

Bosnia and Herzegovina

The Government of Bosnia and Herzegovina strengthened its policy framework and further solidified its comprehensive legal protections against the worst forms of child labor, and it is making significant efforts to combat trafficking. The exploitive use of child labor in begging and pick-pocketing rings remains a problem. Significant gaps remain in the knowledge base on these issues and in the Government's programs to address them.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.9%
Attending School	5-14 yrs.	83.7%
Combining Work and School	7-14 yrs.	10.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bosnia and Herzegovina are exploited in the worst forms of child labor, including in begging.⁵⁶⁵ There are reports of organized groups trafficking mainly ethnic Roma children and forcing them to beg and pickpocket.⁵⁶⁶ The majority of Roma children who live or work in the streets are under the age of 14 and do not attend school.⁵⁶⁷ Children working on the streets may be exposed to a variety of hazards, such as severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.

Girls in Bosnia and Herzegovina are trafficked for commercial sexual exploitation within the country.⁵⁶⁸ Victims of trafficking as young as age 13 have been reported.⁵⁶⁹

Laws and Regulations on the Worst Forms of Child Labor

The state of Bosnia and Herzegovina consists of the Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS), and Brcko District (BD), a self-

governing territory.⁵⁷⁰ Laws at both the state level and component entity level regulate issues related to the worst forms of child labor, with primary responsibility for labor laws being at the entity level.⁵⁷¹

The Labor Codes of FBiH, RS, and BD set the minimum age for work at 15. Minors ages 15 to 18 are prohibited from working at night or performing work that endangers their health or development.⁵⁷² FBiH, RS, and BD law prohibit difficult hard labor, work underground or underwater and other jobs that would risk the life, health or psychological development of minors.⁵⁷³ Entity-level governments do not have lists of specific forms of hazardous work prohibited to minors.⁵⁷⁴

The Constitution prohibits forced or compulsory labor. The Bosnia and Herzegovina Criminal Code dictates prison terms for actions that place or keep a minor in slavery.⁵⁷⁵

The Bosnia and Herzegovina Defense Reform Law ended conscription, and voluntary recruitment is not permitted for anyone under the age of 18.⁵⁷⁶

The Bosnia and Herzegovina Criminal Code outlaws hiring a prostitute outside of the state where one resides or is a citizen.⁵⁷⁷ In addition, the FBiH, RS, and BD Criminal Codes prohibit prostitution and penalize the production and distribution of child pornography.⁵⁷⁸ The Bosnia and Herzegovina Criminal Code prohibits trafficking in persons for the purpose of sex and labor exploitation⁵⁷⁹ and prohibits forcing children to beg. *Family Laws* in the FBiH, RS, and BD also prohibit forcing children to beg, if parents are the ones exploiting the children.⁵⁸⁰

During the reporting period, article 186 of the Bosnia and Herzegovina Criminal Code was amended to set a minimum 3-year sentence (along with a 5-year maximum sentence) for trafficking, provide specific punishment of those who use the services of human trafficking victims, and clarify the definition of “child” to refer to any victim under the age of 18.⁵⁸¹

	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

Institutional Mechanisms for Coordination and Enforcement

Research identified no information to indicate that the Government of Bosnia and Herzegovina has established mechanisms at the state or entity level for coordinating efforts to combat child labor.⁵⁸²

Various institutions at the entity level, however, are responsible for enforcement of labor laws, including those on child labor. 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.⁵⁸³ There are 76 labor inspectors in the FBiH, 35 in RS, and seven in BD. Officials in these ministries have reported that these numbers are adequate and report that they have sufficient resources to carry out inspections.⁵⁸⁴ Labor inspectors are trained to detect child labor violations; however, child labor is not common in the formal sector. During the reporting period, one case was noted in the FBiH (and none in RS or BD), and labor inspectors contacted law enforcement officials to investigate criminal violations related to the case.⁵⁸⁵

The Government of Bosnia and Herzegovina appears to have established a number of mechanisms to coordinate 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, and a nationwide Inter-Ministerial Working Group to Combat Trafficking, which includes a number of agencies, also exists. At the entity level, the Ministries of Interior, Health, Labor, and Education are involved with anti-trafficking efforts, along with prosecutors at the state, entity and local levels.⁵⁸⁶

Bosnia and Herzegovina has a nationwide Anti-trafficking Strike Force chaired by the chief state prosecutor. It includes prosecutors, police, and financial investigators who target trafficking and illegal migration. Investigators and prosecutors at the national and entity levels have received relevant training.⁵⁸⁷ Further information was not identified to clarify exactly what role each of the coordinating bodies play in combating trafficking.

