

Research on Child Trafficking in Bosnia and Herzegovina



MAP OF BOSNIA AND HERZEGOVINA



Boxes highlight the eight research sites covering the regions Mostar, Bihac, Modriča-Doboj, Sarajevo-Zenica, Banja Luka-Prijedor, Višegrad, Tuzla and Bjeljina-Zvornik.

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FOREWORD

Trafficking in human beings is considered one of the most profitable forms of organised crime after drugs trafficking, and represents one of the most appalling manifestations of globalisation. A decade ago, the trafficking in human beings in South Eastern Europe was in its infancy; today it has become a virtual industry of well-organised criminal networks that operate freely across borders.

Trafficking and the sale of women and girls - and in the recent past apparently also boys - has become a profitable source of income, and the age of victims is decreasing as younger persons are recruited.

In addition to the exploitation of children for organised prostitution, sex tourism, forced labour, begging, the porn industry, drug dealing and various types of smuggling, there are also indications that children from South Eastern Europe are trafficked for the purposes of organ removal.

Ending this crime presents a challenge that all countries must face. This requires appropriate research on the causes and extent of this crime as a basis for concerted action that is supported by the entire society.

In this context, the present research on the situation of child trafficking in Bosnia and Herzegovina is of great importance, as it contributes to maximising Bosnia and Herzegovina's limited resources and helps to harmonise interventions undertaken in the framework of regional cooperation with the aim of ending the trafficking in children in Europe.

The state institutions of Bosnia and Herzegovina need to further strengthen accountability and awareness, and have to continue improving the legal framework and coordination mechanisms to effectively tackle trafficking in human beings, and especially in children in Bosnia and Herzegovina.

Civil society, the non-governmental sector, and international organisations in Bosnia and Herzegovina have an equally important role to play, which is demonstrated by this research.

Because of the limited information and data available on child trafficking in Bosnia and Herzegovina, UNICEF and Save the Children Norway initiated and realised this research in cooperation with 13 non-governmental organisations from Bosnia and Herzegovina, including Action Against Aids, Budućnost, DOM Velika Kladuša, Hello Neighbour, International Forum of Solidarity, Klub Mladih "Sunce", La Strada, Lara, Most, Naša Djeca, Pro et Contra, Udruženje Žena BiH and Vive Žene.

This research is the first of its kind in Bosnia and Herzegovina. It provides a comprehensive overview of the situation of trafficking in children in the general context of trafficking in human beings and highlights the existence of child labour among other forms of abuse and neglect of children.

The research has a practical use as it provides detailed recommendations that form a good basis for future action planning, and alerts the authorities in Bosnia and Herzegovina the importance of continuing and increasing efforts to end trafficking in children.

It is important to stress that the research should also carry the message to all girls and boys and their parents that behind the bright promises of quick income too often lurks a life of exploitation and slavery, forced prostitution and rape, and abuse, humiliation and isolation.

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LIST OF ABBREVIATIONS AND ACRONYMS

BiH	Bosnia and Herzegovina
BSC	Bosnian-Serbian-Croatian language
CBAR	Community-Based Action Research
CRC	Convention on the Rights of the Child
CSW	Centre for Social Work
DOM VK	Demokratska Organizacija Mladih Velika Kladusa
EUPM	European Union Police Mission
FBiH	Federation of Bosnia and Herzegovina
FRY	Federal Republic of Yugoslavia
IGO	Inter-Governmental Organisation
ILO	International Labour Organization
IOM	International Organization for Migration
IPTF	International Police Task Force
KM	Convertible Mark (currency of BiH)
MFS	Međunarodni Forum Solidarnosti (International Forum of Solidarity)
NGO	Non-governmental organisation
NPA	National Plan of Action
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
RA	Rapid Assessment
RCP	Regional Clearing Point
RS	Republika Srpska
SBS	State Border Service
SEE	South Eastern Europe
SIMPOC	Statistical Information and Monitoring Programme on Child Labour
STOP	Special Trafficking Operations Programme
TI	Temporary Instructions on the treatment of trafficking victims
UN	United Nations
UNDP	United Nations Development Programme
UNOHCHR	United Nations Office of the High Commissioner for Human Rights
UNICEF	United Nations Children's Fund
UNMIBH	United Nations Mission in Bosnia and Herzegovina
USC	Unsko – Sanski Canton
WHO	World Health Organization

