialisation reproduced in the system of education, culture, media and sometimes even the political system.

**Exploitation** is *(definition missing in the original, interpreter’s remark)*

**Inequality of sexes** is disparity of men and women before the law, i.e. formal inequality, but also the factual inequality in all spheres of life. Inequality of sexes is a reflection of historical discrimination and systematic subjugation, usually women, in the first place because of their gender-defined role; it is the fundamental, apparent, although not the only source of inequality.

**Prejudice** is usually a negative, although it can be positive attitude towards a group and its members. Since it precedes the experience, it does not change on the basis of contents acquired through new experience. This is about generalisation, i.e. general attitude that leads to exaggerated categorisation of a group and
its members. If the attitude towards the group is open, it is open prejudice, if the attitude is not open but nevertheless influences the behaviour of one group or individual towards others, it is concealed prejudice.

**Stereotype** is generalised attitude towards another but also towards own group. Most often it includes physical and psychological characteristics believed to determine individuals in the first place and subsequently the entire group to which the individual belongs. The stereotypes about own group are most often positive and the negative ones are about other groups although reverse situations are possible.

**Reproductive health.** According to UN definition from 1994, the reproductive health is a state of complete physical, mental and social well-being, and not merely the absence of reproductive disease or infirmity. Reproductive health is linked to the reproductive system, its functions and processes. Protection of reproductive health includes education on sexuality and reproduction, family planning counselling, medical care of reproduction, prevention, diagnostics and treatment of various diseases and disturbances, abortions and prevention of sexual maltreatment and care of victims.

**Sexual violence** is the most common form of gender based violence and includes various types of sexual maltreatment, such as: sexual harassment, forced sexual activity, rape, incest, sexual slavery, prostitution, acts of violence against sexual integrity of women, forced pregnancy, negation of right to use contraception and other forms of undesired sexual behaviour. World Health Organisation defines sexual violence as any sexual act, attempt to a sexual act, unsolicited sexual comment or advances directed against a person and his/her sexuality by another person regardless of the relationship with the victim or situation. It is characterised by the use of force, coercion or blackmail to endanger wellbeing and/or life of the victim or close persons. Besides that, in this type of violence should be included various types of rituals, including rape in war, genital mutilation of women or punishment for gender transgression.

**Sex** includes biological and physiological determinants that characterise individual human being as woman or as a man. In social sciences a sex is defined as social and legal classification of biological determinants which divide persons only to two categories, to male and female sex. At the same time, it is not always possible to determine sex only through the dichotomous line of men and women, as is evident in intersexual individuals (CEDAW, GR 28, MWIA 2002).

**Gender** - The concept of gender is related to socially constructed identities, attributes, and roles of women and men, and social and culturological meaning that is tied to biological differences of women and men, which results in hierarchal setting of men and women, and in unequal distribution of power and rights in which men are favoured and women are the deprived ones. Gender roles and features do not exist separately, but are defined through their interrelationship and through relation between women and man, and/ or girls and boys. Although sex and related biological functions are genetically programmed, gender roles and power relationships that they reflect are a social construct - they differ between cultures and time, and are subject to change (CEDAW GR 28, MWIA 2002).

**Gender equality** - Gender equality implies the equality of women and men, without discrimination on grounds of a sex. Gender equality encompasses equality between women and men, both before the law (formal equality) and de facto (material equality). Accordingly, state measures for the attainment of gender equality must go beyond the framework of equal treatment of women and men before the law. Instead, laws and policies must focus on equal opportunities for women in relation to men, with the ultimate goal of accomplishing equal enjoyment of rights, levels of income, and the participation and decision-making influence, as well as freedom from violence for both women and men. To achieve this requires existence and utilisation of effective strategies aimed at overcoming stereotypes and other root causes of discrimination, with a focus on the redistribution of resources and power between men and women (CEDAW GR 25).

**Sexual discrimination** is any exclusion, limitation or unequal treatment based on sex. It includes any form of behaviour or prejudice aimed at negation of rights because of sex. The term usually refers to discrimination of female sex.
Sexual harassment is any unsolicited sexual behaviour or behaviour conditioned by the sex of person aimed at violation of personal dignity of men and women at work. It is behaviour of one person that causes humiliation and violation of dignity of another person based on sex. Other person experiences such behaviour as unwanted. Sexual harassment does not have to include physical contact; it may be teasing, stalking, telephoning, making bad jokes or invitation to go out with sexual connotations. Both sexes can be sexually harassed but in large majority of cases it is the men who harass women. Sexual harassment is a part of physical, sexual, psychological and economical violence against women, which occurs in the entire society at individual, organised and institutional level.

Women's Human Rights
Rights of women and girls are inseparable, integral and inherent part of universal human rights, including the concept of reproductive rights. Respect of diversity and various forms of social and cultural behaviour and identity must be based on principles of human rights. However, equal importance has the acknowledgement of dignity and values of women as equal human beings.

Reintegration could be defined as posterior renewal or supplement of something that is important to an individual or a social group or of something they lacked which had a decisive influence on the undesired consequence to take place, in our case, the trafficking of victim. Seen like that, reintegration represents a comprehensive process aimed at removing the causes of trafficking in human beings. Causing changes in individual's personality, his family and local community is a crucial precondition for successful reintegration. If the changes take place at only one level, for example personal, but not simultaneously accompanied by changes at other levels, it is more certain that the victim will again be in danger instead of being entirely reintegrated. This is the most important difference between re-socialisation and reintegration. While re-socialisation insists on adequate changes at individual level, reintegration includes necessity for changes at all levels. Reintegration includes processes of rehabilitation, repatriation and re-socialisation.

Rehabilitation represents measures taken for recovery and inclusion of rehabilitated person into daily life flows.

Repatriation is process of return of a foreign victim of trafficking to the country of origin.

Re-socialisation is return of a victim to social community and her/his ability to live a socially harmonised life, to perform social activities in a normal and successful manner. Here it is presumed that either the process of re-socialisation of individual was not successfully completed during period of development and maturing or persons who were successfully socialised came to express inadequate behaviour due to various unfavourable factors. This is why there is need for their posterior re-socialisation.

An Alien/Foreign National is any person who is not a citizen of Bosnia and Herzegovina.

Person without a citizenship / Stateless person is any foreigner national /alien who is “not considered as a national by any state under the operation of its law”.

An asylum-seeker is any foreigner national / an alien whose request for international protection /request for sanctuary has yet to be processed, and the executive decision, in harmony with this law, has yet to be reached.

An asylum, according to this law, encompasses refugee status and status of subsidiary protection.

Temporary protection, according to this law, is an urgent and temporary/short and limited duration/ protection that is given to a foreign national/ an alien who needs international protection in cases of massive displacement and influx of people in the country.

Massive influx means arrival of large number of foreign nationals who have fled from their country of origin/ their home country or country of permanent residence/ and who cannot return safely due to an armed conflict, and/or systematic violation of human rights going on there.
A minor is a foreign national/alien under age of 18;

The unaccompanied minor is a foreign national/alien under age of 18 (a minor) who has entered the BiH, or who, post entering the BiH territory, has no accompaniment of a person who is over the age of 18 (person of age, an adult person) that is responsible for him/her by law or by a power of attorney, until he/she gets placed under the care of such person.

Attestation on Intention to Seek Asylum /submit an asylum request is oral or written statement of will of stateless person to submit an asylum request.

An Asylum request is a request submitted by a foreign person/an alien, which is considered a request for recognition of refugee status or the status of subsidiary protection in the BiH.

Country of origin is the country whose citizenship the foreign national/alien has, or the country in which the stateless person used to have its previous regular residence. If a foreign national/an alien has more than one citizenship, every country whose citizenship the person has shall be considered as the country of origin.

Determined social group is a group of persons who share joint feature (excluding the risk of persecution) or the one that is by their community perceived as a special group. The characteristics and/or the features can often be congenital ones, an immutable ones, or in other way fundamental to human dignity, awareness and/or exercising human rights.

Vulnerable groups means and include persons without/deprived of the legal capacity, children, unaccompanied children, elderly and infirm persons, severely ill persons, persons with disabilities, pregnant women, single parents with juvenile children, persons with mental disorders, and furthermore victims of trafficking, victims of torture, rape or other psychological, physical and sexual violence, such as are the victims of female genital mutilation.

Day-Care Centre for children involved in living and/or working on the streets and children at risk, is a safe place where they are provided with services from the field of primary prevention, early intervention, as well as the protection and the reintegration of children involved in the life and/or work on the street and children at risk, which is by a competent institution accredited for the provision of social services. The purpose of day-care centres is to ensure the fullest possible scope of exercising their rights for this group of children who are exposed to different types of labour and other types of exploitation, abuse and violence. Through various services of the day-care centres, children are empowered to more adequately and effectively deal with the developmental and life challenges by linking all relevant community actors into a unique network of support and assistance to the family system and the child. Day-care centres do not promote the separation of children from their parents, but promote the strengthening of the family and the living of children with and in the family.

Children involved in street life, also street-children, are those children who live, work or stay on streets, where streets represent a home or a central place where they carry out everyday activities. These are children with different characteristics/features, found in different circumstances: children who are homeless people (including children living on the street with their family), children working on streets but sleeping in their homes, children working on markets and open green and/or flea markets, children who have left the family or institution, etc. These children earn their living by selling a variety of goods, providing services (sharing leaflets, washing windshields on vehicles, parking assistance, playing and singing in public places, etc.), collecting secondary raw materials, begging, and by other activities. They can be self-organized into groups, or under a certain control and supervision of the family or other persons. A number of children stay on the street without concrete economic activities, because emotional support they have in the family, school, or community does not meet their needs.
Child labour pertains to labour of persons who are younger than 18. Not every labour is harmful and is not necessarily an exploitation. If a child helps the parents with daily chores and earn his/her pocket money from parents that way, or by working in family-owned business, while the work is performed in child’s free time, providing the work given is adequate for the psychological and physical stage of a child and does not affect child’s socio-emotional development, in such a case we cannot assume it to be child labour exploitation.

Child labour on street can be, depending on type of work and the working conditions given, useful/good or harmful, and in numerous cases can be hazardous for children. Most commonly it denotes participation of children in activities that can further be exchanged for money, goods, service or other type of gain, where the activities are performed at streets or outdoor/open space, with an accompaniment of a parent or other adult person, along with other children, or without an accompaniment.

Useful/good child labour is the labour of a child that does not jeopardize his/her health and personal development and does not interfere with his/her education. Such work includes helping parents in the household, helping in family business, and/or earning a pocket money by working activities done in the time other than the time spent at school, or during a school breaks. When performing work activities, the child, in accordance with his / her age, should be provided with adequate supervision of a parent or other responsible adult. This type of work of children is useful and desirable, for it helps them develop and acquire competences and express their interests, it gives the children the opportunity to develop skills and gain experience, to contribute to their own and the well-being their families, and it increases the visibility and position of children as competent actors in society. According to the law, a child who has reached the age of 15 can enter into and establish a working relationship, while both before and after the given age, he/she can be engaged in other diverse work activities that are not harmful to the health, physical, emotional, social and moral development of the child, and do not interfere with his/her education.

The concept of Forced Child Labour etiologically implies coercion or threat by some form of punishment - the work on which the child did not consent arbitrarily. It should be emphasized that in certain forms of exploitation of children, the existence of voluntary consent does not prevent the determining of the committed criminal offense against the child, which is why that besides the term of forced child labour, the term exploitation of children is more used nowadays.

The harmful child labour is emotionally and socially hazardous work and is harmful to the child, it gets reflected in his/her regular education and prevents the child from being regularly educated, or it forces the child leave the school prematurely, and/or forces the child attend school and study under extremely difficult conditions.

An adequate supervision of child who work on streets pertains to presence of parent or other responsible adult person, in congruence with age of a child (7 to 14 of age) who makes sure that the child is safe, and enables a child to work on streets on spots/places where the child is protected from violence, criminal, and risks related to the traffic, health, and other risks.

The worst forms of child labour include particularly damaging forms of child labour: all forms of slavery or similar activities, commercial sexual exploitation of children, exploitation of children for perpetrating criminal offenses, especially those related to the production and trafficking of drugs, and dangerous child labour.

Dangerous child labour /street work of the child is any work on the street that damages the health, safety or morality of children, as determined by age, type of activity to which the child is involved, and the circumstances in which such activities are performed:

- in relation to the age (any work for children younger than 7 of age; street work without adequate supervision for children under 14 of age; night shift work at street (from 22:00 PM to 06:00AM next day) for children of any age is considered dangerous child labour);
- in relation to the circumstances (any work activity performed under extreme weather conditions (i.e. heavy rains, extreme cold or extreme heat), work performed in inadequate clothing and/or footwear, and work in unsafe environment (busy traffic street, extreme heights and similar));

- in relation to type of work (any given activity that jeopardises safety, health, wellbeing, morality, or education/schooling of children, such as working with hazardous materials (i.e. collecting certain secondary raw materials), begging and any criminal activity that involves children).

Dangerous child labour can, but does not have to, appear simultaneously with other forms of worst child labour (slavery or practices similar to slavery, use of children for commercial sexual exploitation, involvement of children in the distribution of narcotics, etc.).

**Begging** was, in year of 2004, defined by the International Labour Organisation (ILO) as a range of activities whereby an individual asks a stranger for money on the basis of being poor or needing charitable donations for health or religious reasons. Beggars may also sell small items, such as dusters or flowers, in return for money that may have little to do with the value of the item for sale. “Although there is no official and definitive definition to determine the occurrence of begging, the sociological definition of begging that is most often used in the region is that it is “social deviation and social problem, which consists in acquiring material values by asking for it from other persons, irrevocably and without the provision of counter-services.”
1. LEGISLATIVE FRAMEWORK
1.1. International law


In the 1990s, the institutions of the international community acknowledged that existing, old instruments, even though complemented by regional initiatives, do not treat the phenomenon of trafficking in human beings appropriately. In this regard, besides the United Nations Convention Against Transnational Organized Crime, as of December 2000 in Palermo, there is also available a Protocol on the Prevention and Punishment of Trafficking in Persons, Especially Women and Children. This protocol, however, is more focused on combating trafficking than on the protection of its victims. The protection of victims of trafficking in human beings at the universal level has remained unregulated, although there is a clearly recognized need to regulate this issue too.

Thus, Article 3 of the Protocol on the Prevention and Punishment of Trafficking in Persons, Especially Women and Children specifies three core elements that must be present in order to determine trafficking in human beings: a) the action of trafficking (which means the recruitment, transportation, transfer, harbouring or receipt of persons); b) the means and method of trafficking (which includes threat of or use of force or some other form of coercion, abduction, deceit, fraud, abuse of power or position of vulnerability, giving or receiving payment or other benefits in order to obtain consent of a person who has control over another person); and c) the purpose of trafficking which is always exploitation. In the words of the Trafficking Protocol, Article 3 “exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery and/or practices similar to slavery, servitude, or the removal of organs). This definition has become a universal standard in defining trafficking in human beings in national legislations. The main shortcoming of the Protocol is in the fact that although it recognises trafficking in human beings, it offers the victims still rather limited guarantees, which is being deeply utilised by countries in avoiding to additionally recognise certain rights to the victims of human trafficking, especially if those are foreign nationals. The guarantees in regards to the victims consist of state obligation to protect privacy and identity of victims, and to offer victims adequate information on relevant court procedures and proceedings. The Protocol in rather mild language requires states to consider measures for the physical and psychological recovery of victims, including housing, counselling and providing information in language that a victim understands, medical, psychological and economic assistance, employment, education and training. One of the central issues raised in respect to victims of trafficking is whether to allow them remain in a country where they were/are identified as victims. The problem is in countries’ of destination often present standing that the commitment to obligation of granting a permit for stay would be abused as a means of illegal migration. Therefore, the provisions of the Protocol in Article 7 require countries to consider the possibility of the victim being granted a stay, taking into account humanitarian and factors of mercy. The issue of a residence permit is directly related to the return of the victim to her/his country of origin. In its provisions on the return of the victim, the Protocol is much clearer and more explicit, and prescribes the obligation of countries to return victims of trafficking, while the countries of origin or permanent residence in which they should be returned are given an obligation to receive the victims without any unreasonable delay.

In addition to the European Convention on Human Rights, where most of its provisions are applicable to victims of trafficking in human beings, the Council of Europe adopted the 2005 Convention on Action against Trafficking in Human Beings, which comprehensively regulates a number of issues related to the combating trafficking in human beings, protection and assistance to victims and the prevention, while not making the differentiation between cases of cross-border and trafficking within the borders of the state.
The Organization for Co-operation and Security in Europe (the OSCE), and the International Maritime Organization have also developed a number of anti-trafficking measures.

The Council of Europe's Anti-Trafficking Convention aims to prevent human trafficking, protect victims and prosecute traffickers. It covers all forms of trafficking, trans-border and internal, linked or not linked to organized crime, and encompasses for all victims of trafficking and all forms of exploitation. The Convention includes broad measures to promote partnership with civil society and international cooperation. The Convention also places a special emphasis on human rights and the protection of victims. The Convention defines the trafficking as a violation of human rights and an assault against human dignity and integrity, which implies the responsibility of state authorities should they fail take measures to prevent human trafficking, protect victims and if they do not effectively investigate cases of trafficking. The Convention establishes an independent monitoring mechanism to assess how its provisions are implemented in practice. This monitoring mechanism, considered one of the main strengths of the Convention, consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA), and the Member States Committee.

The Convention defines trafficking in human beings as a combination of three elements: the action, the means and methods, and the purpose of trafficking. The action is perpetrated through the recruitment, transportation, transfer, harbouring or receipt of persons. The means and methods used are: threat by or use of force or some other form of coercion, an abduction, a deceit, a fraud, an abuse of power or position of vulnerability, and giving or receiving payment or other benefits in order to obtain consent of a person who has control over another person. The purpose of trafficking is always exploitation. In the words of the Trafficking Protocol, Article 3 - “exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

The question of: “Who are victims of trafficking?” is answered by the Convention in a way that explains that anyone can become a victim of trafficking - women, men and children, people of all ages and social status. People who become victims of trafficking are, for example, forced to provide sexual services, work for little or no money, or will be subject to organ removal. Exploitation often go along with physical and emotional violence and threats to victims and their relatives. According to the Convention, a victim of human trafficking is a person who has been transferred, recruited, harboured or received within the country or outside the country, by means of the threat or use of force or other forms of coercion, for the purpose of exploitation. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings”.

The person’s “consent” to exploitation is irrelevant where any of the means set (coercion, fraud, abuse of someone’s vulnerable position, etc.) have been used. Furthermore, a person will be considered a victim even if exploitation has not yet happened, but if it has been exposed to any one of the actions by means of use of any of the methods.

The Convention requires that victims of trafficking be formally identified so as to prevent them being treated as irregular migrants or criminals. The identification is performed by specially trained professionals (police officers, social workers, labour inspectors, doctors, professionals who provide support, etc.) who work in accordance with approved procedures and identification criteria. Even before the victims are formally identified as such, they are entitled to a minimum of 30 days of recovery and reflection period to escape the influence of traffickers, and to consider cooperating with authorities in the investigation of the criminal offense of trafficking in persons. During this period, victims cannot be expelled from the country and are entitled to help even if their stay in the country is not regular/ lawful. Regardless of whether the victims are willing to cooperate in the investigation and to be witnesses, they are entitled to decent and safe accommodation, psychological assistance, material support, access to emergency health services, translation and interpretation services, advice and information, help during criminal proceedings, access to labour market, vocational training and education if legally residing in the country.
Under the Convention, victims of trafficking in human beings are entitled the right to information regarding their rights and all relevant procedures in a language they can understand, and the right on free legal aid. Renewable residence permits can be granted to the victims if their personal situation so requires, or if they have to remain in the country due to their cooperation with the authorities in order to investigate the criminal offense. The residence permit does not affect their right to seek asylum. Personal data of victims cannot be published and can only be deposited for specific legal purposes. Furthermore, those cannot and must not be used in any way that would enable the victims to be identified. Victims and members of their families will, if necessary, be provided with protection against possible retaliation or intimidation by traffickers. This may include physical protection, a resettlement, change of identity, and employment assistance. Victims of trafficking are entitled to financial compensation for damages suffered from the traffickers. This compensation may be awarded either through the court, after the confiscation of property belonging to traffickers, or it may be provided by the country in which the exploitation took place. The return of victims to the country of origin must take place with showing respect to their rights, security and dignity, and taking into account the status of all relevant legal proceedings. Upon the return, the victims must be offered reintegration assistance, such as education and employment assistance.

In addition to the rights applicable to all victims of trafficking in human beings, the Convention contains special rights for children. Unaccompanied children shall be assigned a legal guardian to represent them and act in their best interest. Steps are being taken to determine the identity and citizenship of children, and if it is in their best interest, their families are traced back and located. When the age of a child is uncertain, yet there are reasonable grounds present for believing that the victim is under the age of 18, special protection is provided until the age of the child is checked and confirmed. Children are entitled to education and measures of assistance that take into account their needs. Risk assessment and safety assessment are carried out before returning to the country, which will be carried out only if it is in the best interest of the child, and children benefit from special protective measures during the investigation and court proceedings.

The newest part, and so far the most underdeveloped ones, segments of the European Union Law and Obligations (acquis communitarie), concerns the prevention of and combating trafficking in human beings. In addition to the conventions of the United Nations, and the ones by Council of Europe, dealing with the prevention and combating of human trafficking, and additional protocols pertinent to these conventions, which constitute the legal framework of the European Union in this area, the Union has decided to regulate this area in more detail with its new acts. The first attempt of the European Union to adopt anti-trafficking measures was the Joint Action on the Combatting Trafficking in Human Beings and Sexual Exploitation of Children in 1997. The action was aimed at compulsory criminalization of trafficking-related activities and the promotion of judicial cooperation in the field of combating human trafficking. This attempt was not successful due to the inability to harmonize the differences in the legislations of the member states, primarily because of the absence of mutually acceptable definitions of the criminal offense of human trafficking, incrimination and sanctions. Nevertheless, some common points have been expressed in this process, primarily in relation to the assessment of trafficking in human beings as a multiple hazard, a phenomenon of structural nature that has many implications for the social, economic and organizational structure of societies, and not merely as a phenomenon that exclusively affects individuals exploited by the traffickers. This process was ended in 2002 when the members of the Council communicated substantial differences in individual, generally displayed political wills to combat various forms of crime, from the specific legislative responses that followed the national legal traditions within the member states of the European Union. The final product of this action was the Framework Decision on Preventing and Combating Trafficking in Human Beings. A new shift in the attitude of the European Union towards human trafficking gets created in 2011 by adopting a Directive on the Prevention and Combating Trafficking in Persons. The new directive also represents, for the first time, a consistent position of the Council and the European Parliament in the field of substantive criminal law after the Lisbon Treaty entry into force.

1 Framework Decision 2002/629/JHA on preventing and combating trafficking in human beings.
The Directive establishes a minimum of regulations regarding the definition of criminal offenses and sanctions in the field of trafficking in human beings, the liability of legal persons, seizure and confiscation of property acquired by means of commission of criminal offenses of trafficking in human beings. The Directive also promotes pre-emptive activities in the prevention of such crimes and provides for the assistance and protection of trafficking victims, including impunity for criminal offenses committed while trafficked and/or under a coercion of the traffickers, and a compensation for damages. The Directive also introduces the function of the Union Coordinator for Combating Trafficking in Human Beings, and imposes on Member States the obligation to establish the function of national rapporteurs or similar functions whose task is to collect data on trafficking in human beings, analyse them, report on trafficking in human beings and, in cooperation with civil society, make estimate and do the appraisal on the effectiveness of the measures taken against trafficking.

In spite of the rather weak and unclear provisions on the protection of victims of trafficking in human beings in certain instruments, countries do in fact have very solemn international obligations towards victims of trafficking in human beings. According to the general human rights law, the basic lines emphasized in most of these instruments are that the human rights of victims of trafficking should be the guiding principles in all efforts to prevent and punish human trafficking.
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| International Covenant on Civil and Political Rights, and the Optional Protocols | - Limitations of the right to leave/exit if it relates to national security, public order, public health, public morality or the application of justice.  
- The right to re-enter/the right to return  
- Procedural protection for foreign nationals legally residing in the country before expulsion, including consideration by the competent authorities and the submission of grounds against the expulsion.  
- Procedural rights may be denied should so be required for the sake of national security. |
| Vienna Convention on Diplomatic Relations | - Protection of the interests of the sending state and its citizens, both natural and legal persons, within the limits set by international law.  
- Assistance to citizens, both natural and legal persons, of the sending state.  
- Issuance of passports and travel documents to citizens of the sending state and visas and relevant documents to persons wishing to travel to the sending state.  
- Representing the sending state citizens at the receiving state courts and the authorities. |
| International Covenant on Civil and Political Rights | - Defining basic rights for all human persons: the right to life, freedom and security, the prohibition of enslavement or servitude, the prohibition of torture, cruel, inhuman or degrading treatment or punishment; prohibition of arbitrary arrest, detention or persecution; the right to marry and to form a family.  
- Rights without distinction on any ground such as race, colour, gender, language, religion, political or other views and opinions, national or social origin, property, birth or other status. |
| International Covenant on Economic, Social and Cultural Rights | - Guarantees of the right to work, free choice of profession and fair conditions of work, the right to founding and joining unions, the right to social security and social insurance, the appropriate standard of living, the highest possible standard of physical and mental health, education (compulsory and free at the basic level). |
| Convention on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol | - Eliminate stereotypes about the gender roles or roles on the bases of the sexes.  
- Combating trafficking in women and the exploitation of prostitution.  
- Eradication of discrimination in the field of employment and citizenship.  
- Elimination of gender based discrimination in rural areas.  
- Establishing procedures for individuals or groups to file complaints to the Committee. |
| Convention on the Elimination of All Forms of Racial Discrimination | - Guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin: to equality before the law -the right to equal treatment before the tribunals and all other organs administering justice; the right to leave any country, including their own and return to their own country, and the right to nationality. |
- Protection of children from acts of sale and trafficking.  
- Protecting children from child prostitution and pornography. |
| Convention Against Transnational Organized Crime | - Criminalization of participation in an organized criminal group;  
- Criminalization of money laundering for profits gained in criminal activities;  
- Measures to combat money laundering;  
- Anti-corruption Measures;  
- Assistance and protection of victims. |
| Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children | - Requesting countries to adopt measures to criminalize human trafficking, to provide assistance and protection to victims of trafficking, to provide assistance in the return of victims of trafficking, and to prevent and combat trafficking. |
| International Convention for the Suppression of Trafficking in Women and Children | - An agreement on the punishment of any person who coerces, entices or leads away, for purposes of prostitution, another person, exploits another person's prostitution, keeps or manages, or knowingly finances or takes part in brothel financing. |
| Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others | - An agreement on the punishment of any person who coerces, entices or leads away, for purposes of prostitution, another person, exploits another person's prostitution, keeps or manages, or knowingly finances or takes part in brothel financing. |
### Convention on the Civil Aspects of International Child Abduction
- Measures to ensure the urgent return of children wrongly moved or retained in another Contracting State.
- Measures to ensure that the rights of retention and access under the law of the contracting party are effectively respected in the other Contracting State.

### The ILO Convention on Worst Forms of Child Labour
- Measures to ensure the prohibition and elimination of all forms of child slavery: sale and trafficking of children; repayment of debt and debt-bondage/slavery; forced or compulsory labour; forced or compulsory recruitment of children for use in armed conflicts; use, procuring or offering children for prostitution or for the production of pornography; the use, acquisition or provision of children for illegal activities, in particular the production and trafficking of drugs; and other work which by its nature or circumstances may impair the health, safety or morality of children under 18 years of age.

### Documents of the Council of Europe

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1.2. Legal Framework of Bosnia and Herzegovina

The protection of victims of trafficking is multifaceted and complex, but can in general be divided into two types:

1. Criminal law protection with special emphasis on the protection of victims of trafficking as witnesses, and as victims in criminal proceedings against traffickers;
2. Civil law protection with special emphasis on the family-legal status of the victim, the right to marry, guardianship and/or custody, compensation for the damage at competent courts, employment, registration in the registries, exercising the right to citizenship, etc.

Each of these forms of protection is stipulated and prescribed in one of the positive legal or other acts and is in accordance with specific competencies.

1.2.1. The Constitutions

The Constitution of Bosnia and Herzegovina significantly meets the international legal framework on human rights and ensures the protection of internationally recognized human rights and fundamental freedoms through an integral text of the Constitution and the Annex I of the Constitution which lists a number of international conventions, including the “European Convention for the Protection of Human Rights and Fundamental Freedoms” and the accompanying protocols that are directly applicable and have priority over all other laws in Bosnia and Herzegovina. The catalogue of rights to be exercised by all persons in the territory of Bosnia and Herzegovina, inter alia, includes the following rights relevant to trafficking in human beings: the right to life, the right of a person not to be subjected to torture or to inhuman or degrading treatment or punishment, the right of a person not to be held in slavery or subordination, or forced or compulsory labour, the right to personal liberty and security, the right to a fair hearing in civil and criminal matters and proceedings and other rights in connection with criminal proceedings. As for the international documents, the list of those relevant to trafficking in human beings includes: the International Covenant on Civil and Political Rights (1966) and the Optional Protocols (1966 and 1989), the International Covenant on Economic, Social and Cultural Rights (1966), Convention on the Elimination of All Forms of Discrimination Against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987), the European Convention for the Prevention of Torture, Inhuman or Degrading Treatment or Punishment (1987), the Convention on the Rights of the Child (1989), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

The Constitution of the Federation of Bosnia and Herzegovina, the Constitution of Republika Srpska, and the Statute of the Brčko District of Bosnia and Herzegovina, alike to the Constitution of Bosnia and Herzegovina, contain or refer to and call upon the international instruments for the protection of human rights and freedoms.

Thus, the Constitution of the Federation of Bosnia and Herzegovina stipulates and prescribes that the international treaties and other agreements in force in Bosnia and Herzegovina are an integral part of the Federal legislation. In case of discordance between an agreement or a treaty and the Federal legislation, greater power and precedence shall be considered to an international agreement or a treaty.

As for the trafficking in human beings, the list of relevant international documents includes: The Human Rights Universal Declaration, the European Convention on the Protection of Human Rights and Fundamental Freedoms and the Additional Protocol, the European Social Charter and the Additional Protocol, the International Convention on the Elimination of All Forms of Discrimination against Women, the European
Convention for the Suppression of Torture, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Constitution of Republika Srpska also guarantees protection of human rights and freedoms in accordance with the internationally set standards ensuring national equality, social justice and the protection of the rights of ethnic groups and other minorities. The Constitution also stipulates that citizens of Republika Srpska are: equal in their freedoms, rights and duties, are equal before the law and enjoy the same legal protection regardless of race, sex, language, nationality, religion, social origin, birth, education, property status, political and another belief, social status or other personal characteristic. Life of a human being is inviolable; freedom and personal safety, as well as human dignity, physical and mental integrity, human privacy, personal and family life are inviolable. The Constitution guarantees that no one should be subjected to torture, cruel, inhuman or degrading treatment or punishment, and that any extortion of confessions and statements, as well as the unlawful deprivation of liberty, is prohibited and punishable.

The Statute of the Brčko District of Bosnia and Herzegovina, as its ultimate legislative act, stipulates and prescribes that the Constitution of Bosnia and Herzegovina, together with the applicable laws and decisions of the institutions of Bosnia and Herzegovina shall apply directly to the entire territory of the District. Laws and decisions of all the District authorities must be in accordance with the applicable laws and decisions of the BiH institutions, and therefore the provisions on human rights and freedoms established by the Constitution of Bosnia and Herzegovina apply to the Brčko District.

In 2003, the Criminal Code of Bosnia and Herzegovina for the first time criminalized and defined Trafficking in Human Beings in Bosnia and Herzegovina. The provisions on trafficking in human beings have been amended several times since then, with the last changes and amendments made in 2013 and 2014. All four criminal codes in Bosnia and Herzegovina have been implemented in the way that trafficking in human beings and solicitation in prostitution are criminalized by all laws, provided that these criminal offenses - if with an element of international feature, are defined and set in the Criminal Code of Bosnia and Herzegovina, while criminal offenses related to trafficking of Bosnia and Herzegovina citizens within the borders of Bosnia and Herzegovina are defined and set in the criminal codes of the Entities, and the District.

The Criminal Code of Bosnia and Herzegovina, Chapter XVII "Crimes against humanity and values protected by international law", sets and defines the following criminal offenses: Establishing slavery and transportation of persons in slavery (Article 185), Trafficking in human beings (Article 186), International Recruitment for the purpose of prostitution (Article 187), and Organizing a group or association for the commission of criminal offenses of trafficking in human beings and smuggling of migrants (Article 189a).

The Criminal Code of Republika Srpska, Chapter XIX "Criminal offenses against sexual integrity" sets and defines the following criminal offenses: Soliciting to Prostitution (Article 198), Trafficking in Human Beings (Article 198a), Trafficking in Minors (Article 198b), and Organizing a group or criminal association for the commission of criminal offenses of trafficking in human beings and trafficking in minors (Article 198v).

The Criminal Code of the Brčko District of Bosnia and Herzegovina in Chapter XIX. "Criminal offenses against sexual freedom and morality" sets and defines the following criminal offenses: Soliciting to prostitution (Article 207), Trafficking in Human Beings (Article 207a), and Organized Trafficking in Human Beings (Article 207b).

In June 2016, amendments to the Criminal Code of Federation of Bosnia and Herzegovina were adopted, introducing Articles 210a. - relating to trafficking in human beings, and 210b - which refers to organized trafficking in human beings. The punishment stipulated by Criminal Code of the FBiH for the criminal offense of Trafficking in Human Beings are from 6 months to the long-term imprisonment sentence. The introducing the aforementioned articles into the Criminal Code of the FBiH, has completed the process of amending all criminal laws in Bosnia and Herzegovina, so that now the trafficking in human beings is set and defined by the state and by the entity laws, as well as by the law of the Brčko District of the BiH. It is important to note that all laws in Bosnia and Herzegovina responding to the human trafficking are now fully compliant with international recommendations and standards.
1.2.2. The laws on the Protection of Witnesses Under Threat and Vulnerable Witnesses, and the Law on Witness Protection Program

Criminal laws provide for general prevention of human trafficking, and for punishment of perpetrators of criminal offenses. However, in addition to combating trafficking in human beings, it is also necessary to provide for adequate assistance and protection to victims of trafficking in human beings, whether during criminal proceedings (procedural protection), or outside of this procedure (out-of-process protection). The procedural protection of trafficked persons who appear as witnesses in criminal proceedings is ensured by the Protection of Witnesses under Threat and Vulnerable Witnesses laws of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District, while the out-of-process protection is set by the Law on Witness Protection Program in Bosnia and Herzegovina.

Procedural safeguards measures shall be taken if during the proceedings it is found that there is a case of a threatened witness (when the personal safety, or security of witness's family is jeopardised by his/her involvement in the proceedings - as a result of threats, intimidation or similar actions related to his/her testimony), or a vulnerable witness (when the witness is seriously physically or mentally traumatized by circumstances under which a criminal offense has been committed, or who suffers from serious mental disorders that make him / her extremely sensitive, or in the case of a child and a minor). Measures of out-of-process protection are undertaken to ensure effective protection of witnesses during and after the criminal proceedings, in order to allow the witness a free and open testimony in criminal proceedings.

1.2.3. Laws on aliens, and the Asylum Act

Seeking to respect and meet the obligations arising from the international documents to which it is a signatory, Bosnia and Herzegovina has set and defined the issue of the protection of foreign victims of human trafficking by the laws on aliens and Asylum Act. The laws provide the following security measures and are enhancing the rights of the victims: identification of victims, protection of private life, and assistance to the victims, recovery and reflection period, residence permit, and return to their homeland.

With regard to victim identification, the law ensures the cooperation of the authorities with competent organizations for provision of the support; the pertinent secondary legislation contains a list of identification indicators, ensures that the victim is not removed from the territory until the identification process is accomplished, in the event of a doubt about the age of the victim it provides for special measures to be granted until the age is determined. In a case where a child is identified as a victim and is not accompanied - the safeguard measure ensures the representation of the child by the designated guardian, or an organization, or authority that will act in the best interests of the child. The laws take into account the protection of the victim's private life. The victim's personal data will be registered and used exclusively under the conditions provided for by the Convention on the Protection of Individuals in the Automatic Processing of Personal Data. It also ensures that the identity, or elements that would enable the identification, of a child victim of trafficking do not become public.

The laws provide for assistance to victims and for physical, psychological and social recovery, which includes: decent and safe accommodation, psychological and material assistance, access to emergency medical services, assistance with language - in form of translation and interpretation where necessary, provision of advice and information concerning exercising the rights stipulated by law, as well as the services they have as permitted, in a language they can understand. It is all for helping them and to ensure that: their rights and interests are presented and discussed at the appropriate levels of criminal proceedings against the traffickers, there is an access to education for children, medical assistance, and access to the labour market, professional training and education. The assistance providing for victim is not subordinate to her/his willingness to testify. All services are provided on basis that it is mutually accepted and an informed one, taking into account the specific needs of persons in a vulnerable position, and the rights of children in terms of accommodation, education and the appropriate care.
The recovery and reflection period of at least 30 days is guaranteed to every person when there are reasonable reasons for believing that he/she is a victim. During this period, no removal of that person will be imposed. During this period, persons are entitled to all measures of assistance and protection for victims. The obligation shall be annul should there be a case that it is prevented by reasons of public order, or if it is found that the status of the victim is requested in an inappropriate manner.

The right to a humanitarian residence permit is also regulated by this law, which implies the applicability of the right as of the first contact with the authorities, access to information on legal and administrative procedures in a language that the victims can understand, as well as the right to assistance of a counsel and free legal assistance, in accordance with the foreseeable conditions of internal law.

The law also guarantees the victim's right of return to the country of citizenship or permanent residence of the victim at the time of entering the territory of the host country, without undue or unreasonable delay, and taking into account the rights, safety and dignity of the victim. More detailed are the rights of foreign victims and their protection prescribed by the Rulebook on the Protection of Aliens - Victims of Trafficking.

1.2.4. The Rules on The Protection of Victims and Victims-Witnesses of Human Trafficking who are Citizens of Bosnia And Herzegovina

The rules and procedure of direct assistance to victims of trafficking in human beings BiH citizens, are set and defined in the Rules on the Protection of Victims and Victims-Witnesses of Human Trafficking who are Citizens of Bosnia and Herzegovina. The Rules contain provisions that prescribe the identification of victims, protection of private life, assistance to victims, mechanisms of referral, mechanisms of procedures, treatment and cooperation of competent institutions and authorized organizations, financing of the protection and assistance to victims, and establishment and functioning of the Regional Monitoring Teams for Combating Trafficking in Human Beings.

1.2.5. Health Care Laws and Health Insurance Laws

The Law on Health Care of the Federation of Bosnia and Herzegovina, the Law on Health Care of the Republika Srpska and the Law on Health Care in the Brčko District of BiH stipulate and prescribe the principles, measures, the manner of organizing and implementing health care, the holders of social care for the health of the population, the rights and obligations of persons in the use of health care, and the content, manner of performing and supervising the performance of health care, including mental health, as well as the regulations adopted on the basis of these laws.

The system of mandatory/basic health insurance and the extended and additional health insurance, the rights stipulated by the insurance, the manner of exercising the rights and principles of private health insurance, and also covering issues of importance for mental health, are the matters prescribed by the Law on Health Insurance of the Federation of BiH, the Law on Health Insurance of Republika Srpska, and the Law on Health Insurance of Brčko District of the BiH, along with the pertaining regulations adopted on the basis of these laws.

1.2.6. Family laws

Special protection of children, and victims of trafficking in human beings is also encompassed in family laws, which instruct the authorities of guardianship/custody on the obligation and duty of taking care of the protection of the best interests of children, them being a particularly vulnerable category. Applicable family laws, as mechanisms for the protection of the best interests of the child, consequently envisage the following measures: better supervision on the exercise of parental rights, the deprivation of parental rights measure, setting up a guardian/custodian of a child, and appointing a legal guardian in a special case.
1.2.7. Laws on Social Welfare and Protection

Laws on social welfare and protection regulate: social protection system schemes, the holders, the beneficiaries and the rights of social welfare beneficiaries, procedure and conditions for exercising the rights, activities of social welfare institutions, independent performance of social protection activities, the financing, the supervision, and other issues of importance for the functioning and realization of social protection of citizens.

The importance of the laws on social welfare and protection in relation to trafficking in human beings is considerable when we have in mind that the trafficked persons are generally in a state of social need, and that there is an evident need to take measures for preventing the emergence and for elimination of the consequences of such a situation. Victims of trafficking are in such a state that they are in need of help so that they can overcome social and other hindrances, and be able to create conditions for meeting basic living needs, which implies the creation of conditions for the realization of the family’s protective function, the conditions for independent living and work of victims of trafficking in human beings, and their activation in accordance with abilities to provide for living funds.

Some of the laws on social welfare and protection directly define victims of trafficking in children and victims of trafficking as persons found in a state of social need, while other laws do not define victims of trafficking directly, but victims, in order to be treated as such, are being enlisted and considered under categories of either victims of violence, or people exposed to socially risky behaviours.

In this respect, for victims of trafficking - being regarded as persons in a state of social need, it is possible to allocate social protection in the form of: financial assistance, allowance for assistance and care of another person, support in equalizing the opportunities for children and youth with disabilities and restrictions in development, accommodation in the institution, in the foster family, home care and assistance scheme, day-care, one-off financial support, and counselling.

In addition to the laws on social welfare and protection at the level of entities, cantons, and the district, the scope of protection and assistance to victims of trafficking in human beings, different in titles and ways of regulating social protection issues, is additionally regulated by some other laws, such as the Law on Child Protection. The Law on Child Protection, inter alia, also regulates certain issues relevant for providing the assistance and protection to the identified or potential victims of trafficking, such as: support and assistance to a family in achieving its reproductive, protective, educational and economic functions; enabling day-care scheme support; education, preventive health care, nutrition, rest, recreation, cultural, sports and creative activities of children; adequate content of work with children without parental care and children from socially vulnerable families.

1.2.8. Laws on the Protection and Treatment of Children and Juveniles in Criminal Procedure in Bosnia and Herzegovina (FBiH, RS, BD BiH)

Laws on the Protection and Treatment of Children and Juveniles in Criminal Procedure in Bosnia and Herzegovina (in further text referred to as the Law) are systemic laws and as such are “Lex specialis” in this field. The Law is based on rescripts and responses of modern criminal legislation, international standards and experiences and examples of “good practice” in other countries. By its rescripts and responses this Law creates the foundations of the juvenile justice system, with the well-being of a child as its core. This way, the domestic legislation follows the examples of other states that have adopted separate juvenile legislation. In addition, the obligation of the authorities, stemming from international documents, to constantly harmonize the domestic legislation with modern rescripts should not be disregarded.

3 Note: The subject of this part of the text are the solutions and responses from the legislative of the Federation of BiH, Republika Srpska, and the Brčko District of BiH. It is important to note that there are some differences between these solutions.
Finally, this Law should also be understood as a new form of social response to the ever-present phenomenon of juvenile delinquency.

Juvenile justice in a narrow sense implies the treatment of children (boys and girls under the age of 18) who have come into conflict with the law, while in a wider sense it refers to: the treatment and processing of children from the moment they come into conflict with the law, the causes of committing violations, and the prevention of such behaviour.4

The juvenile justice system encompasses various entities from the domain of the judicial and non-judicial sector. In spite of their differences, both sectors compose a single unit with the well-being of a child at its core. The application of special rules is what makes this system recognizable in relation to the treatment of adults. That feature of recognition is reflected in the way how the subjects of this system act, which procedures do they apply, in which manner are children in the conflict with the law deprived of their liberty and interviewed/interrogated, what is the procedure for deciding on measures and sanctions, what is the treatment and processing in institutions, and what are the programs of rehabilitation and reintegration.

The term “children in contact with the law” is the term that points out and refers to children who are in contact with the criminal justice system as either suspected, accused or convicted of a criminal offense. Having in mind that, under certain circumstances and conditions, younger adults can also be covered by this system, this category of persons is also referred to as “young people in contact with the law”, because the word “young” does not have a clearly defined age limit. It should be noted that the juvenile (a child or younger adult) who has the status of a suspect, an accused or a convicted person, may be referred to as: “juvenile perpetrator of the criminal offense”; “juvenile in conflict with the law” or “juvenile offender”. It also should be noted that an offence, under the Beijing Rules, is considered to be any behaviour (act or omission) that is punishable by law under the respective legal systems5. From a legal point of view, such delinquent behaviour may be qualified as a criminal offense or a misdemeanour.

The juvenile justice system is based on the following principles:

- The best interests of the child,
- The right to life,
- Survival and development,
- Non-discrimination,
- Separation from parents,
- Protection from abuse and neglect,
- The rights of children with developmental disorders and/or disabilities,
- Education,
- Entertainment, recreation and cultural activities, and
- Respecting the child’s opinion.

By implementing these principles, the welfare of the child is ensured as the ultimate goal of the juvenile justice system. The Convention on the Rights of the Child (hereinafter: the CRC) and the United Nations Standard Minimum Rules for the Juvenile Justice of 1985 (so-called Beijing Rules) emphasize the need to take into account the welfare of the child and the treatment of children in a manner that is proportionate to the circumstances concerning the offender and committed offense (Article 40, Paragraph 4 of the the CRC, Beijing Rule 5).6 In order to achieve this goal, one of the tasks of the juvenile justice is also the adoption of measures to separate the child from the court proceedings.7

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5 Please see: The Beijing Rule No: 2.2b
7 Please see: Article 40, Paragraph 4 of the the CRC and the Beijing Rule No: 11
Provision of Article 1 of the CRC defines the term "child" as every human being below the age of eighteen years unless under the law applicable to the child, maturity is attained earlier. The CRC equates the term "child" with the term "juvenile", and the term "adult person" with the term "person of age". The Beijing Rules define that a juvenile is a "child or a young person who is treated differently in an appropriate legal system than an adult"; leaving the possibility for persons aged 18 or over to be processed without resorting to formal trial/be tried in non-adult courts. Depending on how a national legislation establishes the juvenile criminal responsibility, the Beijing Rules under the term "juvenile" include minors ranging from 7 years to 18 years or above, providing for a higher standard because those are including the category of young adults. In defining the term "juvenile", the most precise are the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which under this term recognises persons under the 18 years of age.

Following the above mentioned principles, our domestic legislation harmonised its responses and rescripts with the international standards, thus term child means every person under the age of 18. A child who was under the age of 14 at the time of the commission of the criminal offense, is not a subject to imposing criminal sanctions nor application of other measures provided for by law. A minor/ juvenile is a child who has reached the age of 14 at the time of the commission of the criminal offense but has not reached 18 years of age, and is a subject to whom criminal sanctions and other measures provided for by law may be imposed.

The term younger adult is used for persons aged 18 to 21, and for them there is legal possibility provided that can be treated by sanctions that is commonly pronounced against juveniles. The underlying reason is in the fact that under certain conditions the legal provisions relating to minors and persons aged between 18 and 21 years may be applied, for the fact that their development is not at that level so that they can be considered as the adults. Whether the development of these persons is at the level of juveniles, even though they have become of age the same calendar year, is determined by the appropriate expert judgment. The case law shows that in these cases it is usually persons who have only recently turned 18 years, and are of age for just a few months.

The Beijing rules instruct that "the proceedings shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere (...) which shall allow the juvenile to participate therein and to express herself or himself freely." The same right is guaranteed by the CRC, for it holds the signatory-states obliged that "In all actions concerning children, (...), the best interests of the child shall be a primary consideration." that "(States Parties) shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child" and that "the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law".

It is important to note that the domestic legislation, through a series of provisions in the law, gives the juvenile the opportunity to clearly express his/her views on various issues that concern him/her before various judicial and administrative proceedings bodies. These legal rescripts enable for direct application of international standards and ensure that the goal of the child not being the object of the procedure, but the active participant is attained. With regard to the treatment/processing of a juvenile during the proceedings, the domestic legislation instructs the authorities conducting the proceedings to take into account their (juveniles') special status. Bodies that investigate and interview juveniles as the perpetrators of criminal acts, shall conduct their work with caution, taking into account maturity, other personal qualities, and protection of the juvenile's privacy, so that that the criminal proceedings would not adversely affect his/her physical, mental and cognitive development.

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8 Please see: Article 1 of the CRC
9 Please see Beijing Rule No: 2.2
10 Please see Beijing Rule No 11
11 Please see Beijing Rule No 14.2
12 Please see: Article 3 of the CRC
13 Please see: Article 12 of the CRC
A similar solution is also provided for hearing a child or juvenile affected by the crime committed; taking into account his/her age, his/her personality features and characteristics, education and life circumstances, in order to avoid possible harmful consequences for persons future life, upbringing and development. In both cases, the investigation and interviewing, and/or hearing, can be done with the assistance of an expert.

In the light of the above, it can be concluded that the Law clearly determined the need for cooperation between all subjects of the juvenile justice system from the beginning to the end of the procedure and/or proceedings, because only this way can its goal be achieved, which refers to the well-being of the child in order to have the child at the heart of this system. By creating the best conditions for the application of the Law it is possible to realize its ultimate goal. The practice in the application of the Law will show how much has been achieved in the realization of this goal, which in the end should be an imperative for its implementation.

1.2.9. Labour laws in Bosnia and Herzegovina, and laws on Labour inspections (BiH, FBIH, RS, BD BIH)

Labour laws prescribe preconditions prohibiting labour exploitation, firstly banning discrimination. Any person seeking employment, as well as a person who is getting employed, must not be subject to discrimination on any grounds. Labour laws also provide for strict conditions for signing employment contracts, the minimum wages, and for special protection of minors and women, whereas these regulations limit and regulate working hours, the right to work in a safe environment, and the like. Labour laws prohibit forced labour.

Labour Inspections Inspectorates, based in laws on labour inspections, at all levels of government in the BiH aim to fully ensure compliance with all regulations in the field of labour relations and health protection of workers at work.

1.2.10. Laws on Free Legal Aid (BiH, FBIH, RS, BD BIH)

Laws on free legal aid prescribe the basics of rights and principles for free legal aid, forms of legal aid, procedures in which legal aid is provided, including procedures in which legal aid is excluded, beneficiaries of legal aid, conditions and manner of exercising the right and its realization, criteria for receiving legal aid, legal aid providers, institutional management of the legal aid system, quality control of legal aid providing, financing of legal assistance and supervision of the implementation of the laws on free legal aid.
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Law on Primary Education and Upbringing of Republika Srpska
Official Gazette of RS No: 44/17

Law on Secondary Education and Upbringing of Republika Srpska
Official Gazette of RS No: 74/08, 106/09 i 104/11

Brčko District of Bosnia and Herzegovina

The Criminal Code
Official Gazette of the BD BiH No: 10/03, 45/04, 06/05, 21/10, 52/11

The Criminal Procedure Code
Official Gazette of the BD BiH No: 10/03, 48/04, 06/05, 12/07, 14/07, 21/07, 27/14
| Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings | Official Gazette of the BD BiH No: 44/11 |
| Law on Health Care of Brčko District of the BiH | Official Gazette of the BD BiH No: 38/11 |
| Law on Health Insurance of Brčko District of the BiH | Official Gazette of the BD BiH No: 1/02, 7/02, 19/07 and 34/08 |
| Family Law of Brčko District of Bosnia and Herzegovina | Official Gazette of the BD BiH No: 23/07 |
| Law on Social Welfare and Protection of Brčko District of Bosnia and Herzegovina | Official Gazette of the BD BiH No: 1/03, 4/04, 19/07, 2/08 |
| Law on Child Protection Brčko District of Bosnia and Herzegovina | Official Gazette of the BD BiH No: 51/11 |
| Labour Law of Brčko District of Bosnia and Herzegovina | Official Gazette of the BD BiH No: 7/00 |
| Law on Employment of Foreign Nationals | Official Gazette of the BD BiH No: 15/09 |
GUIDELINES FOR WORK OF REGIONAL MONITORING TEAMS FOR COMBATTING TRAFFICKING IN HUMAN BEINGS IN BOSNIA AND HERZEGOVINA
REGIONAL MONITORING TEAMS

1. Purpose and method of establishing Regional Monitoring Teams

**Purpose** of establishing Regional Monitoring Teams (hereinafter: RMT) is to establish additional capacities to improve functional links between competent governmental institutions and non-governmental organisations in Bosnia and Herzegovina involved in activities on suppression and prevention of trafficking in human beings. Through institutionalisation of common links and cooperation between all actors involved in the suppression of trafficking in human beings, especially those who are acting at regional and local level is necessary (*original unclear, interpreter's remark*), bearing in mind that victims of trafficking are members of regional and local communities where they almost exclusively fulfil their rights and obligations. Therefore, planned and harmonised action by regional and local institutions and organisations is necessary to enhance the system of identification of victims of trafficking and ensure their adequate rehabilitation, reintegration and re-socialisation and to act preventively on causes which lead to victimisation and re-victimisation of victims of trafficking. Acting at regional and local level will greatly facilitate reaching adequate standards for protection of victims and influence the implementation of activities and achieving goals from the Action Plan for Combatting Trafficking in Human Beings in Bosnia and Herzegovina.

**Tasks** of RMT include planned and harmonised action for improvement of effectiveness of combatting trafficking in human beings through following activities:

- Gathering and analysing information on trends in trafficking in human beings in respective areas of responsibility (AOR) and constant evaluation of legal framework, institutional framework, human and other capacities to find adequate solutions to problems,
- Developing capacities of institutions and organisations involved in the combatting trafficking in human beings,
- Taking preventive action aimed at reducing risks of victimisation and re-victimisation of victims,
- Planning and undertaking coordinated and harmonised activities for creation of individual programs of rehabilitation, reintegration and re-socialisation of identified potential victims of trafficking and joint implementation of those programs.

**Method of establishing** is based on territorial organisation of the State Investigation and Protection Agency (hereinafter: SIPA), as defined by Article 22 of the Rules on Protection of Domestic Victims and Victim-Witnesses. This method of organising Regional Monitoring Teams has no influence whatsoever on actual and territorial competency of any involved institution, its exclusive aim is to establish mutual links - networking - between all competent institutions and organisations and joint exchange of information, planning and implementation of activities.

In accordance to the aforementioned, four Regional Monitoring Teams have been established, namely: Sarajevo, Mostar, Banja Luka and Tuzla.

2. Composition of Regional teams

Basic principle in organisation of Regional Monitoring Teams is representation of all governmental and non-governmental institutions and organisations which are competent and authorised for taking any activity in direct or indirect relation to the combatting trafficking in human beings, whether it is criminal prosecution of traffickers, protection and assistance to victims of trafficking or taking preventive action on suppression of trafficking in human beings. Regional teams have representatives of institutions from all levels of governing: state, entity, cantonal and municipal level, including NGOs who are working at the state or other level. Composition of RMTs and their work is based on interdisciplinary, inter-sector and territorial representation of institutions and organisations included in the composition of regional teams.
Composition of a RMTs is made of representatives of competent institutions, law enforcement agencies, and NGOs:

- **BiH State level**: Ministry of Security, Ministry of Human Rights and Refugees, Ministry of Justice, Ministry of Civil Affairs, Labour and Employment Agency of Bosnia and Herzegovina, Prosecutor’s Office of Bosnia and Herzegovina, State Investigation and Protection Agency, Border Police, Service for Foreigner’s Affairs, the Directorate for Coordination of Police Bodies of Bosnia and Herzegovina.

- **Entity, cantonal and Brčko District level**: Entity Prosecutor’s Offices, Prosecutor’s Office of Brčko District, cantonal prosecutor’s offices, Entity level, and cantonal ministries of justice, Entity and cantonal ministries of internal affairs, Entity and cantonal police agencies and Brčko District police, Entity and cantonal ministries of labour and social welfare, medical care, education. It is important to mention that participation of entity and cantonal institutions is very important. Besides activities on investigation and prosecution of trafficking in human beings, entity and cantonal institutions also have exclusive competency over criminal offences related to trafficking of human beings which are proscribed by entity criminal codes and the Criminal Code of Brčko District (trafficking in human beings for prostitution, soliciting to prostitution, exploitation of children and minors for pornography, production and showing child pornography/showing pornography to children).

- **Municipal level**: mandatory involvement of representatives of centres or services for social work.

- **Members of Regional Teams** are also NGOs who have adequate capacities to provide direct assistance to victims and victim-witnesses of trafficking, and the capacities for implementation of preventive activities, as well as day-care centre for street-children.

Regional Monitoring Teams are composed of appointed representatives of the aforementioned institutions and organisations. Regional monitoring teams are organised in the following manner:

- Every RMT has Core and Expanded composition:
  - Core Team has few members from RMT. Composition of Core Team shall ensure equal representation of all relevant and involved institutions to guarantee multi-sector approach, i.e. equal representation of all sectors involved in implementation of activities,
  - Expanded Team is made of representatives of all institutions and organisations who have competency and authority on the territory covered by a RMT,
  - RMT is coordinated by a representative of Ministry of Security of BiH/Section for Combating Trafficking in Human Beings in cooperation with a representative of SIPA Regional Office, the latter office also performs administrative and logistical tasks for core and expanded teams.

### 3. Activities of Regional teams

Activities or RMTs are divided into two parts. First part is made of activities aimed at planning and undertaking coordinated and harmonised activities in creation of individual programs for rehabilitation, reintegration and re-socialisation of identified potential victims of trafficking and joint implementation of those programs, i.e. activities for direct assistance to victims of trafficking. Second part of activities is made of activities for gathering and analysis of information on trafficking trends in respective areas and constant evaluation of legal and institutional framework, human resources and other resources needed to give adequate solutions to a problem, developing of capacities of involved institutions and organisations in combating trafficking in human beings, implementation of preventive activities aimed at reducing risks of victimisation and re-victimisation of victims, i.e. activities for implementation of State Action Plan For Combating Trafficking in Human Beings.
3.1 Activities for direct assistance to victims of trafficking of human beings

Governmental institutions and authorised organisation who make the RMTs are obliged to exchange all available information on identified potential victims and victim-witnesses needed to provide assistance and protection, gathering of statistical data, creation of adequate reports and information and other matters of importance for solving cases of trafficking. Exchange of information is fundamental for the development of functional links between involved institutions, all aiming at creation of adequate programs of protection and referring of victims and victim-witness of trafficking and their implementation\(^\text{14}\).

Since the composition of RMTs includes institutions and organisation that may have knowledge or grounded suspicion on potential victims or victim-witnesses of trafficking or persons already identified as such, depending on situation, they exchange information and experience on managing such cases.

These information are exclusively exchanged with the purpose of creation of programs for protection and referring of victims and victim-witnesses of trafficking of human beings (not including operational activities, those are in the competence of prosecutor’s offices and police).

Basic goal that is reached by establishment of RMTs is development of the system of functional links between institutions and personal links of individuals included in the regional team. Functional links between competent institutions are reflected in the defining of standard procedures, type and content of information which are exchanged and method of realisation of these activities.

In case there is need to create and implement individual program of rehabilitation, reintegration and re-socialisation for a potential or identified victim, members of regional team shall form a team of experts composed of representatives of institutions and organisation which are competent for certain activities related to the victim for the purpose of exchanging data about the concrete case, jointly assess the case, define individual program of rehabilitation, reintegration and re-socialisation and implement it jointly.

Detailed instructions on all pertinent activities related to the identification procedure, i.e. detection of victim of trafficking, reporting, case assessment, measures of protection and assistance to the victim, exchange of information and cooperation between institutions and organisations are provided in the special part of the Guidelines, for each institution and organisation separately.

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\(^{14}\) Article 5 (Rules of Exchange)

(1) Competent institutions in BiH and authorised organisations in accordance to these Rules are obliged to exchange all relevant information on victims and victim-witnesses for the purpose of providing assistance and protection, gathering of statistical data, creation of relevant reports and information and other matters of importance for solving THB cases in BiH.

(2) At the same time, all relevant institutions in BiH and authorised organisations are obliged to send feedback related to the THB case in matter.

(3) All institutions in BiH, organisations, legal entities and natural persons who in any way come in contact with a child who was exposed to some form of exploitation and violence are obliged to notify the guardianship body about violation of child's rights without delay.

(4) Obligation to send notification on violation of child's rights to the service or centre for social work applies to the prosecutor's Office of BiH, entity prosecutor's offices, Brčko District Prosecutor's office, police services in BiH and expert staff at educational institutions (administration, teachers and pedagogical service of educational institutions), health institutions, inspections, sanitary services, employment services, registrar's offices, counselling services, institutes for protection of children and youth, homes for children and youth without care and any other public or private institutions where the children are receiving care.

(5) In case the victim and victim-witness is an adult person, the competent prosecutor's office or police service shall inform the service or centre for social work only with the consent of the victim and victim-witness.

(6) In case the Ministry of Foreign Affairs through diplomatic-consular offices (hereinafter DCO) in the course of their regular activities find out that in their jurisdiction there is a child or adult victim or victim-witness who is a citizen of BiH or establish that circumstances involving the child or an adult indicate exploitation, the Ministry shall send information about it to the competent prosecutor's office or police service through the competent sector of the Ministry of Foreign Affairs. DCO shall have intensive cooperation with competent services of the host country in order to gather data on any individual case.

