

**BOSNIA AND HERZEGOVINA (2016-2017)**
**THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR**  
*Protocol of 2014 (P029) to the Forced Labour Convention*

<b>REPORTING</b>	<b>Fulfillment of Government's reporting obligations</b>	YES.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, according to the Government: Federal Ministry of Labor and Social Policy, with document number 03-34 / 8-2220/17 of 28 September 2017, requested the Confederation of Independent Trade Unions of BiH and the Federation of Employers of FBiH as representative organizations of workers and employers to provide their opinion on the questionnaire. However, no organization has provided comments by the time the Government submitted this report.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	No.	
	<b>Workers' organizations</b>	No.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>Ratification</b>	<b>Ratification status</b>	Bosnia and Herzegovina has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		<b>Ratification intention</b>	<b>2017 AR:</b> The Government reported that In August 2017, the Presidency of Bosnia and Herzegovina passed its decision on accession of Bosnia and Herzegovina to Protocol of 2014 to the International Labor Organization Convention on Forced Labor, 1930.
	<b>Existence of a policy and / or plan of action for the suppression of forced or compulsory labour</b>	<b>2017 AR:</b> The Government reported that the Council of Ministers of Bosnia and Herzegovina, at its 37th session held on 30 December 2015, on the proposal of the Ministry of Security of BiH, adopted the Action Plan to Combat Trafficking in Human Beings in Bosnia and Herzegovina for the period 2016 - 2019. The Action Plan is strategically focused on improving the support system for combating trafficking in human beings in BiH, the effective prosecution of trafficking in human beings and related crimes, the prevention of trafficking in human beings by reducing the risk and effective protection and assistance to victims of trafficking in human beings, and strengthening partnerships and cooperation among stakeholders involved in combating trafficking in human beings. It is a comprehensive and multidisciplinary plan whose implementation involves the relevant authorities at the state, entity, cantonal and level of Brčko District of BiH.	
		<b>2016 AR:</b> According to the Government: All forms of forced or compulsory labour are prohibited. In the Federation of B&H: Human trafficking is a criminal offence in the framework of the Law on Amendments to the Criminal Code of the Federation of Bosnia and Herzegovina ("Official Gazette of BiH No. 46/16). Brčko District has also adopted a new labor law and there are penal sanctions.	
<b>Measures taken or envisaged for systematic and coordinated action</b>	<b>2017 AR:</b> According to the Government, within the Action Plan to Combat Trafficking in Human Beings in Bosnia and Herzegovina for the period 2016 – 2019, there are the following Strategic Measures and activities:  <i>Strategic Measure C.2: - Prevention of Trafficking Migrant Workers</i>		

		<p>C.2.1 Establish a mechanism for informing workers before leaving Bosnia and Herzegovina on how report and ask for help without fear of revenge in cases of abuse or deterioration in the situation of trafficking in human beings for the purpose of forced labor exploitation.</p> <p>C.2.2 Support NGO initiatives aimed at helping potential migrants to make informed decisions about safe and legal migration opportunities and issues related to labor recruitment services.</p> <p>C.2.3 Establish a monitoring mechanism for agreements on workforce migration.</p> <p>C.2.4 Encourage the establishment of accessible appeal mechanisms and the dissemination of relevant information to workers that will enable them to inform the authorities of abuse practices that lead to trafficking in human beings and take measures to prevent such abuses.</p> <p>C.2.5 Promote clear criteria for official registration of employment agencies and monitor the activities of such agencies in an effort to prevent all forms of trafficking in human beings and consider the possibility of abolishing the fees payable to these agencies by the workers.</p> <p>C.2.6 Build and strengthen the capacities of competent institutions (e.g. authorities responsible for managing migration, labor and employment) to provide information on safe and legal migration opportunities.</p> <p><i>Strategic Measure C.4. - Raising public awareness and public education</i></p> <p>C.4.2 Promote measures for the prevention of trafficking in human beings for use in households, including in diplomatic households, with the aim of protecting such workers and informing them about their rights as employees and the way of reporting abuse.</p>
	<p><b>Measures taken or envisaged to prevent all forms of forced labour</b></p>	<p><b>2017 AR:</b> According to the Government, Members of the Armed Forces of BiH cannot be engaged in forced or compulsory labor. However, Article 4 of the BiH Defense Law prescribes the tasks of the Armed Forces of BiH, including assistance to civilian bodies in response to natural and other catastrophes and accidents. The provisions of Articles 44 and 45 of the Law on Defense clearly define the responsibilities and other elements of the use of the Armed Forces of BiH in such cases. The authorities of the Federation of BiH did not undertake or envisaged measures in related to forced labour.</p> <p><b>2016 AR:</b> In Brčko District, the Inspectorate of Brčko District is responsible for identification of forced labour cases.</p>
	<p><b>Measures taken or envisaged to protect victims of forced labour</b></p>	<p><b>2017 AR:</b> According to the Government: The Rules on the Protection of Victims and Victim-Witnesses of Trafficking in Human Beings Who Are the Citizens of Bosnia and Herzegovina (hereinafter: the Rules) set out the principles and common labour standards pertaining to the identification procedure, protection and assistance organization, primary and secondary prevention and other activities related to protection and provision of support to victims of trafficking in human beings and victim-witnesses of trafficking in human beings who are citizens of BiH, which shall be implemented by the authorized institutions in BiH and authorized organizations. The subject Rule book defines rules and standards in the procedure of reception, recovery and repatriation of foreign victims of trafficking in human beings (hereinafter referred to as victims of trafficking) and other issues of interest for the victims of trafficking as well as the methods of conduct of state and entity authorities which in accordance with their competence undertake activities for prevention and suppression of trafficking in human beings in order to ensure efficient protection of victims of trafficking in compliance with laws and other regulations and international standards for protection of human rights.</p>

