

**THE FIRST PERIODICAL REPORT OF BOSNIA AND HERZEGOVINA  
ON IMPLEMENTATION OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF  
CHILDREN,  
CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

(Council of Ministers of Bosnia and Herzegovina discussed and adopted this Report on its 25<sup>th</sup> session, held on 29 September, 2015.)

**August, 2015.**

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## Introduction

UN Convention on the Rights of the Child is contained in Annex I of the Dayton Peace Agreement and, as other conventions ratified by BiH, is prevailing over national legislation<sup>1</sup>, since it has the powers of constitutional norms.

Bosnia and Herzegovina became a member of this Protocol on the basis of the Decision on Ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2002 ("Official Gazette-International Agreements", No. 5/02), according to it, Bosnia and Herzegovina signed the Act of Ratification on **4 September 2002**. In terms of standards established by the Protocol, Bosnia and Herzegovina has not set limits.

In July 2008, Bosnia and Herzegovina submitted to the Committee for the Rights of the Child the initial Report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (hereinafter: the Optional Protocol). The answers to additional questions of the Committee were submitted by BiH on July 2010 and BiH delegation presented the initial report in Geneva, on 16 September 2010, by the invitation of the Secretary General.

The Committee for the Rights of the Child adopted concluding remarks on 1583rd session, held on 1 October 2010, and the ones were submitted to Bosnia and Herzegovina.

## I Drawing up Report

Responsibility for drawing up Report under Article 12, paragraph 1, of the Optional Protocol in accordance with the system organization of Bosnia and Herzegovina authorities, (**ref. HRI CORE /1/ Add./89/Rev.1**) is on Ministry for Human Rights and Refugees, according to the Law on Council of Ministers of Bosnia and Herzegovina ("Official Gazette" no. 30/03, 42 / 03.81 / 06.76 / 07.81 / 07, 94/07 and 24/08).

By the Decision of the Minister for Human Rights, it was appointed a working group for the drawing up the Periodic Report of Bosnia and Herzegovina on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (hereinafter: Periodic Report of BiH) in which participated representatives of the following institutions and NGOs: Ministry of Human Rights and Refugees, Ministry of Justice, Ministry of Security, the High Judicial and Prosecutorial Council of BiH and the NGO network "Stronger Voice for Children".

Activities related to drawing the Periodic Report of Bosnia and Herzegovina (**which is submitted for the reference period from October 2010 to September 2015**) were carried out in two phases.

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<sup>1</sup> *BiH is one of monistic states, which may apply Convention directly in practice (CRC).*

In the first stage of drafting the Periodic Report, BiH Working Group members were assigned, as expert members in the issues on protection of children's rights, on the basis of available reports and data in their relevant institutions, as well as using the coordination mechanism for the referent Entities' authorities, to collect and process all data and information relevant to the preparation of the Report, and then aggregate them in the text "Draft Periodic Report of Bosnia and Herzegovina", **in a way that it gives the answer on actions taken to implement specific recommendations of the Committee set out in the document "Consideration of Report submitted by Member States in accordance with Article 12, paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child related to the sale of children, child prostitution and child pornography.**

In the second phase, draft Periodic Report of Bosnia and Herzegovina was presented to the BiH Council for Children (established for the purpose of executing BiH obligations regarding the UN Convention on the Rights of the Child and its two Optional Protocols) and to a broader range of representatives of authorities in BiH and representatives of non-government and international organizations, who, after the presentation of the text, had the opportunity to give their objections at the public comment, but also, after the public comment, to submit their written comments and suggestions within a set deadline. Members of the Working Group from the Ministry of Human Rights and Refugees have analysed the submitted comments and suggestions and according to their justification, they included them into draft Periodic Report of Bosnia and Herzegovina, which was sent for the consideration to the competent institutions, and afterwards, to the Council of Ministers for consideration and adoption.

## II DATA

### *Recommendation 1<sup>2</sup>*

When it comes to collecting data and other indicators, we may state that Bosnia and Herzegovina has still not established a sustainable system of data collection related to the situation of children's rights. The High Judicial and Prosecutorial Council (hereinafter HJPC) has the database of filed and processed criminal offenses, as defined under the Optional Protocol, in both Entities and in Brčko District.

Given that in the Chapter addressing this matter, the Committee reiterated its recommendation concerning the implementation of the census, herein we inform you that the BiH census was

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<sup>2</sup> *Paragraph 7 - The Committee recommends to the Member State to further develop and centralize its mechanisms for systematic data collection in all areas concerning the implementation of the Optional Protocol, including the establishment of the database within the Ministry for Human Rights and Refugees to monitor implementation of the Convention and the Optional Protocol. The Committee recommends to the Member State to develop a coordinated system for comprehensive data collection - differentiated, inter alia, by age, sex, geographical location and socio-economic status - covering all persons under the age of 18. The Committee reiterates its recommendation (CRC / C / 15 / Add.260 (2005), Para. 19) that the Member State conducts a census.*

conducted in October 2013 (1-15 October 2013). *Results of the census will be published in the second half of 2015.*

The data collected as part of HJPC and the Ministry of Security databases covering the period from 2010 - 2014, as well as information obtained during the quantitative survey conducted by UNICEF in 2013, shall be submitted as attachments to this Report.

### **III General Measures to Implement**

#### **Legislation**

##### ***Recommendation 2***<sup>3</sup>

Criminal Codes in BiH (BiH CC, CCs of Entities and of Brčko District) define the criminal offenses which are sanctioned for any form of child trafficking, child prostitution and child pornography.

The Criminal Code of Bosnia and Herzegovina ("Official Gazette", Nos. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15 and 40/15) specifies criminal offenses related to every form of human trafficking (Article 185, Slavery and Transport of Slaves and Article 186, Trafficking of People, CC BiH).

Criminal Code of Federation of Bosnia and Herzegovina ("Official Gazette of Federation BiH", Nos. 36/03, 37/03, 21/04, 69/04, 18/05, 42/10, 42/11, 59/14 and 76/14) specifies criminal deeds which are sanctioned per quoted forms of children abuse: (Article 180, Para. 2) – Kidnapping; (Article 207) – Sexual intercourse with a child; (Article 208) – Lewd acts; (Article 209) – Satisfying lust in front of a child; (Article 210) – Solicitation a child to engage in prostitution; (Article 211) - Exploitation of a child or minor for pornography; (Article 212) – Presentation pornographic items to a Child; (Article 213) – Incest.

Criminal Code of Republika Srpska ("RS Official Gazette", Nos. 49/03, 108/04, 37/06, 70/06, 73/10, 1/12 and 67/13) specifies criminal acts, sanctioned for specified forms of child's abuse (Article 165, para.2) – Kidnapping; (Article 195) – Sexual abuse of a child; Article (197) – Satisfaction of sexual lust in front of others; (Article 198) trafficking of human beings for prostitution, which is in the latest Amendments and Supplements to the CCRS, changed as criminal offense of " Solicitation to engage in prostitution "; (Article 199) – Abuse of children and minors for pornography; (Article 200) – Production and showing of child pornography and (Article 201) – Incest.

The latest amendments to the Criminal Code of RS specified new criminal offenses (Art. 198a. "Human trafficking", Art.198b. "Trafficking of minors", Art. 198c. Organizing a group or criminal association in order to commit the crime of trafficking of people and trafficking of minors").

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<sup>3</sup> **Paragraph 9:** *The Committee reminds that the Member State, though its legislation, must meet the obligation related to the sale of children, a concept, which is not identical to trafficking in human beings, in order to implement Optional Protocol provisions in an adequate way.*

Article 198b (Law on Amendments to the Criminal Code of Republika Srpska ("Official Gazette" of Republika Srpska No. 67/13) specifies the criminal deed "Trafficking of minors" in addition to the criminal deed of people trafficking, referred to in Article 198a. This newly introduced criminal deed in the Criminal Code of RS is defined and harmonized with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. To be more specific, the actions performed in committing this criminal act are determined alternatively and include among other things, the sale of persons under the age of 18, stating as examples the purposes of this criminal act, but it does not list the ways of exploitation. Thus, those circumstances and forms of exploitation that are not listed can be qualified as a form of exploitation. As examples of the purpose for the committed criminal act, it states, inter alia, sexual exploitation, forced labour, child prostitution, child pornography, extorted consent to the adoption of a child.

Criminal Code of Brčko District of BiH ("Official Gazette of Brčko District of Bosnia and Herzegovina, No. 33/13, revised text) specifies criminal acts being sanctioned for stated forms of children abuse: (Article 177, paragraph 2) – Kidnapping; (Article 204) – Sexual intercourse with a child; (Article 205) – Lewd Acts; (Article 206) – Satisfaction of lust in front of a child or minor; (Article 207) – Solicitation to engage in prostitution; (Article 207a) – Trafficking in people, (Article 207b) – Organized human trafficking; (Article 208) – Exploitation of children or minors for pornography; (Article 209) – Presentation of pornographic items to a child and (Article 210) – Incest.

In Bosnia and Herzegovina, there are clearly defined and shared responsibility and accountability of the institutions at all government levels for drafting the amendments to the criminal legislation, and it is clearly defined the jurisdiction (real and local) of judicial institutions in Bosnia and Herzegovina, and harmonization of criminal legislation with international standards is a continuous process.

FBiH Criminal Code still does not comply with international standards in the field of human trafficking. Certain provisions of this Code (the crime deed of "solicitation to prostitution") contain only some elements of this complex crime, while emphasizing solely the sexual exploitation. The Code ignores other forms of exploitation, and with persons younger than 18 years, the Code insists on evidence that the perpetrators instigated, solicited or forced the person to sexual exploitation.

Because of the non-harmonization of BiH Federation criminal legislation with national Criminal Code, it often appears, in practice, the problem of proper qualification of the criminal act essence with elements of "human trafficking" and determination of proper jurisdiction of the courts and the prosecution offices, which could lead to a conflict of jurisdictions between State and Federation Prosecution Offices.

State Coordinator for Combating Humans Trafficking and Illegal Migration submitted to the competent state and entity executive and legislative bodies the initiative to amend the criminal law in BiH related to the alignment of the elements of the crime act of human trafficking with

international standards from the Council of Europe Convention on Action against Trafficking in Human Beings and Palermo Protocol. The amendments would also resolve the problem of conflict of jurisdiction which occurred in practice when prosecuting these kinds of crimes, between state and entity levels. In accordance with the EU Directive on Preventing and Combating Trafficking in Human Beings in 2011, there are foreseen more severe punishments for these crimes and the exclusion of criminal liability for the victim of trafficking who was forced by the perpetrator to take part in executing another criminal offense, if such his/her action was a direct result of his/her status of victim of trafficking.