(7) In case the victim and victim-witness is an adult person, the competent institutions and authorised organisations shall inform the prosecutor's office or police service regardless of the consent of victim and victim-witness.
3.2 Implementation of State Action Plan for Combating Trafficking in Human Beings

Main precondition for successful implementation of activities for implementation of State Action Plan (SAP) is to have the joint work based on active participation and obligation for every member of RMT to inform other members of team about any decisions made at the level of team.

In accordance to the aforementioned, every team member is obliged to inform and exchange data with RMT member on activities being implemented in the field as part of the activities related to goals and measures of SAP, especially activities which are related to care of victims of trafficking in relation to the competence of his/her institution, within legal possibilities, while not compromising the professionalism (integrity of ongoing procedure) and confidentiality of work with the victim and victim-witness of trafficking.

Activities of RMT members are distributed in accordance to goals and measures set by the SAP. In accordance to this, RMT activities relate to:

a) Support systems (Legal and regulative measures)\(^{15}\)

Members of RMT shall on their meetings and specifically organised workshops and seminars, on the basis of their experience, thematically discuss problems related to implementation of the key laws for the purpose of harmonization of BiH legal framework. This will ensure common approach in criminal prosecution of traffickers and their punishment, and equal approach and level of protection and assistance to victims and victim-witnesses.

Monitoring DAP, the members will thematically discuss:

- practical application of criminal codes at entity, cantonal and Brčko District level, especially reviewing level of their harmonization with international conventions signed by BiH,
- character and dynamics of adoption and implementation of adopted and changed laws at entity, cantonal and Brčko District level.
- character and dynamics of adoption and implementation of new laws and amended laws at entity, cantonal and Brčko District level related to segments of health and social care, and when needed, education and employment.

RMT members will have possibility to forward their observations and suggestions to the office of Security and Ministry of Human Rights and Refugees. Observations and suggestions are then forwarded by Ministry of Security and Ministry of Human Rights and Refugees to further procedure through competent ministries\(^{16}\).

b) Institutional coordination\(^{17}\)

Establishment of RMT is a direct contribution to strengthening of institutional coordination of activities at state, entity, cantonal and Brčko District level including coordination with NGOs and international organizations.

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\(^{15}\) SAP Goal 1: Harmonise state, entity, cantonal and Brčko District legal and regulative framework in BiH with the provisions of the CoE Convention on Action against Trafficking in Human Beings, EU legislation related to trafficking in human beings and CoE Convention on Cyber Crime.

\(^{16}\) SAP Goal 1: Upon the initiative of the Office of the State Coordinator, the ministries shall establish expert working groups that will analyse/compare existing domestic laws with CoE Convention on Action Against Trafficking in Human Beings and prepare adequate drafts of changes and amendments of relevant domestic laws; the drafts will then be forwarded to competent institutions for adoption in accordance to current procedures.

\(^{17}\) SAP Goal 1: Improve coordination of activities of competent institutions at state, entity, cantonal and Brčko District level, including coordination with NGOs and international organisations.
Monitoring implementation of SAP, RMT members will also thematically consider quality of:

- Methods of cooperation for protection of THB victims between police, prosecutor’s offices, competent ministries, centres for social work, registrar’s offices, employment services, labour and health inspections, NGOs etc.
- Dynamics and operability of expert departments within competent institutions.

c) Capacity building\(^{18}\)

Most important role of RMTs is to have its members participating in creation of professional trainings by proposing character and content of educational programs and initiate priority topics and education areas, depending on observed shortcomings in the field.

Monitoring implementation of SAP, upon free choice and depending on available resources, the members shall take part in:

- Developing new and/or amending existing educational materials and handbooks for police officials related to training in investigation of THB and related crimes and dealing with THB victims and victim-witnesses. Special attention shall be paid to techniques of interviewing victims and interviews with child victims.
- Drafting proposals for new and amending existing educational materials and handbooks and their inclusion to existing training program for judges and prosecutors
- Drafting proposals for developing new and amending existing educational materials and handbooks for training of staff at centres for social work,
- Drafting proposals of training content and proposals to organize training on THB within existing training programs for teachers,
- Proposals for education of all staff at competent institutions involved in the work of RMTs with subjects such as victim interviewing techniques and interviewing children victims of THB.

d) Information management\(^{19}\)

All RMT members are to contribute to development of state information management system, gather and process data, contribute to development of methods for protection and secure storage of sensitive data on THB, especially data on registered traffickers and identified victims of THB, also taking care of confidentiality and professional relationship with those to whom the protection is provided and not endangering their safety.

Monitoring implementation of SAP, upon free choice and depending on available resources, the members shall take part in:

- collection and distribution of information on THB in regular intervals using the designed form for collection of data and give opinion and suggest the content of state annual draft report,
- prepare info and initiatives for gathering and researching THB trends in the BiH,
- suggest upgrades and new solutions for use and update of THB data.

\(^{18}\) SAP Goal 1: Institutionalise and standardise trainings for professional staff of competent institutions involved in combatting trafficking in human beings.

\(^{19}\) SAP Goal 1: Development of state information management system which will set up and gather, process, protect and use data on THB in general and particularly on registered traffickers and identified victims of THB.
e) Financing of activities\textsuperscript{20}

Activities of RMT aimed at prevention and providing assistance to victims of THB shall be financed from the state, entities’ and local communities’ budget and international donations for the purpose of implementing SAP.

Monitoring implementation of SAP, upon free choice and depending on available resources, the members shall take part in:

- activities which initiate and define concrete plans for necessary resourcing (financial, human, technical) and plans for gathering of funds,
- motivating international donors to contribute to implementation of SAP with their funds,
- gathering information about the amounts provided by local community and NGOs,
- initiate projects that can help increase available resources.

f) Monitoring and evaluation\textsuperscript{21}

Members shall take part in proposing and initiating of changes and amendments of the current National Referral Mechanism to ensure its efficient implementation and changes and amendments to it when needed.

Monitoring implementation of SAP, upon free choice and depending on available resources, the members shall take part in:

- RMT meetings,
- Finalization and distribution of annual report on THB situation and implementation of SAP,
- Proposing and participating in creation of Criteria for victim’s assistance standards monitoring, upholding and implementation of the law,
- Implementation of activities for fight against THB applying proper standards (victims are provided with adequate assistance, legal procedures are not unnecessarily long, sanctions against traffickers are sufficiently severe, court orders are being executed etc.),
- Developing monitoring mechanism for monitoring minimum standards of victim protection and care by competent institutions and organizations.

g) Prevention\textsuperscript{22}

Members of RMTs, according to their affinities and expert capabilities, will be involved in the preventive activities aimed at reducing the risks of trafficking among vulnerable categories:

Monitoring implementation of SAP, upon free choice and depending on available resources, the members shall take part in:

- researching causes and trends which influence increasing risks of THB,
- monitoring and processing of information that will be useful for development of multidisciplinary and multi-sector approach for the benefit of children working on streets and their inclusion in the educational system to reduce the risk of trafficking for these children - because of not attending the school they are under greatest risk to become victims of THB - and to give them safer future,

\textsuperscript{20} SAP Goal 1: Secure financing from the state, entities’ and local community budgets to fund implementation of SAP and continued efforts in fight against THB aimed at prevention and providing assistance to victims of THB.

\textsuperscript{21} SAP Goal 1: Ensure efficient implementation of SAP and, when needed, changes and amendments to it.

\textsuperscript{22} SAP Goal 1: Reduce risks of trafficking for vulnerable categories.
- initiating signing of protocols on cooperation between relevant institutions at cantonal entity and Brčko District level,
- gathering of information related to implementation of other plans such as Strategies for Fight Against Domestic Violence, Gender Action Plan for Gender Equality, Strategy for Fight Against Abuse of Children, Strategy for Improvement of the Status of Roma People, Strategy for Socio-Economical Development and Program for Return of Displaced Persons and Refugees and other activities with direct influence on prevention of THB and social and economic strengthening of vulnerable groups of population,
- realization of coordination meetings aimed at harmonizing of joint activities with bodies competent for implementation of said documents,
- monitoring progress of activities aimed at introduction of fight against THB as subject in primary and secondary school curriculums as systematic and continuous part of regular education,
- initiation of making surveys among pupils/students aimed at documenting their understanding of THB problems and reducing the risks of THB,
- reporting on creation of handbook on prevention of THB for pupils/students for use at schools and in work with children not attending school,
- initiating development of programs in local community that will give education on prevention of THB among children who do not go to school and communities under particular risks, such as Roma community,
- monitoring realization of programs for registering persons who were not registered at registries of births etc. especially children.

h) Protection of victims and witnesses

Members of RMTs, depending on their function, will continuously work on improvement of identification procedure of THB victims, adequate rehabilitation and reintegration of THB victims.

Monitoring implementation of SAP, depending on available resources, the members shall take part in:

- creation and development of identification standards for professionals who may encounter THB victims in their daily work,
- constant distribution of information on new trends for professionals who may encounter THB victims in their daily work,
- monitoring provision of timely and adequate assistance to victims and victim-witnesses of THB,
- developing expert info-form for victims of THB to inform them about their rights and available support,
- preparation and development of minimum standards for THB victims (housing, psycho-social protection, medical care, education, training for job, finding job etc.),
- monitoring realization and quality of services for THB victims - emergency reception facility, psycho-social counselling, free medical care, training for job, continuing education and employment assistance - at local, entity or state level,
- monitoring of providing, the quality and problems related to providing treatment and curing of THB victim-addicts.

23 SAP Goal 1: Enhance the identification procedure of THB victims.
SAP Goal 3: Ensure adequate rehabilitation and reintegration of THB victims.
i) Repatriation and Transnational Referral Mechanism

With their proposals, the members of RMTs shall have influence on creation and improvement of repatriation procedures of THB victims.

Monitoring implementation of SAP, in accordance to the available resources, the members shall take part in:

- creation of regulations and guidelines (standards) for victims repatriated from other countries to BiH,
- creation of regulations and guidelines (standards) for foreign victims repatriated from BiH to their countries of origin.

4. Realization of Regional Monitoring Teams’ Tasks

4.1. Members of the regional monitoring teams carry out their tasks during and between the meetings of regional monitoring teams, as part of their regular duties in institutions and organizations that have appointed them to regional monitoring teams.

4.2. Regional monitoring team co-ordinator convenes meetings of the regional monitoring team once a month and proposes the agenda which contains at least the following points:

a) Adoption of the agenda,
b) The adoption of the minutes from the previous meeting of the regional monitoring team
c) Reports on the implementation of conclusions from the regional monitoring team previous meeting,
d) Updated information on trafficking trends in the regional monitoring team area of responsibility,
e) Feedback related to informing institutions and organizations about the regional monitoring team tasks and results,
f) Submission of the data to the Ministry, and SIPA.

The regional monitoring team coordinator sends an invitation to the members of a regional monitoring team at least seven (7) days prior to the meeting of the team. Each member of the regional monitoring team may propose agenda items at least five (5) days prior to the meeting of the regional monitoring team.

At the regional monitoring team meetings minutes with conclusions are kept. The minutes-keeping is managed by a member of the regional monitoring team appointed by the regional monitoring coordinator.

4.3. The regional monitoring team coordinator task the members of the regional monitoring team for the realization of one or more conclusions and tasks of the regional monitoring team.

A regional monitoring team coordinator may establish task-groups and/or working bodies from the regional monitoring team membership for purpose of implementation of individual conclusions and tasks of regional monitoring team.
4.4. For the purpose of realization of the conclusions and the tasks, the regional monitoring team composes the following materials:

a) Work plans,
b) Analysis,
c) Information,
d) Reports of work,
e) Recommendations and suggestions,
f) Educational materials.

4.5. Members of the regional monitoring team communicate and cooperate during, but also in between the regional monitoring team meetings when required to identify and provide protection and assistance to potential victims of human trafficking, in accordance with the "Model of the Procedure for Identifying Victims of Trafficking in Human Beings and providing assistance and protection to potential and identified victims of trafficking in human beings for representatives of competent institutions and authorized organizations", which forms an integral part of this recommendation (Annex II).

Members of the regional monitoring team communicate by telephone or by official post. When communication is done by telephone, official notes are made according to the competencies of institutions and organizations appointing members of regional monitoring teams.

Communication takes place among members of a regional monitoring team, but also among members of various regional monitoring teams. For the purpose of applying these recommendations, the members of the regional monitoring team directly approach members of the other regional monitoring team, who inform the regional monitoring team coordinator about it. An official note is made on communication concerning the identification and provision of protection and assistance to potential and/or identified victims of trafficking in human beings.

4.6. Members of the regional monitoring team have a special task inform and educate the competent institutions and organizations, who have had them appointed to become members of the regional monitoring team, about procedures and indicators for identifying victims of trafficking in human beings, and with protection and assistance interventions to potential and identified victims of trafficking, namely "Model of the Procedure for Identifying Victims of Trafficking in Human Beings and providing assistance and protection to potential and identified victims of trafficking in human beings for representatives of competent institutions and authorized organizations"(Annex II), and Indicators for the identification of victims of trafficking in human beings (Annex III) which form an integral part of this recommendation.

Members of the regional monitoring teams keep up with the domestic regulations and practices, as well as with international sources of rights and standards, and regularly, at least once in three months, they inform the managers of the institutions and organizations who have had them appointed as members of the regional monitoring team. Members of the regional monitoring team also inform these institutions and organizations of the challenges identified at the regional monitoring team meetings in regards to identifying and providing protection and assistance to potential and identified victims of trafficking, and makes them aware of the proposed solutions.

4.7. Members of the regional monitoring teams, if necessary and when request, connect and coordinate cooperation among the process-tasked officials from competent institutions and authorized organizations in handling work on specific cases requiring identifying the victim and providing assistance and protection to potential and identified victims of trafficking in human beings, according to the "Model for the Identification of Victims trafficking in human beings and providing assistance and protection to potential and identified victims of trafficking for representatives of competent institutions and authorized organizations", which forms an integral part of this Recommendation (Annex II).
5. Records and reporting of regional monitoring teams

5.1. The coordinator of the regional monitoring team keeps the following records:

a) Records of registered potential victims of trafficking in human beings,
b) Records of identified victims of trafficking in human beings,
c) Records of perpetrators of trafficking in human beings,
d) Records of human trafficking cases registered in police agencies and prosecutors’ offices, and
e) Records on interventions for assistance and protection to potential and identified victims of trafficking in human beings.

Members of the regional monitoring team are obliged to provide the necessary data from the institutions and organizations that have had them appointed, so as to keep records as stated above.

5.2. Twice a year, regional monitoring teams submit forms on potential and/or identified victims of trafficking in human beings to the Ministry.

5.3. Annually, regional monitoring teams report to the Ministry on their work.
GUIDELINES FOR INSTITUTIONS AND ORGANIZATIONS IN BOSNIA AND HERZEGOVINA INVOLVED IN PROVIDING ASSISTANCE AND SUPPORT TO VICTIMS AND VICTIM-WITNESSES OF TRAFFICKING IN HUMAN BEINGS
MINISTRY OF SECURITY

Ministry of Security is a state-level institution of Bosnia Herzegovina. The Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina bestowed the Ministry of Security with the authority to: protect international borders, internal border crossings and regulate traffic at border crossings of Bosnia and Herzegovina; to prevent and detect perpetrators of criminal offences such as terrorism, drug trafficking, counterfeiting of local and foreign currencies, trafficking in human beings and other criminal offences with international and inter-entity character; international cooperation in all areas under the competencies of the Ministry; protection of persons and facilities, gathering and use of data and information of importance for the security of Bosnia and Herzegovina; organization and harmonisation of activities conducted by entity ministries of internal affairs and Brčko District Police that include security tasks in the interest of Bosnia and Herzegovina; implementation of immigration and asylum policies in Bosnia and Herzegovina and defining procedures related to movement and stay of aliens in Bosnia and Herzegovina.

A smaller part of the competencies are implemented directly by the Ministry of Security while the greater part is carried out by the police and other administrative organisations within the Ministry. State Border Police is directly in charge of protection of international borders, internal border crossings and regulation of traffic at border crossings of Bosnia and Herzegovina; prevention and detection of perpetrators of criminal offences such as terrorism, drug trafficking, counterfeiting of local and foreign currencies, trafficking in human beings and other criminal offences with international and inter-entity character. The State Protection and Investigation Agency (SIPA) is directly in charge of prevention and detection of perpetrators of criminal offences such as terrorism, drug trafficking, counterfeiting of local and foreign currencies, trafficking in human beings and other criminal offences with international and inter-entity character; protection of persons and facilities; gathering and use of data and information of importance for the security of Bosnia and Herzegovina. The Service for Foreigners’ Affairs is directly in charge of Bosnia and Herzegovina immigration policies and stay and movement of aliens in Bosnia and Herzegovina.

Ministry of Security also has special competencies in the combatting trafficking in human beings and illegal migrations in Bosnia and Herzegovina which are defined by the Decision of the Council of Ministers of Bosnia and Herzegovina on Procedures and Coordination of Activities for Prevention of Trafficking in Human Beings and Illegal Immigration in Bosnia and Herzegovina and Establishing Office of the State Coordinator for Bosnia and Herzegovina.

According to this Decision, the Ministry of Security is given the authority to establish and maintain coordination with liaison officers from ministries of internal affairs, gather data and information and prepare relevant reports on trafficking in human beings in Bosnia and Herzegovina, coordinate and collaborate on preparation of training and education programmes.

The competencies of the Ministry of Security for combatting trafficking in human beings and protection of foreign victims of trafficking derive also from the Law on Stay and Movement of Aliens and Asylum and its implementation bylaw – the Book of Rules on Protection of Foreign Victims of Trafficking which define the rules and standards for taking action and other issues related to reception, rehabilitation and return of foreign victims of trafficking.

Due to their daily involvement in the combatting trafficking in human beings and providing assistance and protection to victims of trafficking, officials of the Ministry of Security are often in position to work on identification and referring of victims of trafficking and closely cooperate with other institutions and organizations involved in referral mechanism for victims of trafficking.

24 Official Gazette of Bosnia and Herzegovina No.: 5/03, 42/03, 26/04, 42/04, 45/06, 88/07 i 35/09
25 Official Gazette of Bosnia and Herzegovina No.: 24/03 i 37/04
26 Official Gazette of Bosnia and Herzegovina No. 36/08
27 Official Gazette of Bosnia and Herzegovina No. 90/08
While implementing laws and decisions, the Ministry of Security and the State Coordinator for Combatting Trafficking in Human Beings and Illegal Migration within activities directed to suppression and removing causes and consequences of trafficking in human beings, are obliged to safeguard professional secret because any unauthorised disclosure of information is causing harm to victims of trafficking and the person who discloses such information may be subject of damage claims procedure.

Civil servants and police officials shall not be liable for disclosure of professional secret if such secret is disclosed in the interest of the victim - the obligation to report a criminal offence has precedence over obligation to safeguard professional secret. Therefore, for the purpose of reducing the margin where information about a victim of trafficking may be revealed, it is necessary to take any necessary action to reduce the number of police officials and civil servants with access to information about victims of trafficking to a minimum, while competent police and state officials are obliged to carry out all necessary activities to provide adequate assistance and protection and avoid stigmatisation of victims.

When the information is available to a large number of people, i.e. public, it is necessary to show understanding of the victim's situation. Victims needs help to get involved and continue work within the frame of daily activities, give them possibility to use their potentials, stimulate them and influence the surroundings to reduce their stigmatization.

1) DETECTION

In spite the fact that officials of the Ministry of Security do not have primarily duty to provide direct assistance and protection to victims of trafficking, especially trafficking and exploitation of children, they are however in position, while performing their daily tasks, to come in touch with the data which indicate that a criminal offence of trafficking has been committed or that a person may be a potential victim of trafficking.

In those situations, officials of the Ministry of Security are obliged to report criminal offence of trafficking in human beings or perpetrator(s) to SIPA or the Prosecutor's Office of Bosnia and Herzegovina. Notification about suspicions and information may be forwarded to other police agencies or prosecutor's offices.

If a foreign person who could be identified as a potential victim of trafficking is involved, it is necessary to notify in written and without delay the relevant field centre of the Service for Foreigners' Affairs to arrange for reception and accommodation.

Officials of the Ministry of Security while performing their daily work have obligation to be at a lookout for various risky situations where there could be victims of trafficking and situations which indicate possibility of existence of persons who were exposed or could be exposed to the risks of trafficking, e.g.:

- Foreigners and citizens of Bosnia and Herzegovina who are crossing the state border;
- Foreigners staying in Bosnia and Herzegovina;
- Foreigners who were sanctioned with repressive measures;
- Asylum seekers and persons granted temporary reception.

In these and other similar situations, officials of the Ministry of Security are required to act preventively and avert possible trafficking i.e. exploitation against the person by notifying relevant police force or the Service for Foreigners' Affairs and include all relevant information.

Identification of a potential victim of trafficking in human beings

In all cases of doubt, a potential victim of trafficking shall always be treated as actual victim until proven otherwise. In case of a potential child-victim, it is extremely important to keep in mind that the consent of a child-victim to intended exploitation is irrelevant because children are not capable of making such and similar decisions independently, and any treatment of a child involving exploitation shall be considered as trafficking in human beings.
In case of adults, to be granted the status of victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case an adult declares in an interview given to an official of the Ministry of Security that someone is restricting her/his freedom of movement, holding them against their will, withholding their personal documents, forcing to labour, soliciting, sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the official to categorize the person as a potential victim of trafficking and take action to provide care and protection of the victim and report criminal offence and perpetrator.

During the procedure of identification of victim of trafficking, the officials involved in the procedure are obliged to assess the following list of indicators which suggest that a person is potential victim of trafficking:

- self-identification,
- age of the person, especially if younger than 18,
- place and conditions where the potential victim of trafficking is found,
- restriction of personal freedoms,
- psycho-physical condition,
- method and purpose of entry to Bosnia and Herzegovina - for foreign victims,
- status, movement and stay of the person in Bosnia and Herzegovina - for foreign victims,
- possession of travel document and identification documents,
- possession of financial means,
- other circumstances relevant for correct identification.

2) INTERVIEWING THE VICTIM

In case of a grounded suspicion that someone is a victim of trafficking, with the purpose of identifying the potential victim, official of the Ministry shall conduct only the initial interview with the potential victim that will enable notification of a relevant police force, prosecutor’s office or the Service for Foreigners’ Affairs who will then take further activities and conduct necessary interviews with the victim.

It is very important that the victim of trafficking establishes relationship of mutual trust from the very first contact with the officials of the Ministry. Therefore, the official of the Ministry of Security while conducting interview with the victim has to pay special attention to the age of the victim, use appropriate language, let the victim to tell the story and explain circumstances of her/his trafficking experience. Official of the Ministry of Security must not insist on details related to the victimisation of the victim, the initial interview shall be general in nature and include explanation that the victim should give a detailed interview to police officials, prosecutors, immigration authorities, social workers and other persons involved in criminal procedures, providers of assistance and protection i.e. rehabilitation and re-socialisation.

It is also very important, from the onset of the interview with the victim, to give information about rights and obligations set by the law that are related to: obligation to provide close protection - adequate and safe accommodation; provide healthcare and treatment of addictions; information on victim’s legal status and advising in the segment of victim’s rights and obligations in a language that the victim understands; providing legal assistance during criminal and other procedures where the victim claims his/her rights; information about access to diplomatic and consular offices of the country of origin or country of habitual residence of the victim of trafficking; information about repatriation possibilities and procedure; providing social care which includes protective care and housing; monetary subsidy for persons in social need and re-socialisation program including various types of training and education depending on the financial possibilities.
It is important to point out that most victims of trafficking, especially children, out of fear from retaliation by traffickers, fear of parents who could be a part of the trafficking chain, fear of reaction by society and peers or even the fear of criminal persecution, most often initially deny the fact they are victims, i.e. they avoid talking about circumstances which could lead the officials of the Ministry to believe that the person is a potential victim. In those cases there should be sufficient time dedicated to the interview and collect all available and as thorough as possible information which could be used to identify a potential victim of trafficking.

2a) INTERVIEWING THE CHILD-VICTIM

For the adults, testifying is often perceived as a very unpleasant and rather traumatic experience, especially if witnesses are at the same time the victims of serious crimes. This sensation is present and happens regardless of the fact that the adults do have some knowledge or assumptions about the legal system, and do understand the roles, duties, and the obligation to testify. Children, on the other hand, generally do not have to know anything about it, and their conception of justice and the system in which it is conducted is essentially different from the concept of the adults.

Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings 28 in the part relating to crimes for the detriment of children and minors, prescribed a number of measures aimed at protecting children from re-traumatization and victimization, such as: limiting the number of children’s hearings to a maximum of two times, testifying through technical devices from another room, setting up questions through the presiding judge, and another. The legislator had a sense and understanding about the specific needs of children, respecting their development, thus as an obligation has prescribed the attendance of an expert professional during the hearing. An expert professional is considered to be a psychologist, a pedagogue, a social worker and, according to the law, it is a person whose help is being provided during the hearing of the child. In practice, this is usually the person who provides psychological support to the child during the hearing and conducts the psychological preparation of children for the hearing. There are conflicting opinions in regards that these roles should be separated (the support, and expert assistance during the hearing), but it should be borne in mind that it makes it easier for children if as little as possible persons get engaged in the judicial process. In principle, there is no conflict of interest that these roles are assigned to one person / expert professional person employed in courts and prosecutors’ offices in the BiH as expert associates for witness support or expert advisers for minors29. Of course, there are situations (a child with special needs / a child with developmental disabilities, and other terms used in applicable legislation) when in the hearing process, apart from the support person, it is necessary to include a specialist who would help with the hearing. Thus, psychological preparation and psychological support should be carried out by experts (no matter which of the mentioned profiles) who have specialized knowledge of trauma, which will be discussed in the next part of this text; the part that deals with re-traumatization and stigmatization in criminal proceedings.

The goals of psychological preparation of children for testifying are:

1.) To reduce the negative consequences of giving a testimony on a child, and/or to alleviate secondary traumatization,
2.) To reduce the level of stress / anxiety during testifying,
3.) To help children understand the nature and the gravity of the process, and
4.) To improve the child’s ability to answer the questions most accurately, most fully and in a true/ genuine way.

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28 Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings entered the force: in Republika Srpska in 2011, in Brčko District in 2013, and in the Federation in 2015.
29 Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings stipulates employment of expert associates in courts and prosecutors’ offices, providing them to be social pedagogues – defectologists, social workers, and psychologists.
All four goals relate to the well-being of the child and are in his/her best interest, while the fourth goal also contributes to the efficiency of the judicial process.

Adequately preparing a child for what is awaiting him/her in the courtroom will most likely be reflected in the level of stress and anxiety. Namely, children become very confused and anxious if during the course of testifying if at some point they realise that the parties in the proceedings do not understand them, or if they do not know what is being expected of them. This situation is partly overcome by specialized educations for judges, prosecutors, lawyers, and inspectors, because the unsuitable and unprofessional way of interviewing/asking questions or examining a witness is precisely what contributes the most to such situation.

Psychological preparation is carried out through the following phases:

**Getting to know the child and gaining his/her trust**

An expert should meet a child in advance – some time before the day of the testimony. It would be ideal to arrange for a meeting in court immediately after informing the child that she/he is going to testify. Gaining trust is very important for further work with the child, and it can influence the child’s motivation to testify. Bearing in mind the fact that the work of professionals do not interfere with the content of the statement that the child will give before the court, it is *a priori* taken that the child is trusted. At this stage, anamnestic data on the family, school, interests, etc. are collected from the child and checked. An unstructured type of interview/free-form interview is conducted with the child, which helps in the shaping information about the needs and condition of the child, needed by the court and/or the prosecutor’s office.

**Informing the child**

Children are given basic information about the investigative and judicial process in a manner and words adapted to their age and level of understanding. It is important for children to be explained on why are they there, what does it mean to be a witness, how is the testifying done, who hears it, how long the proceedings can take, what happens when the verdict is pronounced, and the information alike. Therefore, all information in order they have better understanding of the procedure and their role of witnesses are to be presented to a child. A very important rule is that we do not use euphemisms during providing information, because most children do understand the gravity of their situation, and such an approach would cause confusion.

We can send the child a distorted message that the process of testifying is “pleasant”, if we say: “It’s not nothing” and/or “They will only ask you questions for a short while and then it will be over”. On the other hand, with this approach we also appear as to minimize child’s role of the victim or his/her efforts and the courage to tell about the event when he/she is in the role of the eyewitnesses.
The interactive preparation in the courtroom – role-playing

The fact is that children will best adopt and comprehend the content that we want them to adopt if it is presented in the interactive way and through a play. The play as the dominant activity of a child is related to physical development, intellectual development, motive, value appraisal, emotional development and development of personal traits, and as such can be used in preparing children for testimony.

“(…) Play creates a zone of proximal development of the child. In play a child always behaves beyond his average age, above his daily behaviour; in play it is as though he were a head taller than himself.” (Vygotsky, 1996)

Given that for children play represents a preparation for life, it can also serve as a training for not so common or the usual experience of children, such as a testimony before a court is, especially for younger children. Regardless of the fact that children do not testify from the courtroom, they need to be introduced into the space - a visit to an empty courtroom in the process of preparation in order that the child can gain a perspective. Then, there on the spot, we can – going through the positions of all the participants in the process, explain their roles to the child. For example, we can say to the child that the role of judge is similar to the role of the class master who is in charge to enforce rules, to be fair and just, etc.

Special attention should be given to the role of the defence counsel, so that the child does not experience their questioning too negatively, but as part of a process that helps the judge to make a fair decision by listening to both parties in the proceedings. Role-playing in a courtroom is especially useful for children under 12 years of age. After explaining the roles of the ones that will be present in a courtroom, we instruct the child to take on the role of the examiner, we get ourselves in place for witnesses, and give rather neutral instruction - that the child play to be a headmaster of a school, where we act to apply for an art teacher vacancy at school. Children can, during a role-play ask rather illustrative questions (“Do you like children?”, “Did you experience something dreadful when you were a child?”) because, considering the circumstances, the projections are very obvious and striking. We also put children in the role of witnesses, in the way that a child chooses its role (lately children's talent shows are very popular and children often choose to play a candidate, while you play a member of a jury or the commission). It should be kept in mind that some children, in fact, the majority of them, get in touch with audio technology, especially the microphone, in the courtroom for the first time, so role- playing can be used also to technically prepare the child for the hearing. Of course, again we need to emphasize importance of an individual approach, because not all children are eager to do this type of interaction, and in particular, you should consider what content you are proposing in the play. The play, as a method we use in terms of child’s understanding of the process and the relaxation of children, should be thoughtfully considered. We must take care of the need not to have it exaggerated, because children know that they are in court due to very unpleasant circumstance, thus the court should not be presented as a children's playroom, nor should children's positive play be linked to testimony.

Preparing for the inconvenience and unforeseen things/situations

This phase is in fact done within and throughout the preceding course, however, due to its importance we single it out as a special one. Apart from the fact that children are insensitive to contradictions, the trauma they have experienced makes them very vulnerable witnesses, and any surprise, discomfort and contradiction during the proceedings can be triggers for an additional trauma and a behaviours in children that will interfere with the course of questioning. The child can get confused, silence up, and lose the motivation to continue answering the questions. Expert support staff cannot predict all the situations in order to adequately prepare the child, but there are some “common” ones to be anticipated. These are, for example, a break requests made by one of the parties, the presence of the police, and even the official clothes (the toga) of the judges and prosecutors. A child may hear the word “objection” during the process and might think that it refers to him, that he/she had made a mistake, said or did something wrong.
Assessment of condition and needs is actually a psychological assessment of the condition and needs of children that is provided to the court / prosecutor's office by the professional, and it relates to the current condition and needs of the child. The condition and needs assessment phase is not strictly separated from the psychological preparation phase. It is actually carried out within the phase of getting to know the child and gaining his/her trust, as it is expected that most data are received during this phase. Given that some children are naturally more introvert, and that it takes time to gain child's trust, even without underlying what effects the trauma has on a child, the data needed for the assessment will be collected during all stages of preparation. Often we will be in situation that children give us little data, so the focus will be on observing their behaviour and reactions during the preparation phase. This requires primarily that the professionals working with children have education in this field and good concentration, because it is not advisable to take records and be writing down things at all the times while working with children.

The assessment /information and data has to contain:

a.) Social history/anamnesis

Data on parents / guardians, education, living conditions, social behaviour and interests. Information on children is collected indirectly (centres for social work, school, family, other children), basically by heteroanamnestic method. Heteroanamnestic data should be checked again with children - if possible. In the letter/information, the data source should be given.

b.) Medical history/anamnesis

If a child at that moment suffers from a disease or has suffered from a serious illness, medical documentation has to be demanded. Medical documentation is collected exclusively from the parent / guardian.

c.) Other types of data

Data that are important for a child or are relevant to the process e.g. the child is threatened by the family of the accused, or the child is being stigmatized in the school environment or by the media.

d.) The assessment / evaluation of current condition and needs of the child

Psychological assessment/evaluation of a child should focus on the current psychological condition of the child describing his/her emotions and behaviour during conversation/interview with an expert. The information can also include an assessment/evaluation of the child's cognitive abilities in terms of understanding his/her role in the process, verbal and articulation capacities, and the motivation.

Finally, why is it necessary to submit this assessment/ evaluation performed by expert associates, if a child has been, for example, already subject to the expertise evaluation, meaning processed and evaluated by the professional expert team made of psychiatrist and a psychologist, and if there is a detailed description of the child's condition and abilities given in the expert findings? There are two key reasons:

a.) The expertise evaluation considers and is related to the act (criminal activity), it is used in criminal proceedings as an evidence, and has its goal and tasks precisely defined. Assessment /evaluation of a child is not the court evidence, and its basic purpose is to support the court/ the judges in better planning of the proceedings, meaning run the questioning and hearing, so as to simultaneously maximise the efficiency of the proceeding and to minimise stress on the child.
b.) As emphasized already, the assessment / evaluation is done for current condition of a child, and it should be borne in mind that time lapse from the day of the expertise evaluation to the day of testimony/trial, can be of such a length so as to significantly affect changes in the child, in the developmental sense.\textsuperscript{30} Also, the circumstances for the child in the meantime may dramatically change, which will also affect child's capacities and motivation to testify. Changed circumstances brings a new trauma or deepen the already existing one related to the criminal act. In one case of sexual violence against a child, the mother of the child who had it reported has died several months after reporting the crime, without living long enough to see the commencement of the main trial. In another case, also a sexual violence against a child, the child who was eight (8) at the time of the crime, came to the court to testify three years after, that is, at the age of 11. In terms of maturation of a child, the difference of three years lapse is very significant, as are the changed family circumstances of the child. The family moved out of their own home to a rented apartment, and thus had less means for living and got impoverished, the child has changed school, his friends and teacher. It is obvious that, in this case, there were rather significant changes that have happened for and around the child.

3) CASE ASSESSMENT

Ministry of Security has no direct role in the case assessment but there is possibility for officials of the Ministry to be involved in case assessment upon invitation by relevant institutions and organizations. Therefore the importance of being familiar with the procedure.

Once the initial information related to a specific case are collected and institutions in charge of prosecution of perpetrators of criminal offence of trafficking in human beings informed, the case assessment takes place.

Competent institutions have intensive cooperation and each within its own competence, independently or cooperatively upon agreement, shall gather and exchange information on:

- established contact with the child and family (if there is one),
- assessment of harm inflicted to the victim and family,
- assess the risk of additional harm,
- secure evidence on maltreatment and exploitation (most often, this part is in the competence of prosecutor's office and police)
- secure urgent protection services,
- identify resources available for protection of the victim,
- prepare for decision on extracting child-victim from the family or other situation (competency of the centre for social work, if needed),
- locating suitable accommodation (competency of the social centre),
- secure feedback to other relevant persons or institutions,
- results of the assessment and possible activation of the case.

Prosecutor's offices and police are obliged to provide close protection to the victim and victim-witness and in particular to monitor all information in case there is danger against victims and victim-witness, by means of surveillance of their surroundings. To ensure appropriate protection, prosecutor's office and police are obliged to assess cases regularly.

\textsuperscript{30} Development of child can sometimes go tilted forwards-backwards. In cases of trauma, there are frequent regressive episodes that affect child's condition, thus child can retrograde to behavioural patterns that he/she had out-grew, such as thumb sucking, stuttering, bed wetting, etc.
Centre/service for social work, upon reception of information on case, and if it has the competence and obligation to take action, shall verify whether the case was registered earlier, collect additional information, make case assessment, establish contact with the victim, prepare and conduct interview, cooperate with all relevant institutions in Bosnia and Herzegovina and authorised organisations for the purpose of assessment of the harm and risk of future harms, help with securing evidence on maltreatment and exploitation, identify available resources for assistance and protection of victims and victims-witnesses, assess which interventions are immediate, i.e. prepares plan for protection of victims or victims-witnesses.

All institutions involved in case assessment are required to regularly update the case assessment and adjust measures which are taken to provide assistance and protection to the victim in accordance to the results of updated assessments.

4) REPORTING

Obligation to report criminal offences and perpetrators applies to all situations where officials of the Ministry while performing their duties learn that a criminal offence of human trafficking or criminal offence related to human trafficking has been committed. This implies general obligation for all to report their information about committed crime of trafficking, perpetrators or victims to SIPA or Prosecutor’s Office of Bosnia and Herzegovina. A notification on suspicion and information can be forwarded to other police agencies and prosecutor’s offices as well. In case there is a foreign person who can be identified as a potential victim of trafficking it is necessary to inform without delay and in written form the relevant field office of the Service for Foreigners’ Affairs.

In case the officials of the Ministry do not report human trafficking, i.e. crime, and it gets established that during their work they came to such information, they could be liable in accordance to the Penal Code of Bosnia and Herzegovina and fined or sentenced to prison for up to 3 years, the same offence is proscribed by penal codes of both Entities and Penal Code of Brčko District.

Protecting and respecting the principles of confidentiality

To achieve the highest possible level of protection and respect of confidentiality principles, the best approach and method of reporting is informing the victim about the obligation to inform relevant institutions who will help her/him in case the situation is dangerous and threatening. Confidential information can be shared with other institution only with explicit consent of the potential victim of trafficking and/or guardian. However, in this situation, the Law is explicit and favours reporting because non-reporting is sanctioned by the Law. Of course, this situation obliges the acting official to have a careful conversation with the victim. A victim of THB, especially a child, has to be explained in a language appropriate to victim’s age that everything said between the two of them is confidential.

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Failure to Inform of a Criminal Offence or a Perpetrator Article 230

(1) Whoever, having knowledge of the identity of the perpetrator of a criminal offence for which a punishment of long-term imprisonment can be imposed under the law of Bosnia and Herzegovina, or whoever having merely knowledge of the perpetration of such an offence, fails to report the fact, although the timely discovery of the perpetrator of the offence depends on such report, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who fails to inform of a criminal offence he has discovered while performing his duties, if for the offence a punishment of imprisonment for a term of five years or a more severe punishment can be imposed under the law of Bosnia and Herzegovina.

(3) No punishment for failure to inform of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the perpetrator.
Information exchange flow

The information exchange flow between the actors of direct assistance to victims of trafficking is defined by the Rules on Protection of Domestic Victims and Victim-Witnesses of THB and the Book of Rules on Protection of Foreign Victims of THB. Reporting cases of foreign victims of trafficking and domestic victims is different.

In case of any competent institution or authorised organisation, private person or legal entity suspecting or having information that a person is object of trafficking, there is obligation to inform SIPA and Prosecutor’s Office of BiH without delay. Notification on suspicion and information can be forwarded to entity prosecutor’s offices and police.

All cases of foreign victims, besides SIPA and Prosecutor’s Office of Bosnia and Herzegovina shall be reported to the relevant field centre of the Service for foreigner’s affairs immediately after initial identification.

Referring a report

Reports need to include only the available facts and circumstances. It should specify: available identification data of the victim (first and family name, age, sex, year of birth, place of birth) and describe circumstances leading to information and suspicion about trafficking (signs of violence, psychological condition of the victim, condition or illness that may be linked to sexual exploitation, description of marks or alterations on the body indicating possible injection of psycho-active substances or other signs arising suspicion that the victim was exposed to illegal psycho-active substances). Some persons trafficked for sexual exploitation or pornographic content (child pornography) first get drugged so they would not resist.

Report or information about a potential victim of trafficking as a rule gets forwarded in written form, and in urgent case it can be forwarded verbally, by phone.

5) CONTACTING COMPETENT INSTITUTIONS

Competent institutions and authorised organisations are obliged to exchange all available information about victims needed for providing assistance and protection, collection of statistical data, creation of relevant reports, information and other matters of relevance for dealing with cases of THB.

Establishing contact with relevant institutions for providing further assistance to the victim and carrying out further investigative actions

Irrespectively of the victim’s age, when there is grounded suspicion that a person is victim of trafficking, the following relevant institutions shall be contacted:

- Foreign victim: inform SIPA, Prosecutor’s Office of Bosnia and Herzegovina and relevant Field Centre of the Service for Foreigners’ Affairs. It is possible to notify other police agencies and prosecutor’s offices;
- Domestic victim: inform SIPA and Prosecutor’s Office of Bosnia and Herzegovina. It is possible to notify other police agencies and prosecutor’s offices. If the potential victim of trafficking is adult, the centre/service for social work shall be notified only with the consent of the victim, i.e. only in cases of adults with mental disability or without legal capacity.
- Victim is a minor (foreign or domestic): obligation to inform both regional office of SIPA and relevant centre/service for social work.
**Contacting legal adviser - providing free legal aid**

In accordance to international treaties and conventions on human rights, every potential victim of trafficking has right and possibility to use free legal aid and advice during interviews with representatives of relevant institutions, and further on in the process of providing assistance, care and reintegration, criminal, civil and administrative procedures.

All relevant institutions and authorised organisations including the Ministry of Security must ensure the presence of a legal adviser for any action involving the victim, including the interview, to respect victim's rights. In case of a potential foreign minor victim, it is necessary to ensure the presence of a legal adviser immediately. Free legal aid to victims of trafficking in Bosnia and Herzegovina can be provided through the legal service of the centre/service for social work, centres for free legal aid or other available forms of free legal aid.

**Establishing contact with non-government organisation (NGO) who signed agreement on care of victim of trafficking**

Contacting non-government organisation shall be done after a contact has been made with competent institutions and the legal adviser for the purpose of organising care for the victim, namely:

- Foreign victim: contacting non-governmental organisation for accommodating foreign victims can be done exclusively in cooperation with territorially competent field centre of the Service for Foreigner's Affairs, which will in cooperation with the police and prosecutor's office assess the security situation in the specific case and accommodate victim in the safe house/shelter run by NGO who has signed Protocol with the Ministry of Security.

- Domestic victim: selection of the safe house shall be done by the centres/service for social work that will in cooperation with the relevant police and/or prosecutor's office accommodate victim at the safe house/shelter of the NGO who signed Protocol with the Ministry of Human Rights and refugees.

- Domestic victim repatriated to Bosnia and Herzegovina: selection of the safe house shall be done by centres/services for social work in the place of residence of the victim with prior agreement with the Section for Combatting trafficking in Human Beings of the Ministry of Security and the Ministry of Human Rights and Refugees.

**6) PLANNING AND ORGANIZING FORMS OF PROTECTION AND CARE**

The essence of this activity is in the need to exchange information efficiently and to ensure multidisciplinary cooperation between all involved institutions and organisations for the purpose of making decisions of forms and character of victim's protection.

During the process of planning and organizing protection and care, the Ministry of Security shall share all available information with the police agency and prosecutor's office in charge of the case, centre/service for social work competent for the given case and staff of the NGO/safe house where the victim has been accommodated.
7) TRANSPORT

In case of a high-risk human trafficking case, the victim shall be transported from the place of identification to the shelter exclusively by the competent law enforcement agency or the competent field centre of the Service for Foreigner's Affairs and in case of a foreign victim, escorted by one of the staff of the competent centre/service for social work.

In case there is no registered security threat whatsoever, transport of the victim to the shelter is in the competence of the centre/service for social work.

Transport of victims to and from shelter while staying there, e.g. for medical intervention, court procedures or similar activities where the presence of the victim is necessary, shall be done by the law enforcement agency in charge of the case and/or competent institution depending on the type of intervention.

8) ACCOMMODATION

Once the initial interview has been completed, prepared preliminary case assessment and in case of minors, the victim placed under guardianship of the centre/service for social work, the victim shall be referred to a safe house/shelter for a period of at least 30 days – the period of reflection for foreign victims set by the law. Upon the end of reflection period the assistance shall continue in accordance to the individual plan of reintegration.

In case of adults, once the security and risk assessment for the victim have been done, she/he is referred to a safe house. The referral to a safe house can take place only when the victim gave the consent. Although in legal terms the consent of a minor is not mandatory, for the purpose of providing efficient assistance and care to the minor victim, it is necessary to prepare the minor for referral to a shelter/safe house.

Trafficking victim shall be referred to one of the shelters run by NGOs depending whether the victim is foreign or domestic.

Foreign victim can be referred to shelters run by NGOs who signed Protocol with the Ministry of Security which is competent for foreigners' affairs in Bosnia and Herzegovina. Ministry of Security - Sector for Immigration and the Service for Foreigners' Affairs possess information on safe houses and persons in charge of accommodation.

A person who is identified as victim of trafficking and referred to a shelter, shall remain at the shelter and continue enjoying acquired rights until repatriation or expiry of the right on temporary stay for humanitarian reasons, unless this person applies for different status in accordance to current regulations.

In case the person who is identified as a victim of trafficking and referred to a shelter applies for international protection in Bosnia and Herzegovina, in accordance to the decision of the Sector for Asylum of the Ministry for Security, may remain at the shelter until the decision on request for international protection comes into effect or a final decision is reached.

Accommodation, recovery and repatriation expenses of foreign victims of trafficking are paid from the budget of the Ministry of Security of Bosnia and Herzegovina and can be paid from other sources such as donations, projects, programmes of domestic and foreign governmental and non-governmental organisations which are synchronized with the competent Ministry of Security.

Domestic victim can be referred to shelters run by NGOs who signed Protocol with the Ministry of Human Rights and Refugees which is competent for domestic victims of trafficking. Ministry of Human Rights possesses information on these safe houses and persons in charge of accommodation.
Means for providing basic social and medical care to domestic victims, accommodation, social inclusion, prevention, signing and implementation of protocols on cooperation with NGOs are provided through the special purpose funds of the Ministry of Human Rights and Refugees within the budget of the Ministry set with the basic purpose to provide assistance and protection. For realisation of assistance and protection activities means can be collected through other available sources by public and private institutions and organisations and from international and other sources.

**Releasing victim from the shelter**

A victim may wish to permanently leave the shelter at a certain moment of rehabilitation and the wish will be granted in accordance to legal conditions. Here is important to inform the victim with the fact he/she is forfeiting the right to care and other forms of assistance which she/he is entitled to as victim of trafficking.

Adult domestic victim may leave the shelter without escort once all competent institutions have been informed about that, under condition that victim's residence is known to the police and prosecutor's office in case a statement is needed for court proceedings in future.

Minor domestic victim may leave the shelter only upon a written request and in presence of the legal guardian, respecting the abovementioned conditions which apply to adult victims as well.

Foreign victim may leave the shelter only with the consent of competent institutions (Service for Foreigner's Affairs, police and prosecutor's office and, in case of minors, the centre for social work), and, under certain conditions, when the status of stay is regulated. Foreign victim may leave the shelter only escorted by an official of the competent institution which referred the victim to a shelter. In any of the cases, victims and escort are obliged to sign documentation about leaving the shelter.

**9) COOPERATION WITH COMPETENT INSTITUTIONS DURING CARE**

Bearing in mind the competencies of the Ministry of Security in the combatting trafficking in human beings and the fact that the efficient combatting trafficking and providing appropriate assistance and protection for victims depend on the level of mutual cooperation and coordination of all activities between all institutions and organisations involved in these processes, it is indispensable to undertake all activities in close cooperation. Therefore it is necessary that the communication and cooperation of the Ministry of Security and other institutions involved in the assistance to the victims is timely, clear, two-way and effective.

Cooperation and communication with law enforcement agencies is necessary - the police on local, entity and state level and prosecutor's offices, centres/service for social work and NGOs.

It is particularly important to share all available information with the legal adviser and appointed guardian who will represent interests of a minor victim at all stages of the procedures and decide on all issues of importance for the victim of trafficking including staff at the safe house who is implementing rehabilitation and inclusion programmes for the victim.

During their stay at the shelter victims are entitled to receive medical care. If the accommodation and care of victims of trafficking is provided by a partner NGO, medical care for victims of trafficking is ensured in a way that is set by the protocol on cooperation between the Ministry of Security, Ministry of Human Rights and the NGO in matter.
Repatriation of foreign victims of THB

Field Centre of the Service for Foreigner’s Affairs in cooperation with shelter management prepares and initiates procedure to the Ministry of Security for repatriation of victims of trafficking to their country of origin or habitual residence. Ministry of Security in cooperation with the Ministry of Foreign Affairs and the Service for Foreigner’s Affairs carries out the repatriation. Repatriation can be carried out also with the help and cooperation of International Organisation for Migration (IOM) which is regulated by a special Protocol on cooperation between the Ministry of Security and IOM.

When organising return for a child it is necessary to ensure the return procedure so that the child is received at the country of origin or habitual residence by an institution competent for child care and/or child's parent or a legal guardian.

Child victim shall not be returned to the country of origin or habitual residence if there is a justified suspicion based on security and risk assessments indicating that return of the child represents danger to members of its family or itself.

Ministry of Security cooperates with all institutions and organisations involved in the combatting trafficking in human beings and providing assistance and protection for victims of trafficking in collecting information on committed crimes related to trafficking and perpetrators. Competent institutions and authorised organisations are obliged to forward information on suspects, indicted and convicted traffickers using standard forms twice a year to SIPA, whereas the information will be stored in a common database. Competent institutions and authorised organisations are required to forward information on potential/identified victims of trafficking twice a year to the Ministry of Security/Section for Combatting trafficking in Human Beings on standard forms, whereas the information will be stored in a common database. The data collected is used for preparation of the report on THB situation in Bosnia and Herzegovina, situation monitoring and planning of appropriate steps for combating trafficking.
MINISTRY OF HUMAN RIGHTS AND REFUGEES
Ministry of Human Rights and Refugees (MHRR) is a state level ministry. The Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina\(^\text{32}\) bestowed the Ministry of Security with the authority to: monitor and implement international conventions and other documents in the domain of human rights and basic freedoms; promote and protect private and collective human rights and freedoms; coordinate and prepare reports for competent domestic bodies and institutions and for international institutions and organisations about implementation of obligations deriving from international conventions and international documents.

MHRR also has special competence in the combatting trafficking in human beings and illegal migrations in Bosnia and Herzegovina provided in the Decision of the Council of Ministers of Bosnia and Herzegovina about procedures and method of coordination of activities against trafficking in human beings and illegal immigration in Bosnia and Herzegovina and establishing position of the State Coordinator for Bosnia and Herzegovina\(^\text{33}\). According to this Decision, the MHHR is competent for preparation of instructions for handling victims of trafficking, cooperation with NGOs and other institutions which provide assistance to victims of trafficking, establishing shelters for victims of trafficking, monitoring and protection of victims of trafficking, especially children, organizing their repatriation and other issues related to protection of their human rights, organisation of trainings and education in cooperation with other state and entity ministries concerning this matter and issues related to identification of victims of trafficking, their protection et simile.

Competencies of the MHRR concerning the combatting trafficking in human beings, assistance and protection of victims of trafficking are also defined by the Rules on Protection of Domestic Victims and Victim-Witnesses of Trafficking\(^\text{34}\). These Rules set the principles and common working standards related to identification procedures, organisation of protection and assistance, primary and secondary prevention and other activities related to protection and assistance to domestic victims and victim-witnesses of trafficking.

Due to their daily involvement in the activities against trafficking in human beings and providing assistance and protection of victims of trafficking, officials of MHHR are often in position to work on detection and referring of victims of trafficking and closely cooperate with other institutions and organisations involved in the treatment of victims.

1) DETECTION

MHHR is the principal institution competent for prevention, detection and dealing with all types of violations of human rights and fundamental freedoms. Trafficking in human beings is flagrant violation of human rights; therefore the MHHR is one of the key institutions for suppression of trafficking in human beings in the BiH, especially trafficking and exploitation of children, hence its obligation to direct its activities towards detection of cases of trafficking in human beings.

In their daily duties, officials of MHHR have obligation to observe various risky situations where victims of trafficking could be identified and situations where there are indications of persons who are being exposed or could have been exposed to the risks of trafficking, such as:

- Population categories in social need,
- Refugees and internally displaced persons.
- Children exposed to domestic violence and neglected children,
- Minority groups,
- Vulnerable groups,
- Persons placed at residential facilities.

\(^\text{32}\) Official Gazette of Bosnia and Herzegovina No.: 5/03, 42/03, 26/04, 42/04, 45/06, 88/07 i 35/09
\(^\text{33}\) Official Gazette of Bosnia and Herzegovina No.: 24/03 i 37/04
\(^\text{34}\) Official Gazette of Bosnia and Herzegovina No. 66/07
In the above described and other similar situations, it is the duty of MHHR official to act preventively and avert possible trafficking in human beings, i.e. their exploitation by applying relevant measures to protect human rights.

**Identification of a potential victim of trafficking**

Whenever there is suspicion that someone is a victim of THB, that person will be treated as a victim until proven otherwise.

In case of a potential child-victim, it is extremely important to keep in mind that the consent of a child-victim to intended exploitation is irrelevant because children are not capable of making such and similar decisions independently, and any treatment of a child involving exploitation shall be treated as trafficking in human beings.

In case of adults, to be granted the status of victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case an adult declares in an interview given to an official of the MHHR that someone is restricting her/his freedom of movement, holding them against their will, withholding their personal documents, forcing to labour, soliciting, sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the official to categorize that person as a potential victim of trafficking and take action to provide care and protection to the victim and report criminal offence and perpetrator.

During the procedure of identification of victim of trafficking, the officials involved in the procedure are obliged to assess the following list of indicators:

- self-identification,
- place and conditions where the potential victim of trafficking is found,
- restriction of personal freedoms,
- psycho-physical condition,
- age of person, especially if younger than 18,
- method and purpose of entry to Bosnia and Herzegovina - for foreign victims,
- status, movement and stay of the person in Bosnia and Herzegovina - for foreign victims,
- possession of travel document and identification documents,
- possession of financial means,
- other circumstances relevant for correct identification.

**2) INTERVIEWING THE VICTIM**

In case of a grounded suspicion that someone is a victim of trafficking, with the purpose of identifying the potential victim, official of the Ministry shall conduct only the initial interview with the potential victim that will enable notification of a relevant police force, prosecutor’s office or the Service for Foreigners’ Affairs who will then take further activities and conduct necessary interviews with the victim.

It is very important that the victim of trafficking establishes relationship of mutual trust from the very first contact with the officials of the Ministry. Therefore, the official of the MHHR while conducting interview with the victim has to pay special attention to the age of the victim, use appropriate language, let the victim to tell the story and explain circumstances of her/his trafficking experience. Official of the Ministry must not insist on details related to the victimisation of the victim, the initial interview shall be general in nature and include explanation that the victim should give a detailed interview to police officials, prosecutors, immigration authorities, social workers and other persons involved in criminal procedures, providers of assistance and protection i.e. rehabilitation and re-socialisation.
It is also very important, from the onset of the interview with the victim, to give information about rights and obligations set by the law - related to: obligation to provide close protection - adequate and safe accommodation; provide healthcare and treatment of addictions; information on victim's legal status and advising in the segment of victim's rights and obligations in a language that the victim understands; providing legal assistance during criminal and other procedures where the victim can claims his/her rights; information about access to diplomatic and consular offices of the country of origin or country of habitual residence of the victim of trafficking; information about repatriation possibilities and procedure; providing social care which includes protective care and housing; monetary subsidy for persons in social need and re-socialisation program including various types of training and education depending on the financial possibilities.

It is important to point out that most victims of trafficking, especially children, out of fear from retaliation by traffickers, fear of parents who might be a part of the trafficking chain, fear of reaction by society and peers or even the fear of criminal persecution, most often initially deny the fact they are victims, i.e. they avoid talking about circumstances which can lead the officials of the Ministry to believe that the person is a potential victim. In those cases there should be sufficient time dedicated to the interview and collect all available and as thorough as possible information which could then be used to identify a potential victim of trafficking.

When it comes to interviewing a child victim or witness, please see part of the text from the “Competence of the Ministry of Security” - 2a).

3) CASE ASSESSMENT

Once the initial information related to the specific case are collected and institutions in charge of prosecution of perpetrators of criminal offence of trafficking in human beings informed, the case assessment takes place.

Competent institutions have intensive cooperation and each within its own competence, independently or cooperatively upon agreement, shall gather and exchange information on:

- established contact with the child and family (if there is one),
- assessment of harm inflicted to the victim and family,
- assess the risk of additional harm,
- secure evidence on maltreatment and exploitation (most often, this part is in the competence of prosecutor's office and police)
- secure urgent protection services,
- identify resources available for protection of the victim,
- prepare for decision on extracting child-victim from the family or other situation (competency of the centre for social work, if needed),
- locating suitable accommodation (competency of the social centre),
- secure feedback to other relevant persons or institutions,
- results of the assessment and possible activation of the case.

Prosecutor's offices and police are obliged to provide close protection to the victim and victim-witness and particularly to monitor all information in case there is danger against victims and victim-witness, by means of surveillance of their surroundings. To ensure appropriate protection, prosecutor's office and police are obliged to assess cases regularly.

Centre/service for social work, upon reception of information about a case, shall verify whether the case was registered earlier, collect additional information, make case assessment, establish contact with the victim, prepare and conduct interview, cooperate with all relevant institutions in Bosnia and Herzegovina and authorised organisations for the purpose of assessment of the harm and risk of future harms, help with securing evidence on maltreatment and exploitation, identify available resources for assistance and protection of victims and victims-witnesses, assess which interventions are immediate, i.e. prepare plan for protection of victims or victims-witnesses.
All institutions involved in case assessment are required to regularly update the case assessment and adjust measures which are taken to provide assistance and protection of victim in accordance to the results of updated assessments.

4) REPORTING

Obligation to report criminal offences and perpetrators applies to all situations where civil servants while performing their duties learn that a criminal offence of human trafficking has been committed. This implies general obligation for all officials to report all their information about committed crime of trafficking, perpetrators or victims to SIPA or Prosecutor’s Office of Bosnia and Herzegovina. A notification on suspicion and information can be forwarded to other police agencies and prosecutor’s offices. In case there is a foreign person who can be identified as a potential victim of trafficking it is necessary to inform in written form and without delay the relevant field office of the Service for Foreigners’ Affairs in order to provide care, accommodation and regulate status issues in accordance to the Law on Stay and Movement of Foreigners and Asylum.

In case civil servants do not report human trafficking, i.e. crime and perpetrator, and it gets established that during their work they came to such information, they could be sanctioned in accordance to the Penal Code of Bosnia and Herzegovina and fined or sentenced to prison for up to 3 years, the same offence is proscribed by penal codes of both Entities and Penal Code of Brčko District35.

Protecting and respecting the principles of confidentiality

Reporting a potential victim is a breach of confidentiality contrary to the interests of victim of trafficking especially when the victim is a child. To achieve the highest level of protection and respect of confidentiality principles, the best approach and method of reporting is informing the victim about the possibility to inform relevant services and persons who will help her/him in case the situation is dangerous and threatening. This can be achieved by simultaneously informing the victim that everything he/she says is confidential but that will not be kept as a secret because other officials need to be informed about the confidential data so the victim can be protected including the official who submits report.

Information exchange flow

The information exchange flow between the actors of direct assistance to victims of trafficking is defined by the Rules on Protection of Domestic Victims and Victim-Witnesses of THB and by the Book of Rules on Protection of Foreign Victims of THB. Reporting cases of foreign victims of trafficking and domestic victims is different.

In case of any competent institution in Bosnia and Herzegovina or authorised organisation, private person or legal entity suspecting or having information that a person is object of trafficking, there is obligation to inform SIPA and Prosecutor’s Office of BiH without delay. Notification on suspicion and information can be forwarded to entity prosecutor’s offices and police as well.

All cases of foreign victims, besides SIPA and Prosecutor’s Office of Bosnia and Herzegovina shall be reported to the relevant field centre of the Service for Foreigner’s Affairs immediately after identification.

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35 Penal Code of Bosnia and Herzegovina, article 230, Official Gazette of Bosnia and Herzegovina, No. 3/03

(1) Whoever, having knowledge of the identity of the perpetrator of a criminal offence for which a punishment of long-term imprisonment can be imposed under the law of Bosnia and Herzegovina, or whoever having merely knowledge of the perpetration of such an offence, fails to report the fact, although the timely discovery of the perpetrator of the offence depends on such report, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who fails to inform of a criminal offence he has discovered while performing his duties, if for the offence a punishment of imprisonment for a term of five years or a more severe punishment can be imposed under the law of Bosnia and Herzegovina.

(3) No punishment for failure to inform of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the perpetrator.
Referring a report

Reports need to include only the available facts and circumstances. It should specify: available identification data of the victim (first and family name, age, sex, year of birth, place of birth) and describe circumstances which lead to information and suspicion about trafficking (signs of violence, psychological condition of the victim, condition or illness that may be linked to sexual exploitation, description of marks or alterations on the body indicating possible injection of psycho-active substances or other signs arising suspicion that the victim was exposed to illegal psycho-active substances). Some persons trafficked for sexual exploitation or pornographic content first get drugged so they would not resist.

Report or information on potential victim of trafficking as a rule is forwarded in written form, and in urgent case it can be forwarded verbally, by phone.