The Bosnia and Herzegovina State Prosecutor’s Office has exclusive jurisdiction over trafficking cases under state level law, and can decide which cases to prosecute at the state level and which to send to the entity level.⁵⁸⁸

Lack of cooperation among law enforcement and prosecutorial agencies at the various administrative

levels frequently complicates national-level efforts to address trafficking.⁵⁸⁹

During 2009, eight out of the 46 trafficking victims documented by the Government of Bosnia and Herzegovina were minors, a decrease from past years where typically half of all victims were underage.⁵⁹⁰ Information is not available as to how many of these victims were documented as the result of police inspections at the state or entity levels or how many of these cases were referred for investigation.⁵⁹¹ During the reporting period, the Bosnia and Herzegovina prosecutor's office received 23 reports related to possible trafficking, launched seven investigations, and continued with seven from 2008. Three verdicts were rendered in 2009, and one of the two guilty verdicts involved the sexual exploitation of a minor.⁵⁹²

Entity-level authorities apply their prostitution laws to prosecute trafficking cases.⁵⁹³ During the period under review, these authorities investigated 21 cases, prosecuted 16 cases, and convicted 16 trafficking offenders. There is no indication to what degree these cases involved child trafficking.⁵⁹⁴

The State Coordinator coordinates victim protection efforts among NGOs, law enforcement, and government institutions.⁵⁹⁵ It identifies and registers trafficking victims and refers them to NGO service providers.⁵⁹⁶

Government Policies on the Worst Forms of Child Labor

Research found no evidence that the Government of Bosnia and Herzegovina has an overarching policy framework for the elimination of the worst forms of child labor.⁵⁹⁷ The trafficking of children for commercial sexual exploitation or forced labor, however, is addressed in the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for 2008-2012, which was adopted by the Council of Ministers in May 2008.⁵⁹⁸ This plan is based on three pillars: prevention, protection of trafficking victims, and prosecution of traffickers. The goals include: 1) lowering the risk of trafficking among vulnerable categories; 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.⁵⁹⁹ Bosnia and Herzegovina was in the process of implementing the plan during the reporting period.⁶⁰⁰

The Government is also participating in an international initiative aimed at helping Roma populations that could benefit Roma children living and working in the streets. The Decade for Roma Inclusion (2005-2015) is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of the Romani minority across the region.⁶⁰¹ Bosnia and Herzegovina joined the initiative in 2008. Action plans for employment, health, and housing have been developed. No evidence was identified to determine the impact of this initiative on Roma children involved in the worst forms of child labor. 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.⁶⁰²

According to research for this report, the Government does not appear to collect reliable data on children being forced to engage in begging, pick-pocketing, or prostitution. This impairs its ability to formulate and implement effective policies to address these problems.⁶⁰³

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

From 2003 to 2008 the Government of Bosnia and Herzegovina participated in a \$2.2 million regional program, funded by the Government of Germany, to combat the worst forms of child labor.⁶⁰⁴ The Government has also cooperated with the IOM to implement anti-trafficking assistance, training, and prevention programs.⁶⁰⁵ UNICEF has worked in the country to ensure that efforts to remove trafficked persons from exploitive situations do not result in further victimization.⁶⁰⁶

The Government has continued its anti-trafficking efforts by providing specialized training for government officials on recognition, investigation, and prosecution of trafficking.⁶⁰⁷ During the reporting

period, authorities distributed anti-trafficking manuals for use by government and civil society groups involved in the rehabilitation and reintegration of trafficking victims. They also supported shelters and other services.⁶⁰⁸ The State Coordinator's Office partnered with two NGOs in a campaign to increase public awareness of trafficking in persons, specifically

targeting young people seeking employment outside Bosnia and Herzegovina.⁶⁰⁹

Despite these important initiatives against child trafficking, research has not identified any social programs by the Government of Bosnia and Herzegovina to assist street children.