	<p>Measures taken or envisaged include the following:</p> <p>a) <i>Training of relevant actors for identification of forced labour practices:</i> In accordance with the recommendations of the Committee of Council of Europe for the monitoring and implementation of the European Conventions on Trafficking in Human Beings (GRETA), Bosnia and Herzegovina has strengthened a referral mechanism with all servants professional who could identify potential victims of trafficking, such as labor inspectors. A "Guide for Labor Inspectors in the Detection and Identification of Trafficked Victims of Trafficking" was created for the purpose of labor exploitation. There was also an improved referral system through the organization of trainings for labor inspectors from all areas of BiH.</p> <p>b) <i>Legal protection of victims:</i> The protection of victims of trafficking in human beings, regardless of the nature of the exhibition, is laid down by laws and regulations. Criminal legislation of the Republika Srpska does not recognize forced or compulsory labor as a specific criminal offense. However, the elements of this offense are part of other criminal offenses prescribed by the Criminal Code of Republika Srpska, and above all the crime of coercion (Article 141), and through the criminal offense of Trafficking in Human Beings (Article 145), Child Sale (Article 146) by the criminal offense of Associating for the Execution of Criminal Offenses of Trafficking in Human Beings and Children (Article 147).</p> <p>c) <i>Medical and psychological assistance for victims:</i> In accordance with Article 17 of the Rule book on the Protection of Foreign Victims of Trafficking in Human Beings (Health Care): 1) During the stay in the shelter of a trafficking victim is entitled to emergency medical care, 2) The Ministry of Security may conclude contracts with health facilities according to the location of the shelter in order to ensure the health protection referred to in paragraph (1) of this Article, 3) If the accommodation and care for the victim of trafficking is provided in shelter through a partner NGO, the health protection in the scope proscribed by the law will be secured in the way determined in the Protocol between NGO and the Ministry of Security, 4) During a period of temporary residence in BiH, a victim of trafficking who, in accordance with Article 16, paragraph 6 of this Rule book, is residing outside the shelter, health care can be provided in the shelter of the NGO with which the Ministry has signed a Protocol on cooperation. In accordance with Article 13 (Health Care) of the Rules on Protection of Victims of Trafficking in Human Beings and Witnesses of Trafficking in Human Beings of People of Bosnia and Herzegovina: Victims and witnesses of the victim, if they are not provided with health insurance, are provided with health care as well as other insured persons. Health care will be provided by the health services of Entities and Brčko District of BiH. Funds for this purpose will be planned from funds for special purposes within the Ministry of Human Rights and Refugees of BiH. The Law on Protection of Witnesses in Criminal Proceedings of the Republika Srpska stipulates measures providing for the protection of witnesses under threat and vulnerable witnesses in criminal proceedings conducted by courts or prosecutors in Republika Srpska for criminal offenses under the jurisdiction of the courts. Also, the aforementioned law stipulates that the prosecutor during the investigation, and after the indictment, the court informs the body responsible for the social welfare of the involved witness in the proceedings and provides the assistance of that body as well as the psychological support to the witness including the presence of the appropriate expert during the interviewing or hearing (Article 6).</p> <p>d) <i>Measures for the rehabilitation and social and professional reintegration of victims:</i> Reintegration of victims of trafficking is planned in cooperation with relevant institutions and organizations</p>
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	<p><b>Measures taken or envisaged to facilitate access to remedies</b></p>	<p><b>2017 AR:</b> According to the Government, the following measures that have been taken or envisaged: a) Information and counselling for victims regarding their rights: The Law on Free Legal Assistance of the Republika Srpska stipulates that legal assistance is realized as a right to general information on rights and obligations, legal advice and assistance in completing the forms, legal assistance in drafting all kinds of writings, representation in court, making appeals and legal assistance in the proceedings of a peaceful resolution of the dispute (mediation); b) Free legal</p>