## **National Action Plan**

### ***Recommendation 3***<sup>4</sup>

The Council of Ministers adopted the Action Plan to protect children and prevent violence against children through information and communication technologies in Bosnia and Herzegovina until 2015 (which was preceded by the Action Plan 2010-2012), prepared by the Ministry of Security in cooperation with all relevant BiH institutions. This Action Plan is focused on improving the system of protection against child pornography and paedophilia. In question are more than 40 activities for the competent authorities in BiH to implement by the end of 2015, in order to ensure an effective mechanism for the protection from child pornography and other forms of sexual exploitation and abuse of children through information and communication technologies. The Plan defined the adoption of amendments to the existing laws, and the harmonization of secondary legislation, as well as, enhancing of institutional capacities and cooperation with international bodies in this area.

The action plan to protect children and prevent violence against children through information and communication technologies in Bosnia and Herzegovina for the period 2014 - 2015 has been prepared in accordance with the Strategy for Combating Humans Trafficking in Bosnia and Herzegovina (2013-2015). Within these plans, there are carried out the informative and educational programs and long-term awareness-raising campaigns on preventive measures against the sale of children, child prostitution and child pornography.

Also, on 2 June 2015, BIH Council of Ministers adopted the Action Plan for Children, 2015 - 2018, which has integrated and specifically set out recommendations of the Committee for the Rights of the Child, as well as, action stakeholders, deadlines, indicators and budget.

## **Coordination and Evaluation**

### ***Recommendation***<sup>5</sup>

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<sup>4</sup> **Paragraph 11** - *The Committee recommends that the Member State develops a national Action Plan, aimed at addressing all issues and specifically those covered by the Optional Protocol and provides adequate human and financial resources for its implementation. In addition, the Member State should pay particular attention to the implementation of all provisions of the Optional Protocol, taking into account the Declaration and Agenda for Action and the Global Commitment, adopted at the first, second and third World Congress against Commercial Sexual Exploitation of Children, held in Stockholm, Yokohama and Rio de Janeiro in 1996, 2001 and 2008.*

<sup>5</sup> **Paragraph 13** - *The Committee recommends that the Member State takes immediate measures to activate the Council for Children of Bosnia and Herzegovina and to establish a Department of Human Rights of Children*

The Council for Children of BiH was established by the Decision on the establishment of the Council for Children (December 2012) and the Decision on the appointment of members of the Council for Children of BiH (2013).

The Council for Children of BiH is an expert, internally resourced, advisory and coordinating body of the Council of Ministers of BiH and has significant authorities and work scope in the implementation of the Convention and its Optional Protocols. The Council for Children of BiH has adequate human resources, but lacks adequate financial and technical resources for its operations.

The work of the Council for Children of BiH in 2014 and in the first half of 2015 was partly financially supported by UNICEF.

Department of Children's Rights in the Ministry of Human Rights, which would provide technical support to the Council for Children of BiH and its activities, has not been established, due to insufficient funds in the budget of BiH institutions.

## **Spreading knowledge and awareness**

### ***Recommendation 5<sup>6</sup>***

At the beginning of December 2010, Communications Regulatory Agency (CRA) presented TV and radio clip entitled "Where is Buco", which started a campaign that aims to promote media literacy and protection of children and minors from potentially harmful contents on the Internet. The clip - which was taken over by the German regulator and adapted for the audience in Bosnia and Herzegovina - indicates a potential danger to children and minors on the Internet, such as violence and pornographic content and contacts with paedophiles and radical groups in the society. The same clip is broadcasted in 14 European countries. The campaign is so far supported over 90 broadcasters and the providers of audio-visual media services from all parts of Bosnia and Herzegovina, which have accepted to broadcast TV, or radio clip in own program without any compensation.

During the first quarter of 2012, it was continued the information campaign 'Surf Safely ', broadcasting two educational TV clips on BHT 1 twice daily (educational video for children and video for parents) in different times , enabling the availability to different target groups. During the information campaign , there were printed the educational promotional materials:

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*within the Ministry for Human Rights and Refugees. Further, it recommends that the Member State considers the possibility that the Council for Children or the new Department of Human Rights of Children, or some other appropriate body, is put in charge of the coordination and evaluation of the Convention and two Optional Protocols implementations, and that the body is ensured with the human, technical and financial resources and powers within the Government, for the effective implementation of its mandate.*

<sup>6</sup> **Paragraph 15** - *The Committee recommends that the Member State develops, in close cooperation with the community, especially children and children who are victims, information and educational programs and long-term awareness-raising campaigns on preventive measures against the sale of children, child prostitution and child pornography, and their adverse effects. In addition, the Committee recommends that the Member State disseminates the knowledge about the Optional Protocol among all relevant professional groups, especially members of police, judges, prosecutors, representatives of the media and social workers.*

leaflets, brochures and posters with tips for children and parents, especially designed for different age groups of children - for young people about safe surfing on the Internet and for parents of younger children (under 10 years) about the Internet using.

As part of the implementation of the Action Plan for the protection of children and the prevention of violence against children through information and communication technologies in Bosnia and Herzegovina until 2015, a very important and efficient campaign, in the reference period, was conducted by the NGO "New Road" entitled: "STOP to child pornography and paedophilia ". As part of these activities there were carried out also the street campaigns, in the period April-June 2012, on the broader area of Mostar city and Čapljina Municipality.

The activities done in the campaign included around 1000 direct users or over 3500 indirect users and contributed to raising awareness of elementary school pupils, their teachers and family members, friends, and the general public in the Herzegovina-Neretva Canton. The Project was financed by the Federal Ministry of Science and Education, and it was implemented in the period January-June 2012. In March 2013, NGO "New Road" established a counselling centre to assist and protect the rights of children being victims of abuse, paedophilia and begging in the Herzegovina-Neretva and West Herzegovina Canton.

In order to raise awareness on preventive measures against the sale of children, child prostitution and child pornography, the Ombudsmen for Children of Republika Srpska, in November 2010, organized a roundtable entitled "How to protect children on the Internet". The event was attended by professors from the faculties, teachers of informatics in primary and secondary schools, high school students, representatives of Centres for social work and of the Ministry of Interior, Ministry of Education and Culture, Ministry for Family, Youth and Sport.

In 2011, the Ombudsmen for Children of Republika Srpska organized and started also a campaign called "Children on the Internet". During this campaign, it was organized a series of activities initiated by „the Day of the Safe Internet“ under the motto "It's more than a game, it's your life." On the Day of Safe Internet 2011 it was promoted website [www.djecanainternetu.org](http://www.djecanainternetu.org). The content of the portal is set up so that visitors quickly and easily obtain information that are tailored to the age groups of children (early, middle and late childhood), and parents and schools, too.

In addition to informative content there is also so-called communicational content "Brave mailbox" and "Survey". Through „Brave mailbox“ every child, but an adult, too, can completely anonymous address to the portal editorial staff, ask for help, report embarrassment he/she experienced and suggest an action. In addition to web site, it was printed an appropriate guidebook "Children on the Internet" for children, parents and teachers.

Special Internet workshops for children, organized by Ombudsmen for Children of Republika Srpska were held in 18 schools, out of which 5 secondary and 13 primary schools, in 11 municipalities, so that the education included over 600 children from all parts of Republika

Srpska. The workshop was attended by students from upper age classes, and a number of teachers, professional associates of schools, as well as, representatives of the parents' council. The aim of the workshops was informing children about the benefits and risks of the Internet, identifying elements of e-violence and responding in these situations, learning about responsible and ethical use of the Internet, presenting the web page [www.djecanainternetu.org](http://www.djecanainternetu.org), encouraging the discussion and reporting of all cases that are harassing or hurting. Special workshops were organized for high school students, too.

Related to the dissemination of knowledge on the Optional Protocol among all relevant professional groups, Bosnia and Herzegovina has done the following:

-During 2010, BiH developed "Guidelines for regional monitoring teams for action against humans trafficking in Bosnia and Herzegovina" and "Guidelines for the Social Care Centres for Action against trafficking in human beings" (including children, too).

-Association XY in cooperation with the Ministry of Security of BiH, with the support of Government of the United States, in August 2012, launched a project "Guidelines for the mental health centres in providing assistance to victims of trafficking in human beings" (including children, too).

-In 2011, it was prepared the Manual for primary and secondary schools pupils on the prevention of human trafficking, entitled "Hurry slowly." The Manual was developed by representatives of the Pedagogical Institutes and the Ministries of Education and distributed to all primary and secondary schools in BiH.

-The Ministry of Security, Ministry for Human Rights and CRS, in cooperation with the Faculties of Social Work, prepared Practicum for students of social work and social workers. Practicum consists of four modules: Labour exploitation of children, Human trafficking for sexual exploitation, Prostitution, Pornography and Paedophilia.

## **Education**

### ***Recommendation 6<sup>7</sup>***

In the implementation of programs for initial training and for professional development in the reporting period 2010-2015, the Entities' centres for training of judges and prosecutors in Bosnia and Herzegovina organized several seminars with topics dedicated to the Convention on the Rights of the Child, to the documents adopted by the Council of Europe, pertaining to child rights, to Convention on the Implementation of Children's Rights (1996), which is part of the internal legal system of Bosnia and Herzegovina, to the Convention on contacts

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<sup>7</sup> **Paragraph 17** - *The Committee recommends to the Member State to allocate adequate resources for the development of programs and training materials on all areas covered by the Optional Protocol and to ensure that such education includes all relevant professional groups, in particular immigrants' law enforcement officers, members of the SIPA, judges and prosecutors, social workers, and members of the European Union Force (EUFOR), currently present in Bosnia and Herzegovina.*

concerning children (2003), and to the Hague Convention on International Private Law, in particular with respect to harmonization of European law in determining the applicable law in case of conflict of laws in the areas of children's sustaining and adopting, and related to the civil law aspects of child kidnapping. There were no special seminars related only to the implementation of the Optional Protocol, but within other seminars this topic was addressed, too.

*Centre for Judicial and Prosecutorial Training of Federation of Bosnia and Herzegovina*

In the reference period, activities carried out in the domain of the Convention on the Rights of the Child were the topics of specialized training for judges and prosecutors in line with the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings. On 2015, an identical seminar was held within the framework of continuing the program of specialized training for judges and prosecutors according to the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings.

In the period September - December 2014, there were 5 seminars on "International Standards on Protection and Treatment of Children and Juveniles in Conflict with the Law".

These seminars specifically addressed the topic "The Convention on the Rights of the Child and the Accompanying Documents / Protocols", and a special emphasis was placed on the Optional Protocols to the Convention on the Rights of the Child related to the Sale of Children, Child Prostitution and Child Pornography.