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend entity level laws to include prohibitions against specific hazardous activities.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish coordinating mechanisms at the state and entity level to combat the worst forms of child labor.
- Improve cooperation among law enforcement and prosecutorial agencies at the different administrative levels in combating trafficking.
- Take steps to disaggregate data on the investigation and prosecution of trafficking cases to allow a more accurate picture of the extent and nature of child trafficking cases, as well as of government efforts to combat the problem.

IN THE AREA OF POLICIES:

- Adopt a policy that addresses all of the worst forms of child labor.
- Continue to collaborate with Roma organizations to formulate an Action Plan to combat the problem of child begging.
- Collect reliable data on children engaged in begging, pick-pocketing, and prostitution, to enable policymakers to identify problems more accurately and to address them more effectively.

IN THE AREA OF PROGRAMS:

- Institute programs to assist street children and address children's involvement in begging and pick-pocketing rings.

⁶⁰⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in

this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁶⁰⁶ U.S. Embassy- Sarajevo, *reporting*, February 26, 2010, 2B. See also U.S. Embassy- Sarajevo, *reporting*, March 10, 2010, 2A(1).

⁶⁰⁷ Ministry of Human Rights and Refugees official, Interview with USDOL consultant, May 5, 2008, 7 and 9. See also Ministry of Civil Affairs official, Interview with USDOL consultant, May 6, 2008, 23. See also Federal Ministry of Interior official, Interview with USDOL consultant, June 11, 2008, 130. See also UN Committee on the Rights of the Child, *Concluding Observations on the Rights of the Child, Bosnia and Herzegovina*, CRC/C/15/

Add.260, September 21, 2005, para 65; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9badc520d9878c1257018002db47e/\\$FILE/G0544039.DOC](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9badc520d9878c1257018002db47e/$FILE/G0544039.DOC). See also U.S. Department of State, “Bosnia and Herzegovina,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136023.htm>.

⁵⁶⁸ U.S. Department of State, “Bosnia and Herzegovina,” in *Trafficking in Persons Report- 2009*, Washington, DC, 2009; available from <http://www.state.gov/documents/organization/123357.pdf>. See also U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 2B. See also U.S. Department of State, “Country Reports- 2009: Bosnia and Herzegovina,” section 7c.

⁵⁶⁹ Macro official, USDOL official, February 17, 2009.

⁵⁷⁰ U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] August 2009 [cited March 26, 2010]; available from <http://www.state.gov/t/pa/ei/bgn/2868.htm>.

⁵⁷¹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2B(2). See also Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina (BiH)*, (December 14, 1995), article II, section 3c and article III, section 3; available from http://www.ohr.int/print/?content_id=372. See also Jasminka Dzumhur, *A Desk Top Research into the Current State of Affairs of the Labor Market in Bosnia and Herzegovina*, UNIFEM, Sarajevo, September 30, 2007, 5; available from www.unifem.sk/uploads/doc/Labor%20research1.doc.

⁵⁷² Government of Bosnia and Herzegovina, *Labor Law of Federation of Bosnia and Herzegovina (FBiH)*, (2003), articles 15, 36, 51. See also Government of Bosnia and Herzegovina, *Labor Law of Republika Srpska (RS)*, (2003), articles 14, 45, 46, 69. See also Government Bosnia and Herzegovina, *Labor Law of District of Brcko (BD)*, (2005), articles 10, 28, 41.

⁵⁷³ *Ibid.*

⁵⁷⁴ U.S. Embassy- Sarajevo official, E-mail communication to USDOL official, November 5, 2010.

⁵⁷⁵ Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina (BiH)*, (December 14, 1995), article II, section 3(c); available from http://www.ohr.int/print/?content_id=372. See also Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina (BiH)*, (March 1, 2003), article 185, section 5; available from <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc>.

⁵⁷⁶ Coalition to Stop the Use of Child Soldiers, “Bosnia-Herzegovina,” in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf. See also Government

Bosnia and Herzegovina, *BiH Defense Reform Law*, (October 5, 2005), article 79. See also OHCHR, *11.b. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, May 25, 2000*, [online] December 15, 2008 [cited December 24 2008]; available from <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&id=135&chapter=4&lang=en>.

⁵⁷⁷ Government of Bosnia and Herzegovina, *Criminal Code (BiH)*, article 187.