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EXECUTIVE SUMMARY

Because of the limited information and data on the trafficking of children, the scale of child trafficking in Bosnia and Herzegovina (hereinafter BiH) is unclear. At the same time, information from across the region suggests that a growing number of children under 18, especially adolescent girls, are being trafficked for the purposes of sexual exploitation. For these reasons, within the framework of the Stability Pact for Southeastern Europe Trafficking Task Force, UNICEF (United Nations Children's Fund) and Save the Children Norway decided to undertake a research project to assess the nature and extent of child trafficking and exploitative labour in BiH to establish better knowledge of the modalities and conditions of trafficking and exploitation of children, including internal trafficking.

The research project started in September 2002. Data collection was undertaken by local NGOs from January 2003 to May 2003, followed by data analysis and writing of the report. The research covers the period between 1999 and early 2003.

The findings of the research confirm that a considerable number of children have been trafficked for the purposes of sexual exploitation in BiH over the past three years. Based on the responses given by the police, NGOs (non-governmental organisations) and IOM (International Organization for Migration), between 110 and 160 children have been identified as trafficked for the purposes of sexual exploitation in BiH between 1999 and early 2003. According to the data provided by the police and NGOs, about half of all identified child victims of trafficking for the purposes of sexual exploitation are from BiH. The majority of the victims are over the age of 14; a few are as young as 10. Nearly all reports by respondents referred to girls rather than boys. The actual number can be assumed to be still larger. This research relied on existing secondary sources and did not attempt to obtain hidden information in any "undercover" form. Yet trafficking of children for the purposes of sexual exploitation is a hidden crime, and like with all similar crimes, there is a dark field that can only be speculated about. Of particular significance is the indication that at least half of all identified child victims of trafficking for the purposes of sexual exploitation in this research are from BiH.

While it is not clear if all of these cases actually legally constitute internal trafficking rather than sexual exploitation and abuse of children without a trafficking component, their prevalence indicates that commercial sexual exploitation may be increasingly targeting girls from BiH.

Focus groups with teenage girls in BiH revealed that they believe it is uninformed or particularly naive girls who fall victim to traffickers; most seemed to think they were well-informed or savvy enough to protect themselves, but when asked how they might protect themselves from traffickers, their replies indicated they thought traffickers might operate similarly to muggers – they spoke of such strategies as not walking alone or at night. Adult male focus group participants were inclined to believe that girls enter the sex industry voluntarily, that users of consumer sexual services would seek prostitutes who are as young as possible, and that foreign prostitutes might also be especially appealing. A considerable proportion of adult male focus group participants said that they would become involved in trafficking if the rewards were high enough. And they expressed a nearly unanimous and dramatically low level of confidence in the police as able or likely to take effective action against trafficking. The majority believed that police are actively involved in or benefiting from trafficking.

Respondents identified several institutional problems with responses to this issue, most of which were related to BiH's status as a country in transition from war and socialism. These included severe shortages of material and personnel resources, poor coordination of government agencies, and inadequate funding for victim shelters. In addition, there were frequent complaints about the inefficiency of judicial institutions. Most service providers lack adequate procedural and/or legal guidelines to respond to cases of child victims of trafficking for the purposes of sexual exploitation, either because such guidelines do not exist or

because they are unaware of them. In particular those guidelines and procedures that do exist generally offer no specific guidance regarding children.

The research reveals further that significant numbers of children are living or working on the streets. Respondents reported on average a thousand contacts per year with such children, but it is difficult to make concrete estimates of the actual number of children due to a lack of systematic data collection by service providers and the police. The majority of these children appear to come from the Roma community. The problems faced by these children are substantial, particularly in the bigger cities of BiH. The majority of these children are under 14, most of them do not go to school, and nearly half of them appeared to be ill.