In the seminar "Organised Crime-Trafficking in Human Beings", one of the topics was child pornography.

On 2013, within the seminar "The Best Interests of Child", the Centre thoroughly addressed the standard - "The Best Interests of Child", while the seminar "International Legal Assistance in Civil, Economic Family Matters" dealt with topics in the area of protection of children's rights.

During 2014, the Centre has started the implementation of e-learning online course, entitled "Justice Adapted to the Child", in cooperation with the Council of Europe through the HELP project, and with prepared all online course materials related to the protection and realization of children's rights. This activity will be implemented in 2015, too.

*Centre for Education of Judges and Prosecutors of Republika Srpska*

Centre for Judicial and Prosecutorial Training in Republika Srpska organized a series of seminars (13) in the period from 2010 to 2015, concerning the Convention on the Rights of the Child and the Optional Protocol as bellow:

Law on Protection and Treatment of Children and Juveniles; The Best Interests of a Child and Juvenile Delinquency; Juvenile Delinquency and Crime; Children - Victims of Sexual Abuse, The Hearing of Victims, Witnesses; National Strategy for Combating Violence against Children in Bosnia and Herzegovina; By-laws Envisaged by the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings; The Practice of European Court of Human Rights in its Judgments towards Juveniles; The Criminal Offense of Sexual Violence against Children; International Standards in the Treatment of the Minors; The Convention on the Rights of the Child, the Havana Rules, Beijing Rules, the Riyadh Guidelines, the Vienna Guidelines, Tokyo Rules; Judiciary System Fit for Children, Strengthening the Capacities of the Juvenile Judiciary System; The Best Interests of Child; Combating Forced and Damaging Child Labour on the Streets in BiH and Children - Victims of Crime.

Each of these seminars addressed the international documents in the area of juvenile delinquency, and in particular, the Convention on the Rights of the Child, the Optional Protocols well as other UN documents in this area.

Since 2013, the Ministry of Human Rights and Refugees has carried out continuous education of social workers on the treatment of victims of trafficking. Based on these trainings, the Manual was drawn up, used by social workers and other professionals in Social Care Centres.

Ministry of Internal Affairs of Tuzla Canton, within the project "Support of the Team for Combating Trafficking in Human Beings" in cooperation with BIH World Vision in 2010 and 2011, organized educational workshops with pupils of primary schools in several municipalities in Tuzla Canton on "Prevention, Education and Protection of Children and Minors against Human Trafficking and Prostitution. "

Also, Since 2009 to the present day, the employees of the Department for Juvenile Delinquency and Domestic Violence, in cooperation with the Bureau of Human Rights, Tuzla and Disciplinary Centre Tuzla, have organized preventive and educational workshops with pupils in elementary and secondary schools, as well as with their parents in Tuzla Canton, as part of the project "Stop Juvenile Delinquency". Children and parents have the opportunity to learn about the crimes defined under the Criminal Code of Federation of Bosnia and Herzegovina, relating to the protection of children from violence.

As parts of the Criminal Code there have been presented: Article 212 "Presentation Pornography to a Child" , Article 211 "Abuse of a Child or Juvenile for Pornography", Article 208 " Lewd acts " and Article 210 "Solicitation for Prostitution".

In the period 2013-2014, Association "Land of Children" in the program "Prevention of Human Trafficking in Primary Schools of Tuzla Municipality", supported by the German organization GIZ, organized trainings on human trafficking for all primary schools counsellors in Tuzla Municipality (50).

In 16 primary schools, there were established the debate teams of pupils, who after training organized interschool debating competitions with the topic: "Bosnia and Herzegovina has Good Mechanisms for Combating Trafficking in Human Beings", "Begging is Trafficking in

Human Beings" and "Juvenile Marriages are Trafficking in Human Beings". The aim of such like approach is to raise awareness on trafficking issues among young people of Tuzla. During the preparation, the children were doing research on these topics, working in teams, and learning to think critically.

To help identify children potential victims of trafficking, "Land of Children", in partnership with the Office of the State Coordinator for fight against human trafficking and illegal immigration and "Save the Children", has drawn up Indicators to identify children - victims of human trafficking. Those Indicators are incorporated in the Practicum for the training of judges, prosecutors, police, social workers and other professionals in the prevention of forced and hazardous child labour on the streets in BiH. In cooperation with the Entities' Centres for training of judges and prosecutors in 2014, the education and training on the topic of forced and hazardous child labour included more than 100 judges, prosecutors and other professionals from BIH.

In 2011, the International Forum of Solidarity - Emmaus, in cooperation with the Ministry of Security, under the auspices of the British Embassy, started the project "Prevention of human trafficking - improving the identification and assistance to victims of trafficking through capacity building of professionals". The project has been implemented with the aim of improving the efficiency of the national referential mechanism. Within the mentioned project, there have been implemented five trainings as follows: one for non-government organizations, three for judges and prosecutors, in cooperation with the Centres for Judicial and Prosecutorial Training of FBiH and RS, one for agencies for law enforcement, including the State Agency for Investigation and Protection, Entities' Ministries of Internal Affairs, Border Police and Agency for Foreigners' Affairs. Within the project "Improving investigation capacities to fight human trafficking and reintegration of victims of trafficking," which is implemented by the International Forum of Solidarity - EMMAUS (IFS/MFS-EMMAUS) in cooperation with BIH Ministry of Security, with the support of USAID, four trainings were held in the period February- March 2015.

In the period from 2011 to 2012, IFS-EMMAUS conducted training entitled: Capacity building of teachers for a sustainable continuation of educational workshops in schools (ToT). Workshops were held in Sarajevo, Banja Luka and Tuzla, and were conducted in an interactive and practical way. They were attended by 68 school professionals, including counsellors, school principals, as well as representatives of educational - pedagogical institutes. From 2011-2013 MFS/IFS Emmaus was in charge of the official SID (Safer Internet Day) Committee for Bosnia and Herzegovina, running a campaign of the European Commission at Safer Internet Day which is celebrated in February each year. In 2012, it was organized a competition for the best short film on the safe use of the Internet for secondary schools in BiH. In December 2012, IFS/MFS-EMMAUS organized the regional conference entitled "A comprehensive approach to resolve the safety issues of children and young people on the Internet", in cooperation with the Ministry of Security of Bosnia and Herzegovina.

IN Foundation, foundation to promote social inclusion of children and young people in Bosnia and Herzegovina, with the financial support of Kinderpostzegels (the Netherlands), as part of the development of the staff capacity in Centres for children at risk, in 2012, in Teslić, organized a three-day training on "Sexual child abuse - identification, interview and criteria for confirmation ". Training was conducted for six Centres for children from families with multiple problems. These Centres provide focused support to children at risk in Bosnia and Herzegovina. In the discussion with the staff of the Centres it was noted that there has been a need for additional education, which would enable staff to recognize, respond adequately and help children in cases of suspected sexual abuse.

In addition to leaders of Centres for children from families with multiple problems, the trainings were also attended by their associates: psychologists, social workers, teachers/counsellors and other professionals from all over Bosnia and Herzegovina, employed in schools and social work centres.

Along with this group, the training featured representatives of relevant Ministries, the Faculties of Social Work, and the Ombudsmen for Children of Republika Srpska, as well as educational and pedagogical institutions.

During the training, a special attention was paid to the improvement of coordination and cooperation between prosecutors, police and civil society, and raising awareness among agencies / law enforcement bodies and judicial officials on the latest trends in child trafficking and cross-border crime, especially forced labour, pickpocketing and sexual exploitation. The aim of training was to familiarize the participants with the tasks set before an adult when a child revealed the abuse to him/her, to gain insight into the basic knowledge and skills to talk with the abused child, to make them aware of own strengths, but also of difficulties for conducting interviews with the child, as well as, to familiarize participants with the professional and personal responsibility of adults in such conversation.

## **Allocation of Funds**

### **Recommendation 7<sup>8</sup>**

The Ministry of Human Rights and Refugees, in its regular budget, provides grant funds to support victims of trafficking who are citizens of Bosnia and Herzegovina. Grant funds are allocated partly through a public notice to NGOs, which provide direct assistance to victims and the other part is used for emergency needs. Funding for emergency needs are withdrawn by Social care centres, too.

Since 2010, BIH Ministry of Security, in line with the 2013 - 2015 Strategy for combating human trafficking in Bosnia and Herzegovina and the Programme of celebrating important dates related to human rights in Bosnia and Herzegovina, from the budget funds, through the

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<sup>8</sup> **Paragraph 19** - *The Committee recommends to the Member State to take all possible measures to ensure that sufficient resources are allocated for the implementation of the Optional Protocol. In particular, the law enforcement agencies and social care centres should be provided with **adequate human, technical and financial resources needed for their activities.***

public notice, has been co-financing and coordinating grants for NGOs to mark 18 October - International Day Against Human Trafficking. On this day, in several cities in BiH, various educational activities are organized, as well as joint media campaign, that points out at different forms of human trafficking and children.

Financing of Social care centres at the level of BiH Federation and the Republika Srpska is done from the funds of the founders, mostly municipalities.

## **Independent Monitoring**

### **Recommendation 8<sup>9</sup>**

The process of unifying the institution of Ombudsmen for Human Rights in Bosnia and Herzegovina ended in May 2010. The institution of Ombudsmen for Human Rights is a national mechanism for the protection of human rights, which was accredited with the status "A" by the ICC International Sub-Committee for Accreditation on 2010.

Since 1 June 2009, within the institutions of BiH Ombudsmen, it has been operating the Department for monitoring the rights of children, which was established in accordance with the Law on Human Rights Ombudsman of Bosnia and Herzegovina. BiH Ombudsmen continuously and in accordance with their responsibilities have taken measures endeavouring to ensure standardized approach in the implementation and protection of children's rights in whole territory of Bosnia and Herzegovina.

## **IV Prevention of the children sale, child prostitution and child pornography (Art. 9, paragraphs 1 and 2)**

### **Measures adopted to prevent offenses prohibited under the Protocol**

#### **Recommendation 9<sup>10</sup>**

The Council of Ministers adopted the following documents:

- The Strategy of combating human trafficking in Bosnia and Herzegovina and the Action Plan for the period 2013-2015;
- Action Plan to protect children and prevent violence over children through information-communication technology in Bosnia and Herzegovina until 2015;

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<sup>9</sup> *Paragraph 21 - The Committee recommends to the Member State to intensify efforts to consolidate the Human Rights Ombudsman of Bosnia and Herzegovina and to provide a uniform approach to the protection and promotion of human rights and, in particular, the Convention and the Optional Protocol.*

<sup>10</sup> *Paragraph 23 - The Committee recommends to the Member State :*

- (a) *to adopt a national Plan for the prevention of the sale of children, child pornography and child prostitution;*
- (b) *to ensure harmonized and coordinated activities of law enforcement bodies in order to prevent and eliminate domestic child trafficking and*
- (c) *to strengthen mechanisms for monitoring the adoption of children, and to ratify the Hague Convention, No. 33 on Protection of Children and Cooperation related to Inter-country Adoption.*

-2011 to 2014 Action Plan for Children of BiH and 2015 – 2018 Action Plan for Children of BIH.