5) CONTACTING COMPETENT INSTITUTIONS

Competent institutions and authorised organisations are obliged to exchange all available information about victims needed for providing assistance and protection, collection of statistical data, creation of relevant reports, information and other matters of relevance for dealing with cases of human trafficking.

Establishing contact with relevant institutions for providing further assistance to the victim and carrying out further investigative actions

Irrespectively of the victim’s age, when there is grounded suspicion that a person is victim of trafficking, the following relevant institutions shall be contacted:

- Foreign victim: inform SIPA, Prosecutor’s Office of Bosnia and Herzegovina and relevant Field centre of the Service for Foreigners’ Affairs. It is possible to notify other police agencies and prosecutor’s offices as well;
- Domestic victim: inform SIPA and Prosecutor’s Office of Bosnia and Herzegovina. It is possible to notify other police agencies and prosecutor’s offices as well. If the potential victim of trafficking is adult, the centre/service for social work shall be notified only with the consent of the victim, except in cases of adults with mental disability or without legal capacity.
- Victim is a minor (foreign or domestic): obligation to inform both regional office of SIPA and relevant centre/service for social work.

In a contact with competent institutions, the official of the Ministry shall emphasize the necessity for mandatory medical examination and possible medical assistance before any further investigative action with the potential victim takes place.

Contacting legal adviser - providing free legal aid

In accordance to international treaties and conventions on human rights, every potential victim of trafficking has right and possibility to use free legal aid and advice during interviews with representatives of relevant institutions, and further on in the process of providing assistance, care and reintegration, criminal, civil and administrative procedures.

All relevant institutions and authorised organisations in Bosnia and Herzegovina including the MHHR must ensure the presence of a legal adviser to fulfil victim’s rights before any action involving the victim, including the interview, takes place. In case of a foreign minor potential victim, it is necessary to ensure the presence of a legal adviser immediately. Free legal aid to victims of trafficking in Bosnia and Herzegovina can be provided through the legal service of the centre/service for social work, centres for free legal aid and other available forms of free legal aid.
Establishing contact with non-government organisation (NGO) who signed agreement on care of victims of trafficking

Contacting non-governmental organisation shall be done after a contact has been made with competent institutions and legal adviser for purpose of organising care of the victim, namely:

- Foreign victim: contacting non-governmental organisation for accommodating foreign victims can be done exclusively in cooperation with territorially competent field centre of the Service for Foreigner’s Affairs, which will in cooperation with the police and prosecutor’s office assess the security situation in the specific case and accommodate victim in the safe house/shelter run by NGO who has a signed Protocol with the Ministry of Security.
- Domestic victim: selection of the safe house shall be done by the centres/service for social work that will in cooperation with the relevant police and/or prosecutor’s office assess the security situation and accommodate victim at the safe house/shelter of the NGO who signed Protocol with the Ministry of Human Rights and Refugees.
- Domestic victim repatriated to Bosnia and Herzegovina: selection of the safe house shall be done by centres/services for social work in the place of residence of the victim with prior agreement with the Section for Combatting Trafficking in Human Beings of the Ministry of Security and the Ministry of Human Rights and Refugees. In case the victim repatriated to Bosnia and Herzegovina will not be referred to a safe house, the centre/service for social work in cooperation with NGO who has the capacity to provide such form of assistance and protection in cooperation with MHHR shall take care of victim’s rehabilitation and reintegration.

6) PLANNING AND ORGANIZING FORMS OF PROTECTION AND CARE

The essence of this activity is in the need to exchange information efficiently and to ensure multidisciplinary cooperation between all involved institutions and organisations for the purpose of making decisions on forms and character of victim’s protection.

During the process of planning and organizing protection and care, the MHHR shall share all available information with the police agency and prosecutor’s office in charge of the case, centre/service for social work competent for given case and staff of the NGO/safe house where the victim has been accommodated.

7) TRANSPORT

In case of a high-risk trafficking in human beings case, the victim shall be transported from the place of identification to the shelter exclusively by the competent law enforcement agency or the competent field centre of the Service for Foreigner’s Affairs and in case of a foreign victim, escorted by one of the staff of the competent centre/service for social work.

In case there is no registered security threat whatsoever, transport of victim to the shelter is in the competence of the centre/service for social work.

Transport of victims to and from shelter while staying there, e.g. for a medical intervention, court procedures or similar activities where the presence of the victim is necessary, shall be done by the law enforcement agency in charge of the case and/or competent institution depending on the type of intervention.
8) ACCOMMODATION

Once the initial interview has been completed, prepared preliminary case assessment and in case of minors, the victim placed under guardianship of the centre/service for social work, the victim shall be referred to a safe house/shelter for a period of at least 30 days - legal period of reflection for foreign victims. Upon the end of reflection period the assistance shall continue in accordance to the individual plan of reintegration.

In case of adults, once the security and risk assessment for the victim have been done, she/he is referred to a safe house. The referral to a safe house can take place only when the adult victim gave the consent. Although in legal terms the consent of a minor is not mandatory, for the purpose of providing efficient assistance and care to the minor victim, it is necessary to adequately prepare the minor for referral to a shelter/safe house.

Trafficking victim shall be referred to one of the shelters run by NGOs depending whether the victim is foreign or domestic.

Foreign victim can be referred to shelters run by NGOs who signed Protocol with Ministry of Security which is competent for foreigners’ affairs in Bosnia and Herzegovina. Ministry of Security - Sector for Immigration and the Service for Foreigners’ Affairs possesses information on safe houses and persons in charge of accommodation.

A person who is identified as a victim of trafficking and referred to a shelter, shall remain at the shelter and continue enjoying acquired rights until repatriation or expiry of the right on temporary stay for humanitarian reasons, unless this person applies for different status in accordance to current regulations.

In case the person who is identified as a victim of trafficking and referred to a shelter applies for international protection in Bosnia and Herzegovina, in accordance to the decision of the Sector for Asylum of the Ministry of Security, may remain at the shelter until the decision on request for international protection comes into effect or a final decision is reached.

Accommodation, recovery and repatriation expenses of foreign victims of trafficking are paid from the budget of the Ministry of Security of Bosnia and Herzegovina and can be paid from other sources such as donations, projects, programmes of domestic and foreign governmental and non-governmental organisations which are harmonised with the competent Ministry of Security.

Domestic victim can be referred to shelters run by NGOs who signed Protocol with the Ministry of Human Rights and Refugees which is competent for domestic victims of trafficking. Ministry of Human Rights possesses information on these safe houses and persons in charge of accommodation.

Means for providing basic social and medical care to domestic victims, accommodation, social inclusion, prevention, signing and implementation of protocols on cooperation with NGOs are provided through special purpose funds of the Ministry of Human Rights and Refugees within the budget of the Ministry with the basic purpose to provide assistance and protection. For realisation of assistance and protection activities means can be collected through other available sources by public and private institutions and organisations and from international and other sources.
Releasing victim from the shelter

A victim may wish to permanently leave the shelter at a certain moment of rehabilitation and the wish will be granted in accordance to legal conditions. Here is important to inform the victim with the fact he/she is forfeiting the right to care and other forms of assistance which she/he is legally entitled to as a victim of trafficking.

Adult domestic victim may leave the shelter without escort once all competent institutions have been informed about that, under condition that victim’s (new) residence is known to the police and prosecutor’s office in case a statement is needed for court proceedings in future.

Minor domestic victim may leave the shelter only upon a written request and in presence of a legal guardian, respecting the abovementioned conditions which apply to adult victims as well.

Foreign victim may leave the shelter only with the consent of competent institutions (Service for Foreigner’s Affairs, police and prosecutor’s office and, in case of minors, the centre/service for social work), under certain conditions and when the status of stay is regulated. Foreign victim may leave the shelter only escorted by an official of the competent institution which referred the victim to the shelter. In any of the cases, victims and escort are obliged to sign documentation about leaving the shelter.

9) COOPERATION WITH COMPETENT INSTITUTIONS DURING CARE

Bearing in mind the competencies of the MHHR in the combatting trafficking in human beings and the fact that the efficient combatting trafficking and providing appropriate assistance and protection for victims depend on the level of mutual cooperation and coordination of all activities between all institutions and organisations involved in these processes, it is necessary to undertake all activities in close cooperation. Therefore it is necessary that the communication and cooperation of the MHHR and other institutions involved in the assistance to the victims is timely, clear, two-way and effective.

Cooperation and communication with law enforcement agencies is necessary - the police on local, entity and state level and prosecutor’s offices, centres or services for social work and NGOs.

It is particularly important to share all available information with the legal adviser and appointed guardian who will represent interests of a minor victim at all stages of the procedures and decide on all issues of importance for the victim of trafficking including staff at the safe house who is implementing rehabilitation and inclusion programmes for the victim.

During their stay at the shelter victims are entitled to receive medical care. If the accommodation and care of victims of trafficking is provided by a partner NGO, medical care for victims of trafficking is ensured in a way that is set by the protocol on cooperation between Ministry of Security, Ministry of Human Rights and NGO in matter.

MHHR cooperates with all institutions and organisations involved in the combatting trafficking in human beings and providing assistance and protection for victims of trafficking in collecting information on committed crimes related to trafficking and perpetrators. Competent institutions and authorised organisations are obliged to forward information on potential/identified victims of trafficking twice a year using standard forms to MOS/Section for Combatting Trafficking in Human Beings, whereas the information will be stored in a common database. The data collected is used in preparation of the report on trafficking situation, situation monitoring and planning of appropriate steps for combating trafficking in human beings.
10) REPATRIATION

Repatriation is activity for foreign victims identified in the BiH, who agree to voluntarily return - repatriate to their countries of origin, but also for the domestic victims, BiH nationals identified abroad as such who are then returned to BiH as their country of origin.

Although the repatriation process for foreign and domestic victims is almost identical in terms of transportation and the reception, there are differences in terms of services provided to victims prior and after the repatriation. Namely, the foreign victim after identification in the BiH will in most cases be taken care of at a shelter, included in rehabilitation process and after that repatriated to the country of origin, while for the domestic victim after repatriation to BiH will be organised rehabilitation and re-socialisation where it may happen that the victims spends some time in a shelter.

The difference in repatriation activities is reflected in the fact that the foreign victim, in most cases, was illegally staying in the BiH and for such a case the temporary stay for humanitarian reasons has to be regulated upon the identification. The stay is approved on the grounds that the person is victim of trafficking. Humanitarian stay is approved to all victims of trafficking regardless whether they accepted to testify or not. The only difference is that for the victim who will not testify the humanitarian stay is of shorter time. Humanitarian stay for the victim who will testify can be extended for as long as there is the need for that. Once there is no longer need for extension on humanitarian stay, commences implementation of the repatriation.

For domestic victim of trafficking, the repatriation takes place only in cases when a citizen of BiH is identified as victim of trafficking in a foreign country, and that person is repatriated to BiH as its country of origin. In such cases repatriation takes place through the BiH diplomatic-consular offices abroad that will provide all assistance necessary to those persons, in cooperation with competent institutions in the BiH, where the CSW are in charge of minors and other persons who need the special case guardians. In performing the repatriation, the BiH institutions are obliged to proceed as per the provisions of Readmission Agreement - in case that the repatriation is done from a country that has the readmission agreement with the BiH, or according to Transnational Referral Mechanism Guidelines - if the repatriation is done from the country that is the TRM Guidelines Project participant (the TRM Country).

For the repatriation of foreign victims from BiH to the receiving country, a field office of the Service for Foreigners' Affairs, in cooperation with the shelter management starts preparing a procedure for the repatriation of trafficked persons to the country of origin or habitual residence, and submits the case request to the BiH Ministry of Security. The Ministry of Security of BiH, in cooperation with the Ministry of Foreign Affairs of BiH and the Service for Foreigners' Affairs, performs the repatriation procedure. The procedure can be realized with the assistance and in cooperation with the International Organization for Migration (IOM) or with NGOs, which is regulated by a special Protocol on Cooperation between the Ministry of Security of the BiH and the IOM.

The process of repatriation commences at the request of the Immigration Department of the Ministry of Security of the BiH to the IOM or NGO, and is conducted in cooperation with the competent ministries and NGO that takes care of the victim. The cooperation of the centres for social work is necessary if there is a case that it is a foreign national child victim who we need to repatriate. The procedure involves the diplomatic missions and consular offices of the foreign trafficking victim's country of origin, as well as the Ministry of Foreign Affairs of BiH, who will mediate in the issuance of travel documents necessary for the organization of repatriation.

In cases of repatriation of the domestic victims, namely victims who are the BiH nationals, from abroad to the BiH – on the bases of the guidelines of the Transnational Referral Mechanism, the repatriation on the BiH side shall be coordinated by Ministry of Security of the BiH (Section for Combating Trafficking in Human Beings, and Immigration Sector) in cooperation with the Ministry of Foreign Affairs of BiH, the BiH Ministry of Human Rights, the competent centre for social work, and the NGOs that shall provide assistance to the victim.
In cases of repatriation of the domestic victims, namely victims who are BIH nationals, from abroad to BIH - on the bases of the readmission agreement or other legal bases, repatriation on the BIH side shall be coordinated by Ministry of Security of the BIH (Section for Combating Trafficking in Human Beings, and Immigration Sector)

During repatriation, the selected NGO has to establish communication and exchange of data and information with all actors involved in the return of victim to the country of origin to ensure his/her adequate reception, care and assistance. Also, in cases involving children-victims and persons with special needs, the CSW have to establish contact with the competent CSW abroad to get an insight into circumstances of victim's trafficking, possible involvement of victim's family in the trafficking, medical and psychological condition of the victim, return condition, need for escort/accompaniment (in case of a minor foreign victim) the appointed guardian shall escort the child and hand it over to the guardian in the country of origin, need for temporary accommodation upon return et simile.

As the repatriation is exclusively voluntary and requires signing the consent, the role of the NGO case manager or the CSW (Centre for Social Work and Welfare) case manager, in case of a child-victim, is in cooperation with the legal adviser during preparation of the statement on voluntary return and forfeiting of the temporary stay in the country where the victim has been identified. These documents are to be signed by the victim (be it foreign in the BIH, or domestic BIH national abroad) in the presence of a legal adviser i.e. appointed guardian for minor victim. Here the role of the CSW case manager is extremely important for clarification of these documents and explaining the entire repatriation process to the victim-minor.

**Individual repatriation plan**

Individual repatriation plan includes detailed travel plan, assistance during departure, transit and reception, obtaining travel documents, physician’s opinion on victim’s condition to return, and coordination of other details.

If a repatriation procedure is conducted by an NGO, the case manager has an obligation to cooperate with all the institutions and organizations competent and involved in the process in order to create an individual repatriation plan that includes organisation of the travel process and the pertinent accompanying documentation.

If a repatriation procedure is conducted or coordinated by the IOM or Ministry of Security of the BIH, they have an obligation to cooperate with the NGO that provides assistance to the victim in composing the individual repatriation plan.

It is extremely important that the NGO case manager keeps the victim informed about all planned activities during the entire repatriation process so as to maintain victim’s trust in the process, and as an indispensable prerequisite to the continuation of rehabilitation and re-socialisation upon victim’s return to the country of origin. It is not rare for victims to have the need for continuous psychological support and protection during the entire repatriation process, this is again the role of the authorised NGO, in cooperation with the competent CSW when the case involves a child and/or the victim who is a minor.

When organizing the return of a child, it is necessary to provide a return procedure that allows the child to be admitted to the country of origin or usual residence by the competent institution in charge of child protection, and/or the child’s parent or legal guardian. A child victim of trafficking will not be returned to the country of origin or habitual residence if there is a justified suspicion, and if the risk and security assessment indicates that the return of the child would jeopardize his/her safety or safety of his family members.
MINISTRY OF CIVIL AFFAIRS OF BOSNIA AND HERZEGOVINA
The Ministry of Civil Affairs of the BiH realizes its tasks within the competence of the institutions of Bosnia and Herzegovina, and its activities in the fields of health care, labour, employment, social welfare and protection and education are determined by the coordinating role arising from the provisions of the aforementioned Article of Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina, which refer, inter alia, to defining strategies at the international plane, the drafting of international agreements, the drafting of reports on the implementation of those agreements, preparatory works on adoption of conventions, monitoring and reporting on the implementation of conventions ratified, and tasks related to European integration and international cooperation in these fields.

Inclusion of the BiH Ministry of Civil Affairs, by this institution representatives appointed to regional monitoring teams, will through these teams action, in accordance with the competencies of all involved institutions, enhance the coordination and communication. Taking into account the competencies of all the institutions involved - on level of entities, cantons, and of the Brčko District of the BiH, the information will be exchanged within Sarajevo, Tuzla, Mostar and Banja Luka regional monitoring teams. The intention of the Ministry of Security of Bosnia and Herzegovina is to include appointed representatives into regular activities of the RMTs and coordinate in providing assistance to victims of trafficking in human beings, especially in segments relating to the needs for education, social and health care, all in accordance with the positive legislation at all levels of government in Bosnia and Herzegovina.

Active participation of the Ministry of Civil Affairs of Bosnia and Herzegovina representatives in the work of RMTs is believed to be an enhancement and the improvement in the multidisciplinary cooperation necessary in processes of rehabilitation, re-socialization, reintegration and the repatriation. Furthermore, it shall also contribute to: reducing the shortcomings in synchronization of the activities of the competent institutions, developing minimum standards in the field of social protection, health care and education, and enabling victims of trafficking in human beings to have equal access and opportunities in exercising these rights throughout the territory of Bosnia and Herzegovina in manner of non-discrimination and respect for human rights. Bearing in mind the fact that Bosnia and Herzegovina is a signatory to a series of international conventions and protocols, it has undertaken to make adaptations within domestic legislation, meaning harmonizing it with international legislative acts.

1) DETECTION

The BiH Ministry of Civil Affairs is one of the institutions that, concerning its coordinating role arising from the provisions of the aforementioned article of the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina, can contribute to the implementation of activities in the fields of health care, social welfare and protection, and education.

Civil servants and officials of the Ministry, in line with the Ministry's competencies, and in cooperation with bodies and institutions at the entity and the BD level of the BiH with jurisdiction in the fields of health care, social protection and education, have a continuous obligation to contribute to the prevention and suppression of trafficking in human beings. In any trafficking in human beings risk related situation observed, and in situations that raise suspicion that persons exposed are or may be at risk of trafficking in human beings, the civil servants and officials of the Ministry are obliged to act in accordance with human rights protection measures.

Identification of a potential victim of trafficking

Whenever there is suspicion that someone is a victim of the THB, such a person will be treated as if a victim until proven otherwise. In case of a suspicion of a potential child-victim, it is extremely important to keep in mind that the consent of a child-victim to intended exploitation is irrelevant, because children are not capable of making such and similar decisions independently, thus any treatment of a child involved in exploitation shall be treated as the case of trafficking in human beings.
In case of the adults, to be granted the status of victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case that an adult person declares, in an interview given to an official of the Ministry, that someone is restricting her/his freedom of movement, holding him/her against their will, withholding their personal documents, forcing to labour, soliciting sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the official to categorize that person as a potential victim of trafficking and take action to provide care and protection to the victim, and report the criminal offence and the perpetrator.

During the procedure of identification of victim of trafficking, the officials involved in the procedure are obliged to assess the following list of indicators:

- Self-identification,
- Place and conditions where the potential victim of trafficking is found,
- Restriction of personal freedoms,
- Psycho-physical condition,
- Age of person, especially if younger than 18 of age,
- Method and purpose of entry to Bosnia and Herzegovina - for foreign victims,
- Status, movement and stay of the person in Bosnia and Herzegovina - for foreign victims,
- Possession of travel document and identification documents,
- Possession of financial means,
- Other circumstances relevant for the proper and correct identification.

2) REPORTING

Obligation to report criminal offences and perpetrators applies to all situations where civil servants and/or the officials, while performing their duties, learn that a criminal offence of human trafficking or criminal offence related to human trafficking has been committed. This implies general obligation for everybody to report the information they have about committed crime of trafficking, perpetrators or victims to SIPA, or the Prosecutor’s Office of Bosnia and Herzegovina. A notification on suspicion and information can be forwarded to other police agencies and prosecutor’s offices as well. In case there is a foreign person who can be identified as a potential victim of trafficking it is necessary to, besides reporting to the law enforcement (police and prosecutors’ office) without delay and in written form inform the relevant field office of the Service for Foreigners’ Affairs, so as that reception, accommodation, and regulating status can be arranged for the person(s), all in accordance with the Law on Movement and Stay of Aliens, and the Asylum.

Should the Ministry officials/civil servants fail to report human trafficking, i.e. the crime, and it gets determined that during their work they came to such information, in accordance to the Penal Code of Bosnia and Herzegovina they could be find liable and fined or sentenced to prison for up to 3 years. The same offence is proscribed by penal codes of both Entities, and the Penal Code of Brčko District of the BiH.

**Protecting and respecting the principles of confidentiality**

To achieve the highest possible level of protection and respect of confidentiality principles, the best approach and method of reporting is informing the victim about the obligation to have relevant institutions informed, who would help her/him in case the situation is dangerous and threatening. Confidential information can be shared with other competent institution only with explicit consent of the potential victim of trafficking and/or guardian. However, in this situation, the Law is explicit and favours reporting because non-reporting is sanctioned by the Law. Of course, this situation obliges the acting official to have a careful conversation with the victim. A victim of the THB, especially a child, has to be explained in a language appropriate to victim’s age that everything said between the two of them is confidential.
Referring a report and Information exchange flow

The information exchange flow between the actors of direct assistance to victims of trafficking is defined by the Rules on Protection of Domestic Victims and Victim-Witnesses of THB and the Book of Rules on Protection of Foreign Victims of THB. Reporting on cases of foreign victims of trafficking and the domestic victims is different.

In case of any competent institution or authorised organisation, private person or legal entity suspecting or having information that a person is object of trafficking, there is the obligation to inform SIPA and the Prosecutor’s Office of the BiH without a delay. Notification on suspicion and information can also be forwarded to entity prosecutor’s offices and police.

All cases of foreign victims, besides to SIPA and the Prosecutor’s Office of Bosnia and Herzegovina shall be reported to the relevant Field Centre of the Service for Foreigner’s Affairs immediately after initial identification.

Reports need to include only the available facts and circumstances. It should specify: available identification data of the victim (first and family name, age, sex, year of birth, place of birth) and describe circumstances leading to information and suspicion about trafficking (signs of violence, psychological condition of the victim, condition or illness that may be related to sexual exploitation, description of marks or alterations on the body indicating possible injection of psycho-active substances, or other signs arising suspicion that the victim was exposed to illegal psycho-active substances). Some persons trafficked for sexual exploitation or pornographic content (child pornography) first get drugged (exposed and or forced to illicit psycho-active substances) so they would not resist.

As a rule, the report or information about a potential victim of trafficking must be submitted and/or forwarded in written form, yet in urgent case it can also be forwarded verbally, by phone.

3) CONTACTING AND COOPERATING WITH COMPETENT INSTITUTIONS AND AUTHORIZED ORGANIZATIONS DURING DETECTION AND IDENTIFICATION

Competent institutions and authorised organisations are obliged to exchange all available information about victims that are needed for providing assistance and protection, collection of statistical data, creation of relevant reports, information and other matters of relevance for dealing with cases of human trafficking.

Establishing contact with relevant institutions for providing further assistance to the victim and carrying out further investigative actions

Irrespective of the victim’s age, when there is justified suspicion that a person is victim of trafficking, the following relevant institutions shall be contacted:

- Foreign victim: inform SIPA, the Prosecutor’s Office of Bosnia and Herzegovina, and relevant Field Centre of the Service for Foreigners’ Affairs. It is possible to notify other police agencies and prosecutor’s offices too;
- Domestic victim/ the BiH national: inform SIPA and the Prosecutor’s Office of Bosnia and Herzegovina. It is possible to notify other police agencies and prosecutor’s offices too. If the potential victim of trafficking is an adult, the centre/service for social work and welfare shall be notified only with the consent of the victim, except in cases of the adults with mental disability or without legal capacity.
- Victim is a minor (foreign or domestic): obligation to inform both regional office of SIPA and relevant centre/service for social work. Relevant Field Centre of the Service for Foreigners’ Affairs is also to be informed on foreign national who is a minor.
Within contacting the competent institutions, the official of the Ministry will emphasize the necessity of carrying out a mandatory medical examination and possible provision of necessary medical assistance before taking any further investigative actions with a potential victim.

**Contacting legal adviser - providing free legal aid**

In accordance to international treaties and conventions on human rights, every potential victim of trafficking has the right and possibility to use a free legal aid and advice during interviews with representatives of relevant institutions, and further on throughout the process of providing assistance, care and reintegration, criminal, civil and administrative procedures.

All relevant institutions and authorised organisations including the Ministry of Civil Affairs must ensure the presence of a legal adviser for any action involving the victim, including the interview, so as to respect the victim’s rights. In case of a potential foreign minor victim, it is necessary to ensure the presence of a legal adviser immediately. Free legal aid to victims of trafficking in Bosnia and Herzegovina can be provided through the legal service of the centre/service for social work and welfare, centres for free legal aid or other available forms of free legal aid.

**Contact and cooperation with non-government organisation (NGO) authorised for provision of care to victim of trafficking**

Contacting non-government organisation shall be done after a contact has been made with competent institutions and the legal adviser for the purpose of organising care for the victim, namely:

- **Foreign victim:** contacting non-governmental organisation for accommodating foreign victims can be done exclusively in cooperation with territorially competent Field Centre of the Service for Foreigner’s Affairs, which will in cooperation with the police and the prosecutor’s office assess the security situation in the specific case and shall accommodate victim in the safe house/shelter run by NGO who has signed the Protocol with the Ministry of Security.

- **Domestic victim:** selection of the safe house shall be done by the centres/service for social work and welfare that will, in cooperation with the relevant police and/or prosecutor’s office, assess the security situation in the specific case and accommodate victim at the safe house/shelter of the NGO who has signed Protocol with the Ministry of Human Rights and Refugees.

- **Domestic victim repatriated to Bosnia and Herzegovina:** selection of the safe house shall be done by centres/services for social work and welfare in the place of residence of the victim with prior agreement with the Section for Combatting Trafficking in Human Beings of the Ministry of Security, and the Ministry of Human Rights and Refugees. If the victim who is repatriated to the BiH is not to be placed in the shelter, the CSW will take measures for the rehabilitation and reintegration in cooperation with an NGO that has the capacity to provide this type of assistance and protection and in cooperation with the BiH Ministry of Human Rights and Refugees.
MINISTRY OF JUSTICE OF BOSNIA AND HERZEGOVINA
Ministry of Justice of Bosnia Herzegovina got established in year of 2003 on the grounds of the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina (Official Gazette of the BiH, No: 5/2003) the Law on Ministries and Other Administrative Bodies of Bosnia and Herzegovina bestowed the Ministry with: the authority over administrative functions related to judicial bodies at state level, international and inter-entity judicial cooperation (international legal assistance and contacts with international tribunals), the drafting of appropriate laws and regulations, ensuring that legislation and its implementation at all levels of governing are in line with the obligations of the BiH arising from international agreements, cooperation with the Ministry of Foreign Affairs and the Entities on developing international bilateral and multilateral agreements, giving guidance for and monitoring on the legal education in order to ensure inter-entity harmonization in this field, acting in accordance with the best standards, generally acting as the central coordinating body in ensuring compliance of legislation and standards of the judicial system between entities, either by providing conditions for discussion or by coordinating initiatives, extradition, administrative inspection activities over the implementation of laws related to civil servants and employees of administrative bodies, administrative procedure and special administrative procedures and office operations in administrative bodies, issues related to associations of citizens, keeping registers of associations of citizens and non-governmental organizations operating in the territory of the BiH, other tasks and tasks that are not within the competence of other ministries of the BiH, and are related to tasks within the competence of this Ministry.

As for the international legal assistance and cooperation, it is based on international multilateral and bilateral treaties binding on Bosnia and Herzegovina. The BiH Ministry of Justice implements the sets of procedures for concluding international agreements in the area of providing international legal assistance, as well as the procedures for acceding to international conventions. This particularly refers to the affairs of the extradition of accused and convicted persons, the handling of requests for the execution of foreign judicial decisions in criminal, civil and other matters, and the handling of requests for international criminal, legal, civil and other legal assistance.

Accession of the BiH to the European criminal justice conventions (extradition, transfer of convicted persons, transfer of criminal proceedings and international legal assistance in criminal matters), resulted in that the procedure for providing international legal assistance has been significantly improved and simplified. In this segment, the jurisdiction of this ministry covers the provision of international legal assistance in criminal and civil matters based on international multilateral and bilateral agreements and treaties, cooperation with domestic and international judicial authorities, extradition procedures of suspected, accused and convicted persons, and transfers of criminal proceedings from one state to another, transfers of convicted persons, and treatment of requests for taking over the execution of foreign court decisions in criminal, civil and other matters, handling requests for international criminal justice, civil and other legal assistance, treatments defined under the convention on civil legal aspects of international kidnapping of children (the return of children illegally taken and held), treatment under the convention on the realization of alimony requests abroad, preparation of analyses, reports, information and other professional materials within the competence of the Sector, monitoring on the situation and proposing measures for determining policy and resolving the implementation of procedures for the conclusion of international treaties in the area of international legal assistance, as well as procedures for acceding to international conventions in this field, and verification of documents intended for use abroad.

The Ministry of Justice is competent for the following activities: to improve cooperation with representatives of civil society, which refers to drafting documents for development of the non-governmental sector in the BiH, for drafting and preparing the Strategy and Action Plan for creating a favourable environment for the development of civil society in the BiH, for enhancing work of the BiH Council of Ministers joint bodies and improvement of their cooperation with the non-governmental sector in order to more effectively determine and estimate common goals, to prepare and propose various forms of cooperation between the Council of Ministers and the non-governmental sector in the BiH, to assess new policies for the non-governmental sector development, to facilitate and encourage the participation of the non-governmental sector in the process of consultations in the drafting of laws and other monitoring, for monitoring on the importance of NGO sector activities and voluntary work, for monitoring of the cooperation of the non-governmental sector with lower levels of government in the BiH, for monitoring and compilation of
annual reviews on the application of the cooperation agreements between the Council of Ministers and the non-governmental sector in the BiH, monitoring and compilation of analyses on compliance with laws and other regulations related to the non-governmental sector, for implementation of codes of conduct for the non-governmental sector and maintenance of high standards of management, and for preparation of expert opinions and explanations for the application of laws, other regulations and general acts on inquiries submitted by citizens, legal entities and other entities, or ex officio.

In accordance with the above, significant activities have been undertaken by the BiH Ministry of Justice over the past period, namely a database on registered associations and non-governmental organizations in Bosnia and Herzegovina has been established, and an agreement on cooperation between the Council of Ministers of Bosnia and Herzegovina and non-governmental organizations in Bosnia and Herzegovina has been drafted and initiated. The Agreement on Co-operation between the Council of Ministers of Bosnia and Herzegovina and non-governmental organizations in Bosnia and Herzegovina is a document that establishes common values, principles, postulates and priorities of cooperation between the Council of Ministers of Bosnia and Herzegovina and non-governmental organizations in Bosnia and Herzegovina. The implementation of the Agreement will be monitored by the Legal Aid and Development Section of the Civil Society of the Ministry of Justice of Bosnia and Herzegovina, and non-governmental organizations.

1. Criminal-law provisions for the criminal offense of Trafficking in Human Beings

The role of the BiH Ministry of Justice in combating trafficking in human beings is very important, primarily being a body that, inter alia, prepares the relevant laws and regulations or secondary legislation at the state level, and provides the preconditions for the work of the state level judicial authorities, and in this regard prepares and drafts laws in the criminal law field at the state level, from the aspect of incriminating all criminal offenses within the jurisdiction of the state, and thus the trafficking in human beings criminal offense.

The BiH Ministry of Justice is not one of the actors in combating human trafficking in operational terms. The role of the BiH Ministry of Justice in this field is to continuously monitor on the issues of trafficking in human beings and, accordingly, make changes and amendments to the existing provisions or introduce new incriminations into criminal legislation at the state level. Furthermore, the BiH Criminal Procedure Code, including the provisions on the rights of individual participants in the criminal procedure, has been continuously kept updated through amendments in order to enable that criminal procedures be implemented as efficiently as possible.

Accordingly, the Ministry of Justice of BiH, when it comes to victims of human trafficking, is obliged to follow and monitor on the procedural and legal standards in criminal procedure.

Due to the complex nature of the trafficking in human beings criminal offense and the real possibility that acts of the criminal offense commission take on new forms, it is necessary that the Ministry of Justice of the BiH, in cooperation with other bodies, primarily with the National Anti-Trafficking Coordinator, monitor on new forms of the execution and subsequently amends the criminal offense regulations and to incorporate in the criminal legislation standards enabling the state to successfully counteract and respond to new forms of trafficking.

2. Free legal aid for victims of trafficking in human beings

In accordance with accepted international obligations regarding respect for human rights, every potential victim of trafficking in human beings has the right to free legal aid and counselling during communication with representatives of competent institutions and during the process of assistance, care and reintegration, during criminal proceedings, civil and/or administrative proceedings. Providing free legal aid to potential and/or identified victims of trafficking in human beings can be provided through the Free Legal Aid Office of the Ministry of Justice of the BiH, which is in accordance with the Law on Free Legal Aid.
All competent institutions and authorized organizations, including the Ministry of Justice of the BiH, in any action with the victim, including the interview, have to ensure the presence of a legal counsel in order to respect the rights of a victim.

In case of a minor potential trafficking victim who is a foreign national, it is necessary to immediately provide him/her the legal adviser. Free Legal Aid to victims of trafficking in human beings in the BiH can be provided through a previously-named office and/or legal service in centres for social work and welfare, free legal aid centres, or other forms of free legal aid available.

Given the competences of Ministry of Justice of the BiH in activities of combating trafficking in human beings and their activities on protection of the human trafficking victims, and bearing in mind the fact that the efficiency in combating trafficking in humans and the provision of the adequate assistance to the victims depend on scope on cooperation and coordination of the activities of all the institutions and organizations included in these processes, it is necessary to undertake the activities in close mutual cooperation.

In line with the above said, it is obvious that cooperation and communication of the Ministry with other institutions in the process of assisting the victims have to be in timely manner, unambiguous, clear, bi-directional, and efficient.

The cooperation and communication with law enforcement agencies at all levels, prosecution offices, centres or social services and NGOs are indispensable.

With an underage or juvenile victim, it is especially important to inform a legal adviser and a designated guardian about all the available information, so as to enable them to represent the interests of juvenile victims at all stages of the proceedings and decide on all issues of concern to the victim of trafficking. The safe house staff performing rehabilitation programs and re-socialization of the victim should be provided with same information too.
Prosecutor's offices are institutions established at the state level, entity, cantonal and Brčko District of Bosnia and Herzegovina level. Their organisation, competencies and method of work are regulated in the first place by the law on prosecutor's offices and laws governing criminal procedure.

Prosecutor's offices conduct investigations of criminal offences within their competence, prosecute perpetrators before the courts of law in accordance to the laws on criminal procedures and other applicable laws. Prosecutor's Office of Bosnia and Herzegovina (State Prosecutor's Office) is competent for prosecution of criminal offence of trafficking in human beings while entity prosecutor's offices and Brčko District prosecutor's office are competent for criminal offences related to trafficking in human beings such as procuring in prostitution, exploitation of children or minors for pornography and trafficking in human beings for prostitution.

During investigations and court proceedings involving victims of trafficking, the prosecutor's offices are also competent for taking action defined by laws on protection of vulnerable witnesses and witnesses under threat and the Law on Witness Protection Program.

Prosecutor's Office of Bosnia and Herzegovina also has special competencies in the combatting trafficking in human beings and illegal migrations in Bosnia and Herzegovina set by the Decision of Council of ministers of Bosnia and Herzegovina on Procedures and Coordination of Activities for Prevention of Trafficking in Human Beings and Illegal Immigration in Bosnia and Herzegovina and Establishing Office of the State Coordinator for Bosnia and Herzegovina36. According to this Decision the State Prosecutor's Office is competent for monitoring and informing about cases against suspected traffickers who are arrested and indicted for violating the law, cooperation on preparation of trainings and education on international standards for running similar cases and cooperation with other ministries on other matters for effective case processing.

Prosecutor's Office of Bosnia and Herzegovina, Prosecutor's Office of Federation of Bosnia and Herzegovina, Prosecutor's Office of Republika Srpska and Prosecutor's Office of Brčko District also have special competencies which derive from the Decision of the Council of Ministers of Bosnia and Herzegovina on Establishing Strike Force for Combatting Trafficking in Human Beings and Organized Illegal Immigration37.

According to the Decision, the Strike Force is, under the management of State Prosecutor and in accordance with the competencies of bodies participating in the Strike Force set by the law, in charge of the following activities:

- Ensures cooperation and coordination of competent bodies involved in the combatting trafficking in human beings,
- Conducts investigations to suppress trafficking in human beings and related illegal migration in Bosnia and Herzegovina and for that purpose it can form operational investigative teams that will directly cooperate in investigation on individual trafficking cases with the competent bodies of entities and Brčko district,
- Collects data and information on all detected cases of trafficking and related illegal immigration,
- Transparently relays information and shares information of importance for its efficient activity, except the data which sharing or publication may have adverse effects on investigations run by the Strike Force,
- Coordinates work with the State Coordinator and other bodies on matters which require interaction with international organisations and NGOs in the BiH who are involved in protection of victims of trafficking.

36  Official Gazette of Bosnia and Herzegovina No.: 24/03 i 37/04
37  Official Gazette of Bosnia and Herzegovina No.: 03/04
Competencies of prosecutor’s offices in combatting trafficking in human beings and protection of victims of trafficking also derive from the Law on Stay and Movement and Asylum38 and the Book of Rules on Protection of Foreign Victims of Trafficking39 which define the rules and standards for taking action and other issues related to reception, rehabilitation and return of foreign victims of trafficking.

Competencies of prosecutor’s offices concerning the assistance and protection of victims of trafficking also derive from the Rules on Protection of Domestic Victims and Victim-Witnesses of Trafficking40. These Rules set the principles and common working standards related to identification procedures, organisation of protection and assistance, primary and secondary prevention and other activities related to protection and assistance to domestic victims and victim-witnesses of trafficking.

1) DETECTION

Prosecutor’s Office of BiH is the principal and exclusively competent institution for prosecution of perpetrators of criminal offence of trafficking in human beings from Chapter 17 of the Criminal Code of BiH. Prosecutor’s offices of Entities, cantons and Brčko District are competent for similar criminal offences and all forms of violence against children proscribed by Entity and Brčko District laws thus representing key institutions for suppression of trafficking in human beings in Bosnia and Herzegovina, especially trafficking and exploitation of children.

In their daily duties, prosecutor’s offices have obligation to observe various risky situations where victims of trafficking could be identified and situations where there are indications that persons are being exposed or could have been exposed to the risks of trafficking, such as:

- Persons harmed by crimes,
- Persons involved in criminal activities that involve organised prostitutions, organised smuggling of migrants across borders and any other criminal activity that include exploiting such as organised soliciting and organised commission of crimes,
- Children exposed to domestic violence and neglected children are a high-risk group exposed to activities of traffickers.

In the above described and other similar situation, it is the duty of prosecutors to act *ex officio* and avert possible trafficking in human beings, i.e. exploitation of people.

When a prosecutor registers a case of child exploitation, it is necessary to inform the centre/service for social work so action plan can be prepared and preventive action taken (interview and professional assistance for parents to help them fulfil parental duties, appointment of temporary guardian, withdrawal of guardianship, extracting the child from family, initiating court proceedings for protection of child’s rights, rehabilitation of family relationship etc.) that will contribute to reducing the risk of trafficking factors against the child, family and targeted population in general.

According to Article 27 of the Council of Europe Convention on Action Against Trafficking in Human Beings ratified by Bosnia and Herzegovina: “when investigation or criminal prosecution of traffickers is taking place, the law enforcement agencies and judiciary shall ensure that investigations into or prosecution of crimes shall not be dependent upon the indictment, report or accusation made by a victim, but based on a comprehensive and proactive investigation that includes many state actors and on collection and presentation of various material that will be used as evidence in the proceedings”41.

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38  Official Gazette of Bosnia and Herzegovina No. 36/08
39  Official Gazette of Bosnia and Herzegovina No. 90/08
40  Official Gazette of Bosnia and Herzegovina No. 66/07
It has to be kept in mind that the safety and wellbeing of the victim is the priority and more important than evidence. This is why the focus must be on proactive investigation based on gathering of intelligence, information, evidence and use of special investigative measures.

**Identification of a potential victim of trafficking**

Identification is a procedure used to establish whether a potential victim of trafficking was victim of trafficking and was or still is in situation of being trafficked. Identification takes place after the period of rehabilitation and reflection and after the assisted person agreed to cooperate.

Identification procedure should not take place if the potential victim of trafficking is: very upset or anxious, visibly depressed and crying, apparently hostile or aggressive, not in a place where there is no privacy, in need of medical assistance, sought legal aid, requested postponement of the interview or refused it, under the influence of narcotics or other intoxicating substances, a child whose guardian is not present or not yet appointed.

Identification interview for the purpose of establishing the status of a victim is conducted by a prosecutor.

Identification is made through one or more interviews between the interviewer and potential victim of trafficking and through collection of other evidence that identify facts and verify information provided by the potential victim of trafficking.

Identification procedure of victims of trafficking needs to be carried out through multidisciplinary comparison of data and synthesis of information available to competent institutions and authorised organisation involved in the specific case when, depending on the validity of facts, the protection procedure is initiated. Victim or witness-victim is identified on the basis of report or information gathered by competent institutions or authorised organisations or facts obtained during voluntary interview with the person for whom there is grounded suspicion that he/she is a victim or witness-victim.

During the identification procedure and interview, the consent and voluntarily given interview is verified and acceptance by adult for protection.

Identification of a child mandatorily initiates protection of the child by an adult and protection in cooperation with the centre/service for social work, parent or guardian.

Competent institutions and authorised organisations shall request the medical institution competent for primary health care and the centre for mental health to do the physical and psychological evaluation of the condition of victim and witness-victim before the hearing or interview take place.

Whenever there is suspicion that someone is a victim of trafficking, that person will be treated as a victim until proven otherwise. In case of a child-victim, it is extremely important to keep in mind that the consent of child-victim to intended exploitation is irrelevant because children are not capable of making such and similar decisions independently, and any treatment of a child involving exploitation shall be treated as trafficking in human beings.

In case of adult potential victim, to be granted the status of a victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case an adult declares in an interview given to a prosecutor that someone is restricting her/his freedom of movement, holding her/him against their will, withholding their personal documents, forcing to labour, soliciting, sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the prosecutor to categorize that person as a potential victim of trafficking and take action to provide care and protection to the victim.
During the identification of victim of trafficking, the Prosecutor’s Office should take into consideration the following indicators:

- self-identification,
- age of the person,
- place and conditions where the potential victim of trafficking is found,
- restriction of freedom of movement,
- psycho-physical condition,
- method and purpose of entry to Bosnia and Herzegovina - for foreign victims,
- status, movement and stay of the person in Bosnia and Herzegovina - for foreign victims,
- possession of travel document and identification documents,
- possession of financial means,
- other obtained indicators relevant for correct assessment.

2) INTERVIEWING THE VICTIM

In case of a grounded suspicion that a crime of trafficking is committed or being committed, or in cases indicating that certain persons are victims of trafficking, with the purpose of identifying a potential victim and gathering information on criminal offences and perpetrators, the prosecutor shall conduct the interview with persons that can be considered as potential victims.

Interviews with the victim are the characteristics of the first stage of the procedure, i.e. start of investigation and assessment of every case - this is in exclusive competence of the prosecutor’s office.

The goal of the interview is to obtain information relevant for the criminal proceedings. The interview has to be carefully prepared because the successful outcome of court proceedings may greatly depend on witness’ statement.

During the interview with the victim the prosecutor should look for certain details in her/his statement and pay attention to situations related to the trafficking in human beings - those could be related to:

- recruitment - enticing,
- transport,
- transfer,
- reception and harbouring through deception and/or threats,
- use of force and coercion to sexual and other services,
- abduction or deception,
- abuse of position and power over helpless and giving or reception of payment to obtain consent of person having control over another person.

To have the most professional treatment of victims, and for the purpose of maximising their possibilities to provide very qualitative evidence, the following recommendations should be kept on mind when dealing with victims of trafficking:

- Victims will most probably be traumatised by the trafficking experience, and during the interview they will be asked to remember painful and very personal details,
- Victims were systematically deceived and exploited during every stage of trafficking process and have learned to recognise deceit or lack of sincerity,
- At the beginning, victims most probably will not have sufficient trust in police officers and prosecutors. Victims are often hostile and do not trust those with power, so the prosecutors should pay special attention to building trust. From the first contact, in building trust, it is important that
the prosecutor is completely open and sincere with the victim about all stages of the process she/he will have to go through,

- Dissuasion and explanation are of crucial importance when dealing with victims. Two key points which cause concern with victims are safety and exposure to the media. This has to be resolved before if we expect victims to relax and give evidence. When it is possible, victims need to be reassured about their own safety and safety of their relatives. At this stage, victims know the traffickers and know better than anyone what they are capable of doing therefore it is important that the prosecutor does not give impression like he is trying to minimise risks or acting irresponsibly when victim’s safety is an issue. Victims will have same concerns about exposure to the public similar to persons who have been involved in prostitution. They will be careful about it during interviews and would like to know the extent of exposure. Most of them lead double lives: life in their family and life as a victim of trafficking, most often the organised prostitution. They will be truly afraid of the first life learning about the other. Use of pseudonyms and ensuring confidentiality will to some extent deal with the problem but the prosecutor has to be sincere about risks.

**Interview conditions**

Conditions and methods used to interview a victim are of crucial importance if we expect victims to provide most qualitative material for investigation and evidence. Basic suggestions that should help making a successful interview and achieving good results are:

- Although official and authoritative approach will most probably result in the victim's agreeing with everything, it will not lead to establishment of mutual trust and full cooperation. There will be better chances to learn most important details in a relaxed setting and atmosphere,
- As best practice, when circumstance allow it and/or when the victim demands it, interview with the victim should take place at a neutral place with victim's legal adviser present. This will reduce levels of suspicion and concern and help dissuade the victim,
- Whenever possible, the interviewer should be of the same sex as the victim. Victim should be given opportunity to say what is most comfortable for him/her and the follow-up to the interview should be managed in that way,
- The interviewer should have adequate knowledge about trafficking in human beings and be trained for investigation of serious sexual crimes, because the victim is most probably victim of those crimes,
- Whenever is possible, the prosecutor who conducts interview should be assigned to the victim for the duration of the entire investigation and trial, so that the earned trust between the victim and the prosecutor can be maintained,
- It is possible that a victim will be required to give full account of events that took place over a certain period. Trafficking for the purpose of sexual and labour exploitation is often type of a life style crime and the best evidence is often contained in minute details. The interviewer should gather as much facts as possible from the victim which requires a lot of time. It may take days to get a detailed statement - this is a great effort for the victim and the prosecutor alike. To reduce the strain, a break is recommended every two hours. The number of two-hour sessions that will take place in one day depend on the interviewer's assessment, case itself, victim's flexibility and intensity of trauma suffered by the victim during events he/she has to recall.

**Interview methodology**

It is important that the sequence of events in a given case of trafficking is shown in logical and comprehensive manner. This will not only help the victim to remember events along the timeline but also help the prosecutor to better understand it. This is not an easy achievement for a prosecutor, especially not in the first attempt with a traumatised victim. It is useful to take sufficient time to record chronology and main points of the story in order to ensure logical order. “Main points” are victim’s first recalling and then it can be used as bullet points for the final statement or testimony.
Frequent and erroneous prejudice exists in many a court system - regarding victims trafficked for sexual exploitation as persons incapable of telling the truth and with limited credibility as witnesses. This factor requires securing sufficient evidence that can be verified independently so that this supposition can be successfully overturned. To achieve that, it will be necessary to investigate events to the fullest detail. That will include detailed descriptions of locations, routes, clothing, persons, documents, decorations and furniture in rooms where they have been held or exploited etc. Although these procedures are necessary, they may be too difficult a task and cause frustration with the victim. Experience shows that when the victims are explained that detailed interview is necessary so that the prosecutor can prove that victims are reliable witnesses and that they can be trusted, then they will fully cooperate in the process and will not be bothered by having a thorough interview with the prosecutor. It is of key importance to combine this explanation with clear warning: victim must tell nothing but the full truth from the beginning.

Victim must understand that the prosecutor, as basic part of the investigation, will thoroughly investigate victim's background and history as well as the trafficker's lawyers. For this reason it is important that the victim is aware that any lie, half-truth or deliberate withholding of facts from his/her side will be exposed and reduce victim's credibility as witness and hinder the court proceedings. In case of a foreign victim, not telling the truth to the prosecutor may have adverse effect on granting the victim some type of residence status.

Chronology of the crime is very important in these cases and still it is often quite difficult for the victim to remember all of it with accuracy. It has to be kept in mind that events happened in periods spanning over many weeks or months and that is difficult to specify exact dates. One of the methods that could be helpful for the victim is focusing on important dates such as victim's birthday or some other important date like birthday of victim's mother or child, a significant cultural or religious celebration.

Similarly, victims may remember one or two important dates of trafficking, like the date when she/he first met the trafficker or the day of transport. The point is to determine a number of chronological references so that other important events may be placed in context “before” and “after” the determined date.

**Specifics of conversation/interview with children**

Interview with a child has to be carefully prepared because a witness’ statement may be crucial for the outcome of court proceedings. This is why it is necessary to make a distinction when the children are involved, distinction between investigative-forensic interviews done by a professional - usually a forensic, and interviews done by prosecutors where the presence of parents/guardian and social worker is mandatory. The interview may be done without the knowledge of parents/guardian only if they are suspects.

When preparing for the interview, prosecutor should rely as much as possible on the centre/service for social work. Centre/service for social work collects general data and interviews child-victim, non-violent parent and other persons relevant to the current situation and child's surroundings. These interviews may be in relation to the recent events but not focused on specifics of what happened to the child recently. This part of evidence gathering procedure should be done by experts. At the same time, prosecutor's office directly or through the police also collects general data, interviews non-violent parent or other person responsible for the wellbeing of the child or interviews the perpetrator, takes other statements which could provide relevant data and continues with implementation and use of all available investigative techniques. Police and prosecutor should have regular consultations about investigative strategy and take actions within their competence towards initiation of criminal proceedings.

Good practice is having the prosecutor in cooperation with the centre/service for social work helping in preparation of the investigative-forensic interview with the child, with prior psychological evaluation of the child and non-violent parent if necessary.

Deadlines for preparation for the interview sometimes are very short but in any case it is necessary that medical examination takes place (medical check-up and specialist examination). This part of the activities is done by centre/service for social work in cooperation with the prosecutor/police. Everyone involved in the process should be aware of the victim's health condition.
The above described helps building system of communication between services and professionals and avoids duplication of procedures. The procedure of joint interview with the child and its preparation require exchange and evaluation of available data and agreement between members of multidisciplinary team regarding who should be present at the interview, who will conduct the interview, where it will take place etc. This interview maximises efforts of prosecutors, police, centres for social work and other services for the purpose of obtaining accurate, reliable and complete data, reduce possibility for secondary traumatisation and repeating interviews by different services. Therefore, this approach should as often as possible be applied in practice and improved on the basis of learned/good practice.

Prosecutor’s office shall not interview the child without the presence of its parents or guardian or the centre/service for social work in the role of guardian or official authority. Guardian/parent or centre/service for social work are entitled to legal assistance during interview or hearing. All this serves the purpose of preventing unnecessary giving evidence by the child or its re-victimisation.

In the interview room there should be no other persons apart from an expert professional and the child, not even the parent(s). Parents do have considerable influence on the content of the statement that a child would deliver. If authorised by the court - in case of a really young child where it is insisted that the parent(s) be present in the interview room, a visual contact between the child and parent(s) should be disabled.

When it comes to older children, especially teenagers who are victims of sexual violence, they are to be consulted and it should be evaluated whether the parents should be allowed to listen to the child’s testimony in the courtroom. We should bear in mind that in practice, it has been recorded that children do filter the content of the statement in the presence of parents in order to protect them from negative experience survived. Parents react very strongly to information that their child is abused, while their reactions strongly affect the child.

Before the hearing, a child should be enabled to meet the Presiding Trial Judge or Chair of the Lay Judge Panel.

On the monitor, all who are present in the courtroom have a visual of a child who testifies. It has to be enabled that they also have a visual of the expert professional who is supporting the child while testifying in order that all the parties in the process be convinced that the content of the statement given by the child is not influenced in any way. Also, the expert should not have any tools there, not even a pen and paper.

One among the first questions that children make is whether they will see the accused person on the monitor in the hearing room. It is obvious that children while they testify do not want to see the accused, and in that sense that visual should be disabled technically. Visual and auditory contact through the monitor should be enabled only with the Presiding Trial Judge or Chair of the Lay Judge Panel, that is, with the person who is examining the child.

The field of the PTSD and trauma with children is relatively young and most of the knowledge relies heavily on studies conducted with the adults. Also, different experts have different views on child’s trauma, its effect, and the range of interventions that are the most effective ones in reducing the negative outcomes. Unlike with the adults, where we have universal phases and trauma reactions (shock phase, reaction phase, processing phase and the reorientation), with children these phases and reactions are primarily dependent on the child’s level of development. On the other hand, the strategies for dealing with trauma, and the recovery depend on many factors, above all on the social ones, meaning the environment and ambient around the child.

The re-traumatization of children victims and witnesses of crimes during their testimony is inevitable, and professionals can mitigate this negative phenomenon, but in principle there is no preparation for a child that would completely prevent it. Rendering the trauma survived necessarily leads to the re-traumatization, and for this reason it is very important that the expert is there - able to provide help through psychological interventions and stabilizing the child after his/her testimony. The first rule one learns about trauma is to respect its scope and size, not to dig through it, and that in working with traumatized persons one never
insists on sharing the experience until the affected person is ready to do so. This rule in court proceedings cannot be observed, for the fact that seldom do victims have the opportunity to contact psychiatric clinics, mental health centres or psychotherapists immediately after the event to alleviate the consequences and empower themselves for possible testimony. On the other hand, there is a completely justified legal provision on the urgency of the proceedings.

Stressful aspects of the witness testifying process are numerous, but the ones that most frequently occur in the practice are the following:

- Repetitive rendering and recalling of the event(s),
- Manner of Expression / A vocabulary,
- Questions beyond the child’s level of development,
- Irrelevant questions,
- Blitz questions,
- Multiple questions,
- Repeating questions,
- Interrupting the child in response,
- Insisting on specific detail(s) of the event(s),
- Insisting on the exact time,
- Insisting that the child determines the succession of events,
- Questions about the sexual past.

As mentioned already, sudden and the unforeseen situations, such as the situation where the child accidentally sees the defendant in a court, can be very stressful for the child.

It is very common that in response to the trauma children retrograde to earlier levels of functioning, where after a few months they would retrieve and continue with the normal course of development, regardless of the environment and surrounding factors. Namely, most of the findings suggest that children and adolescents generally exhibit elasticity in regards to the post-traumatic experience, but only when it was the exposure to only one traumatic experience. Namely, the multiple exposure to traumatic events carries a greater prospect of causing lasting consequences for the formation of a person, in comparison to a single incident exposure. There are cases where children's reactions are very similar to those of the adults, as well as cases of children who will, even provided with all possible help and support, develop chronic PTSD that will interfere with normal functioning and development, and will accompany them in their adult age.

Thus, it is rather obvious that the issue of trauma with children is a complex one and one thing is certain – any reaction of a child is normal traumatic reaction to the abnormal situation. Child trauma problem is always connected to relation with parent(s) / guardian(s) of the child, because the traumatic experience of the child is consequently becoming the experience of the whole of the family, and due to such a situation - it may happen that the family may become the weakest link in the chain of support for the child. Here, we would only underline and highlight few specificities in child’s thinking and processing, so that traumatic experiences of children could be better perceived and understood.

a.) Perception of time (“Reward me right now, but punish me latter on”)

Children's perception of time differs from the perception that the adults have on it. Children focus on the present, now and here, and their goals are a short-time ones. If you put children in a position to choose whether to take a small prize now or to receive a big prize sometimes later on - in most cases a great number of children decides for a smaller prize right away. On the other hand, a punishment or unpleasant situations, such as going to the dentist, children tend to have delayed, no matter how aware they are of the inevitability of the situation or even a punishment.
b.) Sense of being injury-proof and the concept of death

Children believe that they are inviolable or injury-proof, that nothing bad can happen to them, and are thus prone to exploring risky situations. With smaller children, parents need a lot of patience for explaining children the things and situations that they should be very careful about, yet in their adolescence parents get faced with new sets of perils such as consumption of the substances, speed driving and similar risks. Belief in their own inviolability allows children to test their own boundaries, and it is necessary in the developmental sense.

Children also do not understand death, and they are not able to perceive finitude. For children, death is reversible incident, and for them -the dead can return, so the adults resort to explaining the death of a close person to smaller children by that person's going to heaven or another world. Smaller children experience the death of parents as the abandonment, and they even manifest anger. The girl (6), after her mother’s death, is battering and “punishing” the doll her mother had bought. At older age, there is an understanding of the death of others, but still (in adolescence) persists awareness of one’s own inviolability.

c.) Egocentric and Magical Thinking

Magical thinking is characteristic for children from 3-7 of age and it involves the belief that one's ideas, thoughts, actions, can influence the course of events in the material world. Older children turn to magical thinking in situations which are beyond their control and capacities, when there exists a sense of uncertainty and potential danger, or sense of “being cornered”.

Egocentric thinking is the normal tendency for a preschool age child - to see everything that happens as it relates to him/her. His/her point of view is the only and the correct one, and is the common point of view of all the others around. A child has no need to give explanation, sometimes has no need to speak, because his/her understanding is that the adults know and understand what the child thinks and feels.

These concepts allow children to survive adverse events and continue to function as well as they can. In some ways, the peculiarities of child's thinking, with other specific features of child development and defence mechanisms, enable their adaptation to adverse life circumstances and are particularly characteristic for children who have been exposed to violence and abuse in the family environment for a longer time. Of course, this does not mean that children are resilient to traumatic experiences, but rather that the adverse effects of trauma are manifested later in growing up. It's not a question of how the abused child will survive the childhood, but how would she/he survive the youth and adulthood? In support of this point of view there are finding that suicide attempts, and suicides in children and young people, are very rare under the age of 15. In the practice of the District Court's Witness Support Department, it has been recorded that children who were victims of long-term sexual abuse reportedly claimed the age of 16 to be the first time (usually more attempts) to try to hurt themselves.

3) CASE ASSESSMENT

Basic forms of protection of victims and victim-witnesses are close protection, protection of privacy and identity, legal aid, social and health care, special protection of children and protection of vulnerable categories and securing other needs to provide adequate individual protection and assistance to victim and victim-witness. Individual protection is based on determination of needs and their inter-dependency, i.e. assessment of needs in each individual case, taking into consideration the health condition, age, sex, belonging to a ethnic minority, social status and other individual needs resulting from medical examination of the victim and victim-witness. Any information about physical threats given by the victim and victim-witness including information given by the staff in charge of close protection of victims and victim-witnesses are checked in case intensified protection measures are required.
Competent prosecutor is assessing and giving approval for intensified close protection measures in cooperation with the staff providing care to the victim. If the victim or victim-witness has been referred to a shelter or other location, the protection is cancelled with prior assessment of threats and return to residence carried out. Assessment of safe return of the victim and victim-witness to the previous residence is done together by the prosecutor’s office, police and centre/service for social work, including the Service for Foreigner’s Affairs when a foreign victim of trafficking is concerned.

In situations when criminal proceedings are not initiated but there is enough facts to identify a person as a victim, protection procedure is approved or initiated by the centre/service for social care which, independently of the status of criminal proceedings, may request assistance and protection from a competent police force.

Once all available information and facts related to a specific case get collected, it will be exchanged with other institutions involved in the case and a preliminary case assessment done with them. These assessments must include:

- Assessment of urgent medical service including mandatory psychological evaluation of victim’s condition (if the psychological evaluation result indicates that the victim is not capable of representing own rights and interests),
- Security risk assessment,
- Determining victim’s age,
- Determining accommodation needs,
- Providing legal aid,
- Assess whether the victim will cooperate with the competent institutions and organisations involved in the direct assistance to the victim.

Initial assessment procedure also determines the guidelines for further work with the victim of trafficking. However, prosecutor’s office cannot act independently in the process of assessment, thus it is necessary to work in a team and establish cooperation with other institutions and authorised organisations. Prosecutor’s office is bound to take care whether the victim of trafficking is adequately protected from dangers against life and health and whether the intervention of other services is necessary to protect the victim.

Once it receives information about the case, the prosecutor’s office shall verify whether the case was registered previously, gather additional information, assess the case, secure evidence on exploitation, identify available resources for assistance and protection of the victim, and assess which interventions are urgent. Also, the prosecutor’s office shall assist the centre/service for social work and NGO who will accommodate the victim and give advice for individual rehabilitation plan, if circumstances allow it.