Child labour performed by these children as documented in this research is generally harmful and exploitative. The research did not find concrete evidence for the involvement of organised crime networks in begging of children, but did come across a number of cases that do fit the trafficking definition of the Palermo Protocol. Many children reported being compelled or forced to work by adults, which allows their work to be qualified as forced labour in many cases. A number of children reported moving within BiH or across the state border to Serbia (5 to 10 %) to perform labour. Some of these children move in groups organised by adults and some cross the border between Serbia and BiH regularly. However, transfers appear to be initiated mainly by parents or relatives and can also be interpreted as local migration to regions more suitable for begging, some of which happen to be across state borders.

Many of the focus group participants subscribed to versions of the following syllogism: most street children are Roma, Roma beg primarily because it is their tradition, and it is very hard to change traditions, therefore it is very hard to help street children. While participants believed it would be extremely difficult to offer any assistance to Roma street children that would cause them to stop begging on the streets, they thought that the other, "white" children who are on the streets solely because of poverty would cease begging if they were provided alternatives.

With few exceptions, street children only come into contact with CSWs (Centres for Social Work) or with police when they commit an offence. It appears that the first state agency with which street children come into contact is the police – the very agency given least responsibility for, and fewest resources appropriate to assisting street children with their needs. Neither police nor Centres for Social Work reported having any special procedures for the treatment or assessment of street children. Respondents' replies suggested that all children, regardless of whether or not they have been living or working on the streets, are treated similarly.

CHAPTER 1: INTRODUCTION

1.1 Bosnia and Herzegovina: Key contextual factors

Bosnia and Herzegovina became independent of the Former Yugoslavia just over a decade ago, in 1992. In addition to confronting the challenges of recent independence, the country is also burdened with recovering from the long-term ramifications of a nearly four-year-long war, and the transition from socialist government and economic structures to a (still internationally supervised) democratic government and market economy. In the conditions produced by these multiple transitions, the practise of trafficking in human beings has had fertile soil in which to grow.

While active fighting in BiH ended in 1995, the destructive effects of war will take many more years to repair. Many of these effects contribute directly or indirectly to the emergence and growth of trafficking in human beings. Physical destruction of homes and infrastructure has contributed to ongoing financial costs and other difficulties with returning refugees to their pre-war homes, and has hampered the economic recovery of BiH. According to the 2002 Human Development Report on BiH, the Gross Domestic Product of BiH is an alarming 61%

below that of the European Union member countries' average, and 19% lower than the average of Stability Pact nations.¹ Although accurate figures are difficult to come by, the UNDP (United Nations Development Programme) estimates an unemployment level of approximately 28%.²

The poverty and social and legal turmoil that resulted from the dissolution of the Yugoslav state and ensuing wars have heightened levels of corruption in virtually all sectors of the economy. Without a stable tax base or means of implementing one, the state has drastically insufficient resources to meet its citizens' needs.³ When burdened as well with vastly increased demands on social services – from the unemployed, the displaced, the injured and the orphaned – the social welfare system in BiH is struggling at best, and in disarray or completely inoperative at worst.

Vulnerable groups in Bosnia and Herzegovina share some characteristics with groups in other “transitional” nations of the region, while in other ways their vulnerabilities are directly attributable to, or worsened by, the specific post-war situation described above. Often, the groups most vulnerable to trafficking share the general characteristics of marginalised and impoverished groups in a given society, i.e. they are female, poor, young, often members of minority groups, and have low levels of education. Victims of trafficking typically come from impoverished families with many children, often headed by a single parent, and living in either rural areas or the suburbs of large cities.⁴ More often than not, the adults in the family have had little or no formal education and the children's access to education is restricted.⁵

Across the region, girls are more vulnerable to trafficking for sexual purposes, and teenage girls are the overwhelming majority among children trafficked for prostitution. Girls trafficked into sexual exploitation share many of the same vulnerabilities as adult women who are trafficked into sexual exploitation. With the simultaneous transitions from war and to a market economy, the situation of women has deteriorated. Due to gender-based discrimination and the feminisation of poverty, there are fewer opportunities for women and girls to find work outside of the service and entertainment industries. Women and girls migrating for such jobs are very vulnerable to trafficking and girl children are even more vulnerable because of their young age.