Project "Lanzarote Convention in Bosnia and Herzegovina" is a project implemented through partnership of associations: "Hi Neighbour" from Banja Luka and "Land of Children" from Tuzla, with the financial support of the European Union.

The project included a legal analysis of the laws in BiH, regulating this area and their compliance with European and international standards, drawing up indicators for monitoring the Convention's implementation, informing the public, professionals, children and parents on the content of „Lanzarote Convention“.

For this purpose, the Convention was printed in hard copy, intended for dissemination to all professionals, social workers, police, judges, teachers and the like. Educational leaflets for pupils of primary and secondary schools in BiH were printed with an issue of 100,000 copies. The Project advocates amendments to the laws, in order to have them comply with European standards.

### **Recommendation 10<sup>11</sup>**

In order to undertake systematic prevention measures, Minister for Human Rights of BiH (2013) issued a document entitled "Guidelines for Improving the Situation of Roma Children in BiH - Social Inclusion".

The Project "Initiative for the sustainability of the model of day care centres for children working in the streets or children at risk in BiH" supports the activities of day care centres, with the aim of multiplying this model of services in parts of BIH state, in which there is an urgent need for services of this kind.

In addition to supporting the work of the Day Centre for children, working in the streets, in Tuzla, run by the association Land of Children, and guided by the recommendations of the "Report on Children Begging in BiH" , by Institution of Ombudsman for Human Rights on 2010, and "Report on the Children Begging in Republika Srpska " from 2011, assisted by Save the Children Norway, seven Day Care Centres have been opened until now in Sarajevo, Banja Luka, Mostar, Zenica, Bijeljina, Brčko District and Bihać.

All Day Care Centres for children working in the streets or children who are at risk, mutually coordinate their work, exchange knowledge and experience through established National network of Day care centres for children living or working in the streets and children at risk.

The Network of day care centres, in partnership with representatives of Social care centres created the first functional and structural Standards for the services of Day care centres, which have been formalized only by one Canton (Tuzla Canton), so far.

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<sup>11</sup> *Paragraph 25 - The Committee urges the Member State to strengthen systematic prevention measures, targeting children who are especially vulnerable or at risk, in order to protect them from criminal offenses under the Optional Protocol. In addition, the Committee recommends to the Member State to harmonize State and Entity legislations relating to civil registration and take immediate and effective measures to ensure the registration of all children at birth.*

In the period 2013-2014, with the support of Save the Children, it was completed the process of adopting unique standards for field work with the children living and working in the street. Members of the National Network are also parts of the Regional Network of day care centres, which, in addition to these from BiH, also includes organizations from Serbia, Albania and Macedonia.

The Ministry of Human Rights and Refugees, in cooperation with other relevant institutions and non-government organizations, and with the support of UNICEF, has developed a Legal analysis of the legislation of Bosnia and Herzegovina regulating the registrations of birth, which is the basis for the intervention in legislation and practice.

New legal solutions in BiH stipulate that Birth Records are run in electronic form, thus, after linking all Birth Registry Offices, one should be able to get Birth Certificate originating from Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District in any Birth Registry Office in BIH.

Since 2009, within the Project "Support to the Most Vulnerable Groups of Romas in Bosnia and Herzegovina", which was funded by Switzerland and Liechtenstein, and which ended in October 2011, the NGO „Your Rights BiH“, together with UNHCR, has taken the activities that have helped thousands of Romas to obtain Birth Certificates, Citizenship Certificates and valid IDs.

Roma children involved in living and working in the streets of Sarajevo, Tuzla, Banja Luka and Mostar were identified by Day care centres for children, established in these cities, as children who had not been entered in Birth Registries and who, with the help of these Centres, were entered in the Birth Registries, later on.

## **V The prohibition of the children sale, child pornography and child prostitution, and related issues (Article 3, Article 4, paragraphs 2 and 3 and Articles 5, 6 and 7)**

### **Existing Criminal Codes and Regulations**

#### **Recommendation 11 <sup>12</sup>**

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<sup>12</sup> **Paragraph 27** - *The Committee urges Member State to amend its legislation to ensure that the offenses under the Optional Protocol are fully incorporated and harmonized in Criminal Codes at the state, Entities and Brčko District levels. In particular, Member State should criminalize:*

*(A) sale of children by offering, delivering or accepting, by whatever means, for the purpose of sexual exploitation, transfer of child organs for profit, or engagement of the child in forced labour or forcing consent for adoption of the child, as well as, mediating in the adoption of a child while violating the applicable law on adoption;*

*(B) offering, obtaining, procuring or providing a child for child prostitution;*

## Answer provided in the reply to the Recommendation 2

### **Recommendation 12<sup>13</sup>**

Ministry of Security, in cooperation with the association Criminal Policy Research Centre (CPRC), conducted a survey on the scope and nature of the human trafficking problem in BiH, including child trafficking, internal trafficking and trafficking of groups, particularly endangered by human trafficking. The research results are expected in the second half of 2015.

### **Jurisdiction and Extradition**

### **Recommendation 13<sup>14</sup>**

Act on Mutual Legal Assistance in Criminal Matters provides the widest possibilities for the provision of all forms of international legal assistance, especially in extradition proceedings. The Act has no restrictions related to requests towards other countries for extradition of persons in escape, due to the criminal proceedings carried out in BiH, or execution of a judgement sentenced in BiH.

In the event that a foreign country does not extradite a claimed person, the Court and the Prosecution Office have no limitations, in such cases, to hand over the prosecution to that other state to carry out the criminal proceedings and to execute the sentenced punishment in its territory.

In the case of BiH citizen convicted in another country, he/she also, without any restrictions may serve his sentence in Bosnia and Herzegovina.

The extradition procedure is established by the multilateral and bilateral agreements and on the basis of factual reciprocity when in question are the countries with which BiH has not signed an extradition treaty.

Article 1 of the Act on Mutual Legal Assistance in Criminal Matters suggests that the Act shall be applied in all cases, if it is not provided otherwise by mutual agreement. In the same way, it is solved the extradition procedure, thus, we can conclude that in these procedures, the

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*(C) preparing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography;*

*(D) an attempt to commit any of these acts and the complicity or participation in any of the above mentioned acts, and*

*(E) the production and dissemination of material advertising any of these acts.*

<sup>13</sup> **Paragraph 29** - *The Committee recommends to the Member States to take all necessary measures to ensure that crimes are investigated and that the alleged perpetrators are adequately prosecuted and duly punished in order to reduce impunity.*

<sup>14</sup> **Paragraph 31** - *The Committee recommends to the Member State to take steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction over crimes from the Optional Protocol and recommends establishing extraterritorial jurisdiction over crimes under the Optional Protocol without the criterion of double criminality. The Committee recommends that the Member State considers the Optional Protocol as the legal basis for extradition without the condition of the existence of a bilateral agreement.*

international agreements are always prevailing, because they are of processing nature and directly applicable.

BiH is a member of all Council of Europe Conventions which regulate criminal justice area in terms of procedures, and thus, it is a member of the European Convention on mutual legal assistance with its two Protocols, the European Convention on Extradition with Protocol I, II and III, of the European Convention on the Transfer of Criminal Proceedings and the European Convention on the Transfer of Sentenced Persons.

Given the fact that in question is the proceedings Conventions, they are directly implemented in BiH, as in all Member States of the Council of Europe, as well as in other countries that have acceded to these Conventions.

The condition of double criminality has been introduced in the law only towards the countries which do not have with BiH the mutual agreements regulating this area, and was considered justified because, for example: a female who escapes from Iraq due to the marital adultery should not be extradited to that country, because under the Law of BiH, this action is not a criminal offense, and the person herself would not have proper treatment in own country in the case of extradition.

This is just an example, presented at many conferences, in order to adhere to the double criminality principle only for certain types of criminal deeds, which, according to international standards should not be classified as such.

Of course, the double criminality condition will never impede the extradition in the case of the crimes of sale of children and similar offenses, because it is sufficient that the fact situation presents the criminal offense in BiH, but that very offense in its name does not have to be identical in another country.

The Act on Mutual Legal Assistance in Criminal Matters in its first Article states that the Act is applied only in cases where a certain issue is not regulated by an international agreement. So the Act gives priority to the Optional Protocol over the domestic legislation, and, its provisions, relating to the procure, can always be applied directly.

As for the issue of the extradition, this procedure in BIH is regulated by the Act in a specific way compared to the Region, because only one court in BIH delivers the decision on extradition from Bosnia and Herzegovina (BiH Court).

This implies uniform resolution and adopted standards for these procedures in BIH.

Contrary to this solution, in all the countries of the Region, the issue of extradition is decided by several courts (district-cantonal ones), thus, these countries have very unharmonized practice, which is evident through the procedures provided on the request of the competent authorities of Bosnia and Herzegovina.

Notwithstanding the Act provisions, none extradition request, sent by other country, has been rejected on grounds of double criminality.

## **Confiscated and Temporarily Confiscated Assets**

### **Recommendation 14<sup>15</sup>**

The grounds and the ways of confiscation of illegally acquired property at the state level are regulated by the Criminal Code of BiH and the confiscation procedures are defined by the Criminal Procedure Code of BiH, and amendments to the Criminal Code of Bosnia and Herzegovina in 2015, those being harmonized with international standards.

The closure of premises used for committing the criminal offenses, as per the Optional Protocol, is a matter of the inspection departments.

## **VI Protection of the Rights of Child Victims (Article 8 and Article 9, paragraphs 3 and 4)**

### **Measures adopted to protect the rights and interests of child victims of criminal offenses, prohibited by the Protocol**

### **Recommendation 15<sup>16</sup>**

On November 2012, BiH Council of Ministers adopted the Strategy for Combating Violence against Children in Bosnia and Herzegovina, for the period from 2012 to 2015. The strategic goal is to establish a multi-disciplinary and sustainable system for reporting and recording cases of violence against children, adequate and sustainable system of support, funding and data collection, in order to improve prevention, protection of children - victims of violence in Bosnia and Herzegovina, and establish a secure environment in which the right of every child to be protected from all forms of abuse, neglect and exploitation will be ensured.