When making decisions, prosecutor’s office should use the case assessment done by a competent centre/service for social work, once the centre’s staff has prepared detailed report of a social worker (social anamnesis) which must contain the following components:

- Family members’ health status data,
- Family’s financial status,
- Family’s social status,
- Information on possible previous pathological alterations and problems in the family,
- Influence of the kin and surroundings,
- Education status of all family members,
- Information on circumstances where the victim or child-victim lived before,
- Other relevant information.
4) REPORTING

Obligation to report criminal offences and perpetrators applies to all situations where police officials and civil servants while performing their duties learn that a criminal offence of human trafficking has been committed. This implies general obligation for all officials to report their information about committed crime of trafficking, perpetrators or victims to SIPA or Prosecutor’s Office of Bosnia and Herzegovina. A notification on suspicion and information can be forwarded to other police agencies and prosecutor’s offices as well. In case there is a foreign person who can be identified as a potential victim of trafficking it is necessary to inform without delay in written form the relevant field office of the Service for Foreigners’ Affairs for the reason of regulating their status in accordance to the Law on Stay and Movement of Aliens and Asylum.

In case the police officials or civil servants do not report human trafficking, i.e. crime and perpetrator, and it gets established that during their work they came to such information, they could be prosecuted in accordance to Article 230 of the Penal Code of Bosnia and Herzegovina, the same offence is proscribed by penal codes of both Entities and Penal Code of Brčko District.

Protecting and respecting the principles of confidentiality

Reporting a potential victim is a breach of confidentiality contrary to the interests of victim of trafficking especially when the victim is a child. To achieve the highest level of protection and respect of confidentiality principles, the best approach and method of reporting is informing the victim about the obligation to inform relevant services and persons who will help her/him in case the situation is dangerous and threatening. This can be achieved by simultaneously informing the victim that everything he/she says is confidential but that will not be kept as a common secret because other officials need to be informed about the confidential data so the victim can be protected including the official who submits report.

Information exchange flow

The information exchange flow between the actors of direct assistance to victims of trafficking is defined by the Rules on Protection of Domestic Victims and Victim-Witnesses of THB and by the Rules on Protection of Foreign Victims of THB. Reporting cases of foreign victims of trafficking and domestic victims is different.

In case of any competent institution or authorised organisation in Bosnia and Herzegovina, private person or legal entity suspecting or having information that a person is object of trafficking, there is obligation to inform SIPA and Prosecutor’s Office of BiH without delay. Notification on suspicion and information can be forwarded to entity prosecutor’s offices and police as well.

All cases of foreign victims, besides SIPA and Prosecutor’s Office of Bosnia and Herzegovina shall be reported to the relevant field centre of the Service for Foreigner’s Affairs immediately after identification.

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42 Penal Code of Bosnia and Herzegovina, article 230, Official Gazette of Bosnia and Herzegovina, No. 3/03

Failure to Inform of a Criminal Offence or a Perpetrator Article 230

(1) Whoever, having knowledge of the identity of the perpetrator of a criminal offence for which a punishment of long-term imprisonment can be imposed under the law of Bosnia and Herzegovina, or whoever having merely knowledge of the perpetration of such an offence, fails to report the fact, although the timely discovery of the perpetrator of the offence depends on such report, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who fails to inform of a criminal offence he has discovered while performing his duties, if for the offence a punishment of imprisonment for a term of five years or a more severe punishment can be imposed under the law of Bosnia and Herzegovina.

(3) No punishment for failure to inform of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the perpetrator.
In case the criminal offence or perpetrator or victim of trafficking are reported to Entity police or prosecutor’s offices while the available information indicate that a criminal offence of trafficking has been committed, Entity police, prosecutor’s offices and Brčko District Prosecutor’s Office are obliged to inform the Prosecutor’s Office of Bosnia and Herzegovina and forward all available documentation in accordance to the competencies of the Prosecutor’s Office of Bosnia and Herzegovina related to prosecution of perpetrators of trafficking in human beings as proscribed by Article 186 of the Criminal Code of Bosnia and Herzegovina.

On the other hand, prosecutor’s offices and all other competent institutions and authorised organisations, natural persons and legal entities, in case of identification of potential victim of trafficking or other type of contact with the victim, are required to report without delay, i.e. to inform the competent centre/service for social work. In case of an adult victim of trafficking, the centre/service for social work shall be informed only with the consent of the victim, i.e. only in cases when the adult has mental disability or has no legal capacity.

In case of a grounded suspicion that the person is foreign victim of trafficking, prosecutor’s offices are obliged to inform the field centre of the Service for Foreigner’s Affairs without delay for the purpose of securing reception and accommodation, unless this was done earlier, and regulation of residence status.

All institutions are required to treat foreigners for whom there is grounded suspicion that they are victims of trafficking as victims of trafficking as long as the grounded suspicion exists.

**Referring a report**

Reports need to include only the available facts and circumstances. It should specify: available identification data of the victim (first and family name, age, sex, year of birth, place of birth) and describe circumstances leading to information and suspicion about trafficking (signs of violence, psychological condition of the victim, condition or illness that may be linked to sexual exploitation, description of marks or alterations on the body indicating possible injection of psycho-active substances or other signs arising suspicion that the victim was exposed to illegal psycho-active substances). Some persons trafficked for sexual exploitation or pornographic content (child pornography) first get drugged so they would not resist.

Report or information on potential victim of trafficking as a rule is forwarded in written form.

**5) CONTACTING COMPETENT INSTITUTIONS**

Competent institutions and authorised organisations are obliged to exchange all available information about victims needed for providing assistance and protection, collection of statistical data, creation of relevant reports, information and other matters of relevance for dealing with cases of human trafficking.

**Establishing contact with medical service**

During the process of identification of potential victim and conducting investigative and other process actions, the victim may be in need of urgent medical assistance due to physical injuries gained during exploitation or due to some other medical issues. When such medical need is noted, it must be provided to the victim before any other action is taken. A medical institution should be contacted to provide necessary medical assistance and stabilize victim’s condition.

During the stay at the shelter or implementation of individual rehabilitation program that does not include stay at the shelter, the victim of trafficking is entitled to medical care. If the accommodation and care of the victim is provided via a partner NGO, victims of trafficking shall be provided with medical care in a way set by the protocol on cooperation between the competent ministry and that NGO.
Establishing contact with relevant institutions for providing further assistance to the victim and carrying out further investigative actions

Irrespectively of the victim's age, when there is grounded suspicion that a person is victim of trafficking, the following relevant institutions shall be contacted:

- Foreign victim: inform SIPA, Prosecutor's Office of Bosnia and Herzegovina and relevant Field centre of the Service for Foreigners' Affairs. It is possible to notify other police agencies and prosecutor's offices;
- Domestic victim: inform SIPA and Prosecutor's Office of Bosnia and Herzegovina. It is possible to notify other police agencies and prosecutor's offices. If the victim of trafficking is adult, the centre or service for social work shall be notified only with the consent of the victim, i.e. only in cases of adults with mental disability or without legal capacity.
- Victim is a minor (foreign or domestic): obligation to inform both regional office of SIPA and relevant centre/service for social work.

Contacting legal adviser - providing free legal aid

In accordance to international treaties and conventions on human rights, every potential victim of trafficking has right and possibility to use free legal aid and advice during interviews with representatives of relevant institutions, and further on in the process of providing assistance, care and reintegration, criminal, civil and administrative procedures.

All relevant institutions and authorised organisations including prosecutor's office must ensure the presence of a legal adviser for any action involving the victim, including the interview, to respect victim's rights. In case of a foreign minor potential victim, it is necessary to ensure the presence of a legal adviser immediately. Free legal aid to victims of trafficking in Bosnia and Herzegovina can be provided through the legal service of the centre/service for social work, centres for free legal aid or other available forms of free legal aid.

Establishing contact with non-government organisation (NGO) who signed agreement on care of victim of trafficking

Contact with non-government organisation shall be established after a contact has been made with competent institutions and legal adviser for the purpose of organising care of the victim, namely:

- Foreign victim: contacting non-governmental organisation for accommodating foreign victims can be done exclusively in cooperation with territorially competent field centre of the Service for Foreigner's Affairs, which will in cooperation with the police and prosecutor's office assess the security situation in the specific case and accommodate victim in the safe house/shelter run by NGO that signed Protocol with the Ministry of Security.
- Domestic victim: selection of the safe house shall be done by the centres/service for social work that will in cooperation with the relevant police and/or prosecutor's office accommodate victim at the safe house/shelter of the NGO that signed Protocol with the Ministry of Human Rights and Refugees.
- Domestic victim repatriated to Bosnia and Herzegovina: selection of the safe house shall be done by centres/services for social work in the place of residence of the victim with prior agreement with the Section for Combatting Trafficking in Human Beings of the Ministry of Security and the Ministry of Human Rights and Refugees.

Establishing contact, exchange of information and cooperation with other prosecutor's offices, police forces and tax offices

Establishing contact with other prosecutor's offices, police forces and tax offices for purpose of exchange of information, planning and conducting investigative activities and parallel financial investigations is made through the Strike Force formed by the Decision of the Council of Ministers to establish and enhance cooperation and coordination at the highest level between state and Entity bodies and Brčko District bodies.
Strike Force operates in Bosnia and Herzegovina and fights trafficking in human beings and organized illegal immigration in accordance to the law and other regulations of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District.

Prosecutor's offices who have information related to the trafficking in human beings can establish contacts and take all other actions via members of the Strike Force appointed from the Prosecutor's Office of Bosnia and Herzegovina, Prosecutor's Office of Federation of BiH, Prosecutor's Office of Republika Srpska, Prosecutor's Office of Brčko District, SIPA, Border Police, Police Administration of Federation of BiH, Ministry of Interior of Republika Srpska and Brčko District Police.

It is also possible to establish communication in written from via the Prosecutor's Office of BiH. Prosecutor's Office of BiH is managing the work of Strike Force.

6) PLANNING AND ORGANIZING FORMS OF PROTECTION AND CARE

The essence of this activity is in the need to exchange information efficiently and to ensure multidisciplinary cooperation between all involved institutions and organisations for the purpose of making decisions of forms and character of victim's protection.

During the process of planning and organizing protection and care, the prosecutor's office shall inform the police agency in charge of the case and, depending on the citizenship and age of the victim, inform the centre/service for social work competent for given case and Service for Foreigner's Affairs if the victim is a foreigner and safe house where the victim has been accommodated.

Protection of domestic adult victim and victim-witness is planned and implemented in cooperation with the competent centre/service for social work. If the victim of trafficking is adult, the centre/service for social work will be notified only with the consent of the victim, i.e. only when the adult victim is mentally impaired or does not have the legal capacity. If the victim did not give consent, protection is planned and implemented in cooperation with NGO entrusted with implementation of such measures.

Protection and assistance to children with parental care or without guardianship is organized in cooperation with parents-family, guardian or competent service/centre for social work.

Protection for foreign adult victim is planned and implemented in cooperation with the Service for Foreigner's Affairs. In planning and implementation of protection for a foreign minor a temporary guardian appointed by the centre/service for social work on whose territory the shelter is located upon request from the Service for Foreigner's Affairs gets involved.

Prosecutor's office and police are obliged to provide information and notification on relevant court and administrative procedures to make possible for the victim and victim-witness to present their views and interests for consideration at appropriate stages of criminal proceedings against traffickers.

Preparing victim-witness for the trial is procedure which ensures that the victim of trafficking acting as a witness in criminal proceedings is fully aware of the following possibilities: to be present at hearings, have access to adequate interpretation, giving new evidence and asking questions in the court of law, right to not answer certain questions, right to claim damages, right to a closed trial and right to have a lawyer.

The goal of preparation for the trial is to ensure that the victim of trafficking is fully aware of the importance of giving evidence before the court and possible consequences of that, fully aware of the roles of various people involved in the court proceedings, fully aware of the fact that, in some cases, provided information may be subject of revealing the source, fully aware of the court proceedings, receive psychological support and protection.
Victim-witness should be provided with all necessary information about his/her involvement in the court proceedings. Whenever allowed by the law, victim-witness should have a copy of here/his previous statement (best if in language best understood by the victim).

Before the trial victim-witness may be taken to the court to get familiarized with the facility and the courtroom. If possible, victim-witness should try the witness stand/seat while the escort staff is preparing the victim and advising him/her about the court proceedings.

Support measures given to the victim-witness during the trial provide safety, psychological, and legal assistance to minimise security risks and risk of re-victimisation which the victim is facing as a result of taking part in the court proceedings. This measure should ensure that the victim is feeling safe and thus supported to give a meaningful statement/testimony.

Support during the trial may be provided in the form of: close protection, use of recorded testimony so the victim does not have to be present in person at a trial or at least that he/she does not have to face the perpetrator(s) (e.g. using video link, use of screen, giving evidence in a special room, give evidence on a closed hearing before the trial, via written statement that will be read during the hearing, limiting the number of times the witness has to take the stand, providing victim with an escort to, inside and from the court, avoid contact with the perpetrator and as much is possible avoid contact with friends and associates of the perpetrator, when entering the court (using another entrance, staying at separate waiting area), having the person giving support to the victim remaining with him/her during testimony, adequate translation, excluding public from the courtroom, protection of sensitive data (e.g. about victim-witness life, names and photographs etc.).

7) TRANSPORT

In case of a high-risk human trafficking case, the victim shall be transported from the place of identification to the shelter exclusively by the competent police agency or the competent field centre of the Service for Foreigner’s Affairs and in case of a foreign victim, escorted by one of the staff of the competent centre/service for social work.

In case there is no registered security threat whatsoever, transport of victim to the shelter is in the competence of the centre or service for social work.

Transport of victims to and from shelter while staying there, e.g. for medical intervention, court proceedings or similar activities where the presence of the victim is necessary, shall be done by the law enforcement agency in charge of the case and/or competent institution depending on the type of intervention.

8) ACCOMMODATION

Once the initial interview has been completed, prepared preliminary case assessment and in case of minors, the victim placed under guardianship of the centre/service for social work, the victim shall be referred to a safe house/shelter for a period of at least 30 days - legal period of reflection for foreign victims according to the Rules on Protection of Foreign victims of Trafficking. Upon the end of reflection period the assistance shall continue in accordance to the individual plan of reintegration.

In case of adult victims, once the security and risk assessment for the victim have been done, she/he is placed at the safe house. The placement at the safe house can take place only when the victim gave the consent, if the victim is adult. Although in legal terms the consent of a minor is not mandatory, for the purpose of providing efficient assistance and care to a minor victim, it is necessary to prepare the minor for placement at the shelter/safe house in cooperation with the centre or service for social care.
Field office of the Service for Foreigner’s Affairs after completed interview, with the consent of foreigner who is believed to be the victim of trafficking and with consultations with the prosecutor, shall refer the foreigner to institution for accommodating victims of trafficking and provide her/him assistance and protection to prevent further exploitation or maltreatment.

Trafficking victim shall be placed to one of the shelters run by NGOs depending whether the victim is foreign or domestic.

Foreign victim can be placed at shelters run by NGOs who signed Protocol with the Ministry of Security which is competent for foreigners’ affairs in Bosnia and Herzegovina. Ministry of Security - Sector for Immigration and the Service for Foreigners’ Affairs possesses information on safe houses and persons in charge of accommodation.

Accommodation, recovery and repatriation expenses for foreign victims of trafficking are paid from the budget of the Ministry of Security of Bosnia and Herzegovina and can be paid from other sources such as donations, projects, programmes of domestic and foreign governmental and non-governmental organisations which are harmonised with the competent Ministry of Security.

Domestic victim can be placed at shelters run by NGOs who signed Protocol with the Ministry of Human Rights and Refugees which is competent for domestic victims of trafficking. Ministry of Human Rights possesses information on these safe houses and persons in charge of accommodation.

Means for providing basic social and medical care to domestic victims, accommodation, social inclusion, prevention, signing and implementation of protocols on cooperation with NGOs are provided through special purpose funds of the Ministry of Human Rights and Refugees within the budget of the Ministry set with the basic purpose to provide assistance and protection. For realisation of assistance and protection activities the means can be collected through other available sources by public and private institutions and organisations and from international and other sources.

Once the decision on placement at the safe house is made, it is necessary that all involved institutions and organisations in given case contact representative of the competent NGO to collect all relevant data on accommodation conditions for the purpose of informing the victim about it. During this contact, officials have to exchange basic data about the case, analyse documentation about the accommodation so that the responsible NGO may be fully prepared to receive the victim at the shelter.

While accommodating victim at the safe house/shelter it is necessary to keep in mind that shelters are closed-type facility and thus similar to conditions in which the victim was exploited during trafficking and this is often reason why victims at the beginning feel uncomfortable and closed. In order to avoid such situations and undesired consequences (escape from the shelter) it is extremely important to explain to the victim that he/she is placed there for own security and rehabilitation.

In case it is decided that shelter is in the best interest of the victim, placement can take place at any time of day or night. NGO managing shelter for victims of trafficking has a duty staff member who can be contacted 24 hours a day to take care of the potential victim of trafficking.

Victim is accommodated on the basis of documentation which is necessary to be delivered to the competent NGO to provide fastest and most adequate care for the victim. Documentation is delivered exclusively in person, when the victim of trafficking is being accommodated.

When accommodating, the competent NGO shall appoint case manager who will in cooperation with the prosecutor’s office, police, centre or service for social care, Service for Foreigner’s Affairs, temporary guardian, legal adviser and other involved organisations and institutions, cooperate to inform the victim about her/his rights and obligations while staying at the shelter so that the victim gets accustomed to conditions and that the assistance is provided efficiently.
Shelter is a form of safe temporary care. Placement at the shelter is not done for the purpose of securing a permanent stay.

**Releasing victim from the shelter**

A victim may wish to permanently leave the shelter at a certain moment of rehabilitation and the wish will be granted in accordance to legal conditions. Here is important to inform the victim with the fact he/she is forfeiting the right to care and other forms of assistance which she/he is legally entitled to as a victim of trafficking.

Adult domestic victim may leave the shelter without escort once all competent institutions have been informed about that, under condition that victim's (new) residence is known to the police and prosecutor's office in case a statement is needed for court proceedings in future.

Minor domestic victim may leave the shelter only upon a written request and in presence of a legal guardian, respecting the abovementioned conditions which apply to adult victims as well.

Foreign victim may leave the shelter only with the consent of competent institutions (Service for Foreigner's Affairs, police and prosecutor's office and, in case of minors, the centre/service for social work), and under certain conditions even when the status of stay is regulated. Foreign victim may leave the shelter only escorted by an official of the competent institution which placed the victim at the shelter. In any of the cases, victims and escort are obliged to sign documentation about leaving the shelter.

**9) COOPERATION WITH COMPETENT INSTITUTIONS DURING CARE**

Bearing in mind the competencies of prosecutor's offices in the combatting trafficking in human beings and protection activities and keeping in mind the fact that the efficient combatting trafficking and providing appropriate assistance and protection for victims depends on the level of mutual cooperation and coordination of all activities between all institutions and organisations involved in these processes, it is necessary to undertake all activities in close cooperation. Therefore it is necessary that the communication and cooperation of prosecutor's offices and other institutions involved in the assistance to the victims is timely, clear, two-way and effective.

Cooperation and communication with law enforcement agencies is necessary - the police on local, Entity and state level, Ministry of Security, Ministry of Human Rights and refugees, centres/service for social work, Service for Foreigner’s Affairs and NGOs.

It is particularly important to share all available information with the legal adviser and appointed guardian who will represent interests of a minor victim at all stages of the procedures and decide on all issues of importance for the victim of trafficking including the staff at the safe house who is implementing rehabilitation and inclusion programmes for the victim.

Competent institutions have intensive cooperation and each within its own competence, independently or cooperatively upon agreement, shall gather and exchange information on:

- established contact with the child and family (if there is one),
- assessment of harm inflicted to the victim and family,
- assess the risk of additional harm,
- secure evidence on maltreatment and exploitation (most often, this part is in the competence of prosecutor’s office and police)
- secure urgent protection services,
- identify resources available for protection of the victim,
• prepare for decision on extracting child-victim from the family or other situation (competency of the centre for social work, if needed),
• locating suitable accommodation (competency of the social centre),
• secure feedback to other relevant persons or institutions,
• results of the assessment and possible activation of the case.

Cooperation with centres or service for social work

Centre/service for social work upon prosecutor's request is obliged to deliver immediately all documentation which is relevant for solving and proving criminal offence and protection of victim of trafficking, such as the social worker’s report, report from the surveillance manager, psychologist’s opinion etc. Official of the centre for social work who is in charge of the trafficking victim's case (case manager) is obliged to respond to the prosecutor’s call for taking care of the victim of trafficking and be present at the official interview at the prosecutor's office in relation to the person who was victim of trafficking. Centre for social work may request postponement of the interview if the relevant expert believe that the victim is not ready to give interview.

Centre/service for social work has primary role in the interviewing procedure of a minor victim and its role, as guardian, is to provide adequate treatment of a minor - victim of trafficking - during all procedures that will take place at the police, prosecutor's office and court.

Prosecutor's office, on the other hand, like any other competent institutions which get in touch with a minor victim, is required to inform appointed guardian who will represent interests of the minor victim during all stages of the procedure and decide on all issues of interest for the minor victim of trafficking. Appointed guardian has to be present during all interviews conducted with a minor victim by police and other officials, whereas the privacy and identity of victim has to be protected and re-victimisation prevented. Centre/service for social work will give expert opinion to the prosecutor's office about minor victim's ability to give statement, and opinion on minor victim's ability to testify and about possible consequences to the minor victim.

Psychological preparation of a minor victim to participate in criminal proceedings is duty of the competent centre/service for social work.

Preparation of a minor victim to testify at the court is done by the competent prosecutor’s office with mandatory presence of appointed guardian.

Cooperation with NGOs

NGO at whose shelter the victim of trafficking has been placed is required to make possible for the competent prosecutor's office to take legal action related to prosecution and sanctioning of organisers of trafficking in human beings in a way will not endanger rights and protection of the victim or further traumatising her/him. The said actions are taken in the presence of the legal adviser of the victim of trafficking and/or person who is providing psychological support to the victim.

Once the victim has been placed at the safe house, the prosecutor remains in contact with NGO case manager for the purpose of taking part in creation of re-integration plans, rehabilitation and re-socialisation, exchange case information, planning of necessary interventions, monitoring of rehabilitation and providing support to the victim of trafficking, especially when dealing with minors. This ensures continuity in case monitoring and involvement of all competent institutions and organisation in all activities taken to rehabilitate the victim. Communication process between the prosecutor and NGO is intensified during psychological preparation for testimony and implementation of activities planned by the individual plan of reintegration.
As most of the processes are realized during the victim’s stay at the shelter, the cooperation and communication during the entire process of care and assistance is exceptionally important because that is the only way to ensure adequate re-socialisation of the victim. This cooperation includes exchange of all relevant information on victim gathered during the work with other institutions involved in care and protection and the victim’s family as well and here is exceptionally important that decisions concerning the victim are made as agreement in the best interest of the minor victim.

**Cooperation with competent ministries, including the Service for Foreigner’s Affairs**

At all stages of the process - identification, assistance, care, rehabilitation, repatriation and re-socialisation of the victim, the prosecutor has the responsibility of representing and protection victim’s rights.

This role pertains to the communication with institutions which are responsible for all issues concerning the right of the victim of trafficking, first of all the Ministry of Security, Service for Aliens Affairs and the Ministry of Human Rights and Refugees.

The role of the prosecutor is to communicate with competent institutions during the entire process, inform them or seek their involvement, assistance and advice for organisation of activities needed in the process of assisting the victim (residence status issues, protection of interests, dealing with possible difficulties, dealing with misunderstandings about adequate solutions with other institutions in the process and all other details and difficulties that may arise during the assistance to the victim.

Service for Foreigner’s Affairs is obligated to forward information to the prosecutor’s office if it is related to grounds for suspicion that the foreigner is victim of trafficking and the Service shall, with the consent of the foreigner believed to be victim of trafficking and with consultations with the prosecutor’s office, refer the foreigner to institution for accommodation of victims.

Prosecutor’s offices are obliged to forward information on suspects, indicted and convicted traffickers twice a year to SIPA on standard forms, whereas the information is used for preparation of the report on trafficking situation in Bosnia and Herzegovina, situation monitoring and planning of appropriate steps for combating the trafficking.

Prosecutor’s offices are required to forward information on potential and identified victims of trafficking twice a year to the Ministry of Security/Section for Combatting Trafficking in Human Beings on standard forms, whereas the information will be stored in a common database. The data collected is used in preparation of reports on trafficking situation in Bosnia and Herzegovina and planning of appropriate steps for combating trafficking and new trends especially.
Role of the law enforcement is to detect criminal offences of trafficking in human beings, detect and identify perpetrators of those crimes, gathering of physical evidence, submitting reports on committed crimes and perpetrators to competent prosecutor’s office for decision-making and further action. Regarding the information about activities with characteristics of trafficking in human beings, detection of victims of trafficking, detection of perpetrators, significant contribution to the police work comes from centres for social work, medical institutions, educational institutions, NGOs, other services and media who as part of their normal job may come into possession of information which, when exchanged with the police, lead to prevention and detection of these crimes.

It is important to emphasise that all citizens, services and professionals are in position to report their direct observation to duty police services or prosecutor’s office when they recognize actions that have characteristics of trafficking in human beings or believe that those actions may be linked to this crime.

Law enforcement agencies in Bosnia and Herzegovina competent for combatting trafficking in human beings are organised in the following manner:

Within the Ministry of Security, in addition the Section for Combating Trafficking in Human Beings and the Sector for Migration, who are competent for combatting trafficking in human beings, there are four law enforcement agencies who take daily action against trafficking in human beings within their competencies:

- State Investigation and Protection Agency (SIPA),
- Border Police (BP),
- Service for Foreigner’s Affairs (SFA).
- The Directorate for Coordination of Police Bodies of Bosnia and Herzegovina

The following are also law enforcement agencies, organised at different levels of governing:

- Police Administration of Federation of Bosnia and Herzegovina (F BiH), within the Ministry of Internal Affairs (MIA) of Federation of Bosnia and Herzegovina,
- Police Administration within the Ministry of Internal Affairs of Republika Srpska (RS),
- Police administrations within each of the ten cantonal ministries of internal affairs,
- Brčko District Police.

For easier understanding of competencies and ways of establishing cooperation, the following lines explain organisation of these agencies with special view on their internal units competent for combatting trafficking in human beings.

**State Investigation and Protection Agency (SIPA)**

Organisational structure of SIPA includes: Office of the Director, Crime Investigation Department, Financial Intelligence Department (FID), Centre for Investigation of War Crimes (CIWC), Witness Protection Department (WPD), Internal Control Department (ICD), Special Support Unit (SSU), Service for Administration and Internal Support, Service for Finances and Logistics, Regional Office (RO) Banja Luka, Regional Office Mostar, Regional Office Sarajevo and Regional Office Tuzla.

Crime Investigation Department (CID) is in charge of prevention, detection and investigation of criminal offences in the competence of the Court of BiH, locating and arresting perpetrators of crimes and taking them to the prosecutor, under the supervision, guidelines and orders of the prosecutor and in accordance to the Criminal Procedure Code of Bosnia and Herzegovina. CID provides operational assistance to FID, collects intelligence and information about crimes, monitors and analyses security situation and trends which favour crime, organises and performs expert police jobs. Internal organisational units of CID are: Section for Fight against Terrorism and Trade in Weapons of Mass Destruction, Section for Prevention and Detection of Financial Crimes and Corruption, Section for Prevention and Detection of Organised Crime, Section for Prevention and Detection of Crimes Related to Trafficking in Human Beings, Section for Prevention and
Guidelines for Work of Regional Monitoring Teams for Combating Trafficking in Human Beings in Bosnia and Herzegovina

Detection of Crimes Related to Narcotics, Section for Prevention and Detection of Other Crimes, Criminal Intelligence Section.

WPD is performing jobs and duties in accordance to the Law on Witness Protection Program in Bosnia and Herzegovina and other BiH regulations on protection of witnesses to ensure efficient protection of witnesses before, during and after criminal proceedings, to make possible for the witness to freely and openly testify before the Court of BiH. The Department makes decisions and implements all measures related to foreign witnesses in the BiH in accordance to the agreement related to witness protection signed between BiH and the foreign country, enhances cooperation and exchanges information with certain NGOs, state bodies and foreign state bodies and international witness protection organisations.

RO Banja Luka in accordance to the law performs jobs and tasks in its area of responsibility (AOR) which includes areas of Una-Sana Canton MIA in F BiH and Centres of Security Services Banja Luka and Doboj in RS.

RO Mostar in accordance to the law performs jobs and tasks in its area of responsibility (AOR) which includes areas of Herzegovina-Neretva Canton MIA, West Herzegovina MIA and Livno Canton MIA in F BiH and Centre of Security Services Trebinje in RS.

RO Sarajevo in accordance to the law performs jobs and tasks in its area of responsibility (AOR) which includes areas of Canton Sarajevo MOI, Zenica-Doboj Canton MOI, Central Bosnia MOI, Bosnian Podrinje Canton MOI in F BiH and Centre of Security Services East Sarajevo in RS.

RO Tuzla in accordance to the law performs jobs and tasks in its area of responsibility (AOR) which includes areas of Brčko District, Sava Valley Canton MOI and Tuzla Canton MOI in F BiH and Centre of Security Services Bijeljina in RS.

At regional offices, as part of their CIDs, exist Teams for Prevention and Detection of Crimes Related to Trafficking in Human Beings.

Border Police

In the organisational sense, BO is structured to ensure coordination of all activities on central, regional and local level by providing highly specialised services needed to perform tasks within its competence and to ensure two-way exchange of information between central, regional and local organisational units: Main Office, Field Offices, Units, Central Investigation Bureau, Specialised Units, Training Centre and other organisational units defined by the Book of Rules on Internal Organisation.

Service for Foreigner’s Affairs (SFA)

SFA of Bosnia and Herzegovina was established in 2005. Its basic function is migration management in the BiH and it has exceptional importance for the fight against organized crime, smuggling, illegal immigrations and trafficking in human beings; these factors were so far considered as main indicators of BiH readiness for liberalisation of visa regime. Service for Foreigner’s Affairs has sixteen field centres that perform jobs within the Service’s competence.

The Directorate for Coordination of Police Bodies of Bosnia and Herzegovina

The Directorate for Coordination of Police Bodies of the BiH is an administrative organization within the Ministry of Security of BiH with operational autonomy, established for the purpose of performing tasks within its competence, managed by the Director and financed from the budget of the institutions of the BiH.

The competencies of the Directorate are communication, cooperation and coordination between the BiH police bodies, communication, cooperation and coordination between the BiH police bodies with the relevant authorities in Bosnia and Herzegovina regarding issues of police affairs of international character or of international importance, or in relation to issues that are in jurisdiction of the Court of the BiH, communica-

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tion and cooperation with relevant foreign and international bodies in relation to matters of police affairs of international importance or common interest, communication, cooperation and coordination between police bodies of BiH and relevant authorities in Bosnia and Herzegovina with appropriate foreign and international bodies, application the best European and other international practices related to police issues in Bosnia and Herzegovina, standardization of work related to police issues in Bosnia and Herzegovina, the day-to-day gathering and cross-referencing of security information of importance to Bosnia and Herzegovina, and of the importance for carrying out tasks within the jurisdiction of BiH police bodies, continuous cooperation with the relevant police and other bodies, and taking the necessary measures with the aim of coordinating the operational activities of the police bodies of BiH, and daily monitoring of the state of security and informing the competent police and other bodies of BiH, organizing and conducting physical and technical protection persons and facilities of the BiH bodies and diplomatic and consular authorities that are specifically protected in accordance with the relevant laws, international obligations and other regulations issued by the Council of Ministers of BiH, the collection, monitoring, analysis and use of data of significance for the security of Bosnia and Herzegovina, the implementation of international agreements on police cooperation within the competence of the Directorate; other activities and work prescribed by laws and other regulations.

The Directorate process the data and keep records from its jurisdiction in accordance with applicable regulations.

Brčko District Police

Brčko District Police is a unique administrative unit of the local self-government under the sovereignty of BiH. Brčko District of BiH has its own police which performs all police functions defined by the law. Brčko District Police provides safety and security to the people in Brčko District and it functions respecting internationally recognised human rights and fundamental freedoms guaranteed by the Constitution of BiH. In the organisational structure of Brčko District there is the Crime Police Unit which, under the supervision of the competent prosecutor takes operational and other steps to detect criminal offences against humanity and values protected by international law, prevention and detection of crimes against property, homicide and sexual crimes, organised crime and terrorism, economy crime and corruption and all other crimes proscribed by the legislation of Bosnia and Herzegovina and Brčko District, criminal intelligence, forensics, counter-terrorist checks and searches.

Police Administration of F BiH MIA

Police Administration of F BiH MIA performs operational jobs within the competence of F BiH MIA. Within the Police Administration there is Crime Police Sector which prevents and detects organized and inter-cantonal crimes, terrorism, trade in narcotics, corruption, money laundering, cyber-crime, detection and documenting crimes against humanity and values protected by international law, apprehension of perpetrators of these crimes and taking them to competent bodies. Within the Crime Police Sector there is the Department for Fight Against Organized and Inter-Cantonal Crimes with its sections: Section for Property Crimes, Homicide Section, Section for Combatting Trafficking in Human Beings and War Crimes Section.

Ministries of Internal Affairs in cantons

In the ten cantons and their MIAs, within each police administration there are Crime Police Sectors with Special Purpose Departments which deal with trafficking in human beings.

Police Administration within the Ministry of Internal Affairs of Republika Srpska (RS)

Ministry of Internal Affairs of Republika Srpska contains Police Administration for Countering Organized and Serious Crime. The Police Administration performs control, supervision and instructive guidance in regards to legitimacy of work for all its organisational units: works on prevention and detection of crimes, and performs direct investigation of criminal offences defined by Law on Suppression of Corruption, Organized and Most Serious Forms of Economic Crime; engages on cases related to the given offences that are referred from other organisational units, locating and arresting perpetrators of organised crimes, based on
the orders of the Prosecutor’s Office and in accordance with the Criminal Procedure Code and the Criminal Code realizes delivery of the arrested perpetrators to the competent prosecutors’ office, gathers intelligence and evidence of the aforementioned forms of crime; monitors and analyses the state of security and phenomena that favour the occurrence and development of organized crime; organizes and performs criminal-operative and professional tasks; undertakes special investigative actions in accordance with the Criminal Procedure Code based on the order of the preliminary procedure judge; organizes, directs and participates in certain actions in the field of prevention and detection of the most complex criminal offenses, finding and apprehending their perpetrators; directs, supervises and coordinates operational activities on data collection, analyses collected data, and directs operational use of them; makes recommendations for undertaking further measures and actions, cooperates with other organizational units, keeps the prescribed records and implements data protection measures; performs criminal intelligence gathering on persons who are known to be perpetrators of criminal offenses or are connected with the commission of criminal offenses, as well as on persons under criminal investigation opened in accordance with the Criminal Procedure Code; cooperates with state bodies, the Public Sector Audit Department, the Indirect Taxation Authority, the Tax Administration and other financial institutions in matters of importance for effective prevention and detection of the most complex forms of crime, as well as with the police of other countries in criminal intelligence work; participates in the selection and implementation of training of police officers in criminal-intelligence work, as well as the activities of covert investigations; participates in the acting role of the agents and provides them with logistical support; introduces covert investigator and informs with the case in accordance with the provisions of the Criminal Procedure Code; provides professional assistance to the Centre of Public Security (CPS) and supervise performing activities in that field; participate in making normative acts, reports, and other professional materials; assess, plans, and executes actions with other employees with public authorisations in order to efficiently counter crime; performs other activities in their competence.

Within this administration, the Unit for Countering Organized Crime and Drugs deals with the issue of human trafficking.

Within the Ministry of Internal Affairs of RS, there are ten police administrations: Banja Luka, Gradiška, Prijeedor, Mrkonjić Grad, Doboj, Bijeljina, Zvornik, Trebinje, Foča, and Istočno Sarajevo.

1) DETECTION

In their daily duties, police officials have obligation to observe various risky situations where victims of trafficking could be identified and situations where there are indications of persons who are being exposed or could have been exposed to the risks of trafficking, such as:

- Persons harmed by crimes,
- Persons involved in criminal activities that involve organised prostitutions, organised smuggling of migrants across borders and any other criminal activity that include exploiting such as organised soliciting and organised commission of crimes,
- Children exposed to domestic violence and neglected children are high-risk group exposed to activities of traffickers.

In the above described and other similar situation, it is the duty of police officials to act ex officio and avert possible trafficking in human beings, i.e. exploitation of people and immediately inform the competent prosecutor about all information and relevant facts.

When a police official registers a case of child exploitation, it is necessary to inform the centre/service for social work so the action plan can be prepared and preventive action taken (interview and professional assistance for parents to help them fulfil parental duties, appointment of temporary guardian, withdrawal of guardianship, extracting the child from family, initiating court proceedings for protection of child’s rights, rehabilitation of family relationship etc.) that will contribute to reducing the risk of trafficking factors against the child, family and targeted population in general.
Council of Europe Convention on Action Against Trafficking in Human Beings ratified by Bosnia and Herzegovina states: “when investigation or criminal prosecution of traffickers is taking place, the law enforcement agencies and judiciary shall ensure that prosecution of crimes shall not be dependent upon the indictment or report made by the victim, but based on a comprehensive and proactive investigation that includes many state actors and on collection and presentation of various material that will be used as evidence in the proceedings.”

It has to be kept in mind that the safety and wellbeing of the victim in the priority and more important than the evidence. This is why the focus must be on proactive investigation based on gathering of intelligence, information, evidence and use of special investigative actions.

**Identification of a potential victim of trafficking**

Identification is a procedure used to establish whether a potential victim of trafficking was victim of trafficking and was or still is in situation of being trafficked. Identification takes place after the period of rehabilitation and reflection and after the assisted person agreed to cooperate.

Identification procedure should not take place if the potential victim of trafficking is: very upset or anxious, visibly depressed and crying, apparently hostile or aggressive, not in a place where there is no privacy, in need of medical assistance, has sought legal aid, requested postponement of the interview or refused it, under the influence of narcotics or other intoxicating substances, a child whose guardian is not present or not yet appointed.

Identification interview for the purpose of establishing the status of a victim in the BiH is conducted by a prosecutor and police official if so ordered by the prosecutor. Identification is made through one or more interviews between the interviewer and the potential victim of trafficking and through collection of other evidence that identify facts and verify information provided by the potential victim of trafficking.

Identification procedure of victims of trafficking has to be carried out through multidisciplinary comparison of data and synthesis of information available to competent institutions and authorised organisation involved in the specific case when, depending on the validity of facts, the protection procedure is initiated. Victim or witness-victim is identified on the basis of report or information gathered by competent institutions or authorised organisations or facts obtained during voluntary interview with the person for whom there is grounded suspicion that he/she is a victim of witness-victim.

During the identification procedure of the interview, the consent and whether the statement is given voluntarily are verified and the acceptance of the adult for protection.

Identification of a child mandatorily initiates protection of the child by an adult and protection in cooperation with the centre/service for social work, parent or guardian.

Competent institutions and authorised organisations shall request the medical institution competent for primary health care and the centre for mental health to do the physical and psychological evaluation of the condition of victim and witness-victim before the hearing or interview.

Whenever there is suspicion that a person is victim of trafficking, the person will be treated as a victim until proven otherwise. In case of a child-victim, it is extremely important to keep in mind that the consent of child-victim to intended exploitation is irrelevant because children are not capable of making such and similar decisions independently, and any treatment of a child involving exploitation shall be treated as trafficking in human beings.

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In case of adult potential victims, to be granted the status of a victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case an adult declares in an interview given to a police official that someone is restricting her/his freedom of movement, holding her/him against their will, withholding their personal documents, forcing to labour, soliciting, sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the police official to inform prosecutor so that the person can be identified as a potential victim of trafficking and take action to provide care and protection to the victim.

During the identification of a victim of trafficking, the police agencies should take into consideration the following indicators:

- self-identification,
- age of person,
- place and conditions where the potential victim of trafficking is found,
- restriction of freedom of movement,
- psycho-physical condition,
- method and purpose of entry to Bosnia and Herzegovina - for foreign victims,
- status, movement and stay of the person in Bosnia and Herzegovina - for foreign victims,
- possession of travel document and identification documents,
- possession of financial means,
- other obtained indicators that are relevant for correct assessment.

Before initiating any conversation with the victim of trafficking, a police official in cooperation with the health care staff examines the victim of trafficking during and after medical intervention. Health care staff is obliged to, after the first contact with the victim, notify the police agency and present preliminary results. Police official and health care staff must maintain full self-control during examination of the victim and should pay attention to any marks on clothing and body of the victim. Police officials and health care staff shall, circumstances allowing, conduct the following actions: describe and photograph the victim in the original state and describe and photograph all details, depending on the situation it may be necessary to seize the victim's clothes by taking and packing each item separately (dry it first if it is wet) and this means that the victim needs replacement clothes. If the victim has injuries and other marks, those must be photographed and collected in accordance to forensic rules.

**2) INTERVIEWING THE VICTIM**

In case of a grounded suspicion that a crime of trafficking is committed or is being committed, or in cases indicating that certain persons are victims of trafficking, with the purpose of identifying a potential victim and gathering information on criminal offences and perpetrators, the police official shall conduct the interview with persons that can be considered as potential victims of trafficking.

Interviews with the victim are characteristic of the first stage of the procedure, i.e. start of investigation and assessment of every case - this is in exclusive competence of the prosecutor's office.

The goal of the interview is to obtain information relevant for the criminal proceedings. The interview has to be carefully prepared because the successful outcome of the court proceedings may greatly depend on witness' statement.

To have the most professional treatment of victims, and for the purpose of maximising their possibilities to provide very qualitative evidence, the following recommendations should be kept in mind when dealing with victims of trafficking:
- Victims will most probably be traumatised by the trafficking experience, and during the interview they will be asked to remember some painful and very personal details,
- Victims were systematically deceived and exploited during every stage of trafficking process and have learned to recognise deceit or lack of sincerity,
- At the beginning, victims most probably will not have sufficient trust in the police officers and prosecutors. Victims are often hostile and do not trust police, so special attention should be paid to building trust. From the first contact, in building trust, it is important that the police official is completely open and sincere with the victim about all stages of the process she/he will have to go through,
- Dissuasion and explanation are of crucial importance when dealing with victims. Two key points which cause concern with victims are safety and exposure to the media. This has to be resolved before if we expect victims to relax and give evidence. When it is possible, victims need to be reassured about their own safety and safety of their relatives. At this stage, victims know the traffickers and know better than anyone what they are capable of doing therefore it is important that police official does not give impression like he is trying to minimise the risks or acting irresponsibly when victims safety is an issue. Victims will have same concerns about exposure to the public similar to persons who have been involved in prostitution. They will be careful about it during interviews and will want to know the extent of exposure. Most of them lead double lives: life in their family and life as a victim of trafficking, most often the organised prostitution. They will be truly afraid of the first life learning about the other. Use of pseudonyms and ensuring confidentiality will to some extent deal with the problem but the police official has to be sincere about risks.

Interview conditions

Conditions and methods used to interview a victim are of crucial importance if we expect victims to provide most qualitative material for investigation and evidence. Basic suggestions that should help making a successful interview and results are:

- Although official and authoritative approach will most probably result in victim's agreement to everything, it will not lead to establishment of mutual trust and full cooperation. In a relaxed setting and atmosphere there will be better chances to learn most important details,
- As a best practice, when circumstance allow it and/or when the victim demands it, interview with the victim should take place at a neutral place with victim's legal adviser present. This will reduce levels of suspicion and concern and help dissuade the victim,
- Whenever possible, police officer should be of the same sex as the victim. Victim should be given opportunity to say what is most comfortable for him/her and the follow-up to the interview should be managed in that way,
- Police official conducting interview should have adequate knowledge about trafficking in human beings and be trained for investigation of serious sexual crimes, because the victim is most probably victim of those crimes,
- Whenever is possible, police official who conducts the interview should be assigned to the victim for the duration of the entire investigation and trial, so that the earned trust between the victim and the police official can be maintained,
- It is possible that a victim will be required to give a full account of events that took place over a certain period. Trafficking for the purpose of sexual and labour exploitation is often type of a lifestyle crime and the best evidence is often contained in the minute details. The interviewer should gather as much facts as possible from the victim and that requires a lot of time. It may take days to get a detailed statement - this is a great effort for the victim and the interviewer alike. To reduce the strain, a break is recommended every two hours. The number of two-hour sessions that will take place in one day depend on the interviewer's assessment, case itself, victim's flexibility and intensity of trauma suffered by the victim during events he/she has to recall.
Interview methodology

It is important that the sequence of events in a given case of trafficking is shown in a logical and comprehensive manner. This will not only help the victim to remember events along the timeline but also help the police official to better understand it. This is not an easy achievement for police officials, especially not in the first attempt with a traumatised victim. It is useful to take sufficient time to record chronology and main points of the story in order to ensure logical order. “Main points” are victim’s first recalling and those can be used as bullet points for the final statement or testimony.

Frequent and erroneous prejudice exists in many court systems – regarding victims trafficked for sexual as persons incapable of telling the truth and with limited credibility as witnesses. This factor requires securing sufficient evidence which can be verified independently so that this supposition can be successfully overturned. To achieve that, it will be necessary to investigate events to the fullest detail. That will include detailed descriptions of locations, routes, clothing, persons, documents, decorations and furniture in rooms where they have been held or exploited etc. Although these procedures are necessary, they may be too difficult a task and cause frustration with the victim. Experience shows that when the victims are explained that detailed interview is necessary so that it can be proven that victims are reliable witnesses and that they can be trusted, then they will fully cooperate in the process and will not be bothered by having a thorough interview with the interviewer. It is of key importance to combine this explanation with clear warning: victim must tell nothing but the full truth from the beginning.

Victim must understand that the interviewer, as a basic part of the investigation, will thoroughly investigate victim’s background and history as well as the trafficker’s lawyers. For this reason it is important that the victim is aware that any lie, half-truth or deliberate withholding of facts from his/her side will be exposed and reduce victim’s credibility as witness and hinder the court proceedings.

Chronology of the crime is very important in these cases but still it is often quite difficult for the victim to remember all of it with accuracy. It has to be kept in mind that events happened in periods spanning over many weeks or months and that is difficult to specify exact dates. One of the methods that could be helpful for the victim is focusing on important dates such as victim’s birthday or some other important date like the birthday of victim’s mother or child, a significant cultural or religious celebration.

Similarly, victim may remember one or two important dates of trafficking, like the date when she/he first met the trafficker or the day of transport. The point is to determine a number of chronological references so that other important events may be placed in context “before” and “after” the determined date.

Specifics of interview with children

Interview with a child has to be carefully prepared because a witness’ statement may be crucial for the outcome of court proceedings. This is why it is necessary to make a distinction when the children are involved, distinction between investigative-forensic interviews done by a professional - usually a forensic, and interviews done by prosecutors or police officials where the presence of parents/guardian and social worker is mandatory. The interview may be done without the knowledge of parents/guardian only if they are suspects. The interview must take place in rooms specially designated for that purpose.
2a) INTERVIEWING THE CHILD-VICTIM

For adults, testifying is often perceived as a very unpleasant and rather a traumatic experience, especially if witnesses are at the same time the victims of serious crimes. This sensation is present and happens regardless of the fact that adults do have some knowledge or assumptions about the legal system, understand the roles, duties, and the obligation to testify. Children, on the other hand, generally do not have to know anything about it, and their conception of justice and the system in which it is conducted is essentially different from the concept of adults.

Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings 44 in the part relating to crimes for the detriment of children and minors, prescribed a number of measures aimed at protecting children from re-traumatization and victimization, such as: limiting the number of children's hearings to a maximum of two times, testifying through technical devices from another room, setting up questions through the presiding judge and another. The legislator had a sense about and understanding of the specific needs of children, respecting their development, thus as an obligation has prescribed the attendance of an expert professional during the hearing. An expert professional is considered to be a psychologist, a pedagogue, a social worker and, according to the law, it is a person whose help is being provided during the hearing of the child. In practice, this is usually the person who provides psychological support to the child during the hearing and conducts the psychological preparation of children for the hearing. There are conflicting opinions in regards that these roles should be separated (the support, and expert assistance during the hearing), but it should be borne in mind that it makes it easier for children if as little as possible persons get engaged in the judicial process. In principle, there is no conflict of interest that these roles are assigned to one person / expert professional person employed in courts and prosecutors' offices in the BiH as expert associates for witness support or expert advisers for minors45. Of course, there are situations (a child with special needs /a child with developmental disabilities, and other terms used in applicable legislation) when in the hearing process, apart from the support person, it is necessary to include a specialist who would help with the hearing. Thus, psychological preparation and psychological support should be carried out by experts (no matter which of the mentioned profiles) who have specialized knowledge of trauma, which will be discussed in the next part of this text; the part that deals with re-traumatization and stigmatization in criminal proceedings.

The goals of psychological preparation of children for testifying are:

1.) To reduce the negative consequences of giving a testimony on a child, and/or to alleviate secondary traumatization,
2.) To reduce the level of stress / anxiety during testifying,
3.) To help children understand the nature and the gravity of the process, and
4.) To improve the child's ability to answer the questions most accurately, most fully and in a true/ genuine way.

All four goals relate to the well-being of the child and are in his/her best interest, while the fourth goal also contributes to the efficiency of the judicial process.

Adequately preparing a child for what is awaiting him/her in the courtroom will most likely be reflected in the level of stress and anxiety. Namely, children become very confused and anxious if during the course of testifying they realise that the parties in the proceedings do not understand them, or if they do not know what is being expected of them. This situation is partly overcome by specialized educations for judges, prosecutors, lawyers, and inspectors, because the unsuitable and unprofessional way of interviewing/asking questions or examining a witness is precisely what contributes most to such situation.

44 Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings entered the force: in Republika Srpska in 2011, in Brčko District in 2013, and in the Federation in 2015.
45 Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings stipulates employment of expert associates in courts and prosecutors' offices, providing them to be social pedagogues - defectologists, social workers, and psychologists.
Psychological preparation is carried out through the following phases:

**Getting to know the child and gaining his/her trust**

An expert should meet a child in advance – some time before the day of testimony. It would be ideal to arrange for a meeting in court immediately after informing the child that she/he is going to testify. Gaining trust is very important for further work with the child, and it can influence the child’s motivation to testify. **Bearing in mind the fact that the work of professionals do not interfere with the content of the statement that the child will give before the court, it is a priori taken that the child is trusted.** At this stage, anamnestic data on the family, school, interests, etc are collected from the child and checked. An unstructured type of interview/ free-form interview is conducted with the child, which helps in the shaping information about the needs and condition of the child, needed by the court and / or the prosecutor’s office.

**Informing the child**

Children are given basic information about the investigative and judicial process in a manner and words adapted to their age and level of understanding. It is important for children to be explained on why are they there, what does it mean to be a witness, how is the testifying done, who hears it, how long the proceedings can take, what happens when the verdict is pronounced, and the information alike. Therefore, all information in order they have better understanding of the procedure and their role of witnesses. A very important rule is that we do not use euphemisms during providing information, because most children understand the gravity of their situation, and such an approach would cause confusion.

If we say: “It’s not nothing”; “They will only ask you questions for a short while and then it will be over”, we can give the child a distorted message that the process of testifying is “pleasant”. On the other hand, with this approach we may minimize child’s role of the victim or his/her efforts and the courage to tell about the event when he/she is in the role of the eyewitnesses.

**The interactive preparation in the courtroom – role-playing**

The fact is that children will best adopt and comprehend the content that we want them to adopt if it is presented in the interactive way and through a play. The play as the dominant activity of a child is related to physical development, intellectual development, motive, value appraisal, emotional development and development of personal traits, and as such can be used in preparing children for testimony.

“(…) Play creates a zone of proximal development of the child. In play a child always behaves beyond his average age, above his daily behaviour; in play it is as though he were a head taller than himself.” (Vygotsky, 1996)

Given that for children play represents a preparation for life, it can also serve as a training for not so common or the usual experience of children, such as a testimony before a court is, especially for younger children. Regardless of the fact that children do not testify from the courtroom, they need to be introduced into the space - a visit to an empty courtroom in the process of preparation, in order that the child can gain a perspective. Then, there on the spot, we can –going through the positions of all the participants in the process explain their roles to the child. For example, we can say to the child that the role of judge is similar to the role of the master of the class who is in charge to enforce rules, to be fair and just, etc.

Special attention should be given to the role of the defence counsel, so that the child does not experience their questioning too negatively, but as part of a process that helps the judge to make a fair decision by listening to both parties in the proceedings. Role-playing in a courtroom is especially useful for children under 12 years of age. After explaining the roles of the ones that will be present in a courtroom, we instruct the child to take on the role of the examiner, and we get ourselves in place for witnesses, and give rather neutral instruction - that the child play to be a headmaster in a school, while we apply for an art teacher vacancy at school. Children can, during a role-play ask rather illustrative questions (“Do you like children?”, “Did you experience something ugly when you were a child?”) because, considering the circumstances, the projections are very obvious and striking. We also put children in the role of witnesses, in the way that it
chooses its role (lately children's talent shows are very popular and children often choose to play a candidate, while you play a member of a jury or the commission). It should be kept in mind that some children, in fact, the majority of them, get in touch with audio technology, especially the microphone, in the courtroom for the first time, so role-playing can be used also to technically prepare the child for the hearing. Of course, again we need to emphasize importance of an individual approach, because not all children are eager to this type of interaction, and in particular, you should consider what content you are proposing in the game. The play, as a method we use in terms of child's understanding of the process and the relaxation of children, should be thoughtfully considered. We must take care not to have it exaggerated, because children know that they are in court due to very unpleasant circumstance, thus the court should not be presented as a children's playroom, nor should children's positive play be linked to testimony.

**Preparing for the inconvenience and unforeseen things/situations**

This phase is in fact done within and throughout the preceding three, however, due to its importance we single it out as a special one. Apart from the fact that children are insensitive to contradictions, the trauma they have experienced makes them very vulnerable witnesses, and any surprise, discomfort and contradiction during the proceedings can be triggers for an additional trauma and a behaviour in children that will interfere with the course of questioning. The child can get confused, silence up, and lose the motivation to continue answering the questions. Expert support staff cannot predict all the situations in order to adequately prepare the child, but there are some "common" ones to be anticipated. These are, for example, a break requests made by one of the parties, the presence of the police, official clothes (the toga) with judges and prosecutors. A child may hear the word "objection" during the process and might think that it refers to him, that he/she had made a mistake, said or did something wrong.

Assessment of condition and needs is actually a psychological assessment of the condition and needs of children provided by professional to the court / prosecutor's office, which relates to the current condition and needs of the child. Assessment of the condition and needs phase is not strictly separate one from the psychological preparation phase. It is actually carried out within the phase of getting to know the child and gaining his/her trust, as it is expected that most data are received during this phase. Given that some children are naturally more introvert, and that it takes time to gain child's trust, even without underlying what effects the trauma has on a child, the data needed for the assessment will be collected during all stages of preparation. Often we will be in situation that children give us little data, so the focus will be on observing their behaviour and reactions during the preparation phase. This requires primarily that the professionals working with children have education in this field and good concentration, because it is not advisable to take records and be writing down things all the time while working with children.

The assessment/information and data has to contain:

**a.) Social history/anamnesis**

Data on parents / guardians, education, living conditions, social behaviour and interests. Information on children is collected indirectly (centres for social work, school, family, other children), basically by hetero-anamnestic method. Heteroanamnestic data should be checked again with children - if possible. In the letter/information, the data source should be given.

**b.) Medical history/anamnesis**

If a child at that moment suffers from a disease or has suffered from a serious illness, medical documentation has to be demanded. Medical documentation is collected exclusively from the parent / guardian.

**c.) Other types of data**

Data that are important for a child or are relevant to the process e.g. the child is threatened by the family of the accused, or the child is being stigmatized in the school environment or by the media.
d.) The assessment / evaluation of current condition and needs of the child

Psychological assessment/evaluation of a child should focus on the current psychological condition of the child describing his/her emotions and behaviour during conversation/interview with an expert. The information can also include an assessment/evaluation of the child’s cognitive abilities in terms of understanding his/her role in the process, verbal and articulation capacities, and the motivation.

Finally, why is it necessary to submit this assessment/evaluation performed by expert associates, if a child has been, for example, already subject to the expertise evaluation, meaning processed and evaluated by the professional expert team made of psychiatrist and a psychologist, and if there is a detailed description of the child’s condition and abilities given in the expert findings? There are two key reasons:

a.) The expertise evaluation is related to the act (criminal activity), it is used in criminal proceedings as an evidence, and has its goal and tasks precisely defined. Assessment /evaluation of a child is not the court evidence, and its basic purpose is to support the court/ the judges in better planning of the proceedings, meaning run the questioning and hearing, so as to simultaneously maximise the efficiency of the proceeding and to minimise stress on the child.

b.) As emphasized already, the assessment / evaluation is done on current condition of a child, and it should be borne in mind that time lapse from the day of the expertise evaluation to the day of testimony/trial, can be of such a length so as to significantly affect changes in the child, in the developmental sense. Also, the circumstances for the child in the meantime may dramatically change, which will also affect child’s capacities and motivation to testify. Changed circumstances brings a new trauma or deepen the already existing one related to the criminal act.

In one case of sexual violence against a child, the mother of the child who had it reported has died several months after reporting the crime, without living enough to see the commencement of the main trial. In another case, also a sexual violence against a child, the child who was eight (8) at the time of the crime, came to the court to testify three years after, that is, at the age of 11. In terms of maturation of a child, the difference of three years lapse is very significant, as are the changed family circumstances of the child. The family moved out of their own home to a rented apartment, and thus had less means for living and got impoverished, the child has changed school, his friends and teacher. It is obvious that, in this case, there were rather significant changes that have happened for and around the child.

Police agencies will not perform hearing of a child without the presence of parents or guardian, or the CSWs who have the role of guardian and the official competence. The guardian / parent or CSW have the right to legal assistance when giving a statement or undergo hearing in order to prevent the child’s testimony and its re-victimization.

3) CASE ASSESSMENT

Basic forms of protection of victims and victim-witnesses are close protection, protection of privacy and identity, legal aid, social and health care, special protection of children and protection of vulnerable categories and securing other needs to provide adequate individual protection and assistance to victim and victim-witness. Individual protection is based on determination of needs and their inter-dependency, i.e. assessment of needs in each individual case, taking into consideration the health condition, age, sex, belonging to ethnic minority, social status and other individual needs resulting from medical examination of the victim and victim-witness. Any information about physical threats given by the victim and victim-witness including information given by the staff in charge of close protection of victims and victim-witnesses are checked in case intensified protection measures are required.

46 Development of child can sometimes go tilted forwards-backwards. In cases of trauma, there are frequent regressive episodes that affect child’s condition, thus child can retrograde to behavioural patterns that he/she had out-grown, such as thumb sucking, stuttering, bed wetting, etc.
Competent prosecutor is assessing and giving approval for intensified close protection measures in cooperation with the staff that is providing care to the victim. If the victim or victim-witness has been placed at a shelter or other location, the protection is cancelled with prior assessment of threats and returned to residence. Assessment of safe return of the victim and victim-witness to the previous residence is done together by the prosecutor’s office, police and centre/service for social work, including the Service for Foreigner’s Affairs when a foreign victim of trafficking is concerned.

In situations when criminal proceedings are not initiated but there is enough facts to identify a person as a victim, protection procedure is approved or initiated by the centre/service for social work that, independently of the status of criminal proceedings, may request assistance and protection from a competent police force.

Once all available information and facts related to a specific case is collected, it will be exchanged with other institutions involved in the case and a preliminary case assessment done with them. These assessments must include:

- Assessment of urgent medical services including mandatory psychological evaluation of victim's condition (if the psychological evaluation indicates that the victim is not capable of representing own rights and interests),
- Security risk assessment,
- Determining victim's age,
- Determining accommodation needs,
- Providing legal aid,
- Assess whether the victim will cooperate with the competent institutions and organisations involved in the direct assistance for the victim.

Initial assessment procedure also determines the guidelines for further work with the victim of trafficking. However, police agencies cannot act independently in the process of assessment, thus it is necessary to work in a team and establish cooperation with other institutions and authorised organisations. Prosecutor’s office and police agency are bound to take care whether the victim of trafficking is adequately protected from dangers against life and health and whether the intervention of other services is necessary to protect the victim.

Once it receives information about the case, the police shall verify whether the case was registered previously, gather additional information, assess the case, secure evidence on exploitation, identify available resources for assistance and protection of the victim, and assess which interventions are urgent. Also, the prosecutor’s office and police agency shall assist the centre/service for social work and NGO who will accommodate the victim and give advice for individual rehabilitation plan, if circumstances allow it.

**4) REPORTING**

Obligation to report criminal offences and perpetrators applies to all situations where police officials and civil servants while performing their duties learn that a criminal offence of human trafficking has been committed. This implies general obligation for all officials to report their information about committed crime of trafficking, perpetrators or victims to SIPA or Prosecutor’s Office of Bosnia and Herzegovina. A notification on suspicion and information can be forwarded to other police agencies and prosecutor’s offices as well. In case there is a foreign person who can be identified as a potential victim of trafficking it is necessary to inform without delay in written form the relevant field office of the Service for Foreigners’ Affairs for the reason of providing care and accommodation and regulating their status in accordance to the Law on Stay and Movement of Aliens and Asylum.
In case the police officials or civil servants do not report human trafficking, i.e. crime and perpetrator, and it gets established that during their work they came to such information, they could be sanctioned in accordance to Article 230 of the Penal Code of Bosnia and Herzegovina, fined or imprisoned for up to three years - the same offence is proscribed by penal codes of both Entities and Penal Code of Brčko District.

