

Bosnia and Herzegovina

In 2011, Bosnia and Herzegovina made a minimal advancement in efforts to eliminate the worst forms of child labor. During the reporting period, the Government assisted victims of human trafficking by developing referral mechanisms for victims and training social workers in their application. However, some human trafficking laws at the state and entity levels fall below international standards, leaving children vulnerable to the worst forms of child labor. In addition, the Government did not provide funds to adequately implement the Decade for Roma Inclusion (2005-2015) Initiative, which could prevent Roma children from working in exploitative conditions. Children in Bosnia and Herzegovina continue to engage in the worst forms of child labor, including forced begging and commercial sexual exploitation.

Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	8.9 (44,017)
Attending School	7-14 yrs.	83.7
Combining Work and School	7-14 yrs.	10.6
Primary Completion Rate		69.6

Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

All other data: Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2006.(2)

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bosnia and Herzegovina are engaged in the worst forms of child labor, primarily in forced begging including pickpocketing and sexual exploitation.(3-5) There are existing organized groups that traffic mainly ethnic Roma children and force them to beg.(5) Many children exploited for forced begging are under age 14.(6) Reports from the UN Committee on the Rights of the Child indicate that a majority of Roma children do not attend school, which makes them vulnerable to the worst forms of child labor.(4, 6, 7)

Children, especially girls, are trafficked for commercial sexual exploitation.(8) In particular, Roma girls are trafficked through the use of forced marriage for the purpose of domestic servitude.(5, 9) There is anecdotal evidence suggesting that the



Roma custom of paid and arranged marriages between families results in exploitation of Roma girls; however, the extent of the problem is unknown.(10) There are also reports of child pornography being produced in Bosnia and Herzegovina, although research has not revealed the magnitude of the problem.(11)

Laws and Regulations on the Worst Forms of Child Labor

The State of Bosnia and Herzegovina consists of two entities—Federation of Bosnia and Herzegovina (FBiH) and Republika Srpska (RS)—and a self-governing district, the Brcko District (BD).(12) Laws at the state, entity and district level regulate issues related to the worst forms of child labor with the primary responsibility for labor laws being at the entity and district levels.(3, 9, 13)

The Labor Codes of FBiH, RS and BD set the minimum age for work at age 15. Minors ages 15 to 18 are prohibited from working at night or performing work that endangers their health or development.(14-16) Specifically, FBiH, RS and BD law prohibit hard labor, working underground, underwater and other jobs that would risk the life, health or psychological development of minors.(14-16) However, according to the ILO Committee of Experts, there are no existing lists of specific forms of hazardous work prohibited to minors in any of the entities or district.(4)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Constitution prohibits forced and compulsory labor.(13) The Bosnia and Herzegovina Criminal Code dictates prison terms for actions that place or keep a minor in slavery.(17)

Criminal Codes of the State, FBiH and BD prohibit the illicit trafficking of narcotic drugs. However, the law does not include and specify provisions to prohibit the use, procuring or offering of a minor for this offense. The Criminal Code of RS specifies a provision under which any persons who use a child or minor to commit the above criminal act will be punished by imprisonment for a term of between 3 and 15 years.(4)

The FBiH, RS and BD Criminal Codes prohibit prostitution and penalize the production and distribution of child pornography.(17-19) The Bosnia and Herzegovina and FBiH Criminal Codes outlaw hiring a prostitute outside of the state where one resides or is a citizen.(17)

The Bosnia and Herzegovina Criminal Code prohibits trafficking minors for the purpose of sexual and labor exploitation.(17) The Criminal Codes of the FBiH and BD do not define human trafficking as a separate offense, and the Criminal Code of RS defines human trafficking as a distinct offense only for the purpose of prostitution. Further, the existing article on trafficking does not contain some of the action components of the trafficking term, such as transfer, recruitment and harboring.(18, 20)

In general, the State Criminal Code may also apply to both entities and the district. However, the authorities frequently fail to identify trafficking cases which results in prosecuting

these cases under other criminal statutes.(5, 20) For example, the existing laws at the entity level against “enticement to prostitution” permit the entity law enforcement to treat minors ages 14 and older as “juvenile prostitutes” instead of victims of rape or trafficking in persons.(6, 9) The Government has recognized the inconsistencies in legislation and all entity ministries have agreed to send the request for amendments to their Criminal Codes to their respective parliaments in early 2012.(9) In addition, the Criminal Codes at the entity and district levels are inconsistent and unclear; they are using different ages that do not meet the international standard for identifying a child, minor or juvenile, which is under age 18.(18, 19)

The Bosnia and Herzegovina Defense Reform Law ended conscription, and voluntary recruitment is not permitted for anyone under age 18.(21)