Strategic measures are related to four main challenges: 1 Prevention, again highlighting the problems of timely detection, reporting and system to record cases of violence against

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<sup>15</sup> **Paragraph 33** - *The Committee recommends that the Member State ensures, through the adoption of appropriate legislation, the temporary seizure and permanent confiscation of materials, assets and other items used to commit or to facilitate committing any of the offenses under the Optional Protocol, temporary seizure and permanent confiscation of proceeds arising from them, and closure of premises used to commit these offenses, in accordance with Article 7 of the Optional Protocol.*

<sup>16</sup> **Paragraph 35** - *The Committee recommends to the Member State to strengthen the measures to protect the rights and interests of child victims from all criminal offenses under the Optional Protocol, including, through the further development of Guidelines on child protection for social workers and law enforcement officers, the organization of trainings about these Guidelines. In particular, the process should be strengthened to ensure a more proactive approach to the identification of child victims, who are endangered by criminal acts, specified under the Optional Protocol, including raising awareness and developing effective partnerships with parents and families of child victims.*

children; 2 Sustainability of support system and financing activities; 3 Systems of children protection and 4 Monitoring, evaluation and advocacy, which are chronologically proposed for easier monitoring the Strategy implementation.

In 2012, NGOs set up an independent monitoring body to monitor the implementation of above mentioned Strategy, which was formally verified as such by BiH Ministry of Human Rights and Refugees, who made the first report on the independent monitoring of implementation of the Strategy for combating violence against children in Bosnia and Herzegovina (2012-2015). One of the completed activities envisaged by the Strategy was preparation of Guidelines in 2013 for dealing with cases of violence against children in BiH.

During 2010, Bosnia and Herzegovina prepared Guidelines for Regional monitoring teams' operations on combating human trafficking in Bosnia and Herzegovina, as well as, Guidelines on the actions of the Social care centres in fight against human trafficking. Guidelines on the treatment in Social care centres with victims of human trafficking, also provide instructions and guidance on the identification of victims, instructing the victims, and provision of direct support and mutual cooperation with other stakeholders, included in the fight against human trafficking.

In late November 2012, at the initiative of the Ombudsmen for Children of RS, in Republika Srpska it was adopted a cross-sectorial Protocol on Procedure in case of violence, abuse or neglect of children, signed by the Ministry of Education and Culture, the Ministry of the Interior, Ministry of Health and Social Welfare and the Ministry of Family, Youth and Sport of RS. The Protocol defines violence as " any form of behaviour towards a child, which aims at harming or inflicting pain, either physical or psychological, uncared and / or neglect of a child , harassment and / or any form of child exploitation, including sexual exploitation, too.

The Protocol, for the first time, in one place, determines the different forms of violence against children, including violence through information technologies and defines as liable different bodies and institutions to act in accordance with their mandate, given to them according to the law.

The Protocol also defines as mandatory, for the first time, the establishment of a unified recording system (based on data from different sectors), which should point out the phenomenon presence, its forms and methods of authorities proceeding in each of mentioned forms of violence against children, which will also be the basis for defining policies in the future for protection of children from any form of violence, abuse and neglect.

Since the " children begging" remains one of the most widespread forms of economic exploitation of children, the Ministry of Human Rights and Refugees, in 2013, adopted Guidelines for improving the situation of Roma children in Bosnia and Herzegovina - social inclusion that provide concrete policy measures and actions to improve the systemic measures

to prevent and protect street children who are exposed to begging, economic exploitation, and other forms of exploitation.

Also, the Ministry for Human Rights, in 2013, conducted the research on the forms and extent of children forced, hazardous labour and work in the street. It was developed Practicum for training of judges, prosecutors, police, social workers and other professionals on the issue of combating forced and harmful child labour in the street. The training started in 2014.

Project „Protection of children on the move in BiH“ was implemented in 2013, and within this Project the organization, "Hi Neighbour" from Banja Luka, with the support of Save the Children, in 2013, carried out the research on children on the move in BiH. The research focus was on the following groups of children on the move: children working and / or living in the streets, children - victims of human trafficking, children with the status of international legal protection, children - asylum seekers, children - irregular migrants, and children returnees under readmission agreements.

The obtained data were basis for the Report on the situation of children on the move in BiH, entitled "I want to be like other children." As part of this analysis it was also done the analysis of the legal framework in Bosnia and Herzegovina and its compliance with European and international standards.

Legislation in Bosnia and Herzegovina does not treat in the same way "begging of children".

Entities' different legal solutions regarding the proper qualifications of this deed seriously jeopardize the Constitutional principle of citizens equality before the law, in this case of children.

In Federation of Bosnia and Herzegovina, the actions of initiating a minor to begging or organizing the begging, are still treated as offenses disturbing the public order and peace, for which the law specifies the fines, with different amounts from one canton to another.

At the end of 2014, in this Canton, with the support of NGOs, the first Shelter for children in Bosnia and Herzegovina was opened, thus creating the conditions for the functioning of the new referral mechanism of protection and adequate care of children exposed to various forms of violence and exploitation.

## **Protection Measures of the Criminal Justice System**

### **Recommendation 16<sup>17</sup>**

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<sup>17</sup> *Paragraph 37 - The Committee recommends that the Member State, in accordance with Article 8 of the Optional Protocol, adopts appropriate measures to protect the rights and interests of child victims and witnesses at all stages of the criminal proceeding. In concrete, the Committee recommends that the Member State :*  
(A) ensures that the Federation of Bosnia and Herzegovina and Brčko District adopt, without delay, the Laws on

The Law on Protection and Treatment of Children and Juveniles in Criminal Procedure was adopted in the Republika Srpska on 2010, in Brčko District of Bosnia and Herzegovina in 2011, and in the Federation of BiH in 2014.

The emphasis of the Law is that, while applying the international standards and emphasizing the obligations of the state in this area, by the alternative models of treatment: so-called diversion procedures, a juvenile offender takes responsibility for what he/she did and to understand the importance of unacceptable behaviour, and that after rehabilitation / reformation/re-education returns to society as the useful member.

The Law on Social Protection of Republika Srpska states the status of the victim, while in the Federation of BiH, this Law is in the process of enactment.

At BiH level, it has not yet been adopted a framework law on free legal aid, which would ensure a minimum entitlement to free legal assistance to vulnerable population's groups.

Further on, in Federation of BiH, there is no comprehensive system of legal aid. All cantons have not yet adopted this Law and established Centres for free legal aid.

Contrary to Federation, RS adopted the Law on Free Legal Aid, according to which it was established the Centre for free legal aid as a republic administrative organization within the Ministry of Justice, to provide legal assistance to individuals, citizens of Republika Srpska and other persons who are on the territory of RS identified as socially vulnerable categories, and who are not in a position to pay the costs of representation in proceedings in order to exercise their rights and legitimate interests before the courts.

Unfortunately, under the applicable Laws when it comes to children, only those children who belong to the category of children without parental care or come from families receiving social assistance are entitled to free legal assistance through these bodies.

The Criminal Procedure Code in Bosnia and Herzegovina (CPC BiH) contains provisions related to the advising of the injured party on the right to submit proposals for the realization

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*the protection of children and minors in criminal procedure and ensure that those Laws and the equivalent Law in Republika Srpska are implemented in practice;*  
*(B) ensures that the State and Entity Laws provide a definition of the status of child victims;*  
*(C) ensures that child victims of offenses under the Optional Protocol are neither criminalized nor penalized and to take all possible measures to avoid stigmatization and social marginalization of these children;*  
*(D) considers the use of audio and video interviews of children in cases concerning the sale of children, child prostitution and child pornography, and that these interviews should be carried out by specially trained police officers in premises that are adapted to children, and*  
*(E) takes into account the Guidelines on Legal Justice in matters relating to child victims and witnesses of crimes (Resolution of the Economic and Social Council 2005/20, Annex), in the process of implementation of the above recommendations.*

of a property claim<sup>18</sup>, but those provisions are vague and incomplete in terms of the contents of the advising. The advising related to the investigation includes only the injured who is in the same time examined as a witness, but not any injured.<sup>19</sup>

In that case and according to the text of the provision, it is restricted only to asking the witness whether he/she wants to realize a property claim in the criminal proceedings.

The law, therefore, does not stipulate explicitly that the prosecutor or the person, who at the order of prosecutor questions the witness, is required to specifically and fully educate the witness on that right.

The same lack has also the provision related to advising of the injured party about that right at the main hearing.

General provision of the legal counselling on the rights contained in Article 13 of the Criminal Procedure Code of Federation of BiH (CPC F BiH), in Article 12 of the Criminal Procedure Code of Republika Srpska (CPC RS) and in Article 12 of the Criminal Procedure Code of the Brčko District of BiH (CPC BD ) instructs the injured party that he/she has the right to submit during the criminal procedure a proposal for realization of property claim resulting from the commission of a criminal offense, and that he/she can do that until the closing up of the main hearing, i.e. the hearing for sentencing the criminal justice sanction<sup>20</sup>, also that he/she is bound to specify own claim (i.e. to state whether the claim relates to compensation of damage and what is the claimed amount) and that he/she is bound to submit the evidence.<sup>21</sup>

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<sup>18</sup> Article 100, paragraph (10) (FBiH CPC), Article 151, paragraph (10) (RS CPC) and Article 86 (10) (CPC BD) provide that the injured party, being examined as a witness shall be asked whether he/she wants, in criminal proceedings, to enforce of a property claim right and Article 273, paragraph (4) (FBiH CPC), Article 273 (4) (RS CPC) provide that the judge or the presiding judge, before the start of the main hearing, if the injured party is present, and has not yet filed a property claim, shall teach him/her that he/she may submit the claim until the conclusion of the main hearing.

<sup>19</sup> It can be concluded only indirectly from the provisions of Article 246, paragraph 5, item e) of the CPC of the FBH that, during the investigation, the prosecutor is required to teach any injured about that right, but not just the one being examined as a witness. This provision was entered in the Code in its last amendments, which stipulate that when considering the plea agreement, the Court must check, among other things, whether the injured was given the opportunity to say his/her decision regarding such claim in front of the prosecutor.

<sup>20</sup> Due to an authorized person's duty to submit the evidence (Article 209, paragraph 3 of the CPC FBiH), along with the proposal for the realization of a property claim in the criminal proceeding), the right to submit the proposal until the end of main hearing, i.e. the hearing for sentencing (Article 209, paragraph 2 of CPC FBiH), but not until the conclusion of the evidentiary proceedings, will be possible to result in the adjudication of the claim in criminal proceedings, only in cases when the evidence, relevant to the adjudication of property claim, have already been presented at the main hearing, as evidence relevant for finding of the crime existence, of the criminal responsibility of the accused and for sentencing.