**Protecting and (dis)respecting the principles of confidentiality**

Reporting a potential victim is a breach of confidentiality contrary to the interests of victim of trafficking especially when the victim is a child. To achieve the highest level of protection and respect of confidentiality principles, the best approach and method of reporting is informing the victim about the obligation to inform relevant services and persons who will help her/him in case the situation is dangerous and threatening. This can be achieved by simultaneously informing the victim that everything he/she says is confidential but will not be kept as a common secret because other officials need to be informed about the confidential data so the victim can be protected including the official who submits report.

**Information exchange flow**

The information exchange flow between the actors of direct assistance to victims of trafficking is defined by the Rules on Protection of Domestic Victims and Victim-Witnesses of THB and by the Book of Rules on Protection of Foreign Victims of THB. Reporting cases of foreign victims of trafficking and domestic victims is different.

In case of any competent institution or authorised organisation in Bosnia and Herzegovina, private person or legal entity suspecting or having information that a person is object of trafficking, there is obligation to inform SIPA and Prosecutor's Office of BiH without delay. Notification on suspicion and information can be forwarded to entity prosecutor's offices and police as well.

All cases of foreign victims, besides to the SIPA and Prosecutor's Office of Bosnia and Herzegovina, shall be reported to the relevant field centre of the Service for Foreigner's Affairs immediately after identification.

In case the criminal offence or perpetrator or victim of trafficking are reported to Entity police or prosecutor's offices while the available information indicate that a criminal offence of trafficking has been committed, Entity police, prosecutor's offices and Brčko District Prosecutor's Office are obliged to inform the Prosecutor's Office of Bosnia and Herzegovina and forward all available documentation in accordance to the competencies of the Prosecutor's Office of Bosnia and Herzegovina related to prosecution of perpetrators of trafficking in human beings as proscribed by Article 186 of the Criminal Code of Bosnia and Herzegovina.

On the other hand, police agencies and all other competent institutions and authorised organisations, natural persons and legal entities, in case of identification of a potential victim of trafficking or other type of contact with the victim, are required to report without delay, i.e. to inform the competent centre/service for social work. In case of an adult victim of trafficking, the centre/service for social work shall be informed only with the consent of the victim, i.e. only in cases of adults with mental disability or without legal capacity.

In case of a grounded suspicion that the person is foreign victim of trafficking, police agencies are obliged to inform the field centre of the Service for Foreigner's Affairs without delay for the purpose of securing reception and accommodation, unless this was done earlier, and regulation of residence status.

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47 Penal Code of Bosnia and Herzegovina, article 230, Official Gazette of Bosnia and Herzegovina, No. 3/03

(1) Whoever, having knowledge of the identity of the perpetrator of a criminal offence for which a punishment of long-term imprisonment can be imposed under the law of Bosnia and Herzegovina, or whoever having merely knowledge of the perpetration of such an offence, fails to report the fact, although the timely discovery of the perpetrator of the offence depends on such report, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who fails to inform of a criminal offence he has discovered while performing his duties, if for the offence a punishment of imprisonment for a term of five years or a more severe punishment can be imposed under the law of Bosnia and Herzegovina.

(3) No punishment for failure to inform of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the perpetrator.
All institutions are required to treat foreigners for whom there is grounded suspicion that they are victims of trafficking as victims of trafficking as long as the grounded suspicion exists.

**Referring a report**

Reports need to include only the available facts and circumstances. It should specify: available identification data of the victim (first and family name, age, sex, year of birth, place of birth) and describe circumstances leading to information and suspicion about trafficking (signs of violence, psychological condition of the victim, condition or illness that may be linked to sexual exploitation, description of marks or alterations on the body indicating possible injection of psycho-active substances or other signs arising suspicion that the victim was exposed to illegal psycho-active substances). Some persons trafficked for sexual exploitation or pornographic content (child pornography) first get drugged so they would not resist.

Report or information on potential victim of trafficking as a rule gets forwarded in written form.

**5) CONTACTING COMPETENT INSTITUTIONS**

Competent institutions and authorised organisations are obliged to exchange all available information about victims needed for providing assistance and protection, collection of statistical data, creation of relevant reports, information and other matters of relevance for dealing with cases of THB.

**Establishing contact with medical service (if needed)**

During the process of identification of a potential victim and conducting investigative and other process actions, the victim may be in need of urgent medical assistance due to physical injuries gained during exploitation or due to some other medical issues. When such medical need is noted, it must be provided to the victim before any other action is taken. A medical institution should be contacted to provide necessary medical assistance and stabilize victim's condition.

During the stay at the shelter or implementation of individual rehabilitation program that does not include stay at the shelter the victim of trafficking is entitled to medical care. If the accommodation and care of the victim is provided via a partner NGO, victims of trafficking shall be provided with medical care in a way set by the protocol on cooperation between the competent ministry and that NGO.

**Establishing contact with relevant institutions for providing further assistance to the victim and carrying out further investigative actions**

Irrespective of the victim's age, when there is grounded suspicion that a person is victim of trafficking, the following relevant institutions shall be contacted:

- **Foreign victim**: inform SIPA, Prosecutor’s Office of Bosnia and Herzegovina and relevant Field centre of the Service for Foreigners’ Affairs. It is possible to notify other police agencies and prosecutor’s offices;
- **Domestic victim**: inform SIPA and Prosecutor’s Office of Bosnia and Herzegovina. It is possible to notify other police agencies and prosecutor’s offices. If the victim of trafficking is adult, the centre or service for social work shall be notified only with the consent of the victim, i.e. only in cases of adults with mental disability or without legal capacity.
- ** Victim is a minor (foreign or domestic)**: obligation to inform both regional office of SIPA and relevant centre/service for social work.

Basic standard which is important for protection of children in situations when the police have the first knowledge on child-victim is the obligation to inform the centre/service for social work immediately so that these two key services may make arrangements on next steps of investigation and providing protection to the child. This situation includes the readiness of police to share information and some confidential data with the representatives of centres/services for social care.
Contacting legal adviser - providing free legal aid

In accordance to international treaties and conventions on human rights, every potential victim of trafficking has right and possibility to use free legal aid and advice during interviews with representatives of relevant institutions, and further on the process of providing assistance, care and reintegration, criminal, civil and administrative procedures.

All relevant institutions and authorised organisations in Bosnia and Herzegovina including the police must ensure the presence of a legal adviser for any action involving the victim, including the interview, to respect victim’s rights. In case of a foreign minor potential victim, it is necessary to ensure the presence of a legal adviser immediately. Free legal aid to victims of trafficking in Bosnia and Herzegovina can be provided through legal service of the centre/service for social work, centres for free legal aid or other available forms of free legal aid.

Establishing contact with non-government organisation (NGO) who signed agreement on care of victim of trafficking

Contacting non-government organisation shall be done after a contact has been made with competent institutions and legal adviser for purpose of organising care of the victim, namely:

- Foreign victim: contacting non-governmental organisation for accommodating foreign victims can be done exclusively in cooperation with territorially competent field centre of the Service for Foreigner’s Affairs, which will in cooperation with the police and prosecutor’s office assess the security situation in the specific case and accommodate victim in the safe house/shelter run by NGO who has signed Protocol with the Ministry of Security.

- Domestic victim: selection of the safe house shall be done by the centres/service for social work that will in cooperation with the relevant police and/or prosecutor’s office assess the security situation and accommodate victim at the safe house/shelter of the NGO that signed Protocol with the Ministry of Human Rights and Refugees.

- Domestic victim repatriated to Bosnia and Herzegovina: selection of the safe house shall be done by centres/services for social work in the place of residence of the victim with prior agreement with the Section for Combatting Trafficking in Human Beings of the Ministry of Security and the Ministry of Human Rights and Refugees.

Establishing contact, exchange of information and cooperation with other prosecutor’s offices, police forces and tax offices

Establishing contact with other prosecutor’s offices, police forces and tax offices for purpose of exchange of information, planning and conducting investigative activities and parallel financial investigations is made through the Strike Force formed by the Decision of the Council of Ministers to establish and enhance cooperation and coordination at the highest level between state and Entity bodies and Brčko District bodies. Strike Force operates in Bosnia and Herzegovina and fights trafficking in human beings and organized illegal immigration in accordance to the law and other regulations of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District.

A police agency that has information related to the trafficking in human beings can establish contacts and take all other actions via members of Strike Force appointed from the Prosecutor’s Office of Bosnia and Herzegovina, Prosecutor’s Office of Federation of BiH, Prosecutor’s Office of Republika Srpska, Prosecutor’s Office of Brčko District, SIPA, Border Police, Police Administration of Federation of BiH, Ministry of Interior of Republika Srpska and Brčko District Police.

It is also possible to establish communication in written from via Prosecutor’s Office of BiH. Prosecutor’s Office of BiH is managing the work of Strike Force.
6) PLANNING AND ORGANIZING FORMS OF PROTECTION AND CARE

The essence of this activity is in the need to exchange information efficiently and to ensure multidisciplinary cooperation between all involved institutions and organisations for the purpose of making decisions of forms and character of victim's protection.

During the process of planning and organizing protection and care, the police agency shall inform the prosecutor's office in charge of the case and, depending on the citizenship and age of the victim, inform the centre/service for social work competent for given case and Service for Foreigner's Affairs if the victim is a foreigner and safe house where the victim has been accommodated.

Protection of domestic adult victim and victim-witness is planned and implemented in cooperation with the competent centre/service for social work. If the victim of trafficking is adult, the centre/service for social work will be notified only with the consent of the victim, i.e. only when the adult victim is mentally impaired or does not have the legal capacity. If the victim did not give consent, protection is planned and implemented in cooperation with NGO entrusted with implementation of such measures.

Protection and assistance for children with parental care or without guardianship is organized in cooperation with parents-family, guardian or competent service/centre for social work.

Protection for foreign adult victim is planned and implemented in cooperation with the Service for Foreigner's Affairs. In planning and implementation of protection for a foreign minor a temporary guardian appointed by the centre/service for social work on whose territory the shelter is located upon request from the Service for Foreigner's Affairs gets involved.

Prosecutor's office and police are obliged to provide close protection of victims and victim-witnesses and particularly to watch and monitor all information in case the safety is at risk, by surveying surroundings. To provide adequate protection, one of the shelters shall be designated as a high-risk shelter.

Prosecutor's office and police are obliged to provide information and notification on relevant court and administrative procedures to make possible for the victim and victim-witness to present their views and interests for consideration at appropriate stages of criminal proceedings against traffickers.

Preparing victim-witness for the trial is a procedure which ensures that the victim of trafficking acting as a witness in criminal proceedings is fully aware of the following possibilities: to be present at hearings, have access to adequate interpretation, giving new evidence and asking questions at the court of law, right to not answer certain questions, right to claim damages, right to a closed trial and right to have a lawyer.

Is also very important to plan and implement special preparation of victim-witness for the trial and support victim-witness during the trial. Police agency takes part in these activities in cases when the competent prosecutor's office finds it necessary to carry out certain actions in accordance to the orders given by the prosecutor's office.

The goal of preparations for the trial is to ensure that the victim of trafficking is fully aware of the importance of giving evidence before the court and possible consequences of that, fully aware of the roles of various people involved in the court proceedings, fully aware of the fact that, in some cases, provided information may be subject of revealing the source, fully aware of the court proceedings, receive psychological support and adequate protection.

Victim-witness should be provided with all necessary information about his/her involvement in the court proceedings.
7) TRANSPORT

In case of a high-risk human trafficking case, the victim shall be transported from the place of identification to the shelter exclusively by the competent law enforcement agency or the competent field centre of the Service for Foreigner’s Affairs in case of a foreign victim.

In case there is no registered security threat whatsoever, transport of victim to the shelter is in the competence of the centre or service for social work.

Transport of victims to and from shelter while staying there, e.g. for medical intervention, court proceedings or similar activities where the presence of the victim is necessary, shall be done by the law enforcement agency in charge of the case and/or competent agency depending on the type of intervention and upon the order of the competent prosecutor’s office.

8) ACCOMMODATION

Once the initial interview has been completed, prepared preliminary case assessment and in case of minors, the victim placed under guardianship of the centre/service for social work, the victim shall be placed at the safe house/shelter for a period of at least 30 days – the legal period of reflection for foreign victims according to the Rules on Protection of Foreign victims of Trafficking. Upon the end of reflection period the assistance shall continue in accordance to the individual plan of reintegration.

In case of adult victims, once the security and risk assessment for the victim have been done, she/he is placed at the safe house. The placement at the safe house can take place only when the victim gave the consent, if the victim is adult. Although in legal terms the consent of a minor is not mandatory, for the purpose of providing efficient assistance and care to minor victim, it is necessary to prepare the minor for placement at the shelter/safe house in cooperation with the centre or service for social care.

Field office of the Service for Foreigner’s Affairs after completed interview, with the consent of foreigner who is believed to be the victim of trafficking and by means of consultations with the prosecutor, shall refer the foreigner to institution for accommodating victims of trafficking to provide her/him assistance and protection and prevent further exploitation or maltreatment.

Trafficking victim shall be placed to one of the shelters run by NGOs depending whether the victim is foreign or domestic.

Foreign victim can be placed to shelters run by NGOs who signed Protocol with the Ministry of Security. Ministry of Security - Sector for Immigration and the Service for Foreigners’ Affairs possess information on safe houses and persons in charge of accommodation.

Accommodation, recovery and repatriation expenses for foreign victims of trafficking are paid from the budget of the Ministry of Security and can be paid from other sources such as donations, projects, programmes of domestic and foreign governmental and non-governmental organisations which are harmonised with the competent Ministry of Security.

Domestic victim can be placed at shelters run by NGOs who signed Protocol with the Ministry of Human Rights and Refugees which is competent for domestic victims of trafficking. Ministry of Human Rights possesses information on these safe houses and persons in charge of accommodation.

Means for providing basic social and medical care of domestic victims, accommodation, social inclusion, prevention, signing and implementation of protocols on cooperation with NGOs are provided from the budget of Ministry of Human Rights and Refugees. For realisation of assistance and protection activities means can be collected through other available sources by public and private institutions and organisations and from international and other sources.
Once the decision on placement at the safe house is made, it is necessary that all involved institutions and organisations in given case contact representative of the competent NGO to collect all relevant data on accommodation conditions for the purpose of informing the victim about it. During this contact, officials have to exchange basic data about the case, analyse documentation about the accommodation so that the responsible NGO may be fully prepared to receive the victim at the shelter.

While accommodating victim at the safe house/shelter it is necessary to keep in mind that shelters are closed-type facility and thus similar to the conditions in which the victim was exploited during trafficking and this is often reason why victims at the beginning feel uncomfortable and closed. In order to avoid such situations and undesired consequences (escape from the shelter) it is extremely important to explain to the victim that he/she is placed there for own security and rehabilitation.

In case it is decided that shelter is in the best interest of the victim, placement can take place at any time of day or night. NGO managing shelter for victims of trafficking has a duty staff member who can be contacted 24 hours a day to take care of potential victim of trafficking.

Victim is accommodated on the basis of documentation which is necessary to be delivered to the competent NGO to provide fastest and most adequate care for the victim. Documentation is delivered exclusively in person, when the victim of trafficking is being accommodated.

When accommodating, the competent NGO shall appoint case manager who will in cooperation with the prosecutor's office, police, centre or service for social care, Service for Foreigner's Affairs, temporary guardian, legal adviser and other involved organisations and institutions, cooperate to inform the victim with rights and obligations while staying at the shelter so that the victim gets accustomed to conditions and that the assistance is provided efficiently.

Shelter is a form of safe temporary care. Placement at the shelter is not done for the purpose of securing a permanent stay.

**Releasing victim from the shelter**

A victim may wish to permanently leave the shelter at a certain moment of rehabilitation and the wish will be granted in accordance to legal conditions. Here is important to inform the victim with the fact he/she is forfeiting the right to care and other forms of assistance to which she/he is legally entitled to as victim of trafficking.

Adult domestic victim may leave the shelter without escort once all competent institutions have been informed about that, under condition that victim's (new) residence is known to the police and prosecutor's office in case a statement is needed for court proceedings.

Minor domestic victim may leave the shelter only upon a written request and in presence of a legal guardian, respecting the abovementioned conditions which apply to adult victims as well.

Foreign victim may leave the shelter only with the consent of competent institutions (Service for Foreigner's Affairs, police and prosecutor's office and, in case of minors, the centre/service for social work), under certain conditions even when the status of stay is regulated. Foreign victim may leave the shelter only escorted by an official of the competent institution which placed the victim at the shelter. In any of the cases, victims and escort are obliged to sign documentation about leaving the shelter.
9) COOPERATION WITH COMPETENT INSTITUTIONS DURING CARE

Bearing in mind the competencies of police agencies in the combatting trafficking in human beings and protection activities and keeping in mind the fact that the efficient fight against trafficking and providing appropriate assistance and protection for victims depends on the level of mutual cooperation and coordination of all activities between all institutions and organisations involved in these processes, it is necessary to undertake all activities in close cooperation. Therefore it is necessary that the communication and cooperation of police agencies and other institutions involved in the assistance to the victims is timely, clear, two-way and effective.

Cooperation and communication with law enforcement agencies is necessary - the police on Entity and state level, Ministry of Security, Ministry of Human Rights and refugees, centres/service for social work, Service for Foreigner's Affairs and NGOs.

It is particularly important to share all available information with the legal adviser and appointed guardian who will represent interests of a minor victim at all stages of the procedures and decide on all issues of importance for the victim of trafficking including staff at the safe house who is implementing rehabilitation and inclusion programmes for the victim.

Competent institutions have intensive cooperation and each within its own competence, independently or cooperatively upon agreement, shall gather and exchange information on:

- established contact with the child and family (if there is one),
- assessment of harm inflicted to the victim and family,
- assess the risk of additional harm,
- secure evidence on maltreatment and exploitation (most often, this part is in the competence of prosecutor’s office and police)
- secure urgent protection services,
- identify resources available for protection of the victim,
- prepare for decision on extracting child-victim from the family or other situation (competency of the centre for social work, if needed),
- locating suitable accommodation (competency of the social centre),
- secure feedback to other relevant persons or institutions,
- results of the assessment and possible activation of the case.

Cooperation with centres or service for social work

Centre/service for social work upon request of prosecutor or police is obliged to deliver immediately all documentation which is relevant for solving and proving criminal offence and protection of victim of trafficking, such as the social worker report, report from the surveillance manager, psychologist opinion etc. Police agencies shall use this data upon the prosecutor’s order to conduct investigation. Official of the centre for social work who is in charge of the trafficking victim’s case (case manager) is obliged to respond to the prosecutor’s call for taking immediate care of the victim of trafficking and be present at the official interview related to the person who was victim of trafficking. Centre for social work may request postponement of the interview if the relevant expert believes that the victim is not ready to give interview.

Centre/service for social work has primary role in the interviewing procedure of a minor victim and its role, as guardian, is to provide adequate treatment of a minor - victim of trafficking - during all procedures that will take place at the police, prosecutor’s office and court.
Police agencies, on the other hand, like any other competent institutions which get in contact with a minor victim, are required to inform appointed guardian who will represent interests of the minor victim during all stages of the procedure and decide on all issues of interest for the minor victim of trafficking. Appointed guardian has to be present during all interviews conducted with a minor victim by police and other officials, whereas the privacy and identity of victim has to be protected and re-victimisation prevented. Centre/service for social work will give expert opinion about minor victim’s ability to give statement, and to the prosecutor’s office and court opinion on minor victim’s ability to testify and about possible consequences to the minor victim.

Psychological preparation of a minor victim to participate in criminal proceedings is duty of the competent centre/service for social care.

Preparation of a minor victim to testify at the court is done by the competent prosecutor’s office with mandatory presence of appointed guardian.

**Cooperation with NGOs**

NGO at whose shelter the victim of trafficking has been placed is required to make possible for the competent prosecutor’s office to take legal action in which the police may participate upon prosecutor’s order, all in relation to prosecution and sanctioning of organisers of trafficking in human beings in a way will not endanger rights and protection of the victim or further traumatising her/him. The said actions are taken in the presence of the legal adviser of the victim of trafficking and/or person who is providing psychological support to the victim.

Once the victim has been placed at the safe house, the prosecutor/police official remains in contact with NGO case manager for the purpose of taking part in creation of re-integration plans, rehabilitation and re-socialisation, exchange of case information, planning of necessary interventions, monitoring of rehabilitation and providing support to the victim of trafficking, especially when dealing with minors. This ensures the continuity in case monitoring and involvement of all competent institutions and organisation in all activities taken to rehabilitate the victim. Communication process between the police and NGO is intensified during psychological preparation for testimony and implementation of activities planned by the individual plan of reintegration.

As most of the processes are realized during the victim’s stay at the shelter, the cooperation and communication during the entire process of care and assistance is exceptionally important because that is the only way to ensure adequate re-socialisation of the victim. This cooperation includes exchange of all relevant information about victim gathered during the work with other institutions involved in care and protection and the victim’s family as well and here is exceptionally important that decisions concerning the victim are made as agreement in the best interest of the minor victim.
Cooperation with competent ministries, including the Service for Foreigner’s Affairs

At all stages of the process - identification, assistance, care, rehabilitation, repatriation and re-socialisation of the victim, a police official has the responsibility of representing and protecting victim's rights.

This role also pertains to the communication with institutions which are responsible for all issues concerning the right of the victim of trafficking, first of all the Ministry of Security, Service for Aliens Affairs and the Ministry of Human Rights and Refugees.

The role of a police official is to communicate with competent institutions during the entire process, inform them or seek their involvement, assistance and advice for organisation of activities needed in the process of assisting the victim (residence status issues, protection of interests, dealing with possible difficulties in providing assistance to the victim, dealing with misunderstandings about adequate solutions with other institutions in the process and all other details and difficulties that may arise during the assistance to the victim.

Service for Foreigner’s Affairs is obligated to forward information to the prosecutor’s office if it is related to grounds for suspicion that the foreigner is victim of trafficking and the Service shall, with the consent of the foreigner believed to be victim of trafficking and with consultations with the prosecutor, refer the foreigner to institution for accommodation of victims.

Police agencies are obliged to forward information on suspects, indicted and convicted traffickers twice a year to SIPA on standard forms whereas the information will be stored in a common database and used in preparation of the report on trafficking situation in Bosnia and Herzegovina, situation monitoring and planning of appropriate steps for combating trafficking.

Police agencies are required to forward information on potential and identified victims of trafficking twice a year to the Ministry of Security/Section for Combatting Trafficking in Human Beings on standard forms, whereas the information will be stored in a common database. The data collected is used in preparation of reports on trafficking situation in Bosnia and Herzegovina and planning of appropriate steps for combating trafficking and its new trends especially.
THE LABOUR AND EMPLOYMENT AGENCY OF BOSNIA AND HERZEGOVINA
The Labour and Employment Agency of Bosnia and Herzegovina was established in 2003 as an independent administrative organization in framework of the Institutions of Bosnia and Herzegovina. Its competences are laid down in Article 6 of the Law on the Labour and Employment Agency of Bosnia and Herzegovina (“Official Gazette BiH”, No.21/03 and 43/09).

The competences of the Labour and Employment Agency of Bosnia and Herzegovina are: to represent the Agency in the field of employment in the areas within its competencies, cooperates with agencies, institutions and international organizations competent in these fields; meet international obligations undertaken in the field of employment in coordination with the Ministry of Civil Affairs of Bosnia and Herzegovina (hereinafter: the line ministry of BiH), while cooperating with responsible entity employment services and the Employment Service of the Brčko District of BiH; monitor the application of international standards and policies in the field of employment and participates in their implementation in cooperation with entity employment services and the Employment Service of the Brčko District of BiH; initiates conclusion of international agreements in the field of employment and participates in negotiations of international agreements in the field of social insurance, in the part pertinent to unemployment and monitors their implementation in cooperation with entity employment services and the Employment Service of the Brčko District of BiH; co-ordinates activities in domestic and international projects in the field of employment which are to the interest of Bosnia and Herzegovina and cooperates with entity employment services and the Employment Service of the Brčko District of BiH in their implementation; collects foreign and domestic requests for and information on supply and demand of domestic and foreign labour force and executes them in cooperation with entity employment services and the Employment Service of the Brčko District of BiH within the limits of its competence and labour market potentials in Bosnia and Herzegovina; monitor, analyse and explore economic, social and other trends, situation in employment and unemployment and their mutual impacts in cooperation with entity employment services and the Employment Service of the Brčko District of BiH and proposes measures and activities to enhance employment; initiate necessary activities in entity employment services and the Employment Service of the Brčko District of BiH to organize and implement jointly and in cooperation with employers, trade unions, educational institutions and other associations, vocational guidance and education programs aimed at enhanced employment and other forms of active employment policy; co-ordinate activities in employment of citizens of Bosnia and Herzegovina abroad within the limits of its competence and in cooperation with entity employment services and the Employment Service of the Brčko District of BiH; carry out necessary analyses and produces reports and documents in the field of employment, create drafts, proposals and working documents which are adopted and enacted by the authorities of Bosnia and Herzegovina upon requests made by the Council of Ministers of Bosnia and Herzegovina and the line ministry, in cooperation with entity employment services and the Employment Service of the Brčko District of BiH, where appropriate; propose to the Council of Ministers, through the line ministry of BiH, long-term, medium-term and annual plans for labour market policy guidelines and active employment measures in Bosnia and Herzegovina together with entity employment services and the Employment Service of the Brčko District of BiH; give opinion on and makes proposals for employment of foreigners (quotas) to the line ministry of BiH in cooperation with entity employment services and the Employment Service of the Brčko District of BiH; provide, in cooperation with entity employment services and the Employment Service of the Brčko District of BiH, required data in the field of unemployment, notably those related to meeting of international obligations; submit its regular annual activity reports and annual activity programs to the Council of Ministers of BiH; deliver training to its staff to meet requirements and challenges of international obligations and integration processes and initiates the like in entity employment services and the Employment Service of the Brčko District of BiH, and implement other activities in harmony with domestic and international legislation.
THE LABOUR INSPECTORATES

The labour inspection services, at all levels of government in the BiH, aim to fully ensure compliance with all regulations in the field of labour laws that regulate employment, workers’ rights, and regulations that ensure the occupational safety and health of workers. Since the work of the labour inspector is focused on issues of labour relations and rights arising from labour relations, labour inspectors, in addition to the police, are representatives of institutions that, in accordance with their legal competencies and the type of work they perform, can be among the first ones to come into contact with potential victims of trafficking for the purpose of labour exploitation.

1) DETECTION

Labour laws prescribe preconditions prohibiting labour exploitation, and firstly prohibit the discrimination. Any person seeking employment, as well as a person who is employed, must not be a subject to discrimination on any grounds. Labour laws also provide for strict conditions for signing employment contracts, minimum wages and special protection of minors and women, whereas these regulations limit and regulate working hours, provide for the right to work in a safe environment, and the like. Labour laws prohibit forced labour too. Any work contract signed in accordance with the Labour Law guarantees a safe working environment, enabling for the rights, and reduces the risk that vulnerable categories of employees would become victims of forced labour or trafficking for the purpose of labour exploitation. Labour inspections are in charge of monitoring and ensuring for proper and effective implementation of labour laws.

The protection of workers’ rights is guaranteed by domestic criminal codes. In qualifying violations of workers’ rights as a criminal offense, the legislator provides the highest level of protection by the state, and under threat of sanctions is obliging legal and natural persons to fully comply with the labour laws. In order for a criminal offense to be determined as existing, it is necessary that a perpetrator violates, denies or restricts the rights prescribed by special laws in the labour legislation. A criminal offense exists only if the offense is completed, while the element of the body of the criminal offense is determined by the consequences. The consequences may be total denial or restriction of labour rights. In practice this means that the violation of the law, which as a consequence did not have the denial or limitation of the law, would not constitute a criminal offense. Criminal laws prescribe the protection of workers and their rights through provisions relating to the violation of rights arising from labour relations as well as through the criminal offense of trafficking in human beings for the purpose of labour exploitation.

The criminal offense of trafficking in human beings will exist in those cases where it is possible to determine other constituent elements, and the qualification of the act itself will depend on the factual circumstances of each individual case. In any case, officials of the competent institutions must be aware of the interlinkage of protection of labour rights and the trafficking. Particular attention should be paid to the matter of consent or its absence in assessing facts related to the case, in order to properly measure and evaluate the elements of trafficking for the purpose of labour exploitation. In the case of children, the use of means of exploitation is irrelevant for the qualifying opinion.

Brčko District of Bosnia and Herzegovina

Inspection surveillance is a type of supervision of general importance for the Brčko District of the BiH whose role is to act preventively and work to encourage social discipline in enforcing laws and other regulations. Inspection surveillance ensures the legality and protection of public and private interests, in accordance with the law and other regulations. Inspection surveillance in the District is conducted on the basis of the Law on Inspections of the Brčko District of Bosnia and Herzegovina (2008), and is carried out by inspectors of the District Government, as persons with specific powers and responsibilities. Labour inspectors perform inspection surveillance which includes taking measures and actions over the subjects of supervision, determining the rights and obligations of the subjects of supervision in the procedure, determining and executing administrative and other measures and actions in order to prevent and eliminate unlawfulness in the enforcement of laws and other affairs, which are within the competence of the labour inspection.
Inspectors of the Inspectorate of the Government of the Brčko District of BiH supervise the implementation of regulations on labour and labour relations and protection at work, guided by the following laws: the Labour Law of the Brčko District of BiH (2005), the Law on Employment, and Rights during Unemployment, the Law on Security and protection of the health of labour force, Law on Employment of Foreign Nationals etc.

The labour inspection supervises the implementation of laws and regulations that, inter alia, refer to: conclusion and termination of labour contracts, rights, obligations and responsibilities of the employer and workers during the duration of the employment contract, employment of foreign nationals, safety and health protection at work and other. A labour Inspector in carrying out inspection surveillance has the authority and obligation to: inspect general and individual acts, records and documentation that are of importance for exercising rights and obligations of workers and employers; to request and examine documents on the basis of which the identity of the responsible persons and persons found at work can be established; to conduct a hearing and to request statements from the responsible persons regarding the requirements of the workers for protection of the rights or if the inspector otherwise finds out about the violation of the regulations and the rights of the workers; carry out an inspection at the site of injury or death of workers or other persons, without disturbing the investigative actions of other competent authorities; inspect objects/ facilities, construction sites, plants, devices, installations and means of work, as well as other objects related to occupational safety and health measures in case of endangering the life and health of people or property of higher value, in visit announced or unannounced, regardless of working hours ; take other measures and actions in accordance with the law.

Given that labour exploitation is less conspicuous than other forms of trafficking, for its prevention and detection to be effective, it is necessary to have effective co-operation of all stakeholders in the system. This in particular includes the early detection of unreported work, and the consideration of immigration of the population when it comes to the problem of trafficking in human beings. Labour inspections are therefore a very significant resource that can enhance the proper identification of potential victims of trafficking for the purpose of labour exploitation.

**Republika Srpska**

The Inspection System of Republika Srpska, within the meaning of the Law on Inspections in Republika Srpska (“Official Gazette of Republika Srpska”, No. 74/10, 109/12, 117/12 and 44/16), consists of the Republic Administration for Inspection Affairs and specific organizational units performing inspection works in the administrative services of local self-government units.

The Inspectorate is an independent entity level administration that performs inspection, administrative, professional and other tasks related to the enforcement of laws and other regulations. Inspection surveillance is carried out by inspectors of the Inspectorate on the territory of Republika Srpska. Inspection work in the local self-government units is carried out by local self-government units’ inspectors.

Labour inspectors are part of the system of administration, and their competence is to ensure that all standards of work, labour relations and occupational safety are respected. The labour inspector performs inspection surveillance with regard to compliance with the regulations related to employment, labour and labour relations, safety and health at work, and in others administrative fields where this is determined by a special regulation. The labour inspector independently manages the procedure, makes a decision, takes measures and actions within the scope of his/her rights, duties and powers prescribed by the Law on Inspections in Republika Srpska, and by other regulations.

Regarding the competence of the labour inspection, surveillance of the application of the provisions of the Labour Law of Republika Srpska, regulations adopted on the basis of the Labour Law, Collective Agreements and Rules of Procedure, labour inspection performs in accordance with the law. Labour inspectors also supervise the implementation of the provisions of the Law on Protection at Work, regulations adopted on the basis of the said law and supervises the application of the provisions of the Law on Employment of Foreign Nationals and Stateless Persons. Labour inspectors supervise the implementation of the provisions
of the Law on Mediation in Employment and Rights during Temporary Unemployment, the Law on Records in the field of work and health insurance, the Law on Strike, as well as other laws and regulations. Should the labour inspector in the course of the inspection, find that a regulation has been violated the decision will order the elimination of illegality, irregularities and defects if it has not already done so with the official note or if the controlled entity did not remove the established illegality, irregularities and shortcomings within the deadline, and will determine the deadline for their execution.

The labour inspector, in inspection surveillance work, is authorized, in addition to imposing the measures prescribed by the Law on Inspections in Republika Srpska, to order the measure for which it is authorized by a special regulation. In addition to the authority and competence referred to in Article 57 of the Law on Inspections in Republika Srpska, if during the performance of the inspection surveillance it is determined that the regulation was violated, the labour inspector shall:

- issue a misdemeanour report for a committed offense;
- issue a criminal charges for committed criminal offense
- Request for initiating a misdemeanour procedure
- informs another authority about the need for measures to be taken within the competence of that authority;
- Submit the initiative to the authorized body for the suspension of the enforcement of regulations and other general acts, i.e. submitting an initiative to the authorized body for submitting a proposal for evaluation of constitutionality and legality of regulations and other general acts, due to their non-compliance with the Constitution and law;
- undertakes other measures and actions stipulated by a special regulation.

The provisions of the Labour Law in Republika Srpska regulate labour relations, rights, obligations and responsibilities from employment, establishment of employment, working hours, breaks, holidays and absence, protection of workers, salaries, benefits and other income. In addition, the Law on Labour also determines the liability for violation of obligations from labour contracts, material liability, labour force surplus and/or redundancy, ban on competition to the employer, changes in employment contracts, termination of employment, and others relationships based on labour engagement / employment. Protection of workers ‘rights, work out of employment, workers’ organization and organizations of employers, collective agreements and surveillance are also part of the law. The same law stipulates that a worker, as well as a person seeking employment, under labour and the right to employment cannot be placed in an unequal position in exercising his rights due to race, ethnic or national affiliation, skin colour, gender/sex, language, religion, political or other opinion and belief, social background, wealth and material status, membership or non-membership in a trade union or political organization, physical and mental health and other characteristics that are not directly related to the nature of the employment relationship. The said provisions of the Labour Law are anti-discriminatory ones and the violation of these provisions is envisaged as an offense for which a fine is imposed on the employer. The employment contract is concluded in writing in accordance with the principle of voluntariness or consent of the will of both parties, namely workers’ and employers’, and contains all relevant information on employment. The principle of voluntariness and the consent of the will in the conclusion of a labour contract is the basis for the exclusion of elements of forced labour. The employment relationship is based on the conclusion of an employment contract between the worker and the employer.

Federation of Bosnia and Herzegovina

Labour Inspection in the Federation of Bosnia and Herzegovina, pursuant to the provisions of the Labour Law, is organized on two levels. At the federal level, there is a Federal Labour Inspection within the Labour Inspectorate which is a part of the Federal Department for Inspection Affairs, and at the level of ten cantons within the cantonal administration for inspection affairs (Una-Sana Canton, Posavina Canton, Tuzla Canton, Zenica-Doboj Canton, Bosnian - Podrinje Canton, West Herzegovina Canton, Canton Sarajevo, and Canton 10). In the Herzegovina-Neretva Canton, the Labour Inspectorate operates within the Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton, while in the Central Bosnia Canton the Labour
Inspectorate is organized within the Inspectorate that is a part of the Ministry of Economy of the Central Bosnia Canton.

Inspection surveillance is always carried out *ex officio*, on the basis of an order for performing inspection surveillance and in accordance with the established list of checks in the field of labour relations, that is, safety and protection at work.

Regarding the competences of the Labour Inspection, it supervises the implementation of labour regulations, in particular: the Labour Law, the Law on Employment of Foreign Nationals, the Law on the Strike, the Law on the Council of Employees, the Law on Mediation in Employment and Social Security of Unemployed Persons, and other laws as well as certain by-laws (regulations, rulebooks, etc.) in this field. In the field of safety and health protection at work, the labour inspection supervises the implementation of the Occupational Safety and Protection Law, with a number of by-laws, norms and standards. In its work, the labour inspection, in procedural sense, acts in accordance with the provisions of the Law on Inspections in the Federation of Bosnia and Herzegovina, or cantonal laws on inspections, in accordance with the Law on Administrative Procedure and the Law on Organization of Administration Bodies in the Federation of Bosnia and Herzegovina. When it comes to determining, or the division of competences between the federal and cantonal labour inspections, the Federal Labour Inspectorate monitors the implementation of the Law in companies, enterprises and institutions of interest to the Federation.

Term ‘of interest to the Federation’ is not precisely defined which in practice may cause certain issues and potential conflicts of jurisdiction. Cantonal inspection is in charge of controlling the implementation of regulations and laws in all other entities (legal, business etc.) in the cantonal area. When it comes to the subject of inspection surveillance performed by the labour inspection, either from the aspect of labour relations or in the field of safety and health protection at work, the subjects of surveillance can be all registered employers (legal and natural persons) or employers who perform the permissible activity.

As for the legislative framework that regulates labour relationship in the Federation of BiH, the provisions of the Labour Law in the Federation of BiH regulate manner and procedure for concluding employment contract between a worker and an employer, working hours, breaks, holidays and absence, salaries and benefits from employment relationship, protection of rights from the employment relationship, the representation of trade unions and employers, the conclusion and application of collective agreements, the settlement of disputes between workers and employers, the participation of workers and trade unions in the protection of workers' rights, termination of employment contracts, supervision over the application of the law and other rights and obligations arising from employment in the territory of the Federation Bosnia and Herzegovina. The same law stipulates that a worker, as well as a person seeking employment, under labour and the right to employment cannot be placed in an unequal position in exercising his rights due to race, ethnic or national affiliation, skin colour, gender/sex, language, religion, political or other opinion and belief, social background, wealth and material status, membership or non-membership in a trade union or political organization, physical and mental health and other characteristics that are not directly related to the nature of the employment relationship. The said provisions of the Labour Law of Federation of Bosnia and Herzegovina are anti-discriminatory ones and the violation of these provisions is envisaged as an offense for which a fine is imposed on the employer. The employment contract is concluded in writing in accordance with the principle of voluntariness or consent of the will of both parties, namely workers' and employers', and contains all relevant information on employment. The principle of voluntariness and the consent of the will in the conclusion of a labour contract is the basis for the exclusion of elements of forced labour. The employment relationship is based on the conclusion of an employment contract between the worker and the employer.

For placement of workers abroad, pursuant to the provisions of Article 25 of the Law on the Work of the Federation of Bosnia and Herzegovina, before the departure, a written consent must be obtained between the employer and the employee regarding the conditions, namely: workplace/work post abroad, the duration of work abroad; location of work and residence abroad, the currency in which salaries and other earnings will be paid, and conditions of return to the country. Also, the provisions of the Labour Law of the Federation of Bosnia and Herzegovina prescribe the general conditions for concluding labour contracts that refer to the age of the person and his/her general health condition and capacity in regards to employment.
An employment contract cannot be concluded by a person who has not reached the age of 15 and who does not have general health capacity to work. A person of age between 15 and 18 may conclude a work contract provided that he/she obtains the certificate from an authorized medical practitioner that he/she possesses general health and work capacity, and the consent of the legal representative (guardian/custodian and/or parent). The provisions of the Law on Employment of Foreign Nationals define that workers who are foreign nationals when employed by domestic legal and natural persons have the same rights, obligations and responsibilities on the basis of employment as the employed citizens of the Federation of BiH, unless otherwise specified by international agreements. The same law stipulates that in addition to the general conditions stipulated by law, the conditions stipulated by the collective agreement and the general acts of the employer, the foreign national worker must be in a possession of a work permit for concluding a contract for work for a specified period of time or for concluding a contract for performing temporary and occasional jobs, issued by the competent cantonal employment service with the approval of the Federal Employment Service. A work permit for concluding a labour contract with a worker who is foreign national, is issued, upon the request of the employer who employs the foreign national, by the employment service competent in respect to the location of the registered office of the employer, based on the established work permit quota in the Federation. Prohibition of forced labour is envisaged through a number of provisions of this law. Every work contract made and concluded in accordance with the provisions of the Law provides a guarantee of a safe working environment, respect for rights and reduces the risk that vulnerable categories of workers will become victims of forced labour or trafficking for the purpose of labour exploitation.

IDENTIFICATION OF A POTENTIAL VICTIM OF TRAFFICKING IN HUMAN BEINGS

Identification is a procedure used to determine whether a person was a victim of trafficking in human beings and was in the situation of trafficking in human beings, or whether he/she is still in such a situation.

Procedure of identification and interview should not be commenced if the potential victim is: very upset or anxious; visibly depressed or crying; visibly hostile or aggressive; at a place where privacy is not ensured; in need for medical assistance; seeks for legal advice; asks for a delay in the conversation or rejects it; under the influence of narcotics or other intoxicating substances; a child whose guardian is not present or is not yet assigned.

Identification is performed by conducting one or more conversations with a potential victim of trafficking, and by collecting other evidence identifying the facts and checking information provided by the potential victim of trafficking.

The identification is performed by means of conducting one or multiple interviews with the potential victim of trafficking, and collecting other evidence to identify facts and check information provided by the potential victim of trafficking.

The procedure for identifying the victim of trafficking in human beings should be carried out through multidisciplinary comparison of data and the synthesis of the knowledge of the competent institutions and authorized organizations in the given case, where, depending on the facts-finding, the protection procedure is initiated. A victim or victim-witness is identified on the basis of a report or information from the relevant institutions and authorized organizations, or based on facts collected during the interview with a person for whom there are grounds to believe that he/she is a victim or a victim-witness.

During the identification procedure, throughout the interview a person running the interview with an adult needs to check the consent and willingness of the adult person to giving a statement and receiving protection.

In all cases of doubt, a potential victim of trafficking shall always be treated as actual victim until proven otherwise.
In case of a potential child-victim, it is extremely important to keep in mind that the consent of a child-victim to intended exploitation is irrelevant because children are not capable of making such and similar decisions independently, and any treatment of a child that is involving exploitation shall be considered as trafficking in human beings.

In case of the adults, to be granted the status of victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case an adult declares in an interview given to a labour inspector that someone is restricting her/his freedom of movement, holding them against their will, withholding their personal documents, forcing to labour, soliciting, sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the labour inspector to report his findings to a prosecutors' office or the police so that they could perform identification of the person as a potential victim of trafficking and take action to provide intervention measures so as to protect and provide care of the person.

During the procedure of identification of victim of trafficking, the officials involved in the procedures of law enforcement are obliged to take in consideration the following list of indicators which suggest that a person is potential victim of trafficking:

- self-identification,
- age of the person, especially if younger than 18,
- place and conditions where the person has been found,
- restriction of freedom of movement,
- psycho-physical condition,
- method and purpose of entry to Bosnia and Herzegovina - for foreign national,
- status, movement and stay of the person in Bosnia and Herzegovina - for foreign national,
- possession of travel document and identification documents,
- Possession of employment contract
- possession of financial means,
- Other indicators established relevant for correct assessment.

2) INTERVIEWING THE VICTIM

In case of a justified suspicion that criminal offence of trafficking in human beings has been or is being committed, and/or in cases indicating that certain individuals are victims of trafficking, with the purpose of identifying the potential victim and collecting information on criminal offences and the perpetrator, the labour inspector shall commence an interview/conversation with persons who may be considered as the potential victims of trafficking in human beings.

Interview/conversation with victims are characteristic feature of the first phase of procedure, namely initiating investigation and assessment for each individual case, the latter being exclusive competence of the prosecutors' office.

The aim of conversation interviewing is to receive information relevant for overall inspection procedure and later for the criminal procedure too. This conversation interviewing must be prepared with great caution because the witness statements can be of decisive importance for the success of the later court proceedings.

In order to treat the victims in the most professional way, so as to maximize their ability to provide high quality evidence, the following recommendations should be kept in mind when dealing with victims of trafficking:
- Victims are most likely to be traumatized by the experience of trafficking, and during the interview they will be asked to remember the details of the events that are painful and very personal for them.
- Victims have been systematically cheated and exploited at every stage of the trafficking process and learned to recognize deceit or lack of honesty when they see/sense it.
- Initially, victims will probably be not trustful and will not have enough trust in police officers and prosecutors. Victims are often hostile and do not believe anyone, which is why special attention should be paid to building a connection. To develop the connection and gain the confidence it is important that, from the very first contact, the labour inspector be completely open and honest with the victim about every stage of the process that they will have to pass through.
- Reassuring and giving explanation are activities of crucial importance when dealing with victims. The two key issues that create concern for victims are their security and the exposure to the media. This two elements are the first things to be managed and resolved if we expect victims to relax, calm down, and give evidence. Victims should be given the assurance in respect to their personal safety and the safety of their loved ones when possible. Victims know traffickers and better than anybody else are they aware of what the traffickers are capable of doing, thus it’s important that the labour inspector does not seem to be trying to minimize risks, or behaving irresponsibly in terms of the safety aspect.

**Conditions for conducting interview/conversation**

The conditions and the manner of having a conversation with a victim are of crucial importance for enabling victims to supply good quality evidence. Elementary suggestions that if taken into account should lead to successful interview and consequently the results are as follows:

- Although the official and authoritative approach will most likely result in the victim’s agreement on all issues, it will not lead to mutual trust and full cooperation. The more relaxed the environment and atmosphere, the better the chance to learn all the most important details.
- As a matter of best practice and when the circumstances permit and/or the victim demands, the victim should be interviewed in a neutral area in the presence of her/his legal adviser. This will reduce her/his level of suspicion and restlessness, and help her/him to be reassured.
- If it is possible, the labour inspector should be of the same sex as the victim. Victims should be given the opportunity to express what suits her/him better, and the continuation of the conversation should be managed in the mode expressed.
- The labour inspector that manages the interviewing should have adequate knowledge of trafficking in human beings.

**Methodology of conducting interview/conversation**

It is important that the time-line of events in the case of trafficking in human beings is presented in a logical and sequential manner. This not only helps the victim to remember the sequence of events, but also aids the labour inspector to get a better understanding of the overall happenings more easily.

Also, in many judicial systems there is common misconception in a sense that victims of trafficking are perceived as persons who are not able to tell the truth and have limited credibility as witnesses. This factor requires for sufficient evidence that can be independently verified are collected, so that this assumption can be effectively eradicated.

To accomplish this, it will be necessary for the events to be explored to the detail. This will include detailed descriptions of all circumstances.
Specifics in conducting interview/conversation with children

The recruitment, transportation, transfer, harbouring and receiving of a child for the purpose of exploitation is considered trafficking in human beings even when it does not include any form of threat, use of force, deception, deceit or abduction. It means that, as a principle, any finding of minors at work could raise doubts about possible trafficking in human beings.

However, not every finding of minors at work necessarily means it is human trafficking, because the labour law allows for the work of minors under certain conditions. Given that the labour by a minor has been introduced into legal frameworks, we will only look at work and engagement cases outside the legal framework.

According to the Labour Law, labour inspectors, when they find a juvenile at work, are obliged to forbid such work and execute a misdemeanour punishment against the employer, that is, the one who has hired the juvenile find at work. In addition, the inspector will be under obligation to inform the Centre for Social Work and Welfare and the Police who shall than take on the further treatment of the minor. Nevertheless, the International Labour Organization has decided to keep indicators of deception, coercion, or the abuse of a difficult position in order to identify the trafficking of children. In this regard, labour inspectors, when they find minors at work, also need to pay attention to the following indicators: Abduction, Forced marriage, Forcible adoption or sale of the victim, Bondage Labour/Debt service, Threat of force use against the victim, Violence against the victim, Deprivation of documents, Isolation, Restriction of freedom or control and/or surveillance, Threatening with being reported to the authorities, Threatening a person that the family, his/her community or the public will find out, Violence against family, Retention of money.

This interviewing/conversation with a child must be prepared with a great caution because the witness statements can be of decisive importance for the success of the court proceedings later.

The labour inspector will not start conversation/ interviewing of a child without the presence of a parent or a guardian, or the CSW acting as a guardian and the official authority. The guardian/parent or the CSW is entitled to legal assistance for activities of statement taking and/or hearing, in order to prevent the child testimony and its re-victimization.

3) CASE ASSESSMENT

Labour inspectors, when identifying persons at work with an employer, may come in contact with potential victims of trafficking in human beings. Labour inspectors need to be familiar with all the indicators which point out that a person is a victim of trafficking in human beings, so that in the course of the inspection they could be able to recognize the victim of trafficking. Also, it is very important for labour inspectors to get further training and improve their knowledge of the trafficking in human beings problem, so as to facilitate the identification of trafficked persons.

The labour inspector, during the inspection, when identifying the persons at work with the employer, can notice some indicators that point out that a person is exposed to trafficking in human beings. For further action, it is necessary for the labour inspector to know what to do and which competent institution is to be notified about the finding/suspicion. When starting the inspection work, a special attention should be given to the identifying the persons found at the site, preferably on the basis of the identification document. If a person does not possess an identification document, it does not necessarily mean that a person is a victim of trafficking in human beings. It is necessary to take a statement from the person and check where the identification document is located, especially if it is a foreign national worker. Foreign national workers are often victims of human trafficking. Although they come to the country legally, it is only after their arrival that they find out that they would not be doing the job that they had been promised, but are being forced to do other jobs.
In such a situation, the role of the labor inspection is primarily to recognize and identify the characteristics of the criminal offense of trafficking in human beings when performing direct inspection surveillance with the employer, especially from the aspect of perceiving forms of forced labor and forced labor exploitation.

The laws governing the field of inspection work have given labor inspectors significant powers to enable them to fulfill their role in combating trafficking in human beings.

A labour inspector is authorised to:

- Identify the subject of surveillance and other persons of importance for inspection surveillance, perform inspection of business premises and other premises, facilities and equipment, plants, devices, installations and work process;
- Identify whether the subject of surveillance inspection is in possession of the decision on the entry into the court register or the appropriate approval for performing the activity, and the act on the fulfilment of the minimum technical and personnel requirements for performing activities, and other acts determined by applicable law;
- Inspect and review the method of performing activities, i.e. the process of work and to have an insights into business books and other official documents that are of importance for performing inspection surveillance;
- Interrogate parties, witnesses and other persons whose statements are important for determining of the facts in performing the inspection surveillance;
- Undertake preventive activities in performing inspection surveillance;
- Prohibit access to the site where the inspection surveillance is carried out;
- Undertake administrative and other measures in accordance with the law;
- Issue a misdemeanour order and file a request for initiating a misdemeanour procedure;
- Perform other official activities for the purpose of inspection surveillance.

In addition to the aforementioned authorizations, in accordance with special regulations the inspector has the rights and obligations to:

- Perform inspection in the residential premises, with a previously obtained order from the competent court, if there is information that a certain residential space is being used for the purpose of performing business activities;
- Prohibit the performance of actions that can be perilous to life, health, and environment, and can cause material damage;
- Enable the subject of surveillance to participate in all inspection activities and to declare facts and circumstances relevant to establishing a complete and correct factual situation as well as the protection of his rights and legal interests;

If during the inspection surveillance it is determined that the violations observed with the subject of surveillance have a characteristic of the criminal offense, the competent prosecutor’s office shall be informed about that knowledge.

**Early case detection - prevention of exploitation**

Early case detection requires trustworthy information on location, persons, time period and a line of other data to be successfully realized. Needles is to repeat and say that those actions have to be well organised and planned in order to yield the results.

Numerous reasons make it rather difficult to obtain reliable data regarding trafficking in human beings. It is commonly concealed and clandestine, and known to only a small number of people who may feel unsafe for reporting a trafficking case. The identification of victims of trafficking is an extremely complex task and there are many reasons to it. Early detection of trafficking victims is a challenging task because people who
are the victims of trafficking are in fear for their safety and are often traumatized or under psychological control, and do not trust to the competent institutions. Primary prevention in the broadest sense implies all activities aimed at preventing all forms of trafficking in persons: forced prostitution, forcible illegal labour, begging, illegal adoption, false or forced marriage, trafficking in human organs, pornography, sex tourism, and implies also the assurance of preconditions for exercising basic human rights and the rights of children in accordance with the European Convention on Human Rights and Fundamental Freedoms, and the United Nations Convention on the Rights of the Child, and above all the right to identity, social security, education, housing and health care. Timely recognition of the victim of trafficking in human beings positively influences the suppression of this negative phenomenon.

Indicators developed by ILO have great importance for work of labour inspectors because those can be used as a tool in attempting to determine whether some worker should be considered potential victim of trafficking or not. In that light, labour inspectors in exercising inspection surveillance always have to bear the ILO indicators in mind. Should they recognise some of the given indicators, they are under obligation to make a record/note about it. In later stage, should the case get reported to the competent institutions, it may be of good help that the factual status in respect to existence of human trafficking for purpose of labour exploitation case be determined more precisely.

There are six sets of operational indicators for adult and child victims of trafficking for labour and sexual exploitation. Each set is a structured list of indicators relevant to the following dimensions of the trafficking definition:

- Deceptive recruitment (or deception during recruitment, transfer and transportation): 10 indicators
- Coercive recruitment (or coercion during recruitment, transfer and transportation): 10 indicators
- Recruitment by abuse of vulnerability: 16 indicators
- Exploitative conditions of work: 9 indicators
- Coercion at destination: 15 indicators
- Abuse of vulnerability at destination: 7 indicators

Within each set, each indicator is qualified as either strong, medium or weak. However, a single indicator can be strong for children and at the same time be medium for adults, or strong for sex exploitation and weak for labour exploitation. For each potential victim, each of the six dimensions of the trafficking definition is assessed independently from the others. The result of the assessment is positive if the dimension is present for the potential victim, negative if not.

In order to be assessed as positive, a dimension must include at least: • Two strong indicators, or • One strong indicator and one medium or weak indicator, or • Three medium indicators, or • Two medium indicators and one weak indicator.

After an assessment is done for each dimension, the final analysis involves combining the six elements to identify the victims of trafficking. In the case of children, in accordance with the Palermo Protocol, the presence of deception and coercion is not necessary to characterize a case as trafficking. The indicators are utilised so as to facilitate identification process of trafficking victims for labour exploitation.
4) REPORTING

During their work in the field, labour inspectors will meet with indicators of trafficking in persons for the purpose of labour exploitation, thus they need to recognize those and subsequently evaluate all indicators together. If, according to the presented scheme, there is a reasonable suspicion that a person is a victim of trafficking, it is necessary to act in accordance with applicable regulations and report the case to the competent authorities.

If during the inspection surveillance there is a foreign national worker detected at work, in conversation with him/her, it can be noted whether the person performs a job for which he/she has concluded a contract of employment, whether he/she has a residence permit and whether he/she is satisfied with the earnings. If the inspector finds that the employer has failed to comply with all the items, he/she may reasonably suspect on trafficking in human beings. However, not every case shall be considered the trafficking case only because the earnings, that is, salaries are not as promised, or because a person is unable to show a work permit at the moment of the inspection. It is however necessary to act in harmony with the Indicators of the International Labour Organization and try to identify as many indicators as possible: to determine the indicators of exploitation, to determine the excessive number of working days or hours as a strong indicator, to determine whether there are hazards in work, what is the salary, whether the work contract is respected, whether a person is registered with social security, as well as some of the medium-sized indicators and the like.

Basically, for the inspector to have grounds for suspicion that there is a case of a labour exploitation, he/she must be familiar with the indicators of the International Labour Organization and, through the inspection surveillance activities, uncover the facts that will be linked to the indicators, and afterwards, through the assessment of the case, determine the merits of the suspicion. However, this should not be treated hastily because it is very difficult to distinguish between poor working conditions and the labour exploitation. Therefore, in accordance with the laws on inspections, inspectors have their powers and the right to a discretionary assessment of each case. Since field inspectors meet employers and workers, they are required to spot risky situations in which victims of trafficking can be identified and situations suggesting that people are exposed or likely to be at risk of trafficking.

On the other hand, it is important to point out that labour inspectors act in accordance with labour laws which do not define trafficking in any of its concepts. Accordingly, labour inspectors cannot rely on this concept (human trafficking) in the inspection surveillance report, but are still obliged to investigate the possibility of having indicators of the International Labour Organization related to labour exploitation. It is necessary to identify such indicators in a timely and correct manner, to adequately record these facts in the inspection surveillance report, conduct an assessment of the case and, if there are sufficient grounds for suspicion, also report to the competent authorities.

Given that combating trafficking in human beings has already become a common practice and an integral part of the work of other competent institutions dealing with this issue in the BiH, labour inspectors, in accordance with their powers, can perceive labour exploitation and are competent to report such a case to the competent authorities, primarily to the police and a prosecutors’ office. In this regard, labour inspectors should establish cooperation with the competent institution, so that the very detection and investigation of a possible case of trafficking in human beings is timely and effective. Further conversations with the potential victim / interviewing a potential victim, which are a feature of the first phase of the proceedings, i.e. the initiation of an investigation and assessment of each particular case, are exclusive jurisdiction of a prosecutors’ office. The investigation itself should be comprehensive and should involve various competent institutions and organizations that can undertake investigative and other actions in criminal proceedings. In addition, it is necessary to provide the necessary evidence, or to take measures to protect and assist victims of trafficking. In this regard, the inspection report will be part of the evidence.
5) ESTABLISHING CONTACT WITH RELEVANT INSTITUTIONS FOR PROVIDING IMMEDIATE ASSISTANCE

a) Establishing contact with service for medical care (in case it is needed)

After establishing the first contact with a person suspected of being a victim of trafficking, we may notice that the person may require receiving emergency medical assistance due to physical injuries sustained during the exploitation process, or other health problems that are manifest or visible during the interview. Victims can exhibit aggressive behaviour and irritability due to survivors’ trauma. Victims are often forced to consume narcotics with the goal of creating addictions in order to increase their vulnerability and control over them. In this regard, the victim may feel uneasy, nervous, and jeopardized by the person who is trying to help her. In such case, the victim needs to be provided health care and protection, that means that we need to inform the nearest emergency medical service, health centre, and/or hospital, in order to stabilize the victim's condition and enable for further protection and assistance process. If the victim does not have health insurance, a free health service or medical assistance will be provided, and the funds for this purpose are secured by the BiH Ministry of Human Rights and Refugees. Any kind of conversation and/or interview with the victim can only be continued if the victim is physically and mentally fit for conversation.

b) Establishing contact with relevant institutions for providing further assistance to the victim and carrying out further investigative actions

Irrespectively of the victim’s age, when there is grounded suspicion that a person is victim of trafficking, the following relevant institutions shall be contacted:

- Foreign victim: inform SIPA-State Investigation and Protection Agency, Prosecutor’s Office of Bosnia and Herzegovina and relevant Field Centre of the Service for Foreigners’ Affairs. It is possible to notify other police agencies and prosecutor’s offices;
- Domestic victim/BIH national: inform SIPA and Prosecutor’s Office of Bosnia and Herzegovina. It is possible to notify other police agencies, local police department, and other prosecutor’s offices. If the potential victim of trafficking is adult, the centre/service for social work shall be notified only with the consent of the victim, or in cases of adults with mental disability or without legal capacity.
- Victim is a minor BiH National: obligation to inform regional office of SIPA, Prosecutor’s Office of Bosnia and Herzegovina, competent police and relevant centre/service for social work.
- Victim is a minor –Foreign national: obligation to inform relevant Field Centre of the Service for Foreigners’ Affairs, competent regional office of SIPA, Prosecutor’s Office of Bosnia and Herzegovina, competent police and relevant centre/service for social work.

If a child is found as a victim of trafficking in human beings, the labour inspector is obliged to immediately inform the competent police agency and/or administration as well as the relevant centre for social work and welfare in order for these two key services to agree on the next steps in the investigation, i.e. providing protection and assistance to the child.

c) Establishing contact with legal adviser - providing free legal aid

In accordance to international treaties and conventions on human rights, that Bosnia and Herzegovina has ratified and signed, in respect to human rights protection every potential victim of trafficking has right and possibility to use free legal aid and advice during interviews with representatives of relevant institutions, and further on throughout the process of providing assistance, care and reintegration, criminal, civil and administrative procedures.