Primary education is compulsory for 9 years and is provided free. Secondary education is also free for 3 to 4 years.(4, 22) Although it is contingent upon the starting age of the child, education appears be compulsory to age 15. However, poverty and a lack of access to quality education remain obstacles for children who are minorities and living in rural areas.(4)

The authorities provide textbooks, meal allowances and transportation to Roma children who are citizens of the State. However, obstacles such as a lack of culturally sensitive school programs, verbal harassment and language barriers still prevent Roma children from attending and cause some children to drop out of school.(6) In addition, there are many undocumented children, mostly Roma, who are not granted access to school, health and social services because only citizens are entitled to these benefits.(6)

Institutional Mechanisms for Coordination and Enforcement

Research did not indicate that the Government of Bosnia and Herzegovina has established mechanisms at the entity or district levels to coordinate efforts to combat worst forms of child labor.

Currently, various institutions at the entity level are responsible for enforcing labor laws, including those on child labor.(9) The FBiH Ministry of Labor and Social Policy, the RS Ministry of Labor and Veterans and the BD Administrative Support Department oversee and enforce the Labor Codes of their respective jurisdictions.(3) There are 118 labor inspectors for FBiH, RS and BD.(3) Officials in these Ministries have reported that these numbers are adequate and that they have sufficient resources to carry out inspections. Labor inspectors

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are trained to detect child labor violations; however, child labor is not common in the formal sector.(3) During the reporting period, inspections were not conducted and there were no reports of child labor law violations.(3)

The Government of Bosnia and Herzegovina appears to have established a number of mechanisms to coordinate the efforts to combat human trafficking. The Office of the State Coordinator for Anti-trafficking, within the Bosnia and Herzegovina Ministry of Security (MOS), plays the lead role in anti-trafficking efforts at the state level, including a nationwide Inter-Ministerial Working Group to Combat Trafficking that includes a number of agencies.(3)

The Chief State Prosecutor chairs the Anti-Trafficking Strike Force, which is tasked with conducting operative actions.(20) The Strike Force includes prosecutors, financial investigators and police officers who target trafficking and illegal migration.(9) This agency is also charged with coordinating the collection of trafficking-related data from all enforcement agencies, whereas the Office of the State Coordinator's responsibility is to maintain and verify these data.(3) During their investigations, labor inspectors have not adequately focused on how children were trafficked into a begging ring or recruited for employment.(3, 9)

In December 2010 and January 2011, the Government exercised regional leadership in combating forced begging by executing large-scale raids against forced begging rings.(5) Fifteen children were rescued and placed in shelters. However, due to the entity's lack of trafficking specific laws, the Federation prosecutors failed to prosecute the perpetrator and victims were returned to their parents who were complicit in trafficking them.(9)

The Bosnia and Herzegovina State Prosecutor's Office has exclusive jurisdiction over trafficking cases under state-level law; it can decide which cases to prosecute at the state level and which ones to send to the entity level.(9) If the entities amend their criminal laws that relate to human trafficking as proposed in 2011, the state would have jurisdiction over international trafficking, while entities and Brcko Legislation would be amended to cover uniformly all other trafficking crimes.(9)

During 2011, there were 23 trafficking victims under the age of 18, and seven were foreign victims. Out of 27 assisted victims, 18 were minors. Four minors were victims of sexual exploitation, while four minors were trafficked for forced marriage; four minors were victims of forced begging.(9) During the reporting period, authorities received 19 criminal reports against 38 suspects, investigated 10 cases out of 19 suspects, prosecuted six out of nine persons and convicted

seven trafficking offenders. However, the Government did not initiate any new human trafficking investigations in 2011.(9)

The Government of Bosnia and Herzegovina was not proactive in identifying victims of trafficking in prosecuting some victims for acts that had occurred as a result of being trafficked.(5) Although such evidence is limited, there is some information from NGOs that foreign trafficking victims who were no longer needed in the prosecution process were deported by the Government without reintegration support(9)

Government Policies on the Worst Forms of Child Labor

The Government of Bosnia and Herzegovina is participating in an international initiative aimed at helping Roma populations that could benefit Roma children living and working on the streets.(23) The Decade for Roma Inclusion (2005-2015) is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of Roma across the region. The Council of Ministers adopted a decision on allocation of funds from the state budget to address Roma's access to employment, housing and health care.(3, 6, 7, 24)

A recent evaluation of these policies for the 2009-2011 period showed that some progress has been made toward improving conditions for the Roma population.(24) The improved conditions were attributed to government-provided funding for the implementation of Action Plan in 2009, the completion of a Roma Census aimed at addressing the needs of Roma population, the adoption of the Roma Education Action Plan in 2010 and a published call for application for Roma self-employment and employment projects. However, despite these efforts, the Action Plan was not adequately implemented or sufficiently funded resulting in a decreased impact of the program.(24) The evaluation did not address the program's possible impact on children in the worst forms of child labor.