<sup>21</sup> The provision of Article 209, Paragraph 3 of the CPC FBiH, obliges the person, who is authorized to submit the petition to assert property claim in the criminal proceeding, to mark specifically the own claim and submit the evidence.

According to the Criminal Codes in BiH children under age of 14 cannot be prosecuted. For children from 14-18 years, a special procedure applies, which is stipulated by the Law on the treatment of minors. The proceeding is always run by the juvenile judge, the prosecutor can always use the principle of opportunity, i.e. drop the charges against a minor.

Out of four Criminal Codes in Bosnia and Herzegovina, only Criminal Code of Brčko District contains a provision which ensures that the person, human trafficking victim, who was forced by the perpetrator to participate in the commission of another criminal offense, shall not be charged in criminal proceedings, if such action of the person was the direct consequence of her/his status of human trafficking victim.

The applicable Criminal Procedure Codes and the Entities and Brčko District Laws on Protection and Treatment of Children and Juveniles in criminal proceedings define also the manner of hearing of a juvenile. To be more specific, *during the hearing of a minor*, particularly if he/she is injured by the offense, he/she shall be treated carefully, bearing in mind the age, level of mental, emotional and social maturity, level of education, the conditions and the environment in which he/she lives, so that the hearing does not have an adverse effect on minor's mental condition. The hearing shall be done with the help of a psychologist, counsellor or other professionals.<sup>22</sup>

This provision allows the bodies of the criminal proceedings that the hearing of the damaged minor is performed in the presence of his/her parent or guardian, as a person in who the minor has the confidence and whose presence should be the psychological support to the injured party during the hearing.

Even when parents demand to be present at the hearing their child- injured minor, we should be especially careful and in such cases obtain the opinion of psychologists, counsellor or other professional or other evidence suggesting that such presence is necessary.

This shall not be done, if in the opinion of the law enforcement bodies, it could be expected that the presence of the parents would effect on the willingness of the injured minor to give a statement or to state the truth.

The careful treatment, done by criminal proceeding bodies, may also include the obligation to avoid repeated hearings of an injured minor.

The law also stipulates that it is not allowed to question the injured about his/her sexual experience prior to commission of the offense, and, if such an examination has taken place , the judicial decision cannot be based on such statement.<sup>23</sup>

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<sup>22</sup> *The Criminal Procedure Code of the Federation of Bosnia and Herzegovina, Article 100, paragraph 4.*

<sup>23</sup> *The Criminal Procedure Code of FBiH, Article 100, paragraph (5);  
The Criminal Procedure Code of RS, Article 279.*

This means that it is not allowed to question the injured about his/her sex life before the committed criminal offense, which is subject matter of the proceeding, and that none evidence presented to illustrate earlier sexual experience, behaviour or sexual orientation of the injured shall be accepted by the Court.

In these two last situations, referring to the victims of so-called sexual offenses, the law, thus specifies the procedural consequences for non-compliance with these provisions and imposes the restrictions in the proposal and the presentation of the evidence, which would lead to violations of these provisions, protecting the personal integrity of the victims of the above mentioned crimes.

The law also includes a provision which stipulates *the recording, by audio or audio-visual equipment, of the hearing of minors* under the age of sixteen, being injured by the criminal offense.<sup>24</sup> The hearing of the child may be carried out in the apartment of the child or any other area in which the child resides or in the Centre for social care and with the help of the pedagogue / psychologist or other professional. The child may be examined, at most, twice with the obligatory use of audio-visual equipment. The law provides for the prohibition of facing the child with the suspected or accused person.<sup>25</sup>

Three Cantonal Courts in the Federation, five District Courts in the RS, as well as Basic Court in BD still do not have equipped court rooms with secured technical conditions and the equipment for the application of special measures for the protection of children - victims and witnesses in connection with crimes of violence against children. In these Courts, there is no specially adapted room which is equipped with technical equipment for the hearing via video link, and for voice distortion while hiding the face of the victim.

## **Recovery and Reintegration of Victims**

### **Recommendation 17**<sup>26</sup>

For many years now, Ministry of Security and Ministry of Human Rights in Bosnia and Herzegovina have provided funds for victims of human trafficking within their budgets. The funds were awarded on the basis of public invitation to NGOs, providing direct support to victims of trafficking, as well as to organizations, providing free legal aid to victims of human trafficking in Bosnia and Herzegovina.

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<sup>24</sup> *The Criminal Procedure Code of the Federation of Bosnia and Herzegovina, Article 104*

<sup>25</sup> *BD BIH Law on Protection and Treatment of Children and Juveniles in Criminal Procedure, Article 187; RS Law on Protection and Treatment of Children and Juveniles in Criminal Procedure, Article 187.*

<sup>26</sup> **Paragraph 39** - *The Committee recommends to the Member State to establish a unit within the Department for the Victims of Crime, which would be specifically mandated to provide assistance and support to child victims of offenses under the Optional Protocol and to provide this unit with adequate human, technical and financial resources. The Committee recommends to the Member State to pay special attention, through affirmative social action, to the needs of children when they are endangered, (paragraph 24).*

## **Recommendation 18**<sup>27</sup>

In the latest amendments to the Law on Social Protection of Republika Srpska in 2012, the children-victims of violence and trafficking have been identified as beneficiaries of social protection. In accordance with this Law, a child-victim of violence has the right to a day care in another family, social protection institution, special centres for children organized and provided by public institutions, associations, religious organizations and the like.

These centres provide them food, care, guarding, health care, education, psychosocial rehabilitation and the like. The decision on this is made by the local competent Centre for Social Care, in which territory the parent or guardian of a child resides, taking into account the best interest of the child. If it is not known any of the child's parents or his/her residence, the procedure is run by the Centre for Social Care in which territory the child is found.

If the child abuse occurred in the family, the child-victim is entitled to accommodation in a Social care institution or in foster family. Funds for the realization of the rights, stipulated in this Law, are provided from the municipal budgets and the budget of Republika Srpska.

Federal Law on social protection does not explicitly recognize children, BiH citizens, who are victims of violence and human trafficking, as special categories of social protection beneficiaries, which is why these children do not have an adequate social protection in this Entity. Sarajevo Canton is one of the exceptions, expanding the range of the entitled to social care and including the victims of abuse and domestic violence. Day care centres for children involved in the life and work in the streets, run by NGOs, in spite of the adopted standards and norms for their work and services, are still not recognized as social protection services for a day care and social reintegration of children - victims of begging.

## **Helpline**

### **Recommendation 19**<sup>28</sup>

In the period 2010-2013, NGO EMMAUS, in cooperation with BIH Ministry of Security, and Save the Children organization and the OAK Foundation, implemented the Project "Comprehensive approach to solving the problem of child pornography in BIH". Within this Project it was established online SOS line for reporting about child abuse cases, as well as, the website [www.sigurnodijete.ba](http://www.sigurnodijete.ba) for children and teenagers, parents and teachers.

New useful materials and links that promote the protection of children on the Internet

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<sup>27</sup> **Paragraph 41** - The Committee recommends to the Member State to take all necessary measures to ensure that children, who are victims of criminal offenses under the Optional Protocol, are provided with adequate support, full social reintegration and full physical and psychological recovery. In particular, the Committee urges the Member State to ensure the continuity in functioning of shelters specifically designated for child victims, including day care centres for children, involved in organized begging. The Committee recommends to the Member State to integrate the latter among its children protection programs.

<sup>28</sup> **Paragraph 43** - The Committee recommends to the Member State to allocate sufficient resources to ensure the continuity and sustainability of these services and to ensure that they are fully available and that are known to all children. The Committee further recommends to the Member State to conduct systematic training for persons operating at the aforementioned helplines in order to prevent cases of sale of children, child prostitution and child pornography, and in order to react on these cases effectively.

were continuously placed on the web portal [www.sigurnodijete.ba](http://www.sigurnodijete.ba) , as well as additional educational videos of Centre for child protection on the Internet, CEOP (Child Exploitation and Online Protection Centre) from Great Britain.

In the framework of establishing Internet SOS lines for help in Bosnia and Herzegovina, EMMAUS carried out the activities to establish cooperation with the organization INHOPE and coordination and presence in training on establishing and managing the SOS lines. Since 2010, IFS-EMMAUS, BiH hotline for safer Internet, was (temporary) member of the network INHOPE and since November 2012 it has a full-fledged membership.

EMMAUS membership in the organization INHOPE provided the state of Bosnia and Herzegovina the access to the perpetrators' database, managed by INHOPE, communication and cooperation with other Members States, the exchange of data within the database, cooperation on the management of SOS lines, participation in education and training, and seminars organized by INHOPE and the Member States.

Since 18 February 2013, NGO "New Generation" in Banja Luka has launched a free anonymous counselling line for children called "Blue Phone". The aim of establishing this kind of line is to provide advice and support to children in difficult and crisis situations, especially in cases of violence and exploitation. The line is open every day from 9 am to 17 pm. For the time being, the calls are free of charge when coming from fixed and mobile M:tel networks. So far, 920 calls have been received, out of which 597 were dealt with. The work of „ Phone“ is supported by the Ministry of Family, Youth and Sports and the City of Banja Luka.

Counselling line in case of violence, abuse and various forms of exploitation of children and young people exists in Tuzla Canton (FBiH), and operates within the NGO "Land of Children". The line is available daily from 0 - 24 and it is run by trained psychologists and social workers. In the reference period there were received over 560 calls by children and other citizens, mostly related to the domestic violence reporting. Only in 2014, based on reporting via this Helpline, two cases of child trafficking were prevented, and after the urging and emergency interventions of the police forces in charge, there were discovered three cases of girls trafficking for sexual and economic exploitation.

## **VII International Assistance and Cooperation**

### **Multilateral, Regional and Bilateral Agreements**

#### **Recommendation 20<sup>29</sup>**

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<sup>29</sup> *Paragraph 45 - The Committee recommends that the Member State takes all adequate measures for strengthening bilateral, regional and international cooperation aiming to improve the system of finding and locating with the Internet Protocol (IP) Locator, in order to trace IP addresses, local web sites and web sites of*

Bosnia and Herzegovina has signed bilateral agreements with countries in the Region (Croatia, Serbia, Macedonia and Montenegro), which, for the first time, allow the extradition of nationals for certain forms of the most serious crimes, including, inter alia, crimes related to the sale of children.

These criminal deeds are not listed in the agreements, but given the severity of the penalties they are criminal offenses for which the own nationals can be extradited. Bilateral cooperation on international assistance is arranged in the Region in a satisfactory manner, having in mind that all countries of the region are also bound by the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters, which allows the widest forms of international cooperation between these countries.