All relevant institutions and authorised organisations including the law enforcement services must ensure the presence of a legal adviser for any action involving the victim, including the interview, to respect human trafficking victim’s rights. In case of a potential victim who is a foreign national and a minor, it is necessary to ensure the presence of a legal adviser immediately. Free legal aid to victims of trafficking in
Bosnia and Herzegovina can be provided through the legal service of the centre/service for social work and welfare, centres for free legal aid or other available forms of free legal aid. A child that is not the BiH national is entitled to same care and protection as children who are citizens of the BiH.

d) Establishing contact with non-government organisation (NGO) who signed agreement on care and accommodation of victim of trafficking

Contacting non-government organisation shall be done after a contact has been made with competent institutions and the legal adviser for the purpose of organising care for the victim, namely:

- Foreign victim: contacting non-governmental organisation for accommodating foreign victims can be done exclusively in cooperation with territorially competent field centre of the Service for Foreigner’s Affairs, which will in cooperation with the police and prosecutor’s office assess the security situation in the specific case and accommodate victim in the safe house/shelter run by NGO who has signed Protocol with the Ministry of Security.
- Domestic victim: selection of the safe house shall be done by the centres/service for social work and welfare that will in cooperation with the relevant police and/or prosecutor’s office accommodate the victim at the safe house/shelter of the NGO who has signed Protocol with the Ministry of Human Rights and refugees.
- Domestic victim repatriated to Bosnia and Herzegovina: selection of the safe house shall be done by centres/services for social work in the place of residence of the victim with prior agreement with the Ministry of Security (Section for Combatting Trafficking in Human Beings), and the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.

e) Establishing contact with prosecutors’ offices, the law enforcement, and tax administrations

This type of contact is carried out for the purpose of exchanging information on planning and conducting investigative actions and the comparative financial investigations in parallel, and is realized through the Strike Group for Combating Trafficking in Human Beings. In order to start the liaison and take all other actions, the labour inspectorate which has information on trafficking in human beings can contact the appointed members of the Task/Strike Group from the Prosecutor’s Office of BiH, the Federal Prosecutor’s Office, the Prosecutor’s Office of the Republika Srpska and the Brčko District Police. Communication and the liaison can also be realised in writing through the Prosecutor’s Office of BiH, which manages the work of the Strike Group. An important recommendation to labour inspections is to specifically monitor on situations related to the work of children in catering or other facilities unsuitable for presence of children and minors and to regularly provide information to the police and the prosecutor’s office.

6) Planning and organizing forms of protection and care

The essence of this activity, taken after the coordination with competent institutions, is in the need to exchange information efficiently and to ensure multidisciplinary cooperation between all involved institutions and organisations for the purpose of making decisions of forms and character of victim’s protection.

During the process of planning and organizing protection and care, the police shall share all available information with the prosecutor’s office in charge of the case. Depending on the citizenship of the affected person, centre/service for social work and welfare that is competent for the given case, Service for Foreigner’s Affairs – in a case of a foreign national, and staff of the NGO/safe house where the victim has been accommodated shall receive information too.

In a case of an adult victim – the BiH national, measures for protection of victim and victim-witness are planned and executed in cooperation with competent centre for social work and welfare. If the potential victim of trafficking is an adult, the centre/service for social work and welfare shall be notified only with the consent of the victim, or only in cases of adults with mental disability or without legal capacity. If the victim has not consented, protection measures are to be planned and implemented in cooperation with a
non-governmental organization entrusted with the implementation of such measures. When it comes to children with parental care or without care, the protection and assistance are organized in cooperation with parents, guardians or a competent centre for social work and welfare. For an adult foreign citizen a victim of trafficking in human beings, protection measures are planned and implemented in cooperation with the Service for Foreigners’ Affairs.

In a case of a foreign national who is a minor and a victim of trafficking, in the planning and implementation of protection measures there will also be included a temporary guardian who, at the request of the Service for Foreigners’ Affairs, will get appointed by a competent centre for social work and welfare geographically covering the area of the location of the shelter/safe house.

The prosecutors’ office and the police are obliged to ensure the physical protection of victims and victims-witnesses, in particular to monitor over all information in case of threatening the physical safety of victims and victims-witnesses, and to perform monitoring of their environment. The prosecutors’ office and the police are obliged to provide information and notification on relevant judicial and administrative proceedings in order to enable the victim and victim-witness to express their interests so that those could be considered at the appropriate stages of the criminal proceedings against the perpetrators of the trafficking offenses.

7) TRANSPORT

This activity is to be taken after determining type of accommodation and assistance. If the estimation of the competent bodies is that it is a case of a high-risk human trafficking case, the victim shall be transported from the place of identification to the shelter exclusively by the competent law enforcement agency. In a case of a victim foreign national it is the work of the competent Field Centre of the Service for Foreigner’s Affairs, with an escort by one member of the internal team of the competent centre for social work and welfare.

In case there is no registered security threat whatsoever, transport of the victim to the shelter is in the competence of the centre/service for social work and welfare.

Transport of victims to and from shelter while staying there, e.g. for medical intervention, court procedures or similar activities where the presence of the victim is necessary, shall be done by the law enforcement agency in charge of the case.

8) ACCOMMODATION

Once the initial interview has been completed, communication with competent institution done, and type of accommodation and aid are determined, the potential victim shall be placed in safe house/shelter for minimum of 30 days, which is legal reflexion period stipulated for victims of trafficking in human beings. With preliminary case assessment prepared and in case of minors - the victim is placed under guardianship of the centre/service for social work and welfare, the victim shall be referred to a safe house/shelter for a period of at least 30 days – the period of reflection for foreign victims set by the law. Upon the end of reflection period the assistance shall be continued in accordance to the individual plan of reintegration. Safe house/shelter is a measure of safe temporary care.

In case of adults, once the security and risk assessment for the victim have been done, she/he is referred to a safe house. The referral to a safe house can take place only after the victim gave the consent. Although in legal terms the consent of a minor is not mandatory, for the purpose of providing efficient assistance and care to the minor victim, it is necessary to prepare the minor for referral to a shelter/safe house. This is done in cooperation with the competent centre for social work and welfare.

If the age of a foreign citizen cannot be established with certainty, and there are reasons for believing that she/he is a minor or a child, the person shall be treated as if a child. This means that all special prescribed
measures are taken in order to protect the best interests of the child. After the interview, and with the consent of a foreign person, the Field Centre of the Service for Foreigners' Affairs in consultation with the prosecutor will send a foreign national/alien potential victims of trafficking in human beings to the shelter to provide assistance and protection, as well as to prevent his/her further exploitation or abuse. A foreign national who is a victim of trafficking in human beings, may be placed in shelters operated by non-governmental organizations that have signed a protocol with the Ministry of Security of BiH that is in charge of foreigners' affairs issues in the BiH. The Ministry of Security (Department of Immigration) disposes of information on non-governmental organizations and competent persons for the accommodation activities.

Domestic victim can be referred to shelters run by NGOs who signed Protocol with the Ministry of Human Rights and Refugees which is competent for domestic victims of trafficking. Ministry of Human Rights possesses information on these safe houses and persons in charge of the accommodation. All mentioned non-governmental organizations are taking care of adults and juveniles 24 hours a day.

After the decision on accommodation at a safe house has been made all the engaged institutions and organisations need to contact competent nongovernmental organisation so as to collect and exchange all the relevant data which will be used in adequate preparing the victim for the conditions of the accommodation. In this type of communication and liaison the officials need to exchange basic data on the case and analyse documentation needed for the accommodation to be realized, so as to enable the competent nongovernmental organisation to organise details of receiving the victim to their shelter.

Given that a shelter is a closed-type facility and is therefore physically similar to the conditions in which the victim had stayed during the exploitation period, it initially often makes victims feel uneasy and confined. In order to avoid such situations and unwanted consequences (e.g. escape from the shelter), it is extremely important to explain to the victim that she/he is being sheltered for her/his own safety and rehabilitation. An adult victim may leave the shelter at any time of rehabilitation at his/her own request. A minor victim may leave the shelter only at the request of the guardian.

The location of the shelter / safe house where the victims of human trafficking stay must not be revealed in public! In the event that the Internal Team of the Centre for Social Work and Welfare decides that the accommodation in the shelter is in the best interests of the victim, the step of intake can be done at any time of the day or night. Each non-governmental organization that manages a shelter for victims of trafficking has a person on duty call appointed who can be contacted 24 hours a day in order to take care of the potential victim of trafficking in human beings. Accommodation is arranged on the basis of documentation that is necessary to submit to the competent non-governmental organization as soon as possible from the moment of identification, with the aim of faster and more adequate care of the victim.

During the accommodation intake of the victim, the competent non-governmental organization will appoint a case manager who will cooperate with the Prosecutor’s office managing the case, the police, the Centre for Social Work and Welfare, Service for the Foreigner’s Affairs, the temporary guardian, the legal advisor and other involved organizations and institutions in order to inform and familiarize the victim with the rights and obligations of staying in the shelter so that the victim can get adjusted to the accommodation conditions and thus receive more effective assistance.

Foreign victims of trafficking in human beings have the right to a humanitarian visa which allows them to have legal temporary stay in Bosnia and Herzegovina. Before applying for a visa, victims have a thirty-day deadline to decide whether to apply for this visa. The government allows for victims of human trafficking who have been issued a humanitarian visa to legally establish a labour relationship in the country and the time spent in the country on the basis of such a visa is taken into account when considering the application for the approval of permanent residence. There are no special visas for victims of human trafficking.
9) COOPERATION WITH COMPETENT INSTITUTIONS DURING CARE

This intervention encompasses all activities taken throughout the assistance and care for the victim. Bearing in mind that combating against trafficking in human beings and providing appropriate assistance and protection for victims depend on the scope of mutual cooperation and coordination of all activities between all institutions and organisations involved in these processes, it is indispensable to undertake all activities in close cooperation. Therefore it is necessary that the communication and cooperation of the labour inspectorates, their employees at field work with law enforcement agencies at all levels, Ministry for Human Rights and Refugees in the BiH, Ministry of Security of the BiH, Centres for Social Work and Welfare, Service for Foreigners' Affairs, health services and medical institutions and non-governmental institutions involved in the assistance to the victims is timely, clear, two-way and effective.

While dealing with victims of trafficking in human beings, the competent institutions constantly cooperate, collect and exchange information within the area of their competence, either jointly or separately by agreement, on: established contact with the child and family, assessment of harm and/or injuries inflicted to the victim and the family, assessment of the risk of a new harm/injury, also secure evidence of the ill-treatment and exploitation, and on provision of emergency protection services.

In addition, the competent institutions also work on identifying the resources available to protect the victim, preparing for the decision to dislocate a child victim from the family or other community (the responsibility of the Centre for Social Work and Welfare) if there is a need for that, finding the appropriate accommodation (competence of the Centre for Social Work and Welfare), providing feedback to other relevant persons or institutions, and information on the results of assessments and possible activation of the case. The appointed guardian represents the interests of the minor victim during contact with the competent institutions at all stages of the proceedings, and also decides on all matters of the best interests of the child, including the protection of privacy and identity, and the prevention of further re-victimisation of the minor victim.

Psychological preparation of a minor victim for giving evidence statement is also an obligation of the internal team, that is, the competent Centre for Social Work and Welfare. In the event that the child is placed in a safe house that is not in the same municipality as the competent Centre, or the child is not available to the internal team on a daily basis, the preparation for testimony is organized in coordination with the case manager appointed at the non-governmental organization. The preparation of a minor victim for testifying in court is performed by the competent prosecutor’s office, with the mandatory presence of the appointed guardian.

The exchange of information on potential and identified victims of trafficking is carried out by means of the unique form for collecting data on potential and/or identified victims of trafficking in Bosnia and Herzegovina. The completed form with the necessary attachments is delivered by a post or by a courier to the Ministry of Security of BiH, Section for Combatting Trafficking in Human Beings. In the event of completing and submitting this form for a minor victim, centres for social work and welfare shall ensure consent from the guardian for the use and processing of information about that victim. It is important to take into account the non-aggravation of the confidentiality of victim data and the professional attitude towards the persons under protection.
Centres/services for social work (CSW) are institutions established on the local self-governing level and their method of work and the target groups of beneficiaries are governed, in the first place, by Entity laws on social protection\textsuperscript{48} and the Brčko District Law on Social Protection.

In the spirit of these laws, social protection is an organized activity aimed at suppression and removal of causes and consequences of social need in all areas of social life and work and providing assistance to citizens and their families when in such need.

Social need is situation where a citizen or family necessitate assistance to overcome social difficulties and satisfy needs of living. In addition to the aforementioned, a social need is also a psycho-physical condition of an individual and other reasons which cannot be dealt with without the help of another.

Due to the extent of trauma and violation of human rights suffered by the victims of trafficking in human beings, it is necessary to view them as persons in social need and provide them social services accordingly.

**Duties and obligations of CSW as a guardian**

Pursuant to international standards for protection of human rights set by international documents and domestic legal framework which governs the social protection in the BiH, the CSW, as a guardian, has duties and obligations to protect best interests of children, as particularly vulnerable category, as defined by family laws. The current family laws\textsuperscript{49} as mechanisms of protection of child’s best interests include the following measures:

- Intensified surveillance over performance of parenting rights – Article 96 of the RS Family Law and Article 152 of the F BiH Family Law.
- Withdrawing parenting rights – Article 106 of the RS Family Law and Article 154 of the F BiH Family Law and Article 136 of the Family Law of Brčko District.
- Appointing a guardian – Article 177 of the RS Family Law and Article 164 of the F BiH Family Law Article 145 of the Family Law of Brčko District.
- Appointing a guardian in a special case - Article 214 of the RS Family Law and Article 197 of the F BiH Family Law Article 179 of the Family Law of Brčko District.

The institute of guardianship for a special case is set by all three current family laws and applies in cases when it is necessary to protect rights and interests of certain persons.

In case of suspicion that the parent took part in trafficking of a child, the CSW shall as a rule apply one of the abovementioned measures.

The guardian is obligated \textit{ex officio} to take measures to protect rights and best interests of a child upon a direct information or knowledge.

The territorial competence of the guardian is determined by the place of permanent residence of the beneficiary, and if the residence is unknown, upon the current place of residence of the person which has to be placed under guardianship or have appointed a special guardian. When the assisted child is not a citizen of BiH, it shall enjoy the same rights to protection and care as children citizens of BiH. Once the child has been placed at the shelter, the competent guardian will be the one in whose area of responsibility (AOR) is the shelter\textsuperscript{50}.

Withdrawal or limiting parenting rights is one of the basic measures which help the guardian to implement other measures designed to protect the child. This measure, accompanied with the appointment of a guardian, has to be applied in a shortest possible time when there is suspicion that the child is victim of trafficking.

\textsuperscript{48} Law on Social Protection of RS (Official Gazette, No. 05/93, art. 43 and the Law on Basics of Social Protection of Civilian Victims of War and Families With Children, Official Gazette of F BiH, No. 36/99.

\textsuperscript{49} Family Law of F BiH, 2005 and Family Law of RS "Official Gazette of RS", No. 54/02

\textsuperscript{50} Book of Rules on Protection of Foreign Victims of Trafficking, Article 19 (Official Gazette of BiH, No. 33/04)
In order to protect victims of trafficking, the internal structure of centres/service for social work has to have professional – internal teams for protection of victims, with clear structure, role, responsibilities and communication methods. Establishing internal protection, assistance and support teams for victims of trafficking is defined by the Protocol on Operation of Centres’ for Social Work. Internal team has to be composed of at least two members, more when needed. One of the members is the team leader. Duty and obligation of the team leader is to coordinate the work of team members (if the team has more than two members), keep the register on victims of trafficking, notify other competent institutions on specific case of trafficking, and maintain constant contact with other competent institutions and authorised organisations. The director of CSW appoints members of internal teams selecting them among the professional staff of the centre. Internal team should be composed of at least one social worker and psychologist (both with faculty degrees). When needed, a lawyer may be part of the team. If the CSW does not have these professionals, it can address itself to the Monitoring Team which will take case of the victim or victims of trafficking. Internal team is responsible for its work to the director of centre/service for social work. Every member of the internal team has to have the knowledge about protection of victims of trafficking, laws and bylaws, rules and regulations on dealing with foreign and domestic victims of trafficking, trained to apply the Protocol, sensitised to work with victims and children, highly motivated to work with victims of trafficking, ready to work beyond regular working hours, capable of team work and cooperation, be a person of exceptional trust since these cases are highly confidential, to have knowledge of internal organisation of the centre for social work for cases of trafficking, have at least three years of experience in working with maltreated and traumatised persons.

**Internal team’s method of work**

When the information on victim of trafficking is received, a case manager shall be appointed within the internal team and take the responsibility of the given case.

Case manager conducts the initial interview with the victim of trafficking in accordance to the procedures described in the Detection/Identification section.

In case of a minor victim of trafficking, a guardian for special case shall be immediately appointed to the victim. Minor victim shall be treated as a child without parental care, regardless of its family status. In case the age of the victim of trafficking cannot be determined, he/she shall be treated as a child until the age is definitely determined. In case there is sufficient evidence that the parent or guardian took part in trafficking of a minor, the centre for social work shall initiate the procedure for withdrawal of parenting rights before the competent court in accordance to the current regulation.

Once the preliminary case assessment had been done and established that the person is a potential victim of trafficking, the requirements to make decision on form of victim's protection are met. Victims are entitled to accommodation, social and medical protection, security and protection of identity, legal aid and participation in proceedings against the perpetrators with the assistance of legal adviser who will protect victim’s interests in the proceedings against the perpetrator or with the assistance of parents or guardian, in case the victim of trafficking is a child.

Most important measures which the centre/service for social work, as guardian, must apply to protect the victim, are the measure of family-legal intervention, forms and measures of social protection and social services. The CSW also provides other forms of social protection and service which can be obtained at institutions for care of children such as homes for children, homes for children and youth with developmental problems, reception stations, counselling offices, day care, support in social rehabilitation, integration, re-socialisation and protective care. Forms of social protection also include financial assistance to the victim, under-age victim and her/his family.

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51 Book of Rules on Dealing with Domestic Victims of Trafficking, Article 15, paragraph 4.
Social services, in the extended sense, include advisory-therapeutic service for the victim and family to help them overcome difficulties or alleviate the consequences of trafficking. Social services which the centres for social work provide independently or in cooperation with other institutions are counselling, mediation and representation, support and monitoring of persons in social need.

When the victim of trafficking is under age, the primary service of social work is appointment of a special case guardian and providing accommodation to the under-aged victim.

**1) DETECTION/IDENTIFICATION**

Centres for social work are leading institutions for prevention, detection and dealing with all forms of violence against children, therefore they are the key institutions for suppression of trafficking in human beings in the BiH, especially trafficking and exploitation of children.

**Early case detection – prevention of exploitation**

In their daily activities (monitoring of families, monitoring fulfilment of parental obligations, collection of data and determining anomalies within families that affect normal development of children, determining negative external influences to which a child is exposed, work with children exposed to domestic violence and neglected children that belong to a high-risk group), the CSW have obligation to look for risky situations that can be identified as situations where persons, especially children in contact with them, were or could be exposed to the risk of trafficking.

In the described and other similar situations, it is the duty of social worker to act preventively and avert possible trafficking of the child, i.e. its exploitation, by applying measures of family-legal protection within the competence of the guardian. When a social worker registers such family/child, it is then necessary to inform members of intervention team about it, so that action plan could be created and preventive action taken (interview and expert assistance to parents to help them fulfil parental duties, appointment of a temporary guardian, withdrawal of guardianship, extracting child from the family, initiation of court proceedings for protection of child’s rights, rehabilitation of family relationships etc.) to contribute reducing the trafficking risk factors against the child in matter, family and targeted population in general.

**Detection/Identification of a potential victim of trafficking**

CSW staff, as part of their daily activities, may come across information or make contact with a potential child or adult victim of trafficking.

In case of minors, whenever there is suspicion that a person is victim of trafficking, the person will be treated as a victim until proven otherwise. In case of a child-victim, it is extremely important to keep in mind that the consent of child-victim to intended exploitation is irrelevant because children are not capable of making such and similar decisions independently.

In case of adult victim, to be granted the status of a victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case an adult declares in an interview given to official of the centre that someone is restricting her/his freedom of movement, holding her/him against their will, withholding their personal documents, forcing them to labour, soliciting, sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the official to categorize the person as a potential victim of trafficking and take action to provide care and protection to the victim.

The consent of the victim of trafficking to intended exploitation is irrelevant if threats, force or other form of coercion was used, abduction, fraud, deception, abuse of power or vulnerability, giving or taking money or benefits to obtain consent of a person having control over another.
It is necessary to mention that identification of potential victim is a continuous process which, due to the nature of trafficking in human beings, may occur at any time of day and night. As in most cases is necessary to engage a social worker during identification and care, it is extremely important that officials of the centre for social work, particularly members of the internal team, are available and ready to work with potential victims of trafficking 24 hours a day.

2) INTERVIEWING THE VICTIM

In case of a grounded suspicion that the person is a victim of trafficking, with the purpose of identifying the potential victim, social worker – case manager shall conduct the initial interview with the potential victim applying ten principles.

Case manager shall establish relationship of mutual trust with the victim of trafficking. It is very important to take care of the victim's age, use adequate language and let the victim to give his/her own account of events and circumstances. Case manager must not insist on details related to victimisation of the victim, he/she shall conduct a general-type interview, and explain that the victim should talk to a psychologist and the psychiatrist, i.e. child psychologist or psychiatrist, and they as a rule, should be of the same sex as the victim.

It is important to point out that most victims of trafficking, especially children, out of fear from retaliation by traffickers, fear of parents who might be exploiters, fear of reaction by society and peers or even the fear of criminal persecution, most often initially deny the fact they are victims, i.e. they avoid talking about circumstances which could make the interviewer to believe that the person is a potential victim. In those cases there should be sufficient time dedicated to the interview and all available and as thorough as possible information collected which will then be used to identify a potential victim of trafficking.

2a) INTERVIEWING THE CHILD-VICTIM

For adults, testifying is often perceived as a very unpleasant and rather a traumatic experience, especially if witnesses are at the same time the victims of serious crimes. This sensation is present and happens regardless of the fact that adults do have some knowledge or assumptions about the legal system, understand the roles, duties, and the obligation to testify. Children, on the other hand, generally do not have to know anything about it, and their conception of justice and the system in which it is conducted is essentially different from the concept of adults.

Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings in the part relating to crimes for the detriment of children and minors, prescribed a number of measures aimed at protecting children from re-traumatization and victimization, such as: limiting the number of children's hearings to a maximum of two times, testifying through technical devices from another room, setting up questions through the presiding judge and another. The legislator had a sense about and understanding of the specific needs of children, respecting their development, thus as an obligation has prescribed the attendance of an expert professional during the hearing.

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52. 1. Obtain victim's consent to participate in the entire procedure, to make sure that the victim understands the content and purpose of the question, purpose of information, right to not answer a question and to end the interview at any moment.
   2. Listen to and accept the victim's assessment about her/his situation, risks and security.
   3. Avoid re-traumatizing and secondary victimisation of the victim by avoiding questions that may provoke emotionally charged answers.
   4. Be prepared for urgent intervention and reaction if the victim is in direct danger.
   5. Use the obtained data in an appropriate manner so that every individual victim may benefit from it.
   6. Do not harm the victim. Always bear in mind possible harm that may be caused to the victim and treat him/her with adequate care. The interview should not take place if the victim could be placed in a more difficult situation because of it, be it in a short or long term.
   7. Obtain all available information and use them for risk assessment before the interview takes place in every individual case.
   8. During the interview, inform the victim about the relevant legal, social and medical services, give shelter and do not give promises that cannot be kept.
   9. Select and prepare interpreter appropriately (in case of a foreign victim) and other associates.
   10. Ensure anonymity and confidentiality to the victim, from the very first contact until the moment of publication of case details.

An expert professional is considered to be a psychologist, a pedagogue, a social worker and, according to the law, it is a person whose help is being provided during the hearing of the child. In practice, this is usually the person who provides psychological support to the child during the hearing and conducts the psychological preparation of children for the hearing. There are conflicting opinions in regards that these roles should be separated (the support, and expert assistance during the hearing), but it should be borne in mind that it makes it easier for children if as little as possible persons get engaged in the judicial process. In principle, there is no conflict of interest that these roles are assigned to one person / expert professional person employed in courts and prosecutors’ offices in the BiH as expert associates for witness support or expert advisers for minors54. Of course, there are situations (a child with special needs / a child with developmental disabilities, and other terms used in applicable legislation) when in the hearing process, apart from the support person, it is necessary to include a specialist who would help with the hearing. Thus, psychological preparation and psychological support should be carried out by experts (no matter which of the mentioned profiles) who have specialized knowledge of trauma, which will be discussed in the next part of this text; the part that deals with re-traumatization and stigmatization in criminal proceedings.

The goals of psychological preparation of children for testifying are:

1.) To reduce the negative consequences of giving a testimony on a child, and/or to alleviate secondary traumatization,

2.) To reduce the level of stress / anxiety during testifying,

3.) To help children understand the nature and the gravity of the process, and

4.) To improve the child’s ability to answer the questions most accurately, most fully and in a true/ genuine way.

All four goals relate to the well-being of the child and are in his/her best interest, while the fourth goal also contributes to the efficiency of the judicial process.

Adequately preparing a child for what is awaiting him/her in the courtroom will most likely be reflected in the level of stress and anxiety. Namely, children become very confused and anxious if during the course of testifying they realise that the parties in the proceedings do not understand them, or if they do not know what is being expected of them. This situation is partly overcome by specialized educations for judges, prosecutors, lawyers, and inspectors, because the unsuitable and unprofessional way of interviewing/asking questions or examining a witness is precisely what contributes most to such situation.

Psychological preparation is carried out through the following phases:

**Getting to know the child and gaining his/her trust**

An expert should met a child in advance – some time before the day of testimony. It would be ideal to arrange for a meeting in court immediately after informing the child that she/he is going to testify. Gaining trust is very important for further work with the child, and it can influence the child’s motivation to testify. **Bearing in mind the fact that the work of professionals do not interfere with the content of the statement that the child will give before the court, it is a priori taken that the child is trusted.** At this stage, anamnestic data on the family, school, interests, etc are collected from the child and checked. An unstructured type of interview/ fre-form interview is conducted with the child, which helps in the shaping information about the needs and condition of the child, needed by the court and / or the prosecutor’s office.

**Informing the child**

Children are given basic information about the investigative and judicial process in a manner and words adapted to their age and level of understanding. It is important for children to be explained on why are they there, what does it mean to be a witness, how is the testifying done, who hears it, how long the proceedings can take, what happens when the verdict is pronounced, and the information alike. Therefore, all information in order they have better understanding of the procedure and their role of witnesses.

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54 Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings stipulates employment of expert associates in courts and prosecutors’ offices, providing them to be social pedagogues – defectologists, social workers, and psychologists.
A very important rule is that we do not use euphemisms during providing information, because most children understand the gravity of their situation, and such an approach would cause confusion.

We can send the child a distorted message that the process of testifying is “pleasant”, if we say: “It’s not nothing”; “They will only ask you questions for a short while and then it will be over”. On the other hand, with this approach we may minimize child’s role of the victim or his/her efforts and the courage to tell about the event when he/she is in the role of the eyewitnesses.

**The interactive preparation in the courtroom – role-playing**

The fact is that children will best adopt and comprehend the content that we want them to adopt if it is presented in the interactive way and through a play. The play as the dominant activity of a child is related to physical development, intellectual development, motive, value appraisal, emotional development and development of personal traits, and as such can be used in preparing children for testimony.

“(…) Play creates a zone of proximal development of the child. In play a child always behaves beyond his average age, above his daily behaviour; in play it is as though he were a head taller than himself.” (Vygotsky, 1996)

Given that for children play represents a preparation for life, it can also serve as a training for not so common or the usual experience of children, such as a testimony before a court is, especially for younger children. Regardless of the fact that children do not testify from the courtroom, they need to be introduced into the space - a visit to an empty courtroom in the process of preparation, in order that the child can gain a perspective. Then, there on the spot, we can –going through the positions of all the participants in the process explain their roles to the child. For example, we can say to the child that the role of judge is similar to the role of the class master who is in charge to enforce rules, to be fair and just, etc.

Special attention should be given to the role of the defence counsel, so that the child does not experience their questioning too negatively, but as part of a process that helps the judge to make a fair decision by listening to both parties in the proceedings. Role-playing in a courtroom is especially useful for children under 12 years of age. After explaining the roles of the ones that will be present in a courtroom, we instruct the child to take on the role of the examiner, and we get ourselves in place for witnesses, and give rather neutral instruction - that the child play to be a headmaster in a school, while we apply for an art teacher vacancy at school. Children can, during a role-play ask rather illustrative questions (“Do you like children?”, “Did you experience something ugly when you were a child?”) because, considering the circumstances, the projections are very obvious and striking. We also put children in the role of witnesses, in the way that it chooses its role (lately children’s talent shows are very popular and children often choose to play a candidate, while you play a member of a jury or the commission). It should be kept in mind that some children, in fact, the majority of them, get in touch with audio technology, especially the microphone, in the courtroom for the first time, so role-playing can be used also to technically prepare the child for the hearing. Of course, again we need to emphasize importance of an individual approach, because not all children are eager to this type of interaction, and in particular, you should consider what content you are proposing in the game. The play, as a method we use in terms of child’s understanding of the process and the relaxation of children, should be thoughtfully considered. We must take care not to have it exaggerated, because children know that they are in court due to very unpleasant circumstance, thus the court should not be presented as a children’s playroom, nor should children’s positive play be linked to testimony.

**Preparing for the inconvenience and unforeseen things/situations**

This phase is in fact done within and throughout the preceding three, however, due to its importance we single it out as a special one. Apart from the fact that children are insensitive to contradictions, the trauma they have experienced makes them very vulnerable witnesses, and any surprise, discomfort and contradiction during the proceedings can be triggers for an additional trauma and a behaviours in children that will interfere with the course of questioning. The child can get confused, silence up, and lose the motivation to continue answering the questions. Expert support staff cannot predict all the situations in order to ad-
equately prepare the child, but there are some “common” ones to be anticipated. These are, for example, a break requests made by one of the parties, the presence of the police, official clothes (the toga) with judges and prosecutors. A child may hear the word “objection” during the process and might think that it refers to him, that he/she had made a mistake, said or did something wrong.

Assessment of condition and needs is actually a psychological assessment of the condition and needs of children provided by professional to the court / prosecutor’s office, which relates to the current condition and needs of the child. Assessment of the condition and needs phase is not strictly separate one from the psychological preparation phase. It is actually carried out within the phase of getting to know the child and gaining his/her trust, as it is expected that most data are received during this phase. Given that some children are naturally more introvert, and that it takes time to gain child’s trust, even without underlying what effects the trauma has on a child, the data needed for the assessment will be collected during all stages of preparation. Often we will be in situation that children give us little data, so the focus will be on observing their behaviour and reactions during the preparation phase. This requires primarily that the professionals working with children have education in this field and good concentration, because it is not advisable to take records and be writing down things all the time while working with children.

The assessment /information and data has to contain:

a.) **Social history/anamnesis**

Data on parents / guardians, education, living conditions, social behaviour and interests. Information on children is collected indirectly (centres for social work, school, family, other children), basically by heteroanamnestic method. Heteroanamnestic data should be checked again with children - if possible. In the letter/information, the data source should be given.

b.) **Medical history/anamnesis**

If a child at that moment suffers from a disease or has suffered from a serious illness, medical documentation has to be demanded. Medical documentation is collected exclusively from the parent / guardian.

c.) **Other types of data**

Data that are important for a child or are relevant to the process e.g. the child is threatened by the family of the accused, or the child is being stigmatized in the school environment or by the media.

d.) **The assessment / evaluation of current condition and needs of the child**

Psychological assessment/evaluation of a child should focus on the current psychological condition of the child describing his/her emotions and behaviour during conversation/interview with an expert. The information can also include an assessment/evaluation of the child’s cognitive abilities in terms of understanding his/her role in the process, verbal and articulation capacities, and the motivation.

Finally, why is it necessary to submit this assessment/evaluation performed by expert associates, if a child has been, for example, already subject to the expertise evaluation, meaning processed and evaluated by the professional expert team made of psychiatrist and a psychologist, and if there is a detailed description of the child’s condition and abilities given in the expert findings? There are two key reasons:

a.) The expertise evaluation is related to the act (criminal activity), it is used in criminal proceedings as an evidence, and has its goal and tasks precisely defined. Assessment /evaluation of a child is not the court evidence, and its basic purpose is to support the court/ the judges in better planning of the proceedings, meaning run the questioning and hearing, so as to simultaneously maximise the efficiency of the proceeding and to minimise stress on the child.

b.) As emphasized already, the assessment / evaluation is done on current condition of a child, and it should be borne in mind that time lapse from the day of the expertise evaluation to the day of testimony/trial, can be of such a length so as to significantly affect changes in the child, in the develop-
Also, the circumstances for the child in the meantime may dramatically change, which will also affect child’s capacities and motivation to testify. Changed circumstances brings a new trauma or deepen the already existing one related to the criminal act. In one case of sexual violence against a child, the mother of the child who had it reported has died several months after reporting the crime, without living enough to see the commencement of the main trial. In another case, also a sexual violence against a child, the child who was eight (8) at the time of the crime, came to the court to testify three years after, that is, at the age of 11. In terms of maturation of a child, the difference of three years lapse is very significant, as are the changed family circumstances of the child. The family moved out of their own home to a rented apartment, and thus had less means for living and got impoverished, the child has changed school, his friends and teacher. It is obvious that, in this case, there were rather significant changes that have happened for and around the child.

3) CASE ASSESSMENT

After the initial interview, the preliminary case assessment begins.

Once all available information and facts related to a specific case is collected, it will be exchanged with other institutions involved in the case and a preliminary case assessment done with them. These assessments must include:

- Assessment of urgent medical service including mandatory psychological evaluation of victim’s condition (if the psychological evaluation result indicates that the victim is not capable of representing own rights and interests, the CSW will take action in accordance to the valid family laws),
- Security risk assessment,
- Determining victim’s age,
- Determining accommodation needs,
- Providing legal aid,
- Assess whether the victim will cooperate with the competent institutions and organisations involved in the direct assistance for the victim.

Initial assessment procedure also determines the guidelines for further work with the victim of trafficking. However, CSW cannot act independently in the process of assessment, thus it is necessary to work in a team and establish cooperation with other institutions and authorised organisations. CSW is bound to take care whether the victim of trafficking is adequately protected from dangers against life and health and whether the intervention of other services is necessary to protect the victim. Any information obtained during the phase of case assessment is described in written.

Once it receives information about the case, the CSW shall verify whether the case was registered previously, gather additional information, assess the case, secure evidence on maltreatment, identify available resources for assistance and protection of the victim, and assess which interventions are urgent. Also, the CSW shall prepare individual rehabilitation plan for victim for the duration of reflection period of 30 days. The victim must be informed about the plan and if circumstances allow it, take part in the creation of the plan.

Case assessment is prepared by a competent centre/service for social work, once the centre’s staff has prepared detailed report of the social worker (social anamnesis) which must contain the following components:

55 Development of child can sometimes go tilted forwards-backwards. In cases of trauma, there are frequent regressive episodes that affect child’s condition, thus child can retrograde to behavioural patterns that he/she had out-grown, such as thumb sucking, stuttering, bed wetting, etc.

56 Article 214 of the RS Family Law, Article 197 of the F BiH Family Law and Article 178 of the Family Law of Brčko District.
- Family members’ health status data,
- Family’s financial status,
- Family’s social status,
- Information on possible previous pathological alterations and problems in the family,
- Influence of the kin and surroundings,
- Education status of all family members,
- Information on circumstances where the victim or child-victim lived before,
- Other relevant information.

4) REPORTING

Obligation to report criminal offences and perpetrators applies to all situations where CSW officials while performing their duties learn that a criminal offence of human trafficking has been committed. This implies general obligation for everyone to report their information about committed crime of trafficking, perpetrators or victims to SIPA or Prosecutor’s Office of Bosnia and Herzegovina. A notification on suspicion and information can be forwarded to other police agencies and prosecutor’s offices as well. In case there is a foreign person who can be identified as a potential victim of trafficking it is necessary to inform the relevant field office of the Service for Foreigners’ Affairs.

In case the CSW officials do not report human trafficking, i.e. crime, and it gets established that during their work they came to such information, they could be sanctioned in accordance to the Criminal Code of Bosnia and Herzegovina, fined or imprisoned for up to three years - the same offence is proscribed by penal codes of both Entities and Penal Code of Brčko District57.

Protecting and respecting the principles of confidentiality

To achieve the highest level of protection and respect of confidentiality principles, the best approach and method of reporting is informing the potential victim about the obligation to inform relevant institutions who will help her/him in case the situation is dangerous and threatening. Confidential information can be shared with other institution only with explicit consent of the potential victim of trafficking and/or guardian. However, in this situation, the Law is explicit and favours reporting because non-reporting is sanctioned by the Law. Of course, this situation obliges the acting official to have a careful conversation with the victim. A victim of human trafficking, especially a child, has to be explained in a language appropriate to victim’s age that everything said between the two of them is confidential.

Information exchange flow

The information exchange flow between the actors of direct assistance to victims of trafficking is defined by the Rules on Protection of Domestic Victims and Victim-Witnesses of THB and by the Rules on Protection of Foreign Victims of Trafficking. Reporting cases of foreign victims of trafficking and domestic victims is different.

In case of any competent institution or authorised organisation, private person or legal entity suspecting or having information that a person is object of trafficking, there is obligation to inform SIPA and Prosecutor’s Office of BiH without delay.

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57 Penal Code of Bosnia and Herzegovina, article 230, Official Gazette of Bosnia and Herzegovina, No. 3/03

(1) Whoever, having knowledge of the identity of the perpetrator of a criminal offence for which a punishment of long-term imprisonment can be imposed under the law of Bosnia and Herzegovina, or whoever having merely knowledge of the perpetration of such an offence, fails to report the fact, although the timely discovery of the perpetrator of the offence depends on such report, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall be imposed on an official or responsible person who fails to inform of a criminal offence he has discovered while performing his duties, if for the offence a punishment of imprisonment for a term of five years or a more severe punishment can be imposed under the law of Bosnia and Herzegovina. No punishment for failure to inform of the criminal offence referred to in paragraphs 1 and 2 of this Article shall be imposed on a person who is the spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner, or defence lawyer, medical doctor or confessional priest of the perpetrator.
Notification on suspicion and information can be forwarded to entity prosecutor’s offices and police.

All cases of foreign victims, besides to SIPA and Prosecutor’s Office of Bosnia and Herzegovina shall be reported to the relevant field centre of the Service for foreigner’s affairs immediately after initial identification.

**Referring a report**

Reports need to include only the available facts and circumstances. It should specify: available identification data of the victim (first and family name, age, sex, year of birth, place of birth) and describe circumstances leading to information and suspicion about trafficking (signs of violence, psychological condition of the victim, condition or illness that may be linked to sexual exploitation, description of marks or alterations on the body indicating possible injection of psycho-active substances or other signs arising suspicion that the victim was exposed to illegal psycho-active substances). Some persons trafficked for sexual exploitation or pornographic content (child pornography) first get drugged so they would not resist.

Report or information on potential victim of trafficking as a rule gets forwarded in written form and in urgent cases it may be relayed verbally, by telephone.

**Receiving a report**

All competent institutions and authorised organisations in the BiH, natural persons and legal entities who get in contact with a minor victim of trafficking are obliged to notify the competent CSW without delay.

In case of an adult victim of trafficking, the CSW shall be informed only with the consent of the victim, i.e. only in cases when the adult has mental disability or does not have the legal capacity.

Report or information about victim of trafficking can be sent to CSW in written form, verbally, by phone or electronically. When a report is received, i.e. in cases when the CSW receives the information about potential victim, the CSW is obliged to make an assessment with a competent service to which the CSW is obligated to deliver any received information.

When receiving report on victim of trafficking, it is necessary to take care of confidentiality and protection of data, i.e. treat the information in accordance to the Law on Protection of Private Data. The CSW expert assistant at the reception department or any other member of CSW staff is obliged to, without asking additional questions, refer the client that is reporting the case of trafficking to one of the members of the internal team or the Director of CSW in case the Team members are not available. The trafficking case shall be treated at CSW as highly confidential and the access to information shall have only the Director and the members of internal team, including the expert assistants who get involved in the work of internal team when needed. Director of CSW gets involved and informed about the case of victim of trafficking but does not take part in the direct assistance to the victim.

In case a member of staff identifies a person as potential victim of trafficking, he/she is obliged take any necessary action to provide adequate protection and care to the victim.
5) CONTACTING COMPETENT INSTITUTIONS

Competent institutions and authorised organisations are obliged to exchange all available information about victims needed for providing assistance and protection, collection of statistical data, creation of relevant reports, information and other matters of relevance for dealing with cases of human trafficking.

Establishing contact with medical service

During the process of identification of potential victim the victim may be in need of urgent medical assistance due to physical injuries gained during exploitation or due to some other medical issues. Victims are often hostile and irritable because of trauma suffered or deliberately developed dependency on narcotics since they get forced to use drugs as a means of control and increase of their vulnerability. Because of that, the victim may feel uneasy, nervous and threatened by persons who are trying to help him/her and that will make any conversation impossible.

When such medical need is noted, it must be provided to the victim before any other action is taken. A medical institution should be contacted to provide necessary medical assistance and stabilize victim's condition to enable him/her to give further evidence.

Taking statement should continue after victim becomes physically and psychologically capable for interview.

Establishing contact with relevant institutions for providing further assistance to the victim and carrying out further investigative actions

Irrespectively of the victim's age, when there is grounded suspicion that a person is victim of trafficking, the following relevant institutions shall be contacted:

- Foreign victim: inform SIPA, Prosecutor's Office of Bosnia and Herzegovina and relevant Field centre of the Service for Foreigners' Affairs. It is possible to notify other police agencies and prosecutor's offices.
- Domestic victim: inform SIPA and Prosecutor's Office of Bosnia and Herzegovina. It is possible to notify other police agencies and prosecutor's offices.
- Victim is a minor (foreign or domestic): obligation to inform regional office of SIPA as well.

Contacting legal adviser - providing free legal aid

In accordance to international treaties and conventions on human rights, every potential victim of trafficking has right and possibility to use free legal aid and advice during interviews with representatives of relevant institutions, and further on in the process of providing assistance, care and reintegration, criminal, civil and administrative procedures.

CSW and all other relevant institutions and authorised organisations in the BiH must ensure the presence of legal adviser for the interview with a potential victim of trafficking, to respect victim's rights. In case of a minor potential victim, the CSW official shall assess the moment of involvement of legal adviser in the case, except when the potential victim is a foreign citizen; in such a case the adviser must be provided immediately. Free legal aid to victims of trafficking in Bosnia and Herzegovina can be provided through legal service of CSW, centres for free legal aid or other available forms of free legal aid.
Establishing contact with non-government organisation (NGO) who signed agreement on care of victim of trafficking

Contacting non-government organisation shall be done after a contact has been made with the competent institutions and legal adviser for the purpose of organising care of the victim, namely:

- Foreign victim: contacting non-governmental organisation for accommodating foreign victims can be done exclusively in cooperation with territorially competent field centre of the Service for Foreigner’s Affairs, which will in cooperation with the police and prosecutor’s office assess the security situation in the specific case and select safe house run by an NGO to accommodate the victim.
- Domestic victim: selection of the safe house shall be done by the CSW Internal Team that will in cooperation with the relevant police and/or prosecutor’s office assess the security situation.
- Domestic victim repatriated to Bosnia and Herzegovina: the competence for placement to a safe house is of the CSW from the place of residence of the victim, with prior agreement with the Section for Combatting trafficking in Human Beings of the Ministry of Security and the Ministry of Human Rights and Refugees.

6) PLANNING AND ORGANIZING THE PROTECTION AND CARE

The essence of this activity is the need to cooperate and exchange information very effectively, and to ensure multidisciplinary cooperation between all involved institutions and organizations in order to decide on the forms and character of protection of victims.

In the process of planning and organizing protection and care, the CSW that identified the potential victim of trafficking in human beings will notify and share all relevant information with the competent police agency and the prosecutors’ office in charge of the case, as well as the relevant ministries, and, in the case of a foreigner victim, the Field Centre of the Service for Foreigners’ Affairs.

Also, the CSW that has identified the victim shall, in the case of a minor victim who needs to be appointed a temporary guardian in a special case, also inform the local CSW in the place of residence of the victim, who will continue to take care of the assistance and further procedures with the victim during the implementation of other interventions.

When planning and organizing forms of protection and care, the CSW is obliged to cooperate with the competent prosecutor’s office and the police to assess the safety of the victim during the accommodation, or during the movement of the victim from the shelter for purposes of participation in the investigative actions, need for medical interventions or other procedures.

When implementing all forms of care, the responsible CSW is obliged to ensure adequate treatment of the minor victim during all proceedings to be conducted in the police, the prosecutor’s office and the court. At the same time, the competent CSW should inform the victim about the implementation of all planned activities during the entire care process in order to maintain a sense of security and trust, and to ensure continuous psychological assistance and protection.
7) TRANSPORT

In case of a high-risk human trafficking case, the victim shall be transported from the place of identification to the shelter exclusively by the competent law enforcement agency or the competent field centre of the Service for Foreigner's Affairs and in case of a foreign victim, escorted by one of the CSW staff.

In case there is no registered security threat whatsoever, transport of victim to the shelter is in the competence of the centre or service for social work.

Transport of victims to and from shelter while staying there, e.g. for medical intervention, court proceedings or similar activities where the presence of the victim is necessary, shall be done by the law enforcement agency in charge of the case and/or competent institution depending on the type of intervention in matter.

8) ACCOMMODATION

Once the initial interview has been completed, prepared preliminary case assessment and in case of minors, the victim placed under guardianship of the centre/service for social work, the victim shall be placed at the safe house/shelter for a period of at least 30 days – the legal period of reflection for foreign victims\(^{59}\) according to the Rules on Protection of Foreign Victims of Trafficking. Upon the end of reflection period the assistance shall continue in accordance to the individual plan of reintegration.

In case of adult victims, once the security and risk assessment for the victim have been done, she/he is placed at the safe house. The placement at the safe house can take place only when the victim gave the consent, if the victim is adult. Although in legal terms the consent of a minor is not mandatory, for the purpose of providing efficient assistance and care to minor victim, it is necessary to prepare the minor for placement at the shelter/safe house as explained in detail in the text below.

Trafficking victim shall be placed to one of the shelters run by NGOs depending whether the victim is foreign or domestic.

Foreign victim of trafficking can be placed to shelters run by NGOs who signed Protocol with Ministry of Security. Ministry of Security - Sector for Immigration possesses information on safe houses and persons in charge for accommodation.

Domestic victim can be placed at shelters run by NGOs who signed Protocol with the Ministry of Human Rights and Refugees. Ministry of Human Rights possesses information on these NGOs and persons in charge for accommodation.

Once the decision on placement at the safe house is made, it is necessary that the CSW case manager contacts representative of the competent NGO to collect all relevant data on accommodation conditions for the purpose of informing the victim about it. During this contact, officials have to exchange basic data about the case, analyse documentation about the accommodation so that the responsible NGO may be fully prepared to receive the victim at the shelter.

While accommodating victim at the safe house/shelter it is necessary to keep in mind that shelters are closed-type facility and thus similar to the conditions in which the victim was exploited during trafficking and this is often reason why victims at the beginning feel uncomfortable and closed. In order to avoid such situations and undesired consequences (escape of the victim from shelter) it is extremely important to explain to the victim that he/she is placed there for own security and rehabilitation.

In case the adult victim wishes to leave the shelter at any moment of rehabilitation, he/she may do so upon own request. A minor victim may leave the shelter only upon guardian’s request.

\(^{59}\) Rules on Protection of Foreign victims of Trafficking (Official Gazette of BiH, No. 33/04)
In case the Internal Team decided that shelter is in the best interest of the victim, placement can take place at any time of day or night. Every NGO managing a shelter for victims of trafficking has a duty staff member who can be contacted 24 hours a day to take care of a potential victim of trafficking.

In cases when the victim is identified at a CSW, the placement to a shelter is done by case manager of the competent CSW. Accommodation is based on documentation that has to be forwarded to a competent NGO as soon as possible after identification, in order to provide most adequate care to the victim as fast as possible.

When accommodating, the competent NGO shall appoint NGO case manager who will in cooperation with the CSW case manager interview the victim to inform her/him about rights and obligations while staying at the shelter so that the victim gets accustomed to conditions and that the assistance is provided efficiently.

Shelter is a form of safe temporary care. Placement at the shelter is not done for the purpose of securing a permanent stay.

**Releasing victim from the shelter**

A victim may wish to permanently leave the shelter at a certain moment of rehabilitation and the wish will be granted in accordance to legal conditions. Here is important to inform the victim with the fact he/she is forfeiting the right to care and other forms of assistance to which she/he is legally entitled to as victim of trafficking.

Adult domestic victim may leave the shelter without escort once all competent institutions have been informed about that, under condition that victim's (new) residence is known to the police and prosecutor's office in case a statement is needed for court proceedings.

Minor domestic victim may leave the shelter only upon a written request and in presence of a legal guardian, respecting the abovementioned conditions.

Foreign victim may leave the shelter only with the consent of competent institutions (Service for Foreigner's Affairs, police and prosecutor's office and, eventually, the CSW), under certain conditions even when the status of stay is regulated. Foreign victim may leave the shelter only escorted by an official of the competent institution which placed the victim at the shelter.

In any of the cases, victims and escort are obliged to sign documentation about leaving the shelter.

**9) COOPERATION WITH COMPETENT INSTITUTIONS DURING CARE**

Bearing in mind that minors are often vulnerable to trafficking in human beings, the CSW are key institutions that will represent and protect the rights of a minor victim. Therefore it is necessary that the communication and cooperation with other institutions involved in the assistance to the victims is timely, clear, two-way and effective.

**Cooperation with law enforcement agencies and prosecutor’s offices**

CSW has primary role in the procedure of interviewing a minor victim and that role, as a guardian, is to provide adequate treatment of minor victim of trafficking during all procedures that are taking place at the police, prosecutor's office and court.

All competent institutions which get in contact with a minor victim, are required to inform the appointed guardian who will represent interests of the minor victim during all stages of the procedure and decide on all issues of interest for the minor victim of trafficking. Appointed guardian has to be present during all
interviews conducted with a minor victim by police and other officials, whereas the privacy and identity of victim has to be protected and re-victimisation prevented. CSW will give expert opinion about minor victim's ability to give statement and to the prosecutor's office and court opinion on minor victim's ability to testify and about possible consequences to the minor victim.

Psychological preparation of a minor victim to participate in criminal proceedings is duty of the Internal Team, i.e. competent CSW.

Preparation of a minor victim to testify at the court is done by the competent prosecutor's office with mandatory presence of appointed guardian60.

Cooperation with NGOs

Once the victim has been placed at the safe house, CSW case manager remains in contact with NGO case manager for the purpose of taking part in creation of re-integration plans, rehabilitation and re-socialisation, exchange case information, planning of necessary interventions, monitoring of rehabilitation and providing support to the victim of trafficking, especially when dealing with minors. In order to establish a relationship of mutual trust between the victim and his/her temporary guardian, it is extremely important that CSW case manager maintains telephone contact with the victim at least twice a month, and personal contact at least once a month. This ensures continuity in case monitoring and involvement of CSW case manager in all activities taken to rehabilitate the victim. Communication process between the victim and social worker is intensified during psychological preparation for testimony and implementation of activities planned by the individual plan of reintegration.

As most of the processes are realized during the victim's stay at the shelter, the cooperation and communication between the CSW and NGO is exceptionally important because that is the only way to ensure adequate re-socialisation of the victim. The CSW and NGO case managers must establish continuous contact from the moment the victim is placed at the shelter. This cooperation includes exchange of all relevant information on victim gathered during the work with other institutions involved in care and protection and the victim's family as well and here is exceptionally important that decisions concerning the victim are made as agreement in the best interest of the minor victim. It often happens that NGO staff who took care of the victim has closer contacts with her/him and has better insight in victim's needs in all segments of assistance and care.

Therefore it is necessary that CSW case manager becomes integral component of the team of experts who will, upon the reception and interviewing of the victim about his/her needs and assistance, create plans of rehabilitation, repatriation and re-socialisation of the victim, depending who is the victim. The team of experts, besides the CSW case manager, physician, psychologist and NGO case manager should include officials from other competent institutions; one each from the law enforcement agency (sometimes is necessary that local police and SIPA are involved), prosecutor's office, legal adviser and educational institutions relevant for the process of victim's re-socialisation. When needed, this team should have occasional involvement of other professionals who can contribute to a successful rehabilitation and re-socialisation of the victim (staff from competent ministries, other medical staff, staff from employment services and others). This team has obligation to meet immediately after reflection periods in individual cases and then every three months with sufficient number of members necessary for adequate and efficient action in all segments of assistance to the victim.

Cooperation with competent ministries, including the Service for Foreigner’s Affairs

At all stages of the process - identification, assistance, care, rehabilitation, repatriation and re-socialisation of the victim, a temporary guardian has the responsibility of representing and protecting rights of a minor and adult victim to whom the guardian has been appointed on any grounds.

60 Law on Protection of Witnesses Under Threat and Vulnerable Witnesses of F BiH, Official Gazette of F BiH. No. 36/03, Article 7, and Law on Protection of Witnesses During Criminal Proceedings of RS. Official Gazette of RS, No. 50/03, Article 145, Law on Criminal Proceedings of F BiH. Official Gazette of F BiH, No. 35/03, Article 95
This role pertains to the communication with institutions which are responsible for all issues concerning the victim of trafficking. Competent institutions are, first of all, the Ministry of Security and the Service for Aliens Affairs for foreign victims and the Ministry of Human Rights and Refugees for domestic victims regardless whether the victim is minor or adult.

The role of a temporary guardian is to communicate with competent institutions during the entire process, inform them or seek their involvement, assistance and advice for organisation of activities needed in the process of assisting the victim (residence status issues, protection of interests, dealing with possible difficulties in providing assistance to the victim).

CSW are required to forward information on potential and identified victims of trafficking twice a year to the Ministry of Security/Section for Combatting Trafficking in Human Beings on standard forms, whereas the information will be stored in a common database. The data collected is used in preparation of reports on trafficking situation in Bosnia and Herzegovina and planning of appropriate steps for combating trafficking and its new trends especially.

10) REHABILITATION

When the victim is accommodated, all competent institutions and organisations together prepare the reintegration plan. The plan includes plans for rehabilitation, repatriation and re-socialisation. In case of foreign victims of trafficking the plan includes the rehabilitation in the BiH and repatriation to the country of origin. In case of domestic victim, the plan mandatorily includes rehabilitation and re-socialisation, and in case of return of BiH citizens from abroad to BiH as the country of origin, a plan of repatriation to BiH is created as well.

The best standard that can be applied to ensure permanent care for the victim is the individual rehabilitation plan for the victim and for each of the three activities. The plan is created to suit individual needs of the victim.

Victim’s Individual Rehabilitation Plan

This plan is prepared to organise rehabilitation of the victim during care he/she receives at the shelter in order to make the stay there as short as possible and most effectively used to prepare the victim for return to society and better and safer life after departure from the safe house.

Rehabilitation plan is made by a team of experts in cooperation with the victim immediately after the victim has been placed at the shelter. Cooperation with the victim does not always include planning of medical care and assistance during rehabilitation period (this is often case with victims-addicts; they are usually uncooperative during treatment for dependency). Rehabilitation plan includes detailed accommodation plan for the victim (alone or sharing room with another victim, need for continuous surveillance, duty service), clothing, footwear, hygienic items, medical services, type and duration of psychological counselling and assistance, type and duration of work-occupational therapy, right and possibility to communicate with the family, conditions of communication (by phone, in person), planning of family visits and their duration while the victim is at the shelter (in accordance to the prior security assessment), planning and carrying out of interviews, necessary transport and security while going to the police, prosecutor’s office and medical facilities, organisation of communication and exchange of documentation with the guardian and other professionals competent for the case.

In case the competent prosecutor’s office and law enforcement agency during the victim’s stay at the shelter establish that a transfer to another location is needed due to security reasons, the transfer shall be carried out in the mandatory presence of CSW case manager in case of a minor victim or adult to whom a special case guardian has been appointed.
The victim needs assistance during implementation of individual plan. It is necessary to monitor whether activities progress towards the set goal. Activities in the plan are interconnected from the initial support via the therapeutic treatment until the moment when the victim is strong enough and ready for creation of repatriation or re-socialisation plans.

11) REPATRIATION

Repatriation is activity for foreign victims identified in the BiH who are then returned - repatriated to their countries of origin and for domestic victims identified abroad as such who are then returned to BiH as their country of origin.

Although the repatriation process for foreign and domestic victims is almost identical in terms of transport and reception, there are differences in terms of services provided to victims prior and after repatriation. Namely, the foreign victim after identification in the BiH will in most cases be taken care of at a shelter, included in rehabilitation and after that repatriated to the country of origin, while for the domestic victim after repatriation to BiH will be organised rehabilitation and re-socialisation where it may happen that the victims spends some time in a shelter.

The difference in repatriation activities is reflected in the fact that the foreign victim in most cases was illegally in the BiH and for all of them upon identification has to be regulated temporary stay for humanitarian reasons. The stay is approved because the person is victim of trafficking. Humanitarian stay is approved to all victims of trafficking regardless whether they accepted to testify or not. The only difference is shorter humanitarian stay for the victim who will not testify. Humanitarian stay for the victim who will testify can be extended as long as there is need for that. Once there is no longer need for extension on humanitarian stay, commences implementation of repatriation.

For domestic victim of trafficking, the repatriation takes place only in cases when a citizen of BiH is identified as victim of trafficking in a foreign country, and that person is repatriated to BiH as its country of origin. In such cases repatriation takes place through BiH diplomatic-consular offices abroad that will provide all necessary assistance to those persons in cooperation with competent institutions in the BiH where the CSW are in charge of minors and other persons who need special case guardians.

For foreign or domestic victims repatriation to/from BiH may be done by International Organisation for Migration (IOM) in cooperation with competent ministries and the NGO who takes over the care of victim. Important role here also have diplomatic-consular office of the foreign victim's country of origin, that is, the Ministry of Foreign Affairs of BiH in cases where BiH victims are involved, and they assist by issuing of travel documents needed for travelling.

During repatriation, the CSW have to establish communication and exchange of data with all actors involved in the return of victim to the country of origin to ensure his/her adequate reception, care and assistance. Here the CSW have to establish contact with competent CSW abroad to establish circumstances of victim's trafficking, possible involvement of victim's family in trafficking, medical and psychological condition of the victim, return condition, need for escort (in case of a minor foreign victim the appointed guardian shall escort the child and hand it over to the guardian in the country of origin), need for temporary accommodation upon return et simile.

As the repatriation is exclusively voluntary and requires signing the consent, the role of CSW case manager is in cooperation with the legal adviser during preparation of the statement on voluntary return and forfeiting of the temporary stay in the country where the victim has been identified. These documents are signed by the victim (be it foreign or domestic) in the presence of legal adviser i.e. appointed guardian for minor victim. Here the role of CSW case manager is extremely important for clarification of these documents and the entire repatriation process to the minor victim.
Individual repatriation plan includes detailed travel plan, assistance during departure, transit and reception, obtaining travel documents, physician’s opinion on victim’s condition to return and coordination of other details.

CSW case manager also has obligation to cooperate with IOM to create repatriation plan that includes organisation of travel and providing support documents.

It is extremely important that CSW case manager keeps the victim informed about all planned activities during the entire repatriation process to maintain victim’s trust in the process and as indispensable prerequisite to the continuation of rehabilitation and re-socialisation upon victim’s return to the country of origin. It is not rare to have the need for continuous psychological support and protection during the entire repatriation process, this is again the role of CSW case manager.

12) RE-SOCIALISATION

Re-socialisation is process of strengthening and preparing victims to return to the society after victimisation and make them capable to continue with their lives and work. For that purpose, together with the victim, and depending on victim’s needs and realistic possibilities in the field, the individual re-socialisation plan is created that will ensure victim’s permanent return to society and existence within it.

When creating the plan, it is extremely important that CSW case manager and other participants in the process of assistance to the victim who take part in creation of the plan, elaborate in details each part of the plan and predict possible obstacles in implementation. The focus has to be on the trauma and psychological condition of the victim. This requires that every planned activity ensures full recovery of the victim and preparedness to participate in normal life.

To achieve that, the following feelings must be instilled into the victim: safe surroundings (in case the minimum required safe environment in the place of return cannot be secured then the accomplishment of all other planned activities will become questionable), self-confidence (victim must feel that he/she can make decisions autonomously and take responsibility for it), belonging and affection to the surroundings (victim must feel safe and feel that persons around care so that he/she may develop affection to it/them), self-respect and dignity, feelings that will be the motion power for the successful realisation of every planned step in re-socialisation process.

CSW in cooperation with competent institutions makes final decision on re-socialisation of the victim and this decision does not always depend on conclusion of court proceedings.

**Individual plan of victim’s re-socialisation** contains plan for health insurance that includes all segments of medical care, education, prequalification and professional training, assistance and mediation for employment, protective housing and care in accordance to the age of the victim, continuous surveillance during certain period that includes psycho-social help and support, assistance with seeking compensation and all other types of assistance and support, depending on the specific case.
EDUCATIONAL INSTITUTIONS
Ministries of Education / Department for Education of the BD BIH

The role of the Ministry of education / Department for Education of the BD BIH is related foremost to the efficient implementation and enforcement of legislation regulating any aspect of education. Ministries of education / Department for Education of the BD BIH are responsible for creating and furtherance of mechanisms granting to all children access to education, and for ensuring the implementation and respecting of existing pedagogic standards by means of continuous monitoring of schools in terms of their efficiency, management and working conditions. Apart from that, ministries of education / Department for Education of the BD BIH should ensure quality working conditions in schools which are to contribute to the improvement in the quality of education for all children, and this involves the recruitment of necessary expert staff, ensuring of regular professional specialization for schools’ expert staff, arrangement and adaptation of school facilities, ensuring of school textbooks, instructional and didactical material, technical equipment and other logistic support.