		<p>assistance is provided by the Center for Free Assistance as a republic administrative organization within the Ministry of Justice of Republika Srpska. The Law on Free Legal Assistance of Republika Srpska stipulates that any natural person who is qualify for free legal assistance has the right to it in accordance with this Law. Article 14 of the Law on Free Legal Assistance stipulates that the right to legal aid have: nationals of Republika Srpska and citizens of Republika Srpska and other natural persons located in the territory of Republika Srpska identified as vulnerable categories and natural persons in the territory of Republika Srpska under international protection in accordance with international standards, and in particular refugees, persons under temporary admission, victims of trafficking who are unable to pay the legal assistance costs; c) Cost-free proceedings: Law on Court fees of Republika Srpska , Article 10, para. 1. provides that persons in disputes relating to the exercise of their employment rights are exempt from paying court fees; d) Access to remedies and compensation: The Criminal Procedure Code stipulates the possibility of investing regular and extraordinary legal remedies in the procedure, which are authorized to bring the parties, the defense lawyer and the injured person. The Law on Civil Procedure of Republika Srpska provides investing regular and extraordinary legal remedies during civil procedure; e) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges: The Public Institution Center for Judicial and Prosecutorial Training of the Republika Srpska organized in 2016 an advanced training for educators in the area of trafficking in human beings; f) Provision for authorities not to prosecute victims for acts which they have been compelled to commit: Article 145 of the Criminal Code of Republika Srpska stipulates that the victim of trafficking in human beings who is engaged by a perpetrator of a criminal offense to participate in the commission of another criminal offense shall not be prosecuted if such conduct was the direct consequence of her status as a victim of trafficking; and g) Provision of penalties such as the confiscation of assets and criminal liability of legal persons: Criminal Code of the Republika Srpska prescribes criminal penalties for legal persons: fines, confiscation of assets, and dissolution of the legal person. The Criminal Procedure Code of the Republika Srpska stipulates that the perpetrator of the criminal offense has the right to file a property claim that may relate to compensation for damages, recovery of items or annulment of a particular legal transaction (Article 103). The Court will decide on this request in criminal proceedings or, in prescribed cases to instruct the injured party to institute civil proceedings in order to exercise their rights. The Criminal Code of the Republika Srpska stipulates that the objects and the proceeds of the criminal offense shall be taken away (Article 82). The Criminal Procedure Code prescribes the procedure for seizure of the case based on the committed criminal offense. In addition to the above mentioned in Republika Srpska, the Law on Confiscation of Property Acquired by Criminal Offence was adopted.</p>
	<p><b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b></p>	<p>YES.</p>
	<p><b>Cooperation with other Member States, international / regional organizations or NGOs</b></p>	<p><b>2017 AR:</b> The Government indicated that Republika Srpska cooperates with other member States, and international, regional and non-governmental organisations in the area of forced labour.</p>
	<p><b>Promotional activities</b></p>	
	<p><b>Special initiatives/Progress</b></p>	

<b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>According to the social partners</b>	<b>Employers' organizations</b>	
		<b>Workers' organizations</b>	
	<b>According to the Government</b>	<b>2016 AR:</b> The Federation of B&H identifies social and economic circumstances as main difficulty leading to forced labour due to trafficking.	
<b>TECHNICAL COOPERATION NEEDS</b>	<b>Request</b>	<b>2016 AR:</b> Brčko District requested technical assistance: to carry out a legal reform; for assessment in collaboration with the ILO of the difficulties identified and their implication realizing the principle; and for awareness-raising, legal literacy and advocacy (in this priority order). In terms of prevention, Brčko District identified technical cooperation needs in strengthening legal framework and in capacity-building for the competent authorities.	
	<b>Offer</b>	<b>NIL.</b>	