Adhering to the international agreements that are binding to Bosnia and Herzegovina in the area of international legal assistance, BiH treats the foreign countries requests in the same way as the domestic cases. Thus, each country will be provided with the required legal assistance to the same extent that an appropriate action can be taken in domestic cases.

From 27-28 October 2011, with the attendance of representatives from Albania, Macedonia, Bosnia and Herzegovina, Bulgaria, Montenegro, Greece, Croatia, Italy, Romania, Serbia, Slovenia and Turkey, the regional conference was held in Zagreb, entitled "Stop sexual violence against children - The ratification and implementation of Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse ", in cooperation with the Ministry of Family, Veterans and Intergenerational Solidarity and the Croatian Ministry of Justice.

This conference represents a significant advance in prevention of sexual offenses against children (for example, it proclaimed so-called "grooming", i.e. "recruitment" – adults manipulation of children for sexual purposes via the Internet as a criminal offense). The conference was also progressive in initiating the prosecution of perpetrators, in protection of victims and in encouraging the international cooperation and it also provided the opportunity to present "One in Five" campaign in order to encourage the governments to launch their own national campaigns.

The project "Pandora's Box", which is researching the sexual violence against children, has involved non-governmental organizations: Novi Sad School of Journalism, Media Initiatives from Sarajevo, Stine Institute from Split and Association of Independent Journalists from Budapest. Results of this survey have shown that, in Bosnia and Herzegovina, the penalties for sexual abusers of children are rather low, a large number of cases are not even reported to Social care centres, in 98% of cases the abuser is a man, and the most abused are girls. It was

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*perpetrators of the criminal offenses under the Optional Protocol, and in order to use the most accurate data basis on locations of the IP addresses. Further on, the Committee recommends that the Member State takes over the measures in order to identify Internet Service Provider (ISP) of such web sites, and all with the objective of preventing and fighting the child pornography.*

also concluded that media and press are not sufficiently included in the targeted research on this issue. One of the key activities of the Project was "Education about the child protection on the Internet", performed by visiting forty schools in Serbia, Bosnia and Herzegovina, Croatia and Hungary, where pupils, 10 to 15 years old, were lectured about the Internet safety.

## VIII Other Legal Provisions

### **Recommendation 21**<sup>30</sup>

On 25 June 2012, at its 24th regular session, BiH Presidency adopted a decision on the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse ("Official Gazette / International Treaties No. 11/12), which came into force in Bosnia and Herzegovina on 1 March, 2013.

In accordance with the ratified Convention of the Council of Europe, in the first half of 2014, and based on a questionnaire prepared by the Committee, the report on its implementation was drafted (adopted at the 95th session of the Council of Ministers held on 20 May 2014) and submitted to the Lanzarote Committee.

## IX Continuation of Work and Spreading of Knowledge

### **Continuation of Work**

### **Recommendation 22**<sup>31</sup>

At its 151st session, held on 25 May 2011, the Council of Ministers was informed about the concluding remarks and recommendations of the Committee on the Rights of the Child and related to that, the Council of Ministers entrusted BIH Ministry for Human Rights to inform about these, in a proper way, all relevant stakeholders, at all levels of government in BiH, and to incorporate the recommendations in the 2011 – 2014 Action Plan for Children of BiH, which was done.

According to the Action Plan, the Public discussion was organized, with the invited, among others, representatives of the Ministries of Justice, of the High Judicial and Prosecutorial Council, of the Joint Committee on Human Rights of BiH Parliamentary Assembly and all relevant Ministries at the state, entity and cantonal levels of government.

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<sup>30</sup> *Paragraph 46 - The Committee recommends that the Member State ratifies the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. In addition, the Committee recommends to Member State to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.*

<sup>31</sup> *Paragraph 47 - The Committee recommends to the Member State to take all appropriate measures to ensure full implementation of these recommendations, including their transmission to the head of State, the Constitutional Court of Bosnia and Herzegovina, the Supreme Courts of both Entities, the Parliamentary Assembly (the House of Peoples and the House of Representatives), relevant ministries and state, entity, cantonal and local authorities, when applicable, for appropriate consideration and further action.*

After its adoption, the Action Plan was also delivered to all relevant stakeholders for the implementation of measures.

### **Dissemination of Concluding Remarks**

#### **Recommendation 23** <sup>32</sup>

The initial Report and written answers submitted by BiH and recommendations (concluding observations-remarks) are posted on the website of MHRR, in order to be accessible to the general public. Action Plan for Children which contains the recommendations of the CRC was sent to all relevant stakeholders for the implementation of the measures, as well as civil society organizations in order to monitor its implementation.

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<sup>32</sup> *Paragraph 48 - The Committee recommends to the Member State that the initial Report and written replies, submitted by the Member State and the relevant adopted recommendations (concluding remarks) are made available to the general public, including via the Internet (but not exclusively), to civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.*

## Annex 1: Statistics

### a) Data of High Judicial and Prosecutorial Council

Data on reported criminal offenses covered by the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in Bosnia and Herzegovina in the period 2010 – 2014 (1):

Criminal offense	2010			2011			2012			2013			2014		
	Case	Persons	Sex: female	Case	Persons	Sex:female	Case	Persons	Sex: female	Case	Persons	Sex: female	Case	Persons	Sex: female
Initiation of Slavery Relationship															
Trafficking in Human Beings	1	4	2	4	7	2	3	5	1	2	4	2	2	10	1
International Prostitution				1	2	0									
Smuggling people, i.e. organizing a group or association for committing the criminal offense of human trafficking and migrants smuggling															
Taking hostages															
Illegal taking away of someone's freedom	13	19	1	18	30	1	17	27	1	16	29	3	12	26	1
Kidnapping	1	3	0	1	6	0	2	4	1				2	2	0
Rape	7	7	0	9	10	0	11	14	0	9	10	1	7	7	0
Sexual intercourse with a person unable of defending oneself	6	16	0	8	11	0	6	8	1	13	15	0	11	11	0
Sexual intercourse by misuse of position	6	8	0	3	5	0	2	2	0	2	3	1	4	5	0
Sexual intercourse with child	29	35	0	27	30	1	23	28	1	37	45	3	32	37	0
Lewd acts	47	49	0	68	72	2	46	54	2	48	53	5	67	69	2
Satisfying lust in front of a child	8	8	0	13	15	0	9	12	2	5	6	0	6	6	0
Incitement to prostitution	4	6	2	6	10	0	1	1	0	3	5	0			
Exploitation of child or minor for pornography	4	5	0	18	25	0	9	12	1	3	4	0	7	7	0
Presentation of pornography items to child	2	2	1	3	3	0	3	3	0	1	1	0	2	2	0
Incest	2	2	0	2	2	0				1	1	0			
Out -of- marriage relationship with younger minor	37	40	4	42	52	8	48	60	6	34	52	14	33	44	8
Seizure of child or minor	11	15	4	34	39	20	29	34	21	34	35	12	36	41	18
Change of family situation													1	1	1
Neglect or abuse of child or minor	31	41	25	19	32	14	45	71	36	27	40	19	42	61	25
Abandoning of child	2	2	2	4	4	3	2	2	1	2	3	1	6	6	4
Domestic violence	33	36	3	37	42	8	45	49	9	42	44	5	56	58	9

Data source: HJPC BiH

**Data on verdicts for committed crimes covered by the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in Bosnia and Herzegovina in the period 2010 – 2014:**

Criminal offenses	2010			2011			2012			2013			2014		
	Dismissing verdict	Acquittals	Convictions												
Initiation of Slavery Relationship	0	0		0	0	0	0	0	0	0	0		0		
Trafficking in Human Beings	0	0		0	0	0	0	0	0	0	0		0		
International Prostitution	0	0		0	0	0	0	0	0	0	0		0		
Smuggling people, i.e. organizing a group or association for committing the criminal offense of human trafficking and migrants smuggling	0	0		0	0	0	0	0	0	0	0		0		
Taking hostages	0	0		0	0	0	0	0	0	0	0		0		
Illegal taking away of someone's freedom	0	0	10	0	0	6	0	6	0	0	0		0	1	
Kidnapping	0	0	2	0	1	0	0	3	0	0	0		0	1	
Rape	0	0	1	0	0	2	0	1	1	0	0		0	2	
Sexual intercourse with a person unable of defending oneself	0	0	0	0	0	8	0	1	0	0	1		0		
Sexual intercourse by misuse of position	0	0	0	0	1	0	0	0	0	1	0		0	1	
Sexual intercourse with child	0	0	4	0	0	8	1	1	0	2	1		0	4	
Lewd acts	0	0	4	0	1	17	0	4	0		3		0	2	
Satisfying lust in front of a child	0	0	2	0	0	4	0	1	0		2		0	1	
Incitement to prostitution	0	0	5	0	0	7	0	0	1				0		
Exploitation of child or minor for pornography	0	0	4	0	0	3	1	0	1				0	1	
Presentation of pornography items to child	0	0	0	0	0	1	0	0	0				0		
Incest	0	0	0	0	0	0	0	0	0				0		
Out -of- marriage relationship with younger minor	0	0	18	0	0	20	0	0	0				0		
Seizure of child or minor	0	1	2	2	1	3	0	3	0	1	1		0	2	
Change of family situation	0	0	0	0	0	1	0	0	0				0		
Neglect or abuse of child or minor	0	0	11	0	0	7	0	0	0		1		1		
Abandoning of child	0	0	1	0	0	0	0	0	0				0		
Domestic violence	0	0	14	0	3	20	0	3	0				0	1	

*Data source: HJPC BiH*

**Data on the Indictments in the period 2010 – 2014:**

Criminal offenses	2010			2011			2012			2013			2014		
	Case	Persons	Sex												
Initiation of Slavery Relationship	0		0	0		0	0		0	0		0	0		0
Trafficking in Human Beings	0		0	0		0	0		0	0		0	1	1	0
International Pondering for Prostitution	0		0	0		0	0		0	0		0	0		0
Smuggling people, i.e. organizing a group or association for committing the criminal offense of human trafficking and migrants smuggling	0		0	0		0	0		0	0		0	1	4	0
Taking hostages	0		0	0		0	0		0	0		0	0		0
Illegal taking away of someone's freedom	4	7	1	5	9	0	6	8	1	3	8	0	3	7	0
Kidnapping	1	3	0	0		0	1	3	0	1	1	1	1	1	0
Rape	3	3	0	3	4	0	7	7	0	7	8	1	4	4	0
Sexual intercourse with a person unable of defending oneself	3	60	0	6	17	0	1	1	0	2	2	0	4	4	0
Sexual intercourse by misuse of position	1	1	0	1	3	0	2	4	0	0		0	1	1	0
					0										
Sexual intercourse with child	14	15	0	14	14	1	9	10	0	11	12	0	14	19	0
Lewd acts	28	29	0	18	18	0	18	21	1	25	28	3	20	20	1
Satisfying lust in front of a child	3	3	0	3	3	0	8	8	1	1	1	0	4	7	1
Incitement to prostitution	5	10	4	5	6	0	0		0	2	3	0	1	1	0
Exploitation of child or minor for pornography	3	3	0	3	5	0	8	10	0	1	1	0	1	1	0
Presentation of pornography items to child	0		0	2	2	0	0		0	0		0	1	1	0
Incest	0		0	1	1	0	0		0	0		0	0		0
Out -of- marriage relationship with younger minor	2	3	0	8	8	0	6	8	0	7	13	5	14	23	7
Seizure of child or minor	2	2	1	3	3	0	6	6	3	1	1	0	5	5	0
Change of family situation	1	1	1	0		0	0		0	0		0	0		0
Neglect or abuse of child or minor	7	7	3	4	7	4	7	12	7	6	7	3	12	21	10
Abandoning of child	0		0	0		0	0		0	0		0	1	1	0
Domestic violence	17	20	3	17	20	0	25	25	3	21	23	2	36	37	5