Pedagogical Institutes

Pedagogical institutes are professional advisory institutions within ministries of education, although not all of the ministries have pedagogical institutes established (Central Bosnia, Posavina, West Herzegovina, and Herzegovina-Neretva Canton). In order to solve this problem, the Institute for education and schooling in Mostar operates as a pedagogical institute for cantons mentioned above. Apart from that, ministries of education, that is, the Department for education in Brčko District of BiH, are undertaking concrete activities which are being conducted by pedagogical institutes.

*(The pedagogic institution carries out the following tasks within its competence: organizes and monitors professional-pedagogical supervision; develop standards and norms for primary and secondary schools and monitor the level of student achievement; Creates proposals for curricula and monitors their implementation; proposes and monitors pedagogical and professional training of teachers and professional associates in teaching; improves teaching practice and introduces innovations in teaching; Introduces methods of inclusive teaching in schools; monitors the achievement of goals and tasks of education and upbringing; determines the results of the work of teachers, professional associates and associates in teaching and monitors the conduct of expert assessment; Creates a database in order to evaluate the educational process; determines the needs and establishes standards for the development of textbooks; develops adult education programs)*

These activities are mainly related to monitoring of the schools, which includes overseeing the work of the teaching staff (textbooks in use, employed methodology of teaching and learning, methods of evaluation/appraisal and similar) and providing support, training and professional specialization of the teachers, pedagogical workers and parents. Aside from all this mentioned, pedagogical institutes are responsible for the development of methodology and instruments used for evaluation, identification and monitoring of progress, as well as for ensuring the efficient application of pedagogical standards. Not all pedagogical institutes have the same practices, those are differing from one region to another, while the existing practices mainly depend on the availability of financial resources, management and initiative by the ministry/department, and the level and type of existing cooperation with competent institutions and representatives of civil society.

Considering the amount of time children are spending in schools and educational institutions, the potentials of the educational system, primarily schools in prevention and early detection of trafficking in children are most significant, compared to the other sectors of protection. Education and rising of the level of awareness in children, parents, teachers and other expert staff in schools and other educational institutions facilitate a more successful counteracting of the phenomenon of trafficking in persons.

Preventative activities in schools and other educational institutions are carried out by means of organizing suitable workshops, lectures on the topic of trafficking in persons, roundtables, debates, development and distribution of promotional materials and so on.
Squalor, negligence, traces of violence on children and frequent absenteeism from school are the most common risk factors the timely recognition of which may be associated with the human trafficking phenomenon. Schools and educational institutions, or the competent staff (pedagogue, director, headmaster, psychologist, teacher, expert associate teachers, and other staff) cannot themselves assume the role of an investigator; however, they can gather and register the information substantial for the detection of the victimization of a child.

Conduct of educational institutions in treatment of children victims of trafficking in human beings

All professionals who have a knowledge that a child / pupil has been a victim of trafficking are obliged to keep a professional secret. Unauthorized disclosure of data is detrimental to the child victim. The professional is relieved of the responsibility of disclosing a professional secret if the disclosure is done in order to protect the interests of the child, because the duty of reporting has priority over the obligation of keeping a professional secret.

All measures should be taken to minimize the number of professionals who have data on that the child has been a victim of trafficking. These professionals are required to carry out all activities necessary in order to provide adequate assistance to the child and to prevent the stigmatization of a child victim of trafficking.

When this information is available to a larger number of people or the public, it is necessary to show understanding for the situation of the child. The child needs to be helped and assisted so as to get involved and continue with his school activities, and supported and enabled to exercise and realize his potential, and given stimulation. On the other hand an influence has to be made on school environment so as to get engaged in sense to reduce the stigmatization of the child victim of trafficking. For this process to yield results it is necessary that schools, educational institutions, and centres for social work cooperate with all relevant institutions involved in working with a child / pupil victim of trafficking in human beings.

If a child is in a potential situation of getting abused, it is necessary to support him/her with a lot of understanding and help him/her to get engaged and continue working on school activities, and also to stimulate him/her (praise and rewards) to support the progress. It is necessary to enhance the engagement of professional associates (pedagogue, psychologist, social worker) with the child and parents.

The reporting in a sense is a breach of confidentiality that in the interests of the child. However, the best way to perform the reporting is to make a child aware of the possibility of informing the competent services and the persons who will help him/her if the situation in which he/she currently stands is dangerous and jeopardizing him/her. This can be achieved if a child is immediately acquainted with the fact that everything discussed is confidential, but that what has been said should not be their shared secret, because it is necessary to inform another professional about the confidential information so that the protection for both the child and the professional who is reporting could be ensured.

The role of the education sector in the protection of children victims of trafficking in human beings is primarily that the potential suspicion that a child / pupil is victim of trafficking is immediately reported with the competent institutions and parents if they themselves are not involved, is timely reported to the competent services in order to take the necessary activities and support appropriate cooperation and information of all competent authorities. In all their undertakings the guiding principle must be the best interests of the child, not the interests of parents, school, or their own interests.

In order to prevent any type of violence, a school has an obligation to implement all the measures that support and enhance achieving following goals:

- Creating and facilitating atmosphere of acceptance, tolerance and respect;
- Inclusion of all the stakeholders (children, school employees, parents, local community) in the adoption and development of prevention programs;
- Raising the level of awareness for recognizing violence;
- Defining procedures for protection against violence and responses in situations of violence;
• Informing all stakeholders about protection procedures; and
• Improving the competence of all stakeholders to identify and address the problem of violence.

Experts and professionals of education sector are expected to focus their work on:

- Planning and coordinating activities for the protection of children victims of trafficking with all relevant institutions (primarily social care and health institutions).
- In cases when there is a suspicion that there is any element that would indicate that the child is a victim of trafficking in human beings to have adequate capacities to carry out an assessment of the situation and accordingly undertake the measures envisaged by contacting other competent institutions - centres for social work and welfare, health institutions and law enforcement agencies.

1) DETECTION

Detection stands for recognizing the phenomenon, conducting an interview and performing the consultation process. To recognize is to distinguish certain external signs/indications, specific behaviour exhibited by a child (psycho-physical state). Detection may ensue on the basis of a confidential conversation with a child, conversation with a third person, peer or with a parent.

The detection represents the first step in the protection of children from any form of abuse whatsoever. In school or in kindergarten it usually takes place in two manners:

- by recognizing, perceiving external indicators (injuries on a child) or specific behaviour of the child and the family
- through confiding, directly by the child, or indirectly by a third person, peer, parent
- In case of doubt, an expert shall hold consultations, which may take place:
  - in school, with a colleague who has greater work experience, with a person who has been trained to work with protection of children from abuse, and with the school pedagogue and/or director.
  - outside the school, with a centre for social work (which has the obligation to notify the relevant police department and prosecutor’s office), with the local health institution service.

Consultations are held with the aim to clarify the circumstances and establish facts. During the consultations inside and outside the school, it is compulsory to respect the principle of confidentiality and the principle of acting in the best interest of the child.

The consultations are important due to the need: to properly analyse the facts and clarify the circumstances; to design an optimal protection plan; and to avoid confusion and prevent uncoordinated actions which might lead to the child’s secondary traumatisation.

In case there is a need to provide urgent medical assistance to the child, the following activities shall be carried out without delay:

- making a call for urgent medical assistance, or transporting the child to the nearest health institution,
- informing the police/prosecution in view of eventual criminal proceedings and for protection of the child,
- the school/kindergarten director notifies the relevant centre for social work,
- informing the child’s parent/guardian about the event.

In case there is no need to provide urgent medical assistance, and upon suspicion of child abuse, continued monitoring of the child shall be kept on and the centre for social work shall be informed thereof.
Should it be discovered, during the consultations or later in the course of continued monitoring of the child, that the abuse is real, both the police/prosecution and the centre for social work shall be notified without delay and at the same time. The school/kindergarten has the obligation to inform the parents/family about the conducted activities.

The director/headmaster of the educational institution is responsible for the legality in the work of that institution, and therefore has the obligation to take steps immediately upon learning about a suspicion that the child is exposed to violence or that an official of that institution committed child abuse.

The first step of the director/headmaster in cases where so-called institutional violence took place consists of:
- The headmaster/director receives information from person who has knowledge or has suspicion
- Conducting consultative interviews with the psychologist/pedagogue, lawyer, social worker, or other person (class senior) in order to exchange substantial information/facts and agree on activities to be taken
- Reporting to the competent institutions (conduct and treatment in harmony with protocol on prevention and actions in cases of violence)

2) REPORTING

When suspecting that a child could be a victim of trafficking, professional staff shall report the case to the competent centre for social work.

In urgent cases, when the child needs a medical intervention, the professional shall inform a competent health institution. Centres for social work and competent health institutions to which the report was made have the obligation to provide feedback, that is, to inform the professional in school/kindergarten.

Should the above situation occur, it will be necessary to explain to the child that the next steps would include forwarding of the information to the social protection services and automatically to the relevant police department and prosecutor’s offices. It is important that the child understands that her/his own safety is of utmost priority, and that the other services are about to get involved in order to ensure security and appropriate protection for the child.

Normally and most often children will start talking about the problems with their peers, they will confide in certain teachers, and at times will also approach pedagogues or other professionals in educational institutions. Having this fact in mind, it is necessary to sensitise these professionals with the aim to secure confidence and trust from the child. The children know rather well when it is safe to talk to the adults. The child needs to feel it is being trusted before he/she can bring up new details from her/his story of life.

It is very important to keep telling the child throughout the conversation that she/he is being trusted, believed to. In a situation like this it is important to:
- never judge the child no matter what the circumstances;
- appreciate/understand that it is difficult for the child to talk about it;
- express gratification because the child spoke in confidence;
- show compassion for what has happened to her/him;
- point out that no one has the right to abuse children.

It is vital to convince the child that everything she/he says is being taken seriously, and that she/he is helping herself that way.
The duty to report is applicable to all situations in which experts/professionals in education sector in some way come across information which suggests that a child is a victim of trafficking in human beings. This represents a general obligation for everyone to report on their finding that a child is a victim of trafficking to the appropriate centre for social work and/or to the police. It is very important to highlight that by making contact with the professional in the centre for social work, the procedure or the activities conducted by the educational institutions’ representatives/professionals does not come to an end. Their active involvement is expected during the pursuit of all the activities required to capacitate the child-victim of trafficking in human beings to revert to “normal” life, by means of continued education and return to the family, unless immediate family members were somehow a factor contributing in the abuse of the child-victim of trafficking.

EDUCATIONAL INSTITUTIONS’ TREATMENT OF CHILDREN-VICTIMS OF TRAFFICKING IN HUMAN BEINGS

All professionals in possession of information that a child was a victim of trafficking in human beings have the obligation to maintain professional secret. An unauthorized publishing of the information does damage to the child-victim of trafficking, and a compensation procedure may be instigated against the person who reveals this information.

A professional is exempt from the accountability for disclosing professional secret in case she/he reveals the secret with the objective to protect the interests of the child, since the duty to report has precedence over the obligation to maintain professional secret.

All measures must be employed to minimize the number of professionals who should have the information that a child is a victim of trafficking. Such professionals have the duty to carry out all activities with the objective to provide adequate assistance to the child and to prevent stigmatization of the child-victim of trafficking.

When this information is accessible to a larger number of people, or to public, it is necessary to show understanding for the situation in which the child is. It is necessary to help the child get involved and continue working within a scope of school activities so as to make possible the realization of her/his own potentials, to stimulate her/him, and to encourage the school environment to reduce the stigmatization of the child-victim of trafficking in human beings. This process requires cooperation between schools and educational institutions and centres for social work.

If the child found herself/himself in a possible situation of abuse, it is necessary to show her/him great understanding and to help her/him get involved and continue working in the scope of school activities, as well as to stimulate her/him (with commendations and rewards). There is a need to intensify the efforts of expert associates (pedagogue, psychologist, social worker) with the child and with the parents.

It is necessary to continuously exchange information with the centre for social work and other relevant institutions that are involved in the protection plan, such as health institutions, prosecutor’s offices and courts of law.

Reporting represents a violation of confidentiality in the interest of the child. However, the best way to report is to get the child acquainted with the option to inform the appropriate services and personnel that would assist her/him, should the situation she/he is in be dangerous and threatening for her/him. This may be accomplished if the child is explained straight away that everything she/he says is confidential, although what they say is not kept a mutual secret, because it is necessary to tell confidential data to another professional in order to ensure protection both for the child and for the professional filing report.
Experts/professionals in the education sector, albeit not dealing with direct provision of protection from abuse, have the duty and obligation to protect and promote the well-being of children:

- their concerns for the child may be raised with the institutions and organizations in charge of protection – centre for social work, police, health institution,
- they have an obligation to participate and provide information about the child and the family,
- taking part in assessments, providing expert assessments, taking part in planning and securing services and child protection measures.

It is necessary to exchange information with the centre for social work and other relevant institutions that are involved in the protection plan (cooperation with health institutions, prosecutor’s offices, courts of law, police).

The role of the education sector in the protection of children-victims of trafficking is first of all to timely forward the information to the competent services in order to carry out the necessary activities and to support appropriate cooperation and informing of all competent bodies.

The experts in the education sector are expected to focus their efforts:

- on planning and coordination of activities in the protection of children-victims of trafficking with all relevant institutions (primarily the social and health ones);
- if suspecting that there exists any element which would imply that the child was a victim of trafficking in human beings, to make an assessment of the situation and to employ stipulated measures accordingly, specifically by contacting other competent institutions – centres for social work, health institutions and law enforcement agencies;
- on observing in their work the best interest of the child, and not the best interest of the parents, school or their own interest.

RE-SOCIALIZATION

Educational institutions’ representatives undertake activities in cooperation with centres for social work and other competent institutions in relation to a final decision on the manner of victim socialization, which does not always have to depend on the finalization of the court procedure. In making such decisions it is necessary to establish a very good cooperation between the centres for social work and the representatives of the non-government organizations providing accommodation for victims of trafficking in human beings, with the objective to compose an individual assistance plan for the re-socialization of the victim of trafficking in human beings. An individual plan for victim re-socialization comprises, apart from a plan to continue regular education and plan for health insurance covering all segments of health protection; training, retraining and professional qualification; assistance and mediation in employment; protective housing and care in accordance with the age of the victim; continued surveillance for a certain period of time which includes psycho-social assistance and support as well, depending on the actual case. The role of the educational institutions is crucially important also in the implementation of the re-socialization plan if it includes a continued regular or special education of the child.

Considering that all competent institutions have the obligation to act in the best interest of the victim of trafficking in human beings and especially the child-victim of trafficking in human beings, it is necessary to ensure that the activities being undertaken in the victim re-socialization are conducted for as long as possible, not only while providing accommodation in a safe house, but also after leaving the safe house. The above activities need to be conducted with the objective of a long-term empowerment of the victim of trafficking in human beings and enabling its return to a normal and independent life.
Bosnia and Herzegovina has thirteen ministries of health and thirteen health funds/institutes. In the Federation of BiH each canton has its own ministry of health and a health fund/institute, and then there is a Federal Ministry of Health and Institute for Health Insurance and Reinsurance of the Federation of Bosnia and Herzegovina. Republika Srpska has a Ministry of health and Social Protection and Fund of Health Insurance of Republika Srpska covering the entire RS territory. Brčko District BiH has a special health fund. Health protection services are not transferrable between the two entities.

Bosnia and Herzegovina has ratified numerous international documents by which it took the obligation to ensure equality in protection and a universal approach to the primary health protection, without any discrimination. On entity level, harmonization of the legislation with the international standards in health protection has partly commenced.

The European Social Charter is the most significant document regulating the achievement of economic and social rights. Bosnia and Herzegovina has ratified the European Social Charter in 2008, taking over the obligation to harmonize all national laws and practices with the Chapter standards, including the achievement of the right to health protection, concerning also the obligation to establish an efficient social protection system, to secure the rights from the health insurance and to establish an accessible and efficient primary health protection for the population, with special attention devoted to the vulnerable groups of the population.

According to the Constitution of the Federation of BiH, health protection is included in the segment of shared competence between the federal and cantonal authority. Starting from the constitutional rescripts, health protection in the Federation of BiH is highly decentralized. It is organized on the level of cantons, and harmonized on the federal level. This option set in the Constitution of the Federation of BiH is transfused in the two principal laws regulating the health protection system: the Law on health protection and the Law on health insurance. The Cantons accomplish their tasks by ensuring the achievement of rights in the field of obligatory health insurance in line with the Law on health insurance by means of ensuring the resources for building, equipping and establishing health institutions, implementing primary health protection, specialist-consultative and hospital protection. Cantons are also organizing hygienic-epidemic activities, health-statistical information system, medical emergency assistance, as well as the social medicine activities. Health protection is organized as: primary health protection, specialist-consultative and hospital protection. The Law on health protection of the Federation of BiH established the basic principles of health protection in the BiH which ought to cover all citizens of the Federation, continuous health protection of the citizens throughout their lifetime, functionally coherent and harmonized health trade system in the Federation, and approximately equal conditions of the health protection, particularly in primary protection.

The Law on health insurance of the Federation of BiH regulates the obligatory health insurance based on the principles of reciprocity and solidarity of the insurance policy holders on the levels of cantons and the Federation of BiH. A cantonal legislative body may introduce an extended health insurance and increase the scope of rights covered by the obligatory health insurance. All insured persons, at least according to the Law, have an equal position in relation to achievement of the rights from the obligatory health protection. The resources for achievement of the rights from the obligatory health protection are ensured by means of contributions out of which the health insurance funds are set up with the cantonal insurance institutes. The Institute for health protection insurance and reinsurance of F BiH is in charge of the achievement of the rights from the obligatory health protection in the interest of all cantons, and of the implementation of rights based on the conventions, other international agreements or laws. The Law on amendments and supplements to the Law on health insurance, the application of which commenced on 01 January 2009, introduced the changes ensuring a direct health protection for children and youth up to the age of 18 years, or 26 years if in regular school, as well as for the elderly persons over the age of 65 years, unless they are insured on some other basis. With these amendments to the Law on health insurance in F BiH, a large percentage of children and youth acquired a legal right to insurance.

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61 Official Gazette of FBiH 29/97
62 Official Gazette of FBiH 30/97, 7/02, 70/08
The Law on health insurance of the Republika Srpska\textsuperscript{63}, the Book of rules on the manner of achievement of health protection\textsuperscript{64} and the Book of rules on the content and scope of rights to health protection and the participation\textsuperscript{65}, in a way similar to that in the Federation, additionally includes in the obligatory health protection all children in the age up to 15 years and persons in the age over 65 years.

The Law on health protection of Republika Srpska\textsuperscript{66} is also based on the principle of equality, solely in accordance with the medical indications. The founders of the health institutions in the RS are the entity, city, municipality and other natural persons and legal entities, while the RS Government is planning the health institutions network for a certain period of time, based on the Strategy for development of health protection. Overseeing the professional work of the health workers and institutions is the responsibility of the director and the minister in case it concerns the external supervision of the professional work. Health inspection is supervising the enforcement of the laws, other regulations and general enactments, as well as the enforcement of measures prescribed in the field of health protection.

A health worker who has reported an abuse, in the further process of investigation and proving, actively provides assistance to the competent services (centre for social work, police, prosecution), and has the obligation to respond to the calls from the centre for social work, prepares for the participation in the meeting where the child’s situation is being considered and discussed, and makes the decisions as to the measures of protection and services that are to be provided to the child and the family, and must be prepared to participate in the implementation of the protection plan, that is, in the provision of services as agreed. It is important that the health worker should make a good initial contact in the crisis situation with the child and the family, that is, with the non-violent parents, to not disrupt the contact but to maintain and foster it. This is significant for the process of psychological recovery of the child and disruption of the violence cycle.

1) DETECTION

A victim of trafficking in human beings can report to a health institution:

- accompanied by official police bodies with a court warrant in the process of investigation
- by herself due to certain health problems
- and accompanied by the staff from the non-government sector

If the victim reports by herself and the health worker suspects during the conversation that she could be a victim of violence, he/she is obliged to report it to the police. Victims requesting medical assistance are usually not from the town where the effect has occurred. They found themselves at that location and were forcefully brought there, and most frequently they don’t have the money to pay for the examination. If the victim is accompanied by the police, then the examinations are paid by the competent institutions.

All victims of sexual abuse must be treated with great attention. In the objective to obtain definitive conclusions, in order to determine who is the perpetrator (or the perpetrators) the scarce material must be carefully taken and analysed. Evidence in cases of sexual abuse is often very scarce, they last for only a short period of time, are lost quickly, sometimes it is enough that the victim takes a bath and so destroying the evidence or most commonly that the victim reports too late once there is no more evidence.

It is especially important in case of victims of trafficking in human beings that the victim is as little as possible exposed to additional examinations, unnecessary referral to other services. In this case, the victim is not being referred to the laboratory; instead, the test material is being taken in that clinic – it is the material that should be travelling and not the patient.

\textsuperscript{63} Official Gazette of RS 18/99, 51/01, 51/03
\textsuperscript{64} Official Gazette of RS 54/07, 63/08
\textsuperscript{65} Official Gazette of RS 54/07, 63/08
\textsuperscript{66} Official Gazette of RS 18/99, 62/02
Prior to the examination, it should be clarified to the victim what kind of an examination it is, which reports (evidence) shall be taken and what importance that examination has for her. It is necessary to have a lot attention and patience during these examinations, and to explain to the victim that all examinations are being done in the interest of punishing the perpetrators and to acquire insight into her medical condition.

It is important that, prior to the examination, the victim of trafficking in human beings is informed that all information requested from her is requested solely and only because of an adequate provision of assistance, and not in order to establish the responsibility of the victim for the traumatic experience survived. It needs to be kept in mind:

- that the victim of trafficking in human beings has survived the experience that inflicted a multiple damage to her psychological and physical integrity;
- that she experienced how it is to be deceived and to be not trusted;
- that she experienced through the abuse survived that she is less worthy;
- that the injury she suffered was inflicted by humans and that her intimate details need to be told in confidence again to some unknown humans, who are actually helping her but whom she does not know;
- that she was exposed to life threat;
- that, due to the fragmented traumatic memories, the traumatic story is no longer coherent in content or in time-frame.
- Professionals should keep in mind this information, and thus behave as follows:
  - unconditionally trust the victims of trafficking in human beings (any expressed distrust in the first phase of provision of assistance may be re-traumatizing and may lead to a large amount of information important for the medical examination not being acquired). The victim has learned that it is not being trusted and not to trust, and in line with that she may refuse further cooperation;
  - during the interview with the victims of trafficking in human beings only the level of information to be taken which is essential in order to carry out required examinations and to provide medical assistance. Any further trespassing upon the intimacy or unnecessary information may have the effect of a victim feeling guilty or responsible for the experience she has survived;
  - explain to the victim of trafficking what the procedure of medical examination is, as well as further tests in order to cover the health aspect. In this way we are ensuring that the victim of trafficking in human beings cooperates and provides crucial information which may be significant for managing of a further procedure;
  - explain to the victim of trafficking in human beings that the physician is asking her for information in order to provide her a better assistance, and not in order to question her and additionally traumatize her;
  - persons providing medical care to the victims of trafficking in human beings need to, must, take care so as not to additionally hurt and re-traumatize the victims, which may inflict a deeper, psychological damage.

It is very important that the health workers should comply with their role, and to request from the victim of trafficking in human beings only such information as essential in order to provide an adequate medical assistance.
2) INTERVIEW WITH A VICTIM OF TRAFFICKING IN HUMAN BEINGS

The first contact with a victim of trafficking in human beings begins with conducting an interview which has its objectives and tasks. While conducting an interview, a health worker shall not judge or evaluate the victim of trafficking in human beings, and shall take care about the victim’s needs. In order to start the interview, it is necessary to create an appropriate atmosphere, and to ensure that both the health worker and the victim of trafficking in human beings can identify the purpose of the interview. The health worker should support the victim of trafficking in human beings and allow her to express her feelings without fear of assessment or ridicule. Open questions leave the opportunity to the victim of trafficking in human beings to speak up about that which she wants to talk about.

While providing assistance and interviewing the victim, a health worker must treat the victim with great attention and understanding, abiding by the rules as follows:

- ensure adequate space in which the victim shall be examined (separate room or ordination in which the patient can feel safe, talk without interruptions, receive all necessary assistance, and where the medical examination shall be carried out);
- show compassion (e.g. start with a sentence like: “This is horrible what has happened to you, I would like to help you...”);
- trust the victim, not underestimate her, and not underestimate or minimize that which she has survived;
- not judge her for what she has survived;
- avoid comments or discussions with others in the presence of the victim;
- introduce the victim with all examinations and reports she would be subjected to;
- emphasize the requirement for the examination and explain that it is in the interest of the victim’s health and in the interest of punishing the perpetrators;
- victim is being asked only such questions that will help with the examination and setting the diagnosis (unnecessary repetition of the story leads to a repeated traumatisation).

During the first interview and medical examination, and while waiting for the police inspection team, the health worker needs to maintain maximum composure and at the same time he/she should pay attention to the presence of any traces on the victim. While waiting for the police to come, a medical worker shall endeavour to provide the needed medical assistance and to calm down the victim. After the arrival of the police, the health worker may be of a great assistance in the procedures to follow by participating and contributing in the course of: an interview being conducted with the victim; crime and forensic examination of the victim; describing and making photographs of the victim and of certain details on the body, clothes and shoes of the victim, such as injuries and other eventual traces; and collecting of the traces found.

After completed medical examinations and provided assistance, health workers are issuing a medical certificate and other accompanying documentation. It is recommended that the medical examination be obligatory, regardless of whether there are visible injuries on the victim or not.

3) CASE ASSESSMENT

In treatment of a potential victim of trafficking in human beings, a health worker should first and foremost assess whether that victim of trafficking in human beings has injuries which are a direct danger to her life. In case there are no visible injuries endangering the victim’s life, it is necessary to inform the police without any delay about the information or estimation, and wait for the arrival of the police who shall employ measures prescribed by the law and with whom the case shall be further assessed. If it is possible, a health worker who received the victim shall remain committed to the victim and provide her with required assistance, while he/she may delegate the obligation to report the case to another medical worker. In case of a normal
situation, as soon as in the first conversation with the eventual victim, the health worker is obliged to perceive and pay attention to the following: general condition of the victim; eventual problems/changes in the behaviour; attempt to assert whether the eventual problems (changes) in the behaviour are the result of consumption of drugs, alcohol, or a third something; whether the change in behaviour is a consequence of violence; whether there are eventually visible injuries on the victim; pay attention to the speech and the victim’s story sense; pay attention to the condition of the victim’s clothes; pay attention to the condition of the eventual baggage of the victim.

Assessment of the psychological state of the victim, as well as the psychological treatment, is carried out based on the hierarchy of needs: first the organic health is taken care of, then the physical safety is established, followed by the stabilization through daily routines of the physiological functions of sleep and eating, establishing the relationship of security and trust between the victim of trafficking in human beings and the health worker, and follows a detailed psychological treatment. The psychological treatment with the aim to reduce symptoms of post-traumatic stress disorder and achieve first psychological stabilization is set up in phases as follows: building security and trust; empowering (creating a positive image of oneself), working out traumatic events, projection on future, re-establishing connections.

4) REPORTING

As long as trafficking in human beings or a suspicion of trafficking in human beings remains a secret between the physician and his patient, the child cannot be assisted. This is the fact to be profoundly aware of pertaining to all health professionals facing the dilemma of whether to report or not their suspicion of trafficking in human beings. Once a health or non-health worker, official of a health institution (psychologists, social workers) learn of a possible case of trafficking in human beings with the purpose of labour or sexual exploitation, they often stand in front of the dilemma whether to breach the state of already established confidence and confidential relationship between the potential victim of trafficking in human beings and the health/non-health worker, and the want, or obligation, to report the suspicion.

Each professional, thus physicians or other health or non-health workers employed in the health sector as well, have the obligation to report a suspected trafficking in human beings if in the course of their work they came to discover so.

In case the health worker, social worker, psychologist and others, do not report trafficking in human beings, or that crime, and it happens to be estimated that in the course of their work they came to discover so, they may be sanctioned according to the BiH Criminal Code by a fine or imprisonment for a term up to 3 years (Criminal Code of Bosnia and Herzegovina, Article 230, “Official Gazette of Bosnia and Herzegovina”, no. 3/03), and the same crime is also envisaged in the entity criminal codes and the Criminal Code of Brčko District of BiH.

It is the obligation of every health worker to maintain confidentiality of data, in accordance with the Declaration on the Promotion of Patients’ Rights in Europe (ICP/HLE 121, 28 June 1994). Reporting on suspicion of trafficking in human beings most commonly leads to a collision of maintenance of confidentiality of data with the obligation to report. Confidential data may be shared with another person only with explicit consent of the patient. However, in this situation, the Law is explicit and gives advantage to the reporting, because not reporting is being legally sanctioned. Naturally, this situation obliges the physician or another health or non-health worker to carefully talk to the victim of trafficking in human beings. In case of a child-victim of trafficking in human beings, it is necessary to explain to the child, along the lines of its age, that anything stated during the conversation between the two of them is confidential. However, as a grown-up and responsible person, he/she has the obligation, should he/she find out that a child is in the situation which is endangering its health or life, to report this information to the competent institution.

Health or non-health workers file their report at all times when suspecting, based on the physical examination of the victim of trafficking in human beings or the acquired case history, the actual case of trafficking in human beings. In case of a child-victim of trafficking in human beings, we need to keep in mind that all procedures must be in keeping with the best interest of the child.
In the course of acquisition of the case history (information on the history of disease or injury) one may learn about information or establish facts which may give rise to a suspicion of trafficking in human beings, especially if it is followed with violence. Similarly, in the course of a physical examination of the victim of trafficking in human beings, one may perceive the facts which could imply that (for instance, in case of a child-victim, the injury transpired may in its appearance or kind be in contradiction with the provided description of how it transpired, while the child is brought in by an adult person with whom it is not in whatsoever familial relation). Such person is resisting or unwillingly leaving the premises when we ask that the physical stays alone with the child.

A suspicion of trafficking alone, by itself, is sufficient for reporting. Should there be a suspicion, it is enough to report to the police, while providing the victim of trafficking with the best possible medical assistance. Thereby the health and non-health workers have fulfilled their duty, whereas it is the duty of other professionals to verify that suspicion in an adequate way (social protection services, police bodies, prosecutor’s offices).

**Report filing**

A health worker provides in his/her report only facts and circumstances established in the course of examination. He/she needs to indicate the available personal identification data pertaining to the child (name, surname, age, sex, year of birth, place of birth) and to the person accompanying the child, and to describe the circumstances in which the child was brought in and only that which raised the suspicion of trafficking (signs of violence, psychological state of the child, presence of condition or disease which may be associated with sexual exploitation, description of locations or changes raising suspicion of injection of psycho-active substances, or other signs raising suspicion of the child being exposed to the influence of illegal psycho-active substances (drugs) so as not to give resistance.

On the other hand, a physician or other health/non-health worker in the health sector reports a suspicion of trafficking or gives a statement of a trafficked person about being trafficked. They do not determine whether or not there were any elements of the crime of trafficking. Health/non-health workers only establish the facts or circumstances, and file their report, without conducting any investigative activities.

**CONTACTING THE COMPETENT INSTITUTIONS**

As mentioned earlier in case of suspicion of trafficking in children, it is necessary to inform the police without delay.

If there is a social worker in that health institution, it is possible to report through him/her to the nearest centre for social work, or if the centre has not been established, to the municipal service which is responsible for social protection. It needs to be emphasized here that there is no need to determine a grounded suspicion of crime in the sense of a criminal procedure, because the facts alone that are giving rise to suspicion of trafficking in human beings are sufficient to carry out the reporting.

A physician or another health/non-health worker in the health sector must not assume for her/himself the role of an investigator.

The centre or service for social protection may undertake various measures, ranging from perceiving the situation in the child’s surrounding to submitting the report to the competent prosecution. The physician or another health/non-health worker employed in the health sector may submit the report to the nearest prosecutor’s office, regardless of its area of responsibility. In case the prosecutor’s office receiving the report has no jurisdiction in the actual case, it will decline such a report and declare itself not competent, but however shall have the duty to forward the case to the competent prosecutor’s office via official channels.
The person who submitted the report needs to know that it is possible that he/she is subpoenaed to court as a witness. In the mentioned procedure it is their duty to respond to the subpoena from the court or prosecutor, and to truthfully and professionally relate the facts they established in the course of their work with the victim.

Out of this reason it is exceptionally important in the course of victim's examination to carefully record all established circumstances, and all perceived conditions, having in mind that they might be vital for establishment of the truth in court.

RE-SOCIALIZATION

Health institutions’ representatives undertake activities in cooperation with centres for social work and other competent institutions in planning and implementation of the victim re-socialization program, which does not always have to depend on the finalization of the court procedure. While planning and implementing the program, it is necessary to establish a very good cooperation between the centres for social work and the representatives of the non-government organizations providing accommodation for victims of trafficking in human beings, with the objective to compose an individual assistance plan for the re-socialization of the victim of trafficking in human beings. An individual plan for victim re-socialization comprises a plan for health insurance covering all segments of health protection; training, retraining and professional qualification; assistance and mediation in employment; protective housing and care in accordance with the age of the victim; continued surveillance for a certain period of time which includes psycho-social assistance and support as well, depending on the actual case.

Considering that all competent institutions have the obligation to act in the best interest of the victim of trafficking in human beings and especially the child-victim of trafficking in human beings, it is necessary to ensure that the activities being undertaken in the victim re-socialization are conducted for as long as possible, not only while providing accommodation in a safe house, but also after leaving the safe house. The above activities need to be conducted with the objective of a long-term empowerment of the victim of trafficking in human beings and enabling its return to a normal and independent life.

Since the representatives of the Centres for Mental Health are actively involved in the activities of regional monitoring teams, the following is a guide for their conduct and treatment in cases of trafficking.
GUIDELINES CMH
GUIDELINES FOR WORK AND TREATMENTS WITH VICTIMS OF TRAFFICKING IN CENTRES FOR MENTAL HEALTH (the CMH)

The treatment of victims of trafficking in human beings in the CMH takes place in several stages:
- Detection and identification of victims of trafficking;
- Diagnostics and work with the victim of trafficking in human beings; and
- Making a plan for the care,

DETECTION AND IDENTIFICATION

How to recognize a victim of trafficking in human beings? Statistically, the average psychological profile of victims of trafficking is based on the assumption that victims develop psychological trauma as a result of mental and physical abuse. Mental health professionals should be trained to identify the symptoms of such a trauma when identifying victims of trafficking. Some indications of a psychological trauma are: disorganized thinking, confused mental state, memory and sleep disorders, recurrent nightmares, high levels of anxiety, obsessive-compulsive behaviour, etc.

The identification of victims of trafficking is necessary primarily to ensure the protection of victims' rights, and their subsequent successful reintegration. Timely recognition of victims of trafficking is a measure of suppression of the spread of this phenomenon, and therefore a measure that ensures the protection of the interests of the society as a whole.

In all cases of doubt, especially in cases involving minors, a potential victim of trafficking shall always be treated as actual victim until proven otherwise. In case of a potential child-victim, it is extremely important to keep in mind that the consent of a child-victim to intended exploitation is irrelevant because children are not capable of making such and similar decisions independently.

In case of adults, to be granted the status of victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. In case an adult declares in an interview given to an official of the CMH that someone is restricting her/his freedom of movement, holding them against their will, withholding their personal documents, forcing to labour, soliciting, sexual services, denying right to earnings or reports any other exploitative action, it is the duty of the CMH official to categorize the person as a potential victim of trafficking and take action to provide care and protection of the victim.

DIAGNOSTICS AND WORK WITH THE VICTIM OF TRAFFICKING IN HUMAN BEINGS

A health worker and a healthcare professional must approach the victim with a lot of attention and understanding.

It is necessary to:
- Provide for an adequate space where the victim is to be examined (a special room or practice), in which the victim will feel safe, where he/she will be able to talk without being disturbed or interrupted, receive all the necessary assistance, and where a medical examination will take place,
- Show sympathy and compassion,
- Trust the victim, not underestimate her/him, not underestimte or reduce what she/he has survived,
- Do not judge her/him for what she/he has survived,
- Avoid comments or discussion with others in the presence of the victim,
- Inform the victim with all the medical examinations and tests to be done, inform the person on the steps that are to be taken,
- Highlight the mandatory nature of the examination and explain that it is in the interest of the victim's health and in the interest of punishing the perpetrators,

The victim is to be asked only those questions that would help in the examination and establishing the diagnosis (unnecessary repeating the whole story leads to victims’ retraumatization). Efforts should be made in sense to provide educated staff, sensitized to the problem of violence to work with victims and are (the need for continuous education). Health workers must be familiar with the legal regulations and the capacities of the local community (where will they refer the victim of trafficking). During the course of medical examination one should take into account and treat with due diligence the traces that are evidence in the process of the procedure (clothes, traces of the victim ...). All the findings should be carefully registered and documented.

According to the World Health Organization (WHO) guidelines (2003), when working with a trafficked person, ten basic guidelines for conducting the conversation should be adhered to in an ethical and secure way.

- DO NO HARM - Treat each victim and the situation as if the potential for harm is extreme until there is evidence to the contrary. Do not undertake any interview that will make a victim’s situation worse in the short term or longer term.

- KNOW YOUR SUBJECT AND ASSESS THE RISKS - Learn the risks associated with trafficking and each victim’s case before undertaking an interview.

- PREPARE REFERRAL INFORMATION - DO NOT MAKE PROMISES THAT YOU CANNOT FULFIL - Be prepared to provide information in a victim’s native language and the local language (if different) about appropriate legal, health, shelter, social support and security services, and to help with referral, if requested.

- ADEQUATELY SELECT AND PREPARE INTERPRETERS, AND CO-WORKERS - Weigh the risks and benefits associated with employing interpreters, co-workers or others, and develop adequate methods for screening and training.

- ENSURE ANONYMITY AND CONFIDENTIALITY - Protect a respondent’s identity and confidentiality throughout the entire interview process – from the moment she is contacted through the time that details of her case are made public.

- GET INFORMED CONSENT - Make certain that each respondent, victim of trafficking in human beings, clearly understands the content and purpose of the interview, the intended use of the information, her right not to answer questions, her right to terminate the interview at any time, and her right to put restrictions on how the information is used.

- LISTEN TO AND RESPECT EACH WOMAN’S ASSESSMENT OF HER SITUATION AND RISKS TO HER SAFETY - Recognize that each victim will have different concerns, and that the way she/he views her/his concerns may be different from how others might assess them.

- DO NOT RE-TRAUMATIZE A VICTIM - Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to a victim's distress and highlight her strengths.

- BE PREPARED FOR EMERGENCY INTERVENTION - Be prepared to respond if a woman says she is in imminent danger.

- PUT INFORMATION COLLECTED TO GOOD USE - Use information in a way that benefits an individual woman or that advances the development of good policies and interventions for trafficked victims generally.

All victims of trafficking in the health system should be provided with psychosocial support based on an individual assistance and protection program that is tailored to each victim in relation to age, sex, psychological status, etc., and is made by healthcare professionals / employees working in mental health centres in the community.
Data on health condition of a victim are confidential thus must not be made public. It is important to highlight that the evaluation of the health condition of the victim must be performed by the professional.

Psychological evaluation on current status of a victim is related to criminal proceedings but also to any other activity of direct assistance to a victim, especially in regards to ensuring adequate trauma treatment, and/or rehabilitation and the re-socialisation.

In performing the first medical evaluation of a victim, the following must be done:

- Assessment of the general health status of the victim, the presence of minor and severe bodily injuries, as well as acute and chronic somatic diseases;
- Assessment of one’s own sense of vulnerability in the victim, assessment of the feeling of physical and psychological exhaustion, the intensity of acute, prolonged or chronic stress reactions, the intensity of the emotional response to a rational way of reacting;
- Assessment of general and specific intellectual abilities;
- Assessment of the personality structure and emotional state of the victim;
- Assessment of the presence and intensity of traumatic reactions and symptoms of post-traumatic stress disorder;
- Assessment of the presence of other psychiatric disorders (depressive disorders, suicidal / homicidal thoughts or attempts, personality disorders, psychotic elements, and addiction illnesses).

Psychological treatment of the CMH team aims to reduce the symptoms of posttraumatic stress disorder so as to enable the first psychological stabilization be reached. It is established in the following phases: Building security and trust; Empowerment (creating a positive image of self); Working out of traumatic events; Integration, projection into the future, re-establishing connections.

Children who come from dysfunctional families, children who grow up without adequate parental care, children with reduced intellectual capacity, children prone to risky behaviour, and children not engaged in the education system are at greater risk of becoming victims of trafficking. Often are they victims of sexual abuse in the family, and later in the community, with trafficking for sexual exploitation often being the third step in the cycle of violence to which these children have been exposed from an early age. Also, they tend to be prone to psychoactive substances and alcohol abuse, and as addicts often exhibit significant behavioural disorders. Due to the prolonged, repeated sexual traumatization they have been exposed, these children fail to develop mature defence mechanisms, but often show serious mental disorders. Because of the prolonged exposure to psychological, physical, sexual and economic abuse and various types of manipulation exercised by adults, these children, in comparison with other victims of sexual traumatization, show the loss of confidence in other people to a larger extent, so that the process of establishing security and trusting in contact with professionals from CMH is made more difficult.

Assessment of psychological state, as well as psychological treatment, is carried out on the basis of individual’s needs assessment. It is necessary to primarily protect physical health, then establish physical safety and daily routine, ensure the stabilization of physiological functions of sleep and feeding, establish a relationship of security and trust between the child victim of trafficking and a professional from the CMH, and then to performs more detailed psychological treatment. It is necessary to provide health care to victims of trafficking in such a way that they receive it from health workers and medical associates trained for the care of traumatized victims so that the services reflects care and respect. At the same time, the system of health care for victims must also guarantee the confidentiality of personal data, or their secrecy.
The victim can come to the CMH:

- Accompanied by the police with a court order in the investigation process;
- On their own due to certain health issues;
- Accompanied by parents/guardians;
- Accompanied by non-governmental sector worker(s).

General examination that should be done with a trafficking victim are:

- External inspection of the victim - if there are visible injuries, they should be described in detail or photographed; if injuries require surgical treatment, the victim should be referred to a surgeon;
- General laboratory tests for the purpose of insight into the general health status of the victim;
- Drug testing.

Trafficking victim should also be referred for following medical checks:

- Gynaecological/surgical examination for female victims of trafficking in human beings, urological/surgical examination for the male victims of trafficking in human beings;
- Testing for sexually transmitted infections (offer the possibility of voluntary counselling and testing for HIV and co-infection);
- Opinion by a psychologist and a specialist (neuro) psychiatrist: team opinion/finding. It is recommended, if possible, that the examination be performed first by (neuro) psychiatrist, and then that other examinations and searches be made.

3. DEVELOPING CARE PLAN

DIAGNOSTIC INTERVIEW WITH VICTIM means assessing the psychological/mental health of the victim of trafficking. The assessment is performed by a team (psychiatrist, psychologist, social worker). After assessing the actual psychological state, the "CARE PLAN" is next activity to be composed and this is being prepared upon the proposals for the treatment of the victim are given, harmonized, and coordinated by all team members. The head of the CMH team appoints the Care Co-ordinator who will monitor on the implementation of the care plan and propose its revision in accordance with the needs of the victim of trafficking. The "CARE PLAN" implies all activities that lead to the enabling of the victim of human trafficking to permanently return to the society and the existence in it. The victim is mandatory made aware of this individual diagnostic and treatment plan, and if circumstances allow, the victim will participate in designing of this plan.

4. CASE ASSESSMENT

After the initial interview, a preliminary team assessment of the case is initiated. After collecting information related to a particular case, a report is submitted to the police and the Centre for Social Work and Welfare and a plan for further actions is drawn up - the division of roles.

The assessment mandatory contains:

- Determining the age of the victim;
- Assessment concerning the provision of emergency medical services;
- Psychological-psychiatric assessment of the state of the victim. If, from the assessment of the psychological state of the victim, it appears that she/he is not able to take care of her/his rights and interests, this will be emphasized in the information to the centres for social work and welfare;
- Assessing the risks associated with the safety of the victim;
- Assessment on whether the victim will cooperate with relevant institutions and organizations involved in direct assistance to the victim.
The initial assessment procedure also determines the course for further work with the victim of trafficking in human beings.

The finding and opinion of the CMH team with the recommendation contains the following components:

- Current mental health status;
- Data on the health status of all family members;
- Data on the economic status of the family;
- Data on the social status of the family;
- Data on possible earlier pathological changes and problems of the family;
- Influence of relatives and the environment;
- Information on the educational status of all family members;
- Data on the circumstances in which the victim or child victim had lived up to then; and
- Other relevant information.

The activities of the CMH team in the diagnosis and treatment of mental health are coordinated with the activities of the centres for social work and welfare team (the legislative regulation concerning the work of the centres for social work in terms of the provisions on guardianship for a special case is respected, as follows: Articles 197, 199, and 201 of the Family Law of the Federation of BiH; Articles 197 and 214 of the Family Law of RS; and Article 178 of the Family Law of the Brčko District of BiH). The CMH team is responsible for ensuring that the victim of trafficking is adequately protected from the perils to the life and health, and also to state whether the intervention of other services is necessary in order to protect the victim. All information received at the stage of the case assessment should be recorded and documented. It is important to emphasize that all information received and recorded can serve as a source of data for expertise opinion statements in court proceedings.

2.2. SECRECY OF DATA AND THE REPORTING

As long as trafficking in human beings or suspicion of human trafficking remains a secret between a doctor and a patient, victims cannot be helped. This is a fact that must be deeply understood by all health professionals concerned with the dilemma of reporting the suspicion of trafficking. When a health worker / a person working in a health institution finds out that there might be a case of trafficking in humans for labour or sexual exploitation the professional is often faced with the dilemma – should the doubt be reported and violate the state of the already established confidential relationship between a potential victim of trafficking and a healthcare worker.

The right to secrecy of data should be viewed and interpreted together with the right to confidentiality of information and privacy, and in some cases with the right to have an insight and inspect medical records. Specifically, data from medical documentation, including personal data, is considered professional secrecy. Personal data includes: all identification and identifying data on the health and medical condition of the person, diagnosis, prognosis and treatment, and data on human substances (DNA material) on the basis of which the person's identity can be determined, as well as remittances for sick leave delivered to the employer in a sealed envelope. All these data, as well as other data from the medical records of the patient and his health, are kept as professional secrecy.

Obligation of professional secrecy applies to all health and medical personnel. Previously, the prevailing view was that the obligation of professional secrecy was unique, i.e. that it exists only in the relationship between a particular healthcare professional and the person being treated, in accordance with the practice of the so-called individual medicine. By introducing modern and sophisticated technology and medical practice in medicine, without which medicine would be significantly less effective, we come the position of the so-called “shared secret” being formed. In other words, a secret confined and entrusted to a healthcare worker can be transferred to other health care professionals who participate in the treatment, and often to other persons who perform a health care function.
With the changes in the performance of healthcare activities and the increasing number of participants/professionals in health care, the obligation of professional secrecy extends to all other healthcare workers, as well as to all other persons who, in the performance of their duties, receive information on the patient’s health status. Therefore, the obligation of professional secrecy is related to a certain circle of persons who come into contact or may come into contact with the patient’s personal information in the performance of their profession, such as: healthcare workers and healthcare associates, as well as other employees in a health institution, private practice, health insurance institutes, external quality assurance assessors in the accreditation process, persons involved in the preparation of professional and scientific papers, and others who, during the performance of certain activities, are in possession of personal data on users of health services and their state of health.

On the other hand this rule too has its own exceptions. Thus, these persons may be exempt from the obligation to keep the confidentiality of data or the obligation of professional secrecy exclusively on bases of a written or other clear and unequivocal pronouncement of the patient’s consent, that is, in this case, the victim of trafficking in human beings, or in the cases stipulated in the criminal procedure code, and/or stipulated by regulations on litigation proceedings (when summoned in capacity of a witnesses). Furthermore, healthcare workers and healthcare professionals (as well as other previously mentioned persons legally subject to the obligation of professional secrecy) are required to provide information on the health status of the victim of trafficking at the request of state administration bodies or other bodies or institutions in accordance with special regulations (for example: Ministry of Security of BiH, Ministry of Human Rights and Refugees of BiH, Regional Monitoring Teams, Centres for Social Work and Welfare, etc.)

The above is, in fact, the disclosure of professional secrecy on the basis of and in harmony with laws and regulations, and is treated as an authorized disclosure of professional secrecy. Thus, the healthcare worker and medical professional did not violate the professional secrecy if they disclosed, or made available to third persons, information that was disclosed to the public because they were obliged by laws and regulations to do it. The victim should also be notified and made aware of it. However, when it comes to statutory permissions to interfere with privacy it should of course be interpreted as an exception and very restrictively. In the sense of liability, criminal law does not impose protection absolutely, but determines that the criminal offense of unauthorized disclosure of official secrets does not exist if the disclosure of a professional secrecy is committed in the general interest, or interest of another person that is more important / stronger than the interest of keeping the secret/professional secrecy.

Special attention should be paid to the fact that when processing personal data and special personal data, including health data, healthcare workers and health/medical professionals must apply the provisions of the Law on Personal Data Protection (“Official Gazette of BiH” No. 49/06, 76/11, 89/11).

Moreover, it is important to point out that professional secrecy and confidentiality are an ethical and legal obligation of healthcare workers, health/medical professionals and associates. The violation of professional secrecy is a serious violation of the employment obligation, but in addition, its unauthorized disclosure - which is a criminal offense. It is therefore important to remember that the disclosure of information that constitutes professional secrecy can only come from the decisively defined provisions in the laws and regulations.

Every professional, including doctors or other health workers / medical professionals and associates, is obliged to report suspicion of trafficking in human beings if they have come to such knowledge during their work.

If a healthcare workers / medical professionals and associates do not report suspicion that there is a possible case of victim of trafficking in human beings and it is proved that during the course of duty they have come to such knowledge, they are subjects to being punished via the means of the Criminal Code of BiH for not reporting the offense or the perpetrator. The same crime is stipulated in criminal laws of the Federation of BiH, Republika Srpska, and the Brčko District of BiH.
Health workers / medical professionals and associates have a duty to inform potential victim of trafficking in human beings on their obligation to make a report to the law enforcement officials and/or Centres for social Work and Welfare.

Victims of trafficking in human beings who have received adequate medical assistance and legal aid have a need for a psychological support. The victims are persons who have been traumatised multiple times, especially the children. The CMH team has gained the capacity to provide this type of assistance through the process of mental health care reform in the BiH and the education of all the team members.

3. REPORTING WITHIN THE HEALTH CARE SYSTEM (the ICD)

According to the International Statistical Classification of Diseases and Related Health Problems (International Classification of Diseases / the ICD -10) there is no code to describe trafficking in human beings as a single, special nosological unit. However, the ICD 10 permits for the application of codes from line of VIOLENCE, namely X 85-Y09 and subs.

For the purpose of more efficient collection of data on victims of trafficking in the BiH health systems, as the most adequate one is recommended to use the code Y 07 - Other bad practices (mental abuse, physical abuse, sexual abuse, torture).
NON-GOVERNMENT ORGANIZATIONS
Non-government organizations (NGOs) represent associations or foundations registered in the BiH in line with the valid legislative framework, for carrying out socially beneficial activities.

In line with the valid legal enactments – the Book of Rules on protection of foreign victims of trafficking in human beings in the BiH and the Rules on protection of domestic victims and victim-witnesses, the non-government organizations which signed a Protocol with competent institutions for provision of accommodation, protection and assistance to the victims of trafficking in human beings and victims appearing as witnesses in the BiH, represent the so-called “authorized organizations” for provision of mentioned services to the victims of trafficking in human beings identified in Bosnia and Herzegovina.

In accordance with the above, the authorized non-government organizations have a series of responsibilities in the activities and procedures related to the detection, identification, assistance, rehabilitation and other interventions being employed in working with the victims of trafficking in human beings in the BiH, as well as in the communication and information exchange with other competent institutions in the course of this process.

1) DETECTION / IDENTIFICATION

As part of their everyday activities, the non-government organizations – or their officials, can make contact with the person(s) for whom they shall – on any basis of the term of trafficking in human beings or other indications of a victim – suspect they could be a potential victim of trafficking in human beings. In such a case, the NGO officials shall not conduct any individual interview or investigative activities; instead they shall be obliged to inform the competent institutions without any delay.

**Foreign victim of trafficking in human beings** The NGO shall immediately inform the competent Service for Foreigners Affairs – SFA (responsible according to the location where the potential victim of trafficking in human beings has been recorded), State Investigation and Protection Agency – SIPA (in case of a minor potential victim), and the competent centre for social work – CSW (according to the location of the shelter/NGO where the victim is taken care of, in case of a minor victim). On that occasion, it is sufficient that the NGO officials describe their suspicion to the above mentioned institutions. In the subsequent procedure, the NGO shall forward the information about the case to the Ministry of Security – Section for Combatting Trafficking in Human Beings (Section of the Ministry of Security) and the Sector for immigration, using therefore envisaged forms for report (see Annex).

**Victim BiH national** The NGO shall immediately inform the competent local police (responsible according to the location where the potential victim of trafficking in human beings has been recorded), SIPA, and the nearest centre for social work (in case of a minor victim). On that occasion, it is sufficient that the NGO officials describe their suspicion to the above mentioned institutions. The nearest CSW shall undertake necessary/urgent activities with the minor victim until such time the victim is accommodated in the shelter, and thereafter the competence over the activities with the minor victim shall be taken over by the CSW according to the victim’s place of stay or residence. In the subsequent procedure, the NGO shall forward the information about the case to the Ministry for Human Rights and Refugees (MHRR) and the Ministry of Security – Section for Combatting Trafficking in Human Beings, using therefore envisaged forms for report (see Annex).

**Minor victim** In case of minors, if there is a suspicion that they could be victims of trafficking in human beings, the child shall be treated as a victim until proven otherwise. In case of suspicion of a child-victim, it is exceptionally important to keep in mind the fact that “the victim’s consent to the intended exploitation is irrelevant”, since it is the case of a child who is not able to make such and similar decisions.

It is necessary to emphasize that the identification of potential victims is a continuous process that is, according to the nature of the crime of trafficking in human beings, taking place at any time of day and night, and it is also exceptionally important that the NGO officials are available and prepared for work with potential victims of trafficking in human beings 24 hours a day.
2) INTERVIEW WITH THE VICTIM

In case of a grounded suspicion that the person is a victim of trafficking, with the purpose of identifying the potential victim, an NGO official shall conduct the initial interview with the potential victim.

Prior to conducting this interview it is exceptionally important to verify a possible need to provide medical assistance to the potential victim of trafficking in human beings, in accordance with the procedure mentioned below (see: Contacting competent institutions). In case of a minor person, this interview may be conducted only in the presence of an official from the competent CSW. In case of a foreign victim who does not speak a local language, it is necessary to ensure the presence of an interpreter for the occasion of this interview. In order to ensure the presence of an interpreter, an NGO official may address the competent Ministry of Security of BiH.

The initial interview with the person is conducted with the aim to identify a potential victim of trafficking in human beings, at which time only basic questions are being asked to the person which should enable her/his identification as a potential victim of trafficking in human beings requiring assistance (name, surname, date and place of birth, possession of identification documents, and eventually the method of arrival to BiH). The interview is conducted only in cases where the victim is physically and psychologically prepared for it, whereas the interview shall be discontinued if the above conditions cease to exist and the victim shall be adequately taken care of and treated as a potential victim until such time the above mentioned conditions are created, as well as the relationship of mutual trust which shall enable a detailed interview to be conducted with the victim. In case of a child, or suspicion that the victim is a child, the child shall without delay be adequately taken care of and treated as a potential victim of trafficking in human beings until such time the above mentioned conditions are created, or otherwise proven.

A detailed interview with a potential victim is conducted after the victim has been accommodated in the shelter and upon expiry of a 30-day period of “reflection” (adjustment), which represents a legal period during which every victim is enabled to adapt to the conditions she/he ended up, and to build a relationship of trust in the surrounding and in the persons providing her/him assistance. While conducting this interview, the NGO official shall keep in mind the age of the victim, use language appropriate for the victim, and let the victim tell her/himself about the events and incidents in relation to the circumstances in which she/he was found, based on which the official shall make a decision whether this is a case of a victim of trafficking in human beings or not.

In working with the victims of trafficking in human beings, one needs to keep in mind the traumatic consequences which may have some bearing on the conduction of a detailed interview with the victim, such as: the lack of chronological sequence in the traumatic story; fragmented memories of the victim of trafficking in human beings; a story lacking coherence in content or timeframe; repetition of a traumatic story until the victim is able to experience the same or similar feelings as when the traumatic events were going on. In accordance with the above, it is recommended to be particularly careful with any kind of well-intended touching of the victim: it is necessary to avoid a spontaneous friendly touch in conversation, or to ask for permission to touch the potential victim’s hand or to hug her/him, if one wants to offer comfort. In this way, the NGO official respects the physical and procedural boundaries of a victim of trafficking in human beings.

It is recommended to conduct this interview under informal condition, without using technical aids (such as a Dictaphone) or documentation (NGO sheet/questionnaire) that could eventually additionally scare the potential victim and put her/him off in providing her/his statement. Instead, it is desirable that the NGO official notes down all information gathered in informal conversations with the victim during the reflection period, subsequent to which, in the course of a detailed interview, he/she shall only ask such questions as about the rest of the information necessary for reliable identification and organization of an adequate assistance to the victim. Moreover, while conducting the interview, an NGO official must not insist on details related to the victimization of the victim, but rather conduct the interview with the objective to identify general circumstances the victim was exposed to during the eventual process of trafficking in human beings, which is to help the NGO in whose shelter the victim is accommodated to organize the victim’s adequate and quality rehabilitation and reintegration.
In case of a minor, it is recommended to conduct this interview in the presence of a child psychologist or a psychiatrist who is by a rule supposed to be of the same sex as the victim. It is also important to point out that most victims of trafficking, especially children, out of fear from retaliation by traffickers, fear of parents who might represent the exploiters, fear of reaction by society and peers, or even the fear of criminal persecution, most often initially deny the fact that they are victims, or avoid talking about circumstances which can lead the NGO official to conclude it is the case of a potential victim. In such cases, it is necessary to spend a sufficient amount of time in the interview and to gather all available and as thorough as possible information based on which then the identification of the potential victim of trafficking shall be carried out.

In case of adults, to be granted the status of victim, they should identify themselves as such, i.e. describe the form of exploitation they have been exposed to over a certain period of time. For example, in case an adult person of a legal age declares in an interview given to an official of the centre that someone is restricting her/his freedom of movement, holding them against their will, withholding their personal documents, forcing against her/his will to labour, begging, provision of sexual services, denying her/him right to earnings or reports any other such action, it is the duty of the NGO official to categorize the person as potential victim of trafficking in human beings.

While conducting both forms of the interview – initial and detailed interview with the potential victim, it is necessary to specially take account of the following ten principal guidelines for conducting interview with victims of trafficking in human beings:

Ten principal guidelines for conducting interview with a potential victim of trafficking in human beings:

1. Obtain a deliberate consent on participation of the victim in the entire procedure, and ensure that the victim understands the content and purpose of the question, the purpose for the use of information, the right not to answer a question and to discontinue the interview at any moment.

2. Listen to and accept the victim's estimation of the situation she/he is in, the risk and the safety.

3. Avoid repeated traumatisation and secondary victimization of the victim by avoiding questions provoking answers with emotive charge.

4. Be prepared for urgent intervention and react urgently if the victim is in immediate danger.

5. Use gathered information appropriately so as to benefit every individual victim.

6. Don't hurt the victim. It is necessary to treat the victim always keeping in mind the potential possibility to harm the victim. The interview should not be conducted if it will bring the victim, in a short or a long run, to a more difficult situation.

7. Gather all available information and based on them, prior to conducting interview, make a risk assessment in every individual case.

8. During the interview, inform the victim about the appropriate services of legal, social and health protection, provide shelter, and avoid making promises which cannot be kept.

9. Properly select and prepare for work an interpreter (in case of a foreigner) and other associates.

10. Ensure the victim's anonymity and confidentiality, from the moment of first contact until such time when details about the case are published.
3) CASE ASSESSMENT

Once the information related to the specific case are gathered during the initial interview, an internal NGO case assessment shall be carried out – information shall be analysed by responsible NGO officials: NGO shelter coordinator (most commonly the NGO case manager) and the NGO project manager for provision of care and assistance to the victims of trafficking in human beings. It is possible to involve in this assessment other NGO officials as well (more experienced nurses from the shelter in case of a more difficult assessment, physician in charge, psychologist or psychiatrist), depending on the official structure in the relevant NGO and on the necessity of their involvement in the specific case, whereby it is exceptionally important that this assessment is carried out by only a few selected NGO officials, educated and involved in provision of direct assistance to the victims of trafficking in human beings in the shelter.

Once the internal case assessment is completed as well as the identification of the potential victim, the victim is being assigned an NGO case manager who represents a contact person for all further activities related to ensuring adequate assistance to the potential victim of trafficking. The NGO case manager is contacting competent institutions and exchanging the findings of the internal assessment, subsequent to which a preliminary case assessment shall be carried out in conjunction with defining conditions of assistance (or other procedures in cases not concerning potential victims of trafficking in human beings).

Both mentioned case assessments (internal assessment and assessment done in cooperation with competent institutions) are carried out based on the analysis of information gathered during the initial interview with a potential victim. Indicators applicable during the assessment of whether it is a potential victim of trafficking in human beings may be the age of the person, the form of exploitation the person was exposed to, location and conditions in which the potential victim of trafficking was found, the situation of limited freedom of movement, and in case of foreigners also the method and purpose of entry into BiH, status, possession of a travel document and other indicators in the surrounding in which the victim was found.