The trafficking of children for commercial sexual exploitation or forced labor is addressed in the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for 2008-2012.(3) The goals include 1) lowering the risk of trafficking among vulnerable groups; 2) advancing the procedure for identifying trafficking victims; 3) ensuring timely and adequate assistance to victims and witnesses of human trafficking; and 4) strengthening the criminal policy for acts of human trafficking and increasing the number of convictions and sentences. The Government continued to implement this plan during the reporting period.(3) In addition, the authorities hired the Criminal Policy Research Center of the Sarajevo University to evaluate the plan. The new National Action Plan is based on the recommendations from that evaluation.(9)

The Government has also signed bilateral agreements on cooperation in organized crime cases with Croatia, Serbia, Montenegro and Macedonia; however, it has no binding bilateral agreements regarding witness protection, which impedes its participation in international investigations.(9)

The Government does not collect reliable data on children who are forced to engage in begging, pickpocketing or prostitution. Roma organizations, in coordination with relevant government agencies, intend to develop an action plan to combat the problem of child begging, but it appears that the plan has not yet been completed.(3) It is unclear how this may impact the Government's ability to formulate and implement effective policies to address these problems.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Bosnia and Herzegovina did not provide funds for programs that are a part of Decade for Roma inclusion initiative in 2011.(3) The Ministry of Human Rights and Refugees, in cooperation with local Roma NGOs, spent \$2.1 million on programs focused on Roma housing, education, employment, health care and social inclusion in 2010. However, the progress of these programs has been stalled by the lack of allocated funds in 2011.(3)

The Government provides specialized training for government officials on recognition, investigation and prosecution of trafficking. However, the activities related to this training were limited due to a lack of allocated funding from the state budget.(9) The Ministry of Human Rights and Refugee (MHRR), in cooperation with other ministries, concluded Sustainable Interventions to Combat Trafficking in Persons in Bosnia and Herzegovina (SUSTAIN), an \$850,000 USAID-funded outreach program. SUSTAIN included the development of referral mechanisms for trafficking victims and the training of 176 social workers to apply those mechanisms.(9)

In addition, the MHRR provided small grants of \$46,000 to seven NGOs to provide basic needs such as counseling, education assistance and job training specifically designed for individual trafficking victims. Three of these seven NGOs provide shelters for domestic and foreign victims. The shelters assisted 21 trafficking victims, out of which 18 were minors.(9) Due to the political stalemate, the Ministry of Security had no budget for foreign victims or to assist NGOs in sheltering foreign victims. These shelters operated out-of-pocket during the reporting period.(9)

Research found no information indicating that there are social programs targeted towards children working on the streets, especially in forced begging and pickpocketing.

Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Bosnia and Herzegovina:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend entity-level laws to make them consistent with state laws. Create comprehensive prohibitions against specific hazardous activities.	2009, 2010, 2011
	Add a provision in the Criminal Code that prosecutes using, procuring or offering a minor for illicit trafficking of narcotic drugs at the state and entity levels.	2011
	Coordinate and adopt entity-level laws that include and clarify the prohibitions against trafficking for sexual purposes, and trafficking for labor and prostitution in general.	2011
	Amend all criminal codes that contain the terms child, minor or juvenile, with a specific reference that these terms include individuals under age 18.	2011
	Amend the Criminal Code of BiH to prohibit using children under age 18 for prostitution in their place of residence.	2011
	Ensure that appropriate laws are applied to human trafficking, so victims can receive services and prosecutions are carried out in accordance with the law.	2011
Coordination and Enforcement	Establish coordinating mechanisms at the state and entity levels to combat all worst forms of child labor. In particular, develop a communication mechanism between labor inspectors and the Trafficking Strike Force, so that fraudulent employment offers and forced begging cases are properly monitored and documented.	2009, 2010, 2011

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Area	Suggested Actions	Year(s) Action Recommended
Policies	Assess the impact of policies addressing the social inclusion of the Roma population on the worst forms of child labor.	2010, 2011
	Allocate funding for social programs, especially those that target the Roma population.	2011
	Collaborate with Roma organizations to formulate an Action Plan to combat child begging.	2009, 2010, 2011
	In collaboration with the ILO, set up standards and methodology for data collection related to children involved in the worst forms of child labor, particularly those engaged in begging, pickpocketing and prostitution in order to enhance policymakers' ability to identify problems more accurately and to address them more effectively.	2009, 2010, 2011
	Establish a policy on witness protection in order to be able to participate in international investigations on trafficking.	2011
Social Programs	Institute programs to assist street children and address children's involvement in begging and pickpocketing rings.	2009, 2010, 2011
	Increase efforts in funding NGOs to assist Roma families in the registration process for the proper citizenship documentation that entitles their children access to school.	2011

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