*Data source: HJPC BiH*

## Order to Cease the Investigation

Criminal offenses	2010			2011			2012			2013			2014		
	Case	Persons	Sex: female	Case	Persons	Sex									
Initiation of Slavery Relationship															
Trafficking in Human Beings							1	4	2	3	6	2	1	5	0
International Pondering for Prostitution							1	2	0						
Smuggling people, i.e. organizing a group or association for committing the criminal offense of human trafficking and migrants smuggling							1	1	0						
Taking hostages															
Illegal taking away of someone's freedom	2	2	0	2	2	0	2	4	0	4	4	0	8	11	0
Kidnapping													1	4	0
Rape	1	1	0	4	4	0	2	4	0	2	2	0	3	4	0
Sexual intercourse with a person unable of defending oneself				3	3	0	4	4	0	3	4	0	6	6	0
Sexual intercourse by misuse of position				1	1	0	1	1	1	1	1	0	1	1	0
Sexual intercourse with child	7	8	0	10	15	0	5	9	0	4	5	0	7	8	1
Lewd acts	5	6	0	9	9	0	1	1	0	5	6	0	8	10	1
Satisfying lust in front of a child				1	1	0	2	2	0				1	1	0
Incitement to prostitution							1	1	1						
Exploitation of child or minor for pornography													1	2	0
Presentation of pornography items to child													2	2	0
Incest	1	1	0												
Out -of- marriage relationship with younger minor	6	6	0	5	6	1	3	3	0				3	3	0
Seizure of child or minor	6	6	3	5	5	4	3	3	1	9	9	5	9	10	6
Change of family situation															
Neglect or abuse of child or minor	10	14	8	4	7	5	9	12	5	9	16	7	8	11	3
Abandoning of child															
Domestic violence	2	2	0	2	3	2	5	6	0	1	2	1	5	5	1

Data source: HJPC BiH

## Order to Conduct the Investigation

Criminal offenses	2010			2011			2012			2013			2014		
	Case	Persons	Sex: female	Case	Persons	Sex:female	Case	Persons	Sex: female	Case	Persons	Sex: female	Case	Persons	Sex: female
Initiation of Slavery Relationship															
Trafficking in Human Beings							2	4	1	1	3	1	2	7	0
International Pondering for Prostitution							1	2	0						
Smuggling people, i.e. organizing a group or association for committing the criminal offense of human trafficking and migrants smuggling							1	1	0						
Taking hostages															
Illegal taking away of someone's freedom	11	14	1	7	14	0	10	17	1	7	10	0	9	18	0
Kidnapping	1	3	0				1	5	1	1	2	0	1	2	0
Rape	5	5	0	8	8	0	9	12	0	6	7	1	4	4	0
Sexual intercourse with a person unable of defending oneself	2	9	0	9	13	0	1	1	0	5	5	1	7	7	0
Sexual intercourse by misuse of position	1	1	0	1	3	0	1	1	0				2	2	0
Sexual intercourse with child	22	26	0	19	21	1	19	21	0	17	18	1	21	26	0
Lewd acts	36	38	0	31	31	0	25	28	1	36	40	5	29	31	1
Satisfying lust in front of a child	7	7	0	9	9	0	7	7	1	3	3	0	7	10	1
Incitement to prostitution	5	8	3	5	7	0	1	1	0	2	3	0			
Exploitation of child or minor for pornography	5	6	0	8	11	0	4	6	0	3	4	0	4	4	0
Presentation of pornography items to child	1	1	0	2	2	0	1	1	0	1	1	0	2	2	0
Incest	1	1	0	1	1	0									
Out -of- marriage relationship with younger minor	30	33	0	33	39	4	32	36	2	26	36	8	32	49	8
Seizure of child or minor	8	8	3	13	13	6	15	15	8	20	20	6	20	23	11
Change of family situation															
Neglect or abuse of child or minor	26	31	17	15	25	16	21	31	14	18	27	12	25	43	23
Abandoning of child	3	4	4	2	2	2				1	1	1	2	2	1
Domestic violence	24	27	2	29	34	5	39	42	7	32	33	2	55	56	9

Data source: HJPC BiH

## Non-Initiating the Investigation

Criminal offenses	2010			2011			2012			2013			2014		
	Case	Persons	Sex: female												
Initiation of Slavery Relationship															
Trafficking in Human Beings										1	2	0	1	4	1
International Pondering for Prostitution															
Smuggling people, i.e. organizing a group or association for committing the criminal offense of human trafficking and migrants smuggling															
Taking hostages															
Illegal taking away of someone's freedom	3	6	0	5	9	1	4	6	0	5	13	3	3	7	0
Kidnapping															
Rape				2	2	0	2	2	0				2	2	0
Sexual intercourse with a person unable of defending oneself				2	8	0	1	1	0	2	2	0	1	1	0
Sexual intercourse by misuse of position				2	2	0	3	3	0	1	1	0	1	2	0
Sexual intercourse with child	2	2	0	2	2	0	2	2	0	7	11	0	2	4	1
Lewd acts	3	3	0	13	13	0	10	10	0	8	10	0	9	9	0
Satisfying lust in front of a child				1	1	0	2	2	0	4	5	0			
Incitement to prostitution										1	2	0			
Exploitation of child or minor for pornography															
Presentation of pornography items to child				1	1	1	1	1	0	1	1	0	1	1	0
Incest				1	1	0				1	1	0			
Out -of- marriage relationship with younger minor	2	3	0	7	7	1	15	16	0	7	8	2	6	10	2
Seizure of child or minor	4	7	2	11	15	7	6	7	5	11	17	8	7	9	2
Change of family situation															
Neglect or abuse of child or minor	5	7	4	7	9	3	4	4	4	10	15	10	8	11	6
Abandoning of child				2	2	1							1	1	1
Domestic violence	1	2	0	8	8	3	7	8	2	6	7	1	4	5	1

Data source: HJPC BiH

## **b) Data of BIH Ministry of Security**

According to data collected by the prosecutor's office, law enforcement authorities, social care centres and non-governmental organizations in 2011, there were identified 19 minor victims of human trafficking (12 girls and 7 boys). Out of 12 minor girls, 4 were sexually abused, 3 exploited for forced labour - begging, 5 exploited - sold for the purpose of entering into forced marriage.

Out of the registered 7 boys, 6 were exploited for forced labour - begging and one was sexually exploited. In 2012, there were identified 19 minor victims of human trafficking, 16 were underage girls and 5 sexually exploited, 2 were subject to incitement to prostitution, 6 were exploited for forced labour - begging, 3 – sold, exploited for the purpose of entering into forced marriage.

Out of this number, 3 were victims of human trafficking – boys, and all exploited for forced labour - begging.

According to data collected in 2013, there were identified six underage victims of human trafficking – girls: 1 sexually exploited, 3 for begging, 2 exploited - sold for the purpose of entering into forced marriage / begging and there were identified three underage boys trafficked for forced begging.

In 2014, 37 minor victims of human trafficking were identified, out of this total number there were 24 girls and 13 boys. Out of 24 girls identified, 6 were sexually exploited, 14 exploited for begging and 4 sold for forced marriage and subsequent begging. 13 identified boys were victims of begging.

## **c) Data obtained during the quantitative survey conducted by UNICEF**

Quantitative survey by UNICEF on child begging and other street activities in four cities in Bosnia and Herzegovina, conducted in mid-2013, with a sample of 372 children, from 7 to 18 years, who beg or work in the streets showed that the largest number of children is begging for over six months, some even 7-8 years, and that they have been doing that almost every day. No one has ever tried to stop 70-80% of children (depending on city) to do that. The results showed that in Bosnia and Herzegovina the share of girls and boys begging in the street is equal, that the majority of children working in the streets declare for themselves to be Romas, and that between 30-40% (depending on the city) of these children had never attended school.

Even 40% of the surveyed children said they often do not eat anything during the whole 24 hours. Of the children questioned in four cities in Bosnia and Herzegovina, only children from Sarajevo almost never migrate to other cities and countries, while children from other cities

migrate to other cities in Bosnia and Herzegovina, as well as in other countries (Germany, Croatia and Belgium). About 40% of children between 12 and 18 years had sexual intercourse; almost all children had sexual intercourse before the age of sixteen, while several children were forced to have sexual intercourse for money. Most children daily suffer various forms of violence, and most of them had been exposed to physical abuse by parents or other adults because they do not earn enough money. Minimum national estimates of the number of children working in the streets, according to the survey, is 2.150 children.

## **Appendix 2**

### **CONCLUSIONS**

The Ministry for Human Rights and Refugees of Bosnia and Herzegovina, aiming to accomplish the obligations of Bosnia and Herzegovina as an international entity that submits reports on the implementation of the Convention on the Rights of the Child and its Optional Protocols, proposes to the Council of Ministers of Bosnia and Herzegovina to adopt the following:

### **CONCLUSIONS**

1. Herein we adopt the first Periodic Report of Bosnia and Herzegovina on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
2. Herein we put in charge the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, to submit to the UN Committee for Rights of the Child, the first Periodic Report of Bosnia and Herzegovina on the Implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to do this through the Ministry of Foreign Affairs.

## **Appendix 3**

### **Members of the Working Group Drafting the Report**

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4. **Samir Rizvo**, Ministry of Security of BiH
5. **Nikola Sladoje**, Ministry of Justice of BiH
6. **Azir Mrđanović**, High Judicial and Prosecutorial Council of BIH
7. **Mirsada Bajramović**, NGO „Land of Children in Bosnia and Herzegovina“