These assessments must include:

- assessment related to ensuring urgent medical service, including mandatory psychological evaluation of victim’s condition;
- assessment of risks related to the victim’s security;
- establishment of a need for accommodation;
- provision of legal aid;
- assessment whether the victim would cooperate with competent institutions and organisations involved in direct assistance to the victim.

Initial assessment procedure also determines the guidelines for further work with the victim of trafficking in human beings. However, the NGO cannot act independently in the process of assessment, thus it employs the teamwork and establishes cooperation with other institutions and professionals in the procedure. The NGO is bound to take into account whether the victim of trafficking in human beings is adequately protected from dangers to her/his life and health, as well as whether there is a need for intervention of other services in order to protect the victim. All information gathered in the case assessment stage is explained in written form.

The NGO shall, once it receives information about the case, verify whether the case has been registered previously, gather additional information, carry out case assessment, help secure evidence of abuse, identify available resources for assistance and protection of the victim, assess which interventions are imperative, i.e. prepare an individual protection plan for the victim for the reflection period in duration of 30 days. The victim is obligatorily informed about this plan, and should the circumstances allow – the victim shall also participate in formulation of this plan.
4) REPORTING/CONTACTING COMPETENT INSTITUTIONS

The NGO, as well as all other competent institutions and authorised organizations, legal entities and natural persons, in case of identification of a potential victim of trafficking in human beings or any other form of contact made with her/him, has the obligation of reporting, without delay, i.e. to inform the competent institution. The reporting is, by a rule, done in writing, and in urgent/exceptional situations the reporting may be done verbally as well. To the competent ministry, this report is forwarded only in an enveloped consignment or by use of courier.

Reporting of cases of victims of trafficking in human beings is different for the victims who are foreign citizens and for BiH citizens.

Cases of foreign citizens, victims of trafficking in human beings, are reported exclusively to the relevant Field centre of the SFA immediately after identification. If contacting the SFA happens to be impossible, a relevant police service and SIPA are to be contacted.

Cases of BiH citizens-victims are reported to the relevant police service and SIPA.

When reporting cases of potential victims of trafficking in human beings it is necessary to take account of the confidentiality and protection of data, i.e. to treat the information in accordance with the Law on protection of personal data. The subject of trafficking in human beings shall be kept in the NGO as strictly confidential, and only the Shelter Coordinator and the Project Manager shall have access to data. The NGO Director may be informed about the case/subject of trafficking in human beings, but does not take part in direct assistance to the victim and does not have access to its file.

5) CONTACTING COMPETENT INSTITUTIONS IN PROCESS OF DETECTION AND IDENTIFICATION

Establishing contact with medical service

During the process of identification of a potential victim, the victim may be in need of urgent medical assistance due to physical injuries gained in the process of exploitation, or due to some other health problems the victim is showing or are (in)visible at the moment of the conversation/interview (victims not infrequently show aggressive behaviour and irritability due to the trauma survived and/or due to an intentionally developed addiction to narcotics, since they are being forced to consume narcotics in order to increase their vulnerability and control over them). As a result of all of the above, a victim may feel uncomfortable, nervous and endangered by the persons who are trying to help her, which shall disable any conversation with the victim. In case a need for medical assistance is recorded, it must be provided to the victim before conducting initial interview. The NGO shall ensure medical assistance to each potential victim of trafficking in human beings it may come in contact with, in the scope prescribed by the Protocol signed with the competent Ministries, and in the process of immediate identification of a potential victim. Further in the procedure, i.e. after eventually accommodating the potential victim in the shelter in order to provide her with assistance, the NGO shall provide all necessary and available forms of medical assistance, either within their own/existing capacities or in cooperation with the relevant medical institutions. In such cases it is necessary to establish immediate contact with the relevant medical institutions for provision of necessary medical assistance, for stabilization of the victim’s condition and for her subsequent giving of statement.

Taking of statement should be continued once the victim is physically and psychologically capable for the interview.

67 Law on Protection of Personal Data, Official Gazette of BiH, no. 32/01
Establishing contact with relevant institutions for provision of further assistance to the victim and for carrying out further investigative activities

Irrespectively of the victim’s age, when there is a grounded suspicion that a person is victim of trafficking in human beings, the following relevant institutions shall be contacted:

- victim - foreign citizen: informing the locally responsible FC of SFA and SIPA. If contacting the SFA happens to be impossible, a relevant police service and SIPA are to be contacted.
- victim - BiH citizen: informing locally responsible police or prosecutor’s office, and the regional SIPA office;
- victim – minor person (foreign or domestic): mandatory informing the relevant centre for social work and the relevant regional SIPA office.

Establishing contact with a legal adviser - providing free legal aid

In accordance with the international legal obligations that BiH has taken over by signing and ratifying international documents related to guaranteeing human rights, every potential victim of trafficking in human beings has the right and possibility to make use of free legal aid during the interviews with representatives of competent institutions, and in the further process of assistance provision, accommodation and reintegration.

The NGO, same as all other relevant institutions and organisations in the BiH, during the interview with a potential victim of trafficking in human beings, must ensure the presence of a legal adviser with the objective to guarantee the victim’s rights. Free legal aid to the victims of trafficking in human beings in the BiH may be ensured through centres for free legal aid and other available forms of free legal aid.

Cooperation with Centres and Services for Social Work and Welfare (the CSW)

The Centre / Service for Social Work and Welfare plays a fundamental role in dealing with a minor victim, a victim who has been deprived of the capacity to work and/or legal capacity and with the adult victims who have requested the inclusion of the CSWs in treatment. The role of the CSW, as a guardianship body, is to provide for adequate treatment for such victims of trafficking in human beings during all proceedings to be conducted with the police, the prosecutor’s office and the court.

All competent institutions and organizations, including NGOs in contact with a minor victim, are obliged to inform the CSW and the appointed guardian representing the interests of the minor victim at all stages of the proceedings, and who is to decide on all matters of interest for such a victim. The appointed guardian should be present during each interview a minor victim has - with police and other officials, and NGO personnel, for ensuring the protection of the privacy and identity of the victim, and preventing its re-victimization.

The NGO is obliged to inform the CSW about all details and to cooperate with the CSW in the victim identification process, if the CSW is involved.

68 See Annex: List and contact details of all Field centres
6) PLANNING AND ORGANIZING PROTECTION AND CARE

The essence of this activity is the need for the cooperation and exchange of information to be carried out very efficiently, and to have multidisciplinary cooperation between all involved institutions and organizations ensured in making decisions about the forms and character of victim protection.

In the process of planning and organizing protection and care, an NGO that has identified a potential victim of trafficking shall inform the competent Field Centre of the Service for Foreigners’ Affairs (in the case of a foreigner victim), the competent police agency, and the prosecutors’ office in charge of the case, as well as the competent ministries, about all relevant information gathered and learned.

Furthermore, in case of a victim-minor who needs to have a special –case guardian appointed, the NGO that has identified a potential victim of trafficking shall inform territorially competent CSW - as per place of residence of the victim, that shall take over on care and assistance and other treatment steps with the victim in further pertinent interventions. The same action is to be taken in cases of minor-victims who are foreign nationals, with obligation of informing the CSW - with jurisdiction as per location of the shelter, which shall take over on the competence, care and assistance and other treatment steps with the victim in further pertinent interventions.

In planning and organizing forms of protection and care, NGOs have a duty to cooperate with the competent prosecutor’s office and the police so as to ensure that there is safety assessment done for the victim - during the stay in accommodation, and/or during the movement of the victim from the shelter to participate in investigative actions, medical interventions, and/or other procedures of reintegration. These measures are particularly relevant to victims of trafficking in human beings assessed as the high-risk ones. While implementing any and all forms of care, the NGO is obliged to ensure adequate treatment of the minor victim during all procedures and activities that are to be conducted with the police, the prosecutor’s office and the court. Moreover, the NGOs has to inform the victim about the implementation of all activities planned for the entire care process in order to maintain a sense of security and trust, and to ensure continuous psychological assistance and protection.

7) TRANSPORT

In case of a high-risk case of trafficking in human beings, the victim shall be transported from the place of identification to the location of a shelter exclusively by competent law enforcement agency, or the competent FC of SFA, and in case of a foreign victim also in the escorted of one of the members of the competent CSW.

In case there is no registered security threat whatsoever, transport of the victim to the shelter is in the competence of the CSW.

Transport of the victim to and from the shelter during their stay there and on occasion of medical interventions, court procedures or similar activities whereby it is necessary to secure the presence of the victim, shall be carried out by the law enforcement agency in charge of the case and/or therefore competent institution depending on the type of intervention.

8) ACCOMMODATION AND CARE

Once the initial interview has been conducted, the case assessment (including the security risk assessment for the victim) carried out and the contact established with the competent institutions with a view to determine further steps in the assistance to the potential victim, the victim shall be accommodated in the safe house/shelter for a period of not less than 30 days, which is a legal reflection period for victims of trafficking in human beings. Upon the expiry of the reflection period, the assistance shall be carried on in accordance with the individual reintegration plan being prepared for each individual victim.
Shelter/safe house

In the BiH legislation, the establishment of shelter for victims of trafficking in human beings is envisaged in the Law on movement and stay of aliens and asylum, in the Article 67, and the Article 15 of the Book of Rules on protection of foreign victims of trafficking in human beings. The rights and obligations of the non-government organizations involved in provision of accommodation and care services for the victims of trafficking in human beings in the shelter/safe houses are regulated by means of Protocols on cooperation signed with the Ministry of Security of BiH (for foreign victims of trafficking in human beings) and with the Ministry for Human Rights and Refugees of BiH (for victims of trafficking in human beings, BiH citizens). The competent ministries – in agreement with the authorized non-government organizations – are responsible for defining standards and quality of services that the NGOs are supposed to ensure for the victims during their stay in the shelter. Although the current services provided by the NGOs to the victims in the shelter differ in capacity, target group of users, quality and spectre of activities, the basic set of services that each of the NGO signatories – authorized organizations – has the obligation to provide to each potential victim of trafficking in human beings accommodated in the shelter includes:

- safe accommodation and care/assistance;
- regular and extraordinary daily meals in line with the proscribed nutritive values;
- basic clothes, shoes and hygienic necessities required in care/assistance;
- basic and specialist medical services, including eventual hospitalization;
- psychosocial assistance and counselling;
- legal counselling / legal aid;
- reintegration services (rehabilitation, repatriation and re-socialization).

Each NGO can, in case they possess sufficient capacities and educated staff for provision of additional services to the victims of trafficking in human beings accommodated in their shelter, provide these services during the accommodation period, including psychiatric help, breaking of drug habits and certain type of services related to the re-socialization of the victims of trafficking in human beings during and after accommodation period. The availability of these services to the victims shall be conditioned by the available NGO resources and funds.

When accommodating a potential victim in one of the accommodation capacities of the authorized non-government organizations, it is necessary to take into account the needs of the victim, security aspect of each individual case and the available services that particular NGOs can provide for the victim.

At that point, one needs to keep in mind that the accommodation of the potential victim in the shelter represents a form of safe but temporary care.

Accommodation in the shelter is **not done with the purpose to secure permanent stay**.

In case of adults, once the security and risk assessment for the victim have been carried out, the victim is accommodated in the safe house / shelter. Accommodation of the victim in the safe house can take place only if the victim voluntarily consents to it, in case of adult persons. Although in legal terms the voluntary consent of a minor to accommodation is not mandatory, for the purpose of providing efficient assistance and care to the minor victim it is necessary to prepare the minor for accommodation in the shelter/safe house, as described below.

The accommodation of a victim of trafficking in human beings to one of the shelters managed by the authorized non-government organizations shall be carried out depending on whether the victim is female or male, or child.
A foreign victim of trafficking in human beings can be accommodated in the shelters managed by NGOs which signed a Protocol with the Ministry of Security which is responsible for foreigners’ issues in the BiH. The Ministry of Security / Sector for Immigration has the information on capacities and accommodation categories of these NGOs, as well as of persons responsible for the accommodation.

A victim of BiH citizenship can be accommodated in the shelters managed by NGOs which signed a Protocol with the Ministry for Human Rights and Refugees which is responsible for the BiH citizens – victims’ issues in the BiH. The Ministry for Human Rights and Refugees has the information on capacities and accommodation categories of these NGOs, as well as of persons responsible for the accommodation.

All authorized non-government organizations should be providing care to the adult and minor persons **24 hours a day**.

Once a decision is made to accommodate the victim in a safe house, it is necessary that the NGO official in charge – representative of the competent institution managing the case, contacts the authorized NGO representative in order to gather all necessary information on the conditions of accommodation, with the objective to inform the victim about it.

In the course of this contact, the officials are to exchange basic information about the case, and analyse necessary documentation for the accommodation, so that the authorized NGO could prepare in most detail for the victim's reception in the shelter.

While accommodating the victim in the safe house/shelter it is necessary to keep in mind that a shelter represents a closed-type facility, thus resembling the conditions in which the victim was being exploited during the trafficking period, owing to which the victims not infrequently happen to feel uncomfortable and closed initially. In order to avoid such situations and undesired consequences (victim's escape from the shelter), it is exceptionally important to explain to the victim that she/he is accommodated in the shelter because of her own safety and rehabilitation. In case an adult victim wants to leave the shelter at any point during the rehabilitation, she/he can do so upon her/his own request. A minor victim may leave the shelter only upon the request made by her/his guardian.

In case that the accommodation in the shelter is in the best interest of the victim at the given moment, it can be done at any time of day or night, provided all of the above conditions of accommodation are met (assessments, contact, documentation and so on). Every non-government organization managing a shelter for victims of trafficking in human beings has a duty officer / duty cell phone available for contact 24 hours a day for accommodation of potential victims of trafficking in human beings.

The NGO case manager from the authorized NGO is managing the accommodating into the shelter. The accommodating is done based on the documentation which must be provided to the competent non-government organization (NGO) with a view to accommodate the victim as promptly and adequately as possible.

The documentation is being delivered by the competent institution which carried out the victim identification and is requesting the accommodation of the victim in a shelter, i.e. the institution under whose responsibility is the accommodation of the victim in question (e.g. a potential victim may be identified by the police, but her accommodation is under the responsibility of the Field centre of the SFA). The documentation is to be delivered exclusively in person at the point of the trafficking victim's being accommodated in the shelter. This documentation shall include the Request to accommodate the victim in the shelter (see Annex), and a form appointing a guardian in special cases when a child-victim needs to be appointed a temporary guardian or when an adult victim needs a guardian on any basis. In case when a child doesn't need a guardian to be appointed, consent from the biological parent is required for the accommodation of the child in the shelter. Equivalently, upon accommodating, the NGO case manager is being provided with the personal documents of the victim (travel document, personal identity card, health card, etc. if the victim has any), as well as the eventual supporting medical documentation, especially in cases when the victim is being transferred from one shelter to another, in order to avoid repetition of the similar medical examina-
tions. In any case when a child is being accommodated, documentation from the relevant centre for social work is necessary. Also, in case a foreign victim, necessary docu (original not completed)

When accommodating, it is necessary that the responsible persons involved in the process – representative of the competent institution (police, CSW, SFA and so on) and of the authorized organization – NGO chosen for the accommodation, together inform the victim about her/his rights and obligations pertaining to her/ his stay in the shelter, with the purpose of the victim’s adjustment to the conditions in the shelter and a more efficient provision of assistance.

After being physically accommodated in the shelter, every victim shall be provided with a 24-hour treatment and care including the above described set of services. The 24-hour treatment and care during their stay in the shelters are provided to the victims by educated and trained nurses, in line with appropriate set procedures of the shelter in relation to the work of the nurses and the behaviour of the potential victims of trafficking in human beings.

**Releasing a victim from the shelter**

A victim may wish to permanently leave the shelter at a certain moment of rehabilitation and the wish will be granted in accordance with legal conditions. It is important at that point to inform the victim about the fact that she/he is forfeiting her/his right to care and other forms of assistance she/he is legally entitled to as victim of trafficking in human beings. An adult BiH citizen-victim may leave the shelter without escort, once all competent institutions have been informed about that, under condition that the victim’s (new) residence is known to the police and prosecutor’s office in case the victim’s statement is needed for court proceedings.

Minor domestic victim may leave the shelter only upon a written request and in presence of a legal guardian, respecting the above mentioned conditions for release. A foreign victim may leave the shelter only with the consent of competent institutions (SFA, police and prosecutor’s office, eventually CSW), under certain conditions also in case of a regulated residence status.

A foreign victim may leave the shelter only in the escort of an official from the competent institution which accommodated the victim into the shelter. In any of the above cases, victims and their escort have the obligation to sign documentation on leaving the shelter upon their own request.

**Confidentiality of the shelter location**

The location/address of the shelter is confidential information, which is to be treated with all safety measures employed.

**9) COOPERATION WITH RELEVANT INSTITUTIONS DURING CARE**

It happens not infrequently that the communication of competent institutions with the authorized organization comes to an end, or declines in intensity to a significant extent after the potential victim is accommodated in the shelter, because the care, and so the competence for the victim’s safety as well, is handed over to the non-government organization in whose shelter the victim is accommodated/cared for.

Aiming to ensure the best quality rehabilitation for the victim, as well as her/his re-socialization once achieving the required conditions, and/or repatriation to the country of origin (for foreign victims), during the victim’s stay in the shelter it is necessary to establish and to maintain a continuous cooperation and exchange of information with the competent institutions, particularly in case of a child-victim.
Cooperation with law enforcement agencies and the prosecution

In most cases of trafficking in human beings, the law enforcement agencies are the institutions establishing the initial contact and identifying the potential victim, and so the victim's accommodation into the shelter/safe house, as well. When victims are foreigners, the Field centres of the Service for Foreigners Affairs represent the competent institutions with whom the NGO comes into contact when accommodating the victim into the shelter, i.e. with whom it is necessary to maintain continuous contact during the victim's stay in the shelter.

In case of a foreign victim, communication and cooperation of the NGO with the FC of SFA during the victim's stay in the shelter shall be twofold:

• cooperation of the NGO with the FC of SFA responsible for the location of discovery/identification of the potential victim – contact and cooperation is established immediately after the identification of the potential victim. This contact is initiated by the SFA responsible for provision of assistance to the victim prior to her being accommodated in a shelter. Contact and cooperation are established with the aim to agree on options and conditions for the victim's accommodation in the shelter, to deliver necessary documentation and to carry out related activities until such time the responsibility/competent is passed on to the FC SFA in charge according to the location of the shelter;

• cooperation of the NGO with the FC SFA responsible for the victim according to the location of the shelter, i.e. after the victim is accommodated – after the foreign victim is accommodated in the shelter, the responsibility for assistance to the victim is transferred from the initial FC SFA to the FC under whose responsibility is the location of the shelter. The authorized NGO needs to be informed about this transfer of responsibility, with the aim to establish cooperation on the case with the competent FC SFA corresponding to the shelter location. This cooperation shall not be terminated before the victim leaves the shelter in order to be repatriated, or for some other reason.

In case of a victim – BiH citizen, it is necessary that the NGO establishes a continuous cooperation with the local police and the prosecution, in order to provide as efficient as possible assistance to the victim during her/his accommodation and stay in the shelter. This process involves cooperation upon delivery of necessary documentation, interviewing the potential victim, transport from and to shelters while carrying out interviews, medical examinations, court proceedings, education and other victim's outings/trips out of the shelter necessary during her/his rehabilitation and/or re-socialization. This cooperation also involves the participation of law enforcement agencies in the work of the Expert team for the victim's reintegration.

It is exceptionally important to emphasize that, because of the confidentiality of information acquired in the course of criminal (pre)investigation of human trafficking cases, officers of the law enforcement agencies, and especially the prosecution, very seldom exchange any kind of information about the case with the authorized NGO, including such data as necessary for the efficient rehabilitation of the victim: for example, in order to rehabilitate a potential victim, after a certain period of time, the victim is given the opportunity to go visit her/his family, which represents going back to the environment in which that person's trafficking process was taking place. In such cases, it is exceptionally important that the NGO has the feedback information from the prosecution and from the police about the course of action in the court proceedings, or more specifically – about the security risks related to the organization of such a visit, and the possibilities for the eventual re-victimization of the victim throughout that occasion. Owing to that, it is exceptionally important that the information available in the case related to the victim's safety and security outside the shelter during her stay in the shelter is being exchanged with the authorized NGO, so that the NGO officials can ensure all necessary assistance to the victim upon carrying out such activities (psychological assistance, preparation for the court proceedings, etc.). It is also very important to keep in mind the distinctive procedures for working with minor victims of trafficking in human beings accommodated in the shelters. Namely, while caring for minor victims of trafficking in human beings, the NGO has a duty to maintain continuous contact with the competent CSW which is to ensure adequate treatment of the minor victim of trafficking in human beings throughout all of the procedures that are to be conducted in the police, prosecution and the court, while the victim is accommodated in the shelter.
All competent institutions coming into contact with the minor victim have a duty to inform thereof the appointed guardian who is to represent the interests of the minor victim in all stages of the procedure, as well as to make decisions on all issues of interest to the minor victim of trafficking in human beings. The appointed guardian is to be present during every interview conducted with the minor victim by police and other officials, in the course of which there is a need to ensure the protection of privacy and identity of the victim and to prevent the victim’s re-victimization. It happens not infrequently that the police officers or prosecutor’s officers conduct an interview with a minor victim without ensuring presence of the responsible guardian and/or parent during the interview. The NGO case manager, in such circumstances, is to ensure the presence of the relevant CSW (and/or a parent), who will give their professional/expert opinion to the police about the victim’s capacity to give statement, and to the relevant prosecutor’s office and to the court about the capacity of the minor victim to testify in court and about possible consequences for the minor victim.

Cooperation with centres for social work

Keeping in mind that minor persons are at most exposed to trafficking in human beings in the BiH, the centres for social work represent key institutions with the competence to represent and protect the rights and the interests of the minor victim. Therefore it is very important that their cooperation and communication with other institutions in the process of assistance to the victims is timely, clear, two-way and effective.

Once the victim is accommodated in the safe house/shelter, the NGO case manager remains in contact with the CSW case manager in charge, in order to make plans for reintegration, rehabilitation and re-socialization, to exchange of information related to the case, to make plans for interventions required, to monitor the course of rehabilitation, and to provide assistance to the victim of trafficking in human beings, particularly in cases when victims are minor. It is exceptionally important that the representatives of these institutions are involved in creation of the individual reintegration plans for each individual victim of trafficking in human beings, by participating in the Expert team.

In cases when victims are minor, and in order to establish a mutual trust between the victim and her/his temporary guardian, it is exceptionally important that the NGO case manager encourages the victim’s telephone contact with the CSW case manager at least once a month. This is to ensure continuity in the case monitoring as well as the involvement of the CSW case manager in all activities being undertaken for the purpose of the victim’s rehabilitation. This communication process between the victim and the social worker shall intensify during the psychological preparation for statement giving and during the implementation of the activities planned as per individual reintegration plan.

As most of the above mentioned processes are taking place during the victim’s stay in the shelter, the cooperation and communication between the NGO and the representatives of the competent institutions is exceptionally important throughout the process of care and assistance, as it is the only way to ensure an adequate re-socialization of the victim, particularly in case of minors. This cooperation includes the exchange of all relevant information about the victim gathered in the course of work with other institutions in the process of protection and care, as well as in the course of work with the family of the victim, whereby it is exceptionally important that the decisions pertaining to the victim are being reached by a mutual agreement in the best interest of the victim, particularly a minor, because it happens not infrequently that the NGO staff who took care of the victim manages to achieve a greater contact with the victim and thereby acquires a better insight into the needs of the victim in all of the segments of assistance and care.

In case of a minor victim, it is exceptionally important that the CSW case manager is part of the expert team which shall, upon receiving and interviewing the victim about the needs and the type of assistance, make plans for rehabilitation, repatriation and re-socialization of the victim, depending on what kind of victim she/he is. This Expert team should, besides the NGO and CSW case managers and the physician and psychologist in charge, comprise also other officials from the competent institutions involved in provision of assistance to the victim, more specifically one each from the law enforcement agency (sometimes it is necessary that the local police and SIPA are included in the team), prosecution, a legal adviser, and the educational institution relevant for the victim’s re-socialization process. In line with the need, at times other
professionals should be included in this team as well, as may contribute to the successful rehabilitation and re-socialization of the victim (staff from the competent Ministries, other medical staff, official from the employment bureau and others). The mentioned team has the obligation to meet without delay upon expiry of the reflection period in every individual case, and after that quarterly in composition required in order to adequately and efficiently organize work in all segments of assistance to the victim.

**Cooperation with competent ministries, including the Service for Foreigners Affairs**

At all stages of the process - identification, assistance, care, rehabilitation, repatriation and re-socialisation of the victim, the NGO case manager has the responsibility to communicate and exchange information with the competent ministries. This activity involves also informing the competent Ministry about the reception/accommodation of the potential victim of trafficking in human beings in the shelter, or about her/his release and/or repatriation from the shelter. The information is to be delivered to the competent ministry immediately after the victim is received, and within 7 days at most from the victim's accommodation, exclusively by an enveloped or courier consignment.

This role pertains also to the communication with BiH institutions responsible for all issues related to trafficking in human beings in the BiH, including foreign citizens (Ministry of Security/Sector for Immigration and Service for Foreigners Affairs) and BiH citizens-victims (Ministry for Human Rights and Refugees), minor and adult.

The role of the NGO case manager is to timely communicate, throughout the process of assistance to the victim, with the competent institutions, keeping them informed – or asking their involvement, assistance and advice in the organization of activities required in the process of assistance to the victim (regulating residence status, protecting interests, resolving eventual difficulties in the provision of assistance to the victim, resolving disagreements about adequate solutions with other institutions in the process and all other detail and difficulties as may emerge in the course of assistance to the victim).

For the purpose of entry into the integral database on potential and identified victims of trafficking in human beings, centres for social work have a duty to deliver, twice a year, to the Ministry of Security – Section for Combatting Trafficking in Human Beings, filled out common forms about all potential and identified victims of trafficking in human beings, used for preparation of the report on the state of trafficking in human beings in Bosnia and Herzegovina and for planning of appropriate measures for combating trafficking in human beings, and in particular the observed new forms of occurrence.

**Cooperation with partner non-government organizations**

At any point during the victim's stay in the shelter, due to the influence of various factors, the victim's physical or psychological safety and security may become jeopardized, which may result in the need to relocate the victim to another location, most frequently to another shelter managed by a non-government organization authorized for the accommodation and care of the victims of trafficking in human beings in the BiH.

Prior to, during and after the relocation of the victim from one shelter to another, it is very important that the authorized NGOs establish contact, cooperation and exchange of information pertaining to the case, with the objective to continue the process of rehabilitation, repatriation or re-socialization, depending on the period in which the victim is relocated from one location to another.

Prior to, or during the relocation of the victim (in urgent cases, when information cannot be exchanged in advance due to the lack of time), it is exceptionally important that the two NGOs exchange the information about the victim's health condition, especially in case of victims with behaviour disorders or any other health problems which may endanger other victims in the shelter into which the victim in question is being relocated. This information includes data on medical examinations/procedures that the victim was subjected to during the stay in the previous shelter, in order to avoid repeating the same medical examinations over again.
All information is being exchanged strictly between the physicians in charge, keeping in mind the need to respect the Law on protection of personal data and on the confidentiality of data, as well as the medical ethics in general.

It may also happen – after a certain period of time – that the need becomes recognized to return the victim to the initial shelter, in which case it is important to carry out the same procedure in reverse order, again with the purpose of an adequate exchange of information about the victim's condition and her/his overall rehabilitation.

10) REHABILITATION

When accommodating a potential victim in the shelter, the NGO shall carry out the following reception procedures:

a) analysis of the security aspect of the victim's accommodation in the shelter

As previously mentioned, when accommodating each and every potential victim of trafficking in human beings into the shelter, the competent institutions – police and prosecution in the first place – shall carry out a security assessment of the case, and based on that shall determine into which of the shelters the victim is to be accommodated, as well as which form of protection and security is necessary to be ensured in the course of the period of accommodation and rehabilitation of the victim in the shelter. In the course of assessment of security aspects of the case, the following needs to be taken into account: the victim's safety in the shelter, the safety of other victims already accommodated in that same shelter, and the safety of the employed staff in charge of providing a 24-hour care and assistance to the victims.

The competent institutions have the obligation to inform the NGO case manager (most frequently the Shelter Coordinator) about the security aspects related to the victim's stay in the shelter, in order for the authorized NGO to eventually employ additional security measures in the shelter while a high-risk case is staying there.

By a rule, all high-risk cases of trafficking in human beings are being accommodated in the high-risk shelter equipped for such cases, with special physical, mechanical and electronic protection, and staff trained for work in extraordinary security conditions.

However, in exceptional cases, based on the risk assessment, the competent institutions may come to a conclusion that it is in the best interest of the victim to be accommodated at some other location, in some other shelter which is not a high-risk one. In such circumstances, it is exceptionally important to cooperate and communicate the details pertaining to the case between the competent institutions (the police and the prosecution) and the NGO, with the aim to provide a safe accommodation and to avoid eventual risks for the victim and the other victims in the shelter, and for the staff managing the shelter.

Besides security assessment, this assessment shall include also a medical aspect of the victim's accommodation together with the other victims already staying in the shelter, which may be related to eventual contagious diseases or similar diseases which the potential victim may have that may have impact on the occurrence of epidemic in other persons accommodated and/or employed in the shelter. In such cases, the NGO shall employ necessary measures to isolate such a victim from the others initially, to be placed together with the other victims in the shelter only after the disease was cured.

b) realization of the initial or so-called entry medical examination;

On the occasion of every new reception/accommodation in the shelter, the authorized NGO whose shelter is selected for the accommodation of the potential victim shall carry out an initial or so-called “entry” medical examination of the potential victim, with the objective to determine the victim's health condition during the accommodation and the eventual therapy required for the successful rehabilitation of the victim during her/his stay in the shelter. These procedures are necessary also in order to avoid the outbreak of a
potential epidemic among the employees and other victims staying in the shelter. The tasks of carrying out and analysis of the above procedures may lead to involvement of additional NGO staff for the security of the shelter and of the victims accommodated in the shelter.

c) Informing the victim about the concept and the structure of the shelter, and about the rights and obligations associated with staying in the shelter;

On the occasion of every new reception, it is necessary to inform the victim – particularly a child – about the rights and obligations pertaining to their stay in the shelter. At that point it is necessary to explain to the victim that the shelter represents her/his home for a certain period of time, and that she/he should treat it accordingly. Also, there is a need to explain to the victim that she/he is in the shelter on a voluntary basis, therefore no need to escape from the shelter. The shelter can be left at any time during the rehabilitation, provided that the rules for the release are respected (see: Releasing the victim from the shelter).

The rights and obligation need to be defined for the victims and also for the staff employed in the shelter, and need to be clearly displayed at a visible spot in the shelter, usually in the kitchen or some other common room. All victims of trafficking in human beings accommodated in the shelter, as well as all staff employed, are to respect the proscribed rules of behaviour.

Rights of the victims accommodated in the shelter

It is necessary to explain to every potential victim being accommodated in the shelter her/his rights and obligations. While explaining, it is necessary to emphasize particularly the right to consent to assistance, the right to confidentiality of data and the right to self-determination. In case of a minor, the rights and obligations shall be communicated to her/him in the presence of the relevant CSW, and using language appropriate for the victim's age. It is useful to get the victim to describe her/his own understanding of her/his rights and obligations after they are explained to her/him, in order to determine the extent of her/his understanding of them.

All victims accommodated in the shelter have the right to be treated with respect and with appreciation of their cultural peculiarities; the right to confidentiality; the right to privacy; and the role in identifying and defining their own goals and plans for services;

Concerning the rules of behaviour in the shelter, all victims of trafficking in human beings are to respect the following norms, although every authorized organization may define also additional rules of behaviour:

- possession or use of mobile phones is not allowed in the shelter – such items must be submitted to the shelter staff, to be stored thereafter in the safe until the time of departure from the shelter;
- no alcohol or any other narcotics (intoxicating substances) is not allowed in the shelter;
- no visits are allowed in the shelter – visits shall be made in other locations, as agreed upon in cooperation with the police, with the aim to protect the protégé;
- everyone has the right to communicate with their family, provided it is approved by law enforcement agencies, or the centre for social work in case of minors;
- communication with the family shall take place by telephone (there is a need to define how many times a week/month), or in person, provided it is approved by the relevant police/prosecution/CSW;
- in the course of communication with the family, the location of the shelter must not be given out, as well as any other detail in relation to it;
- the location of the shelter, the staff employed, the number and the identity of other victims accommodated in the shelter are considered a strictly confidential information and must not be given out to third persons/parties;
- any suspicious contact or activity must be immediately reported to the shelter staff;
- a proper and kind rapport with the other shelter protégés, as well as with the staff employed;
- respecting the house rules;
- maintaining personal hygiene, as well as the hygiene of the rooms and the shelter;
- participating in the housework chores in line with the schedule therefore made;
- housekeeping behaviour towards the property and items in the shelter;
- taking over the responsibility for the personal property/items not submitted to the staff for safekeeping upon reception into the shelter;
- respecting the instructions from nurses, physicians, psychologists and proscribed treatments;
- participating in the proscribed rehabilitation activities;
- taking medicines regularly under supervision of the medical worker in charge; etc.

d) analysis of the victim’s needs upon arrival and taking care of those needs (health needs, hygienic needs, possibility to accommodate the potential victim in the shelter;

The analysis of the victim’s needs contains a detailed overview of the conditions of the victim’s accommodation (alone in the room or with another victim, need for a continuous surveillance, attendance), necessary clothes and shoes, hygienic accessories, required medical services, type and duration of the psychological counselling and assistance, type and duration of the labour-occupational therapy, planning of the interviews and their realization, required transportation and security in the course of visits to the police and the prosecution, as well as medical institutions, and the organization of the communication and exchange of documentation with the guardian and other professionals in charge of the case.

e) analysis of the possibility to establish telephone and/or contact in person with the parents;

Analysis of the possibility to establish telephone and/or contact in person with the parents contains a detailed overview of the possibility and the right to communicate with the family, and the conditions of such communication (by telephone, in person), planning of visits to the family during the stay in the shelter and their duration (in line with the previously made security assessment), etc. This analysis needs to be done prior to establishing the first contact with the family, since there is a possibility that family members are involved in the process of trafficking in human beings because of which any contact should be avoided.

After the victim is accommodated in the shelter, and the above mentioned actions carried out, a plan is to be made for the victim’s reintegration. In the making of this plan all competent institutions and organizations are involved and are together making the reintegration plan. This plan includes the plans for rehabilitation, repatriation and re-socialization. In case of foreign victims of trafficking in human beings, this plan involves the rehabilitation during the stay in the BiH and the repatriation to the country of origin. In case of domestic victims of trafficking in human beings, this plan obligatorily includes rehabilitation and re-socialization, and in case of return of the BiH citizens - victims from abroad to BiH as the country of origin, a plan is also made for their repatriation to BiH.

The most optimal standard that can be employed in order to take a lasting care of the victim is to prepare an individual REINTEGRATION plan for the victim for each of these three activities, which is being created in accordance with the individual needs of the victim.

**Individual rehabilitation plan**

Individual rehabilitation plan is a plan prepared for the purpose of organizing the victim’s rehabilitation during her/his being taken care of in the shelter, in order to make her/his stay as short as possible, and as effectively as possible used for the purpose of preparations for return to the social community, and the best quality and safest life possible after departure from the safe house.

The rehabilitation plan is made by the expert team immediately after the victim’s accommodation in the shelter, and in cooperation with the victim, although it doesn’t necessary have to be the case when planning forms of medical assistance and protection necessary for the victim during the process of rehabilitation (this is common in case of addicted victims, when the cooperation of the victim is rarely achieved during the victim’s breaking of drug habit).
The rehabilitation plan contains a detailed overview of the conditions of the victim's accommodation (alone in the room or with another victim, need for a continuous surveillance, attendance), necessary clothes and shoes, hygienic accessories, required medical services, type and duration of the psychological counselling and assistance, type and duration of the labour-occupational therapy, planning of the interviews and their realization, required transportation and security in the course of visits to the police and the prosecution, as well as medical institutions, and the organization of the communication and exchange of documentation with the guardian and other professionals in charge of the case.

If the competent prosecutor's office and the law enforcement agency during the victim's stay in the shelter detect the need to relocate the victim from that to another location out of security reasons, the relocation shall be made with the mandatory presence of the CSW case manager in case of a minor victim of trafficking in human beings or in case of an adult victim when there is a need to appoint a guardian in a specific case.

The victim needs help during the realization of the individual plan. It is necessary to monitor whether the activities are being conducted towards the realization of the set objective. In this plan the activities are interrelated starting with the first support, through the therapeutic work, until such time the victim is empowered enough and ready for creation of the repatriation or re-socialization plan.

11) REPATRIATION

Repatriation represents the activity being conducted in case of foreign victims identified in the BiH which are, on that occasion, being returned – repatriated to their countries of origin, or in case of BiH citizens – victims being identified as such abroad which are being returned to BiH as their country of origin.

Although the repatriation process for foreign and for BiH victims is almost identical when it comes to the organization of transportation and reception, there are some differences in the services being provided to the victims before and after the repatriation. Namely, the foreign victim shall in most cases, following the identification in the BiH, be accommodated in the shelter, included in the rehabilitation process and afterwards repatriated to the country of origin, while for the BiH citizen – victim, following the repatriation to BiH as the country of origin, the process of rehabilitation and re-socialization of the victim shall be organized, whereby it may happen that the victim spends a certain period of time in the shelter.

The difference in the approach to the repatriation activities is reflected in the fact that the foreign victims are in most cases trafficked into BiH illegally, and for such a person, following the identification, there is a need to regulate a temporary residence for humanitarian reasons. Such residence is being approved because of the fact that it is a victim of trafficking in human beings. The humanitarian residence is approved for all victims of trafficking in human beings, regardless of whether the victim agrees to testify in the court of law or not, with the only difference in that the victim who does not testify is being approved a humanitarian residence for a shorter period of time. The victim who does testify is being approved a humanitarian residence which may be extended for as long as there is a need for that. After there is no longer a need for approval of humanitarian residence, in case of a foreign victim, the realization of this intervention begins.

For a domestic victim of trafficking in human beings, the repatriation procedure is being conducted only in case the person – BiH citizen is identified as a victim of trafficking in another country, whereby such a person is being repatriated to BiH as their country of origin. In such cases, the repatriation is being conducted through diplomatic-consular missions of BiH abroad, who are to provide all necessary assistance such persons need in cooperation with the competent institutions and authorized organizations in the BiH.

Be it a foreign or BiH/domestic victim, in line with the currently valid legal enactments, the repatriation from/to BiH is carried out by the International Organization for Migrations (IOM), in cooperation with the competent ministries and the non-government organization which is taking over the care about the victim/case.
Moreover, a significant role in this process is performed also by the diplomatic-consular missions of the country of origin of the foreign victim, or the Ministry of Foreign Affairs of BiH in case of a BiH victim, which are to intervene in the issuance of travel documents (which the victims in most cases do not have on them at the moment of identification).

During the repatriation process, the NGOs should establish communication and exchange of information with all stakeholders involved in the process of return of the victim to the country of origin, aiming at an adequate reception, care and assistance. Thereby, in case of minors and persons with special needs – the centres for social work are to establish contact with the competent centres for social work abroad, with the objective to determine the circumstances in which the victim was trafficked, possible involvement of the family in the trafficking process, health and psychological condition of the victim, conditions of return, need for escort (in case of a minor foreign victim the appointed guardian shall perform the escort and hand over the child to the guardian in the country of origin), need for temporary accommodation upon return, and so on.

As the repatriation process is exclusively voluntary, and requires consent to be signed for it, the NGO case manager or the CSW case manager (in case of minor persons) need to cooperate with the authorized NGO, in order to establish cooperation with the legal adviser in the course of preparation of statements on voluntary return and on renouncing the temporary residence in the country where the victim was identified. These documents are being signed by the victim (be it a foreigner in the BiH, or BiH victim abroad) in the presence of a legal adviser, or by the appointed guardian in case of a minor victim. On that occasion the role of the CSW case manager is exceptionally important for explaining the meaning of these documents to the minor victim and of the entire process of repatriation.

**Individual repatriation plan**

Individual repatriation plan contains a detailed plan for travel (itinerary), assistance in departure, transit and arrival/reception, obtaining travel documents, physician’s opinion on the capacity of the victim for return, as well as coordination of other details.

The NGO case manager also has the obligation to cooperate with the competent staff of the IOM, for making of the individual repatriation plan which includes the organization of the travel process and the supporting documentation.

Throughout the entire process of repatriation, it is exceptionally important that the NGO case manager informs the victim about the implementation of all planned activities, with the aim to maintain safety and trust in the process and as an imperative prerequisite for the continuation of rehabilitation and re-socialization upon the return to the country of origin. It happens not infrequently that it is necessary throughout the entire process of repatriation to ensure a continuous psychological assistance and protection, which needs to be ensured by the authorized NGO, in cooperation with the competent CSW in case of minor persons.

**12) RE-SOCIALIZATION**

Re-socialization denotes the process of the victim’s empowerment for a dignified return to the society after the victimization, and their empowerment for further life and work. For those purposes, together with the victim, and in line with the victim’s needs and desires, as well as the actual possibilities in the field, an individual re-socialization plan is made and implemented that would enable the victim’s lasting return to, and existence in, the society.

While making this plan, it is exceptionally important that the NGO case manager and the other participants in the process of provision of assistance to the victim which are taking part in the making of this plan, work out in detail every part of the plan, anticipating possible impediments in its realization, whereby the focus must be on the traumatic experience and the psychological condition of the victim which requires that each planned activity should ensure a full recovery of the victim and preparedness for inclusion in the normal life.
In order to reach the mentioned circumstances, it is necessary to secure the victim's feelings of: safe environment (if the victim cannot be ensured the minimum of safe environment in the return society, the realization of all other planned activities shall be questionable); self-confidence (the victim must have the feeling that she/he can make decisions independently and be responsible for them); belonging and attachment to the environment (the victim needs to feel safe and cared for by the persons from her/his immediate surroundings, in order to develop affiliation with it); as well as self-respect and dignity, feelings which are to be a driving force in the successful realization of every planned step in the process of re-socialization.

The NGO, in cooperation with the victim and competent institutions, makes a final decision on the victim's re-socialization, which doesn't always have to depend on the finalization of the court proceedings – in cases when the victim is not in immediate physical danger, it is possible to start with the re-socialization process even before the procedure in the court is finalized. In that case, all institutions and the victim need to make a clear agreement on the circumstances of the re-socialization; including the place/location where the re-socialization shall be taking place (the re-socialization place needs not always be the same place as the place of residence/recruitment for trafficking in human beings).

Prior to the commencement of the re-socialization process, an individual re-socialization plan is made for every individual victim, especially in cases concerning the child-victims, whereby the child is being asked about their place of residence and their willingness to return there. The interview with the child must be conducted in cooperation with the Regional SIPA Office.

**Individual re-socialization plan**

The victim's individual re-socialization plan which includes all segments of health protection; training, retraining and professional qualification; assistance and mediation in employment; protective housing and care in accordance with the age of the victim; continued surveillance for a certain period of time which includes also psycho-social assistance and support; assistance with accessing the right to compensation; and all other types of assistance and support, depending on the actual case.

**Role of a Day-Care Centre (for children involved in living and/or working on the street, and the children who are in risk of becoming street-children)**

The field of legislative framework provides that day-care centres for children involved in living and/or working on the streets, safe houses, and reception centres for female and male children and youth, as well as other institutions, can be established within the existing institutions or as independent institutions and if necessary - the activities of existing institutions can be expand or altered.

In Bosnia and Herzegovina, managed by non-governmental organizations and, institutions of the social protection system -in the case of Sarajevo, there are seven day-care centres for children involved in living and/or working on the street, and the children who are in risk of becoming street-children. These day-care centres exist and are operated in: Sarajevo, Tuzla, Banja Luka, Mostar, Zenica, Brčko and Bihać, while the opening of a new day centre in Doboj is in preparation.

The Day-Care Centres are intended for children at risk, the ones who are potential victims of labour exploitation and/or other forms of trafficking in human beings, children affected by violence, and children who manifest various forms of socially unacceptable behaviour (vagrancy routines, begging, etc.). The role of these centres is within the scope of prevention of labour exploitation of children and other forms of trafficking in human beings, but also their work to support re-socialisation of children who were victims of these crimes becomes increasingly significant.

The day-care centres operate on the principle of voluntary attendance and offer children the space where support and aid that match their needs can be found. Psychologists / pedagogues create an individual plan for each child so as he/she would move in the direction of full socialization and integration. Structured and
standardized day-care centres services provide children with assistance in obtaining identification documents, and the access to systems of education, social and health care. Children are also provided with a warm meal per day, enabled to maintain their personal hygiene (including doing their laundry), and supported in developing of cultural and hygienic habits. The day-care centres are also engaged in working with preschool children on preparatory activities and classes needed for inclusion in the educational process, for children enrolled in full-time education day-care centre support in mastering school materials, and also provide for tutorship and/or instructive teaching for children that have to go for extraordinary primary school classes verification testing. In parallel with already listed activities the centres offer various creative, cultural and social activities that significantly contribute to prevention, but also to the process of integration and re-socialization of children victims of exploitation and trafficking in human beings. The outreach work of a specially trained professional mobile team (social worker, psychologist, and volunteers) enables the early identification of children who are exploited at work or are at risk of becoming exploited, and the timely reaction and taking measures and actions for the purpose of adequate intervention in cooperation with the competent institutions.

As for the parents of the children, in the day care centre, they will receive appropriate material assistance in crisis situations (fire, clothing / footwear, food, medicines, school supplies and textbooks, etc.), advisory discussions are the attempt and they try to change their awareness on the importance of education and health care for children (inoculation, vaccines, health insurance), responsible parenting, dangers and risks of vagrancy routines of children, begging, forced marriages and other forms of exploitation of children. Through activities in the local community, through workshops in educational institutions, public tribunes and campaigns

The centres also work on raising public awareness of the occurrence of forms of harmful child labour and the creation of systemic measures for the suppression of exploitation of children.

Upon the conclusion of the case and in cooperation with and at the decision of the competent institutions, day-care centre stands as a proposal for a solution for further monitoring and work with the child. It is possible to organize the inclusion of the child in the activities and services provided by the day-care centres, with the enhanced supervision of the family by the Centre for Social Work and Welfare, which can be arranged provided that the child’s return to the home environment and family is enabled. It is of prime importance to point out that the guiding principle is the best interest of the child and the fact that the child’s safety is not compromised. In this part, the services provided by a day-care centre for children are recognized as valuable.
ANNEXES
1.1. Treatment and actions by the competent institutions during the detection, and first contact with a child

Legislation of Bosnia and Herzegovina, in particular Laws on Criminal Proceedings of the BiH, furthermore of the entities, and of Brčko District of the BiH69, prescribe obligatory, ex officio reporting pertaining to all situation where an authorised official or a civil servant, in their daily duty, finds out that the criminal offense of trafficking in human beings and other criminal offenses prescribed in criminal codes have been committed.

“Officials and the responsible persons in all government bodies, public enterprises and institutions, as well as in other legal entities, are obliged to report the criminal offense they have been notified of, or have learned about otherwise.”

Health workers, teachers, educators, tutors, parents, guardians, adoptive parents, and other persons who are authorized or mandated to provide protection and assistance to minors, i.e. - to supervise, educate and perform upbringing of minors, upon finding out or suspecting that there is a thought that a minor has been a victim of sexual, physical or other maltreatment and/or abuse, shall about such thought or suspicion inform the authorized official person, or the prosecutors’ office.

69 List of laws of Bosnia and Herzegovina is available as an attachment.
In harmony with the above, the competent authority that receives the report/information on suspicion, the representatives of the competent law enforcement agencies, and representatives from services and/or centres for social work, welfare and protection in particular need to collect basic information about the situation in which the child is found, and to provide information to the competent prosecutor’s office for further action. Information that needs to be provided are:

- The place, site and/or the address where the child has been spotted;
- The age of the child and the condition in which the child is found - how the child looks, the description of clothing /footwear he/she wears, and other characteristics /specificities in relation to the appearance of the child;
- The activities / circumstances in which the child has been spotted;
- Whether the child is supervised by an adult and, if so, what the adult looks like, how he / she behaves, what is that person doing / performing what kind of activity; and
- Other circumstances considered that may be of importance for an adequate assessment of further action.

The first contact with the child, after a fieldwork on information gathering activities, should enable the initial assessment on the condition of the child and other circumstances relevant for the provision of an adequate protection for the child. All this is done in cooperation with other institutions competent for provision of adequate protection of a child. During the initial contact with the child, the competent official should only establish relationship of mutual trust with the child. It means that the official person needs to introduce himself/herself to the child and explain on the reasons for approaching the child for the conversation, and also inform the child on the steps that will follow after the conversation has happened.

In particular, data and information that can be expressed in the form of reports, official notes or records, about specific details relevant to identifying/determining the status of a potential victim needs to be collected, and those are the following ones:

- The place (the address) where the child is located or has been spotted;
- The age and the condition of the child (is the child scared, revolted, uninterested, indifferent, angry), behaviour of the child, description of child’s clothing /footwear he/she wears and other characteristics /specificities in relation to the appearance of the child;
- The activities / circumstances in which the child has been noticed, and activities the child had participated to or had been involved in; especially whether there are indicators to point out that the child had been under a surveillance, and/or is he/she a potential victim to any kind of the exploitation;
- Was the child found surrounded by/in company of other children and/or the adults; - the features of the relationship with the child, the activities and behaviour of those persons;
- Other circumstances by the official person considered as those that may be of importance for an adequate assessment of further action.

If a child is found with an adult, the official will check or learn the identity of that person and make a special interview with him/her in order to, first and foremost, check/determine the following:

- Data on place of abode,
- Other data related to the legal status (citizenship, residency permit, is the person recorded in police files, etc.),
- Relationship with the child (and/or with other children involved),
- Are the safety and health of the adult person jeopardised?
- Are there any indications or indicators that the adult is under a surveillance or that he/she is a victim of a criminal offence or misdemeanour activity?
- Are there any indications or indicators that the given person takes advantage of/exploits children for committing criminal offences or misdemeanour activities or alike?
On the bases of a conversation with the child, general condition of the child and his/her environment and surrounding observed, the official at the site/during a field work makes estimate on following:

✓ Is the child traveling alone or with a person who is not related to him/her?
✓ Is the child at health risk and is his/her development jeopardised?
✓ Does the child need medical help?
✓ Is the child in need of safety?
✓ Whether the circumstances indicate the existence of a criminal offense or a violation?
✓ Is it necessary to immediately notify the Centre for Social Work?
✓ Whether the Centre for Social Work had previously acted and had knowledge of the mentioned child and family?

Data that are to be collected during the first contact with an unaccompanied child and/or child on the move, and from other official persons, experts, citizens that have information, and from documents are the following ones:

✓ Identification data,
✓ Characteristics, features and the condition of the child,
✓ Data on parents or other guardians/caretakers:
  o With whom the child lives,
  o Who takes care of the child,
  o Where are the parents/the guardians at the moment?
✓ The characteristics and features of the parents/the guardians,
✓ Family data: the structure and functioning, income, employment, accommodation status and situation, relationship with community, community resources, especially poverty indicators, indicators on social isolation, discrimination, and marginalisation (earlier social history),
✓ Special conditions:
  o Conditions in which the child has been spotted and how,
  o Presence and characteristics/features of other children found close by,
  o Noticeable responsibility of the child shown towards other children or the adults around him/her,
  o Who is the child’s confidant/person of trust?
  o Current or previous contact of the child with social welfare services and/or civil society organisations.

In the initial assessment of the safety and risk to which a child without a companion and/or on the move is exposed, it is necessary to determine the following:

✓ Are there factors that are the immediate threat to safety of the child?
✓ Which are the immediate risks that the child is exposed to?
✓ Is there someone, and if so who, that is liable for bringing the child into a situation of jeopardy, and if that person/those persons are present in the vicinity?
✓ Which intervention can ensure safety of the child?
✓ Which course is to be taken in further estimation and assessment process?

All the information and indicators that are being collected by the competent actors (law enforcement agencies and centres for social work and welfare and/or other authorized officials, civil servants, health workers, teachers, educators, tutors, and other persons who are authorized or mandated with provision of protection and assistance to minors, who during their common duties find out about, or get information
that the criminal offense of trafficking in human beings and other criminal offenses were committed), are required to be available so that all measures and activities in order to act in the best interest of the child can be taken, and that the necessary protection could be provided for the child.

1.2. Specific steps and actions of formal social control (The Police, The Border Police\textsuperscript{70}, the SFA\textsuperscript{71}, and the CSW\textsuperscript{72}) with the unaccompanied children and/or children on the move

On bases of partnership, following actors are involved in procedure of the identification and in system of help for unaccompanied children:

\begin{itemize}
  \item State administration bodies,
  \item Organizations of civil society, and
  \item Foreign diplomatic and consular missions that collect the necessary data and information for successful treatment of unaccompanied children.
\end{itemize}

Understanding that all activities in the field of assistance and protection of unaccompanied children can only be realised through the joint and coordinated work of all participants in the system of assistance and protection is of utmost importance.

At the very beginning, it is necessary to define the basic terms that would help in understanding the procedures that relate to the “best interests of every child” principle more precisely.

In that respect, we shall define two basic terms, namely: “\textit{a child separated from parents – foreign national}”, and “\textit{special guardian of the child}”.

In further text, terms: the unaccompanied child, and the special guardian shall be in use.

\textbf{The unaccompanied child} is a person under the age of 18 who is not national/citizen of Bosnia and Herzegovina; located outside of his/her country of origin or usual residence, without accompaniment of a lawful representative/custodian (a parent or a guardian), or other person to whom the lawful custodian has entrusted the child in legally acceptable manner, and who stays in Bosnia and Herzegovina illegally or as the asylum seeker.

\textbf{The special guardian} is a person appointed by the Centre for Social Work for the purpose of protection of certain personal and property rights of the unaccompanied child. In accordance with this principle, the competent entity (RS) or cantonal ministry determines the “list of special guardians” in the form of a list of educated persons who may be appointed as special guardian to an unaccompanied child.

Due to the specifics of the issue, but also the growing prominence of migration waves in the BiH, it would be advisable to appoint a “\textit{on-duty person}” - a professional from centre for social work and welfare who would be contacted by police officers outside the working hours of the centre so that it is ensured that the police work and the care of unaccompanied children is done as needed.

If an unaccompanied child is found by a police officer (the GP or local police) a competent professional of the centre for social work and welfare; mandated to respond urgently and be present during the police work and the treatment exercised by the Service for Foreigners’ Affairs, shall be called by telephone immediately.

Centre for social work and welfare has a duty to regularly and timely submit the competent police administration with data on “on-duty persons”, that is information on the person in charge on behalf of the centre for social work, (for various reasons is not determined yet), whom police officers can contact outside centre’s working hours so as to ensure that police treatment and care of unaccompanied children be done.

\textsuperscript{70} Border police of the BiH
\textsuperscript{71} Service for Foreigners’ Affairs of the BiH
\textsuperscript{72} Centres for Social Work and Welfare in the BiH
Centre for social work and welfare professionals will seek advice and possible assistance from police officers in situations when they feel need for protection and assistance in implementing procedures and measures in the interest of the unaccompanied child.

**Very important!!!**

Prior to placing an unaccompanied child in the social care accommodation facility, the special guardian or centre for social work and welfare professional, assisted by a police officer or an employee of Service for Foreigners’ Affairs, will take the child to a paediatrician clinic or general/family medicine clinic for a mandatory (initial) medical examination.

The medical check includes a mandatory review of the entire body to determine any injuries that, if found, have to be recorded in the child’s medical history. In addition to the medical/health status, the medical history of a child mandatory includes:

- Date and time of the examination
- Record on injuries (if any); detailed description and graphic marking on a body template sketch,
- Data on existence/presence of chronic diseases or specific conditions that may have affect to the examination, and the consequences,
- Anamnestic data on harmful habits: smoking, alcohol, opiates,
- Data on inoculation, infectious diseases, sexually transmitted diseases,
- Anamnestic data on family/family history – if feasible,
- Prescriptions and/or providing post-coital contraception, as well as broad spectrum antibiotics prescriptions,
- Recommendations (referrals) for further examinations in specialist health facilities or hospital.

The unaccompanied child could get accommodated in:

- Homes for the upbringing of children and youth, or other social protection institutions, in accordance with the territorial jurisdiction, and/or
- Other suitable alternative accommodation.

The unaccompanied child may be placed in the reception centre in cases stipulated by the Aliens Act, if a centre for social work professional has assessed that would be/is in the best interest of the child, and that the conditions of accommodation are appropriate to the child’s age.

In accordance with the laws on social protection at different levels of government in BiH, the unaccompanied child is usually placed in the closest social care accommodation facility, (taking into account the best interests of the child). When accommodating a child, it is especially important to make sure that the child under 14 years of age is placed in a social care accommodation facility for children without adequate parental care, while for a child above 14 years of age it is advisable to be placed in the appropriate social care accommodation facility for the upbringing of children and youth.

**To conclude:**

**A police officer (Border police and/or local police officer) is under obligation to:**

- Promptly inform Service for Foreigners’ Affairs or, (in case of emergency and the best interest of a child) directly make a contact with competent (municipal) centre for social work and welfare.
- Service for Foreigners’ Affairs shall inform competent centre for social work and welfare about the unaccompanied child detected.
- Service for Foreigners’ Affairs provides an interpreter for the part of the procedure/treatment within their competences.
- The Service implements measures and actions within their competences in accordance with applicable regulations, with the mandatory presence of the centre for social work and welfare professional, or the special guardian enlisted at the “guardian list”.
- Service for Foreigners’ Affairs must assist in accommodating the unaccompanied child.

Obligations and rights of special guardian and other social protection system professionals

The special guardian is under obligation to:

- Establish a contact with the unaccompanied child, inform the child about all facts and the circumstances in a manner that is appropriate for the age, maturity and understanding capacity of the child (especially about the rights, services and options available to the child), and to ensure that the child exercise the right to communicate his/her opinion and wishes.
- Make sure that all the decisions made are being made in the best interest of the unaccompanied child, that the unaccompanied child enjoys adequate protection, accommodation, clothing and footwear, and medical care in harmony with the regulations on health care for the foreigners/aliens.
- Assist the unaccompanied child in making contacts with civil society organisation that implement activities of support for foreign nationals.
- Represent the unaccompanied child in administrative and court proceedings.
- In agreement with competent centre for social work and welfare, take all measures necessary for ensuring resources for basic life needs of the unaccompanied child (one-off financial support).
- Participate in the return of the unaccompanied child and his/her reception by the parents or competent social protection/welfare services in the country of origin or the country of return.
- Deliver mandatory monthly activity reports in written to centre of social work and welfare.

A Centre for social work and welfare is under obligation to:

- Monitor on conditions of accommodation and care provided to the child through diligent contacts and visits to accommodation facilities, in harmony with the regulations on system of social protection and welfare in the BiH.
- Ensure the resources for basic life needs of the unaccompanied child.
- Monitor on work of the special guardians on the bases of their written reports, and the care and support provided to the child.
- Social care accommodation facility professionals are under obligation to promptly inform the special guardian on any changes related to the unaccompanied child, keep adequate records and care about the documents, and to report to the competent centre for social work and welfare, and to the competent police department on child’s stay, release, or leaving the accommodation facility under different circumstances.

To conclude: NECESSARY!!!

PROTOCOL ON TREATMENT OF THE UNACCOMPANIED CHILDREN FOREIGN NATIONALS (CHILDREN SEPARATED FROM PARENTS/GUARDIANS)
THE INDICATORS

A. Suspicion that an adult is a potential victim of trafficking in human beings

- Present state of fear, changes of mood and/or a behaviour of increased anxiety,
- Other people speak for them/ instead of them,
- Their freedom of movement is limited,
- Their clothing and behaviour indicate the possibility of sexual exploitation,
- Tattoos and other marks on body that indicate the ownership over a person,
- They travel with people who are suspected of being involved in criminal activities,
- Excessive/unrealistic promises,
- Fatigue and exhaustion,
- They owe someone money,
- Physical injuries for which a person does not have an adequate explanation,
- Possess expensive property or items that they had not previously had,
- They are in company of people who are suspected of being involved in criminal activities.

B. The unaccompanied children and/or children on the move

- Child travels with a person who is not a family member and behaves as if in possession of the child, without emotional warmth,
- The child shows fear and panic to the possibility of being detained and cannot establish contact with the person who forces him/her to perform certain actions,
- The child states that another person forces him/her to do what he/she does not want to do (to provide sexual services, steal, beg for money, etc.) in order to repay for the protection and help that the person provides during the trip,
- A child avoids answering the question about the relationship with the person with whom he or she is traveling,
- A child has valuable things/objects in his/her possession, and there is no explanation for the money used to obtain the items,
- A single person who is neither a parent nor a guardian of the child, brings the child in and takes the child out and/or is constantly with the child – more than is necessary for the child’s safety,
- Child moves around with a person or persons suspected of engaging in criminal activities or have already been appearing as asylum seekers,
- The child often looks around and appears to be frightened even though the environment does not provide the basis for such behaviour
- A child is in a larger group of children with only a few adults,
- The child says that he/she has been promised a very attractive offer or highlights that he/she owes to the family.