⁵⁷⁸ Government of Bosnia and Herzegovina, *Criminal Code of the Federation of Bosnia and Herzegovina (FBiH)*, (August 1, 2003), article 210, 211; available from <http://www.legislationline.org/download/action/download/id/1661/file/5863a4917995d1a282d020fb2715.htm/preview>. See also Government of Bosnia and Herzegovina, *Criminal Code of the Republika Srpska (RS)*, (2003), articles 198, 199, 200. See also Government of Bosnia and Herzegovina, *Criminal Code of the Brcko District of Bosnia and Herzegovina (BD)*, 65 (May 28, 2003), articles 186, 207, 208; available from http://www.tuzilastvobih.gov.ba/files/docs/zakoni/BD_Criminal_Code_10_03_45_04_eng_web.pdf.

⁵⁷⁹ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina (BiH)*, (2003), article 186; available from <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc>.

⁵⁸⁰ U.S. Embassy- Sarajevo official, E-mail communication to USDOL official, August 9, 2010.

⁵⁸¹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2B(1).

⁵⁸² U.S. Embassy - Sarajevo official, E-mail communication to USDOL official, May 21, 2010.

⁵⁸³ Council of Europe, *Bosnia and Herzegovina: Administrative organisation*, 2009; available from <http://www.coe.int/t/dg3/socialpolicies/socialsecurity/Source/MisscesChart2009/BiH-Chart-2009.doc>.

⁵⁸⁴ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C. See also U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

⁵⁸⁵ U.S. Embassy -Sarajevo official, E-mail communication to USDOL official, July 23, 2010. See also U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

⁵⁸⁶ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B. See also U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C.

⁵⁸⁷ U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

⁵⁸⁸ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B.

⁵⁸⁹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2C.

See also U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3C.

⁵⁹⁰ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 2B.

⁵⁹¹ U.S. Embassy - Sarajevo official, E-mail communication, May 21, 2010.

⁵⁹² U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

⁵⁹³ Ibid.

⁵⁹⁴ U.S. Department of State, “Bosnia and Herzegovina,” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010..

⁵⁹⁵ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*, 3B.

⁵⁹⁶ U.S. Department of State, “Trafficking in Persons Report- 2010: Bosnia and Herzegovina.”

⁵⁹⁷ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2E(1).

⁵⁹⁸ Bosnia and Herzegovina Council of Ministers, *Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina 2008-2012 (unofficial translation)*, 2008; available from http://www.anti-trafficking.gov.ba/fajlovi/SAP_2008-2012_eng.doc-108.doc. See also Ministry of Human Rights and Refugees of Bosnia and Herzegovina, *First Report Under Article 12, Paragraph 1 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, May 2008; available from www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.OPSC.BIH.1.doc.

⁵⁹⁹ U.S. Embassy - Sarajevo official, E-mail communication, May 21, 2010.

⁶⁰⁰ Commission of the European Communities, *Bosnia and Herzegovina 2009 Progress Report*, Brussels, October 14, 2009; available from <http://www.delbih.ec.europa.eu/docs/ProgressReport20092.pdf>.

⁶⁰¹ *Decade of Roma Inclusion 2005–2015*, [online] [cited August 11, 2010]; available from <http://www.romadecade.org/about>.

⁶⁰² U.S. Embassy- Sarajevo official, E-mail communication, August 9, 2010.

⁶⁰³ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2A(2). See also Bosnia and Herzegovina Working Group on Child Protection, *Submission from the Bosnia and Herzegovina Working Group on Child Protection regarding the Universal Periodic Review of Bosnia and Herzegovina (Seventh Session, February 2010)* September 7, 2009; available from http://www.scn-see.ba/d_upload/20090916/UPR_BiH_Final_version_sept72009.pdf.

⁶⁰⁴ See previous TDA reports.

⁶⁰⁵ IOM, *Bosnia and Herzegovina*, [online] [cited March 25, 2010]; available from <http://www.iom.int/jahia/Jahia/bosnia-and-herzegovina>.

⁶⁰⁶ UNICEF, *Factsheet: Trafficking*, [online] [cited August 11, 2010]; available from http://www.istame-apapandreou.gr/files/pdf/factsheet_trafficking_unicef_download.pdf.

⁶⁰⁷ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.

⁶⁰⁸ U.S. Department of State, “Country Reports- 2009: Bosnia and Herzegovina,” section 6.

⁶⁰⁹ U.S. Embassy- Sarajevo, *reporting, March 10, 2010*, 2D.