Regarding trafficking for primarily non-sexual labour, there seems to be no real imbalance between boys and girls as victims. However, available data on children living and/or working on the streets seems to suggest that boys are present on the streets in larger numbers than girls.⁶ The reasons for this are numerous and include the fact that girls in many countries often are married at a young age, or put to work as domestic workers. Girls who are on the streets are also more vulnerable to being picked up and moved into the sex industry.⁷

The characteristics of groups vulnerable to trafficking are also common among disadvantaged minority groups like the Roma, who live in conditions of severe poverty throughout Eastern Europe. The report “Not for Sale, Child trafficking Prevention in SEE (South Eastern Europe)” by UNICEF and Columbia University (2003), repeatedly identifies

¹ These figures received support from a recent living standard study conducted jointly by the World Bank, UNDP, DFID (Department for International Development) and the Entity Statistical Offices. This study reported that 19% of the population of BiH lives in absolute poverty (below KM (Convertible Marks) 1843 [or about US\$ 920] annually per person). They also estimated that per capita purchasing power in BiH dropped a full 65% from 1990 to 2000 (UNDP Human Development Report, 2002, p. 9).

² UNDP Human Development Report, 2002, p. 35.

³ UNDP(2002), Human Development Report Bosnia-Herzegovina 2002, p. 25.

⁴ UNICEF/Columbia University(2003), *Not for Sale, Child trafficking Prevention in SEE*, p. 5, TdH (2003), p. 15.

⁵ ILO IPEC(2002), “Unbearable to the Human Heart. Child Trafficking and Action to Eliminate it” p. 25.

⁶ http://www.unesco.org/education/educprog/street_child/english/publicat/deplstreet.pdf

⁷ WHO, “Working with street children”, p. 3, available online at http://www.unodc.org/youthnet/pdf/who_street_children_module1.PDF.

the marginalisation and impoverished situation of the Roma community as contributing to their vulnerability to trafficking. According to this report, the Roma community, with its high percentage of illiteracy and extreme poverty, constitutes a group at particularly high risk for being trafficked.

1.2 Brief background on child trafficking and anti-trafficking activities in BiH

The trafficking of children in BiH as part of a pattern seen in the wider South Eastern Europe region can roughly be divided into two main categories: the trafficking of teenage girls⁸ for sexual exploitation; and the trafficking of both boys and girls under the age of 12, mainly for begging and related forms of labour.⁹

1.2.1 Origins and development of anti-trafficking work in BiH

In BiH, it was not until the late 1990s that isolated cases of women who had been trafficked into prostitution emerged, predominantly concerning women from the Republic of Moldova and Romania, but also from the Ukraine, Belarus, Russia, FRY (Federal Republic of Yugoslavia), Kazakhstan and Hungary. It soon became apparent that there were girls under the age of 18 among the victims of trafficking for sexual exploitation, and that these girls were sometimes not identified as children. Furthermore, even when they were identified as underage, they were not receiving the special care to which children are entitled under international law, chiefly the CRC (Convention on the Rights of the Child).

Substantial anti-trafficking work in BiH did not start until late 1998, when a trafficking conference organised by the Council of Europe and UNHCHR (United Nations Office of the High Commissioner for Human Rights) in Tuzla for the first time brought together representatives from the BiH state government, international organisations, and local women's NGOs to discuss the problem of human trafficking for the purposes of sexual exploitation¹⁰. Prior to this point, responses to trafficking had emerged only on an ad hoc basis, usually when victims came to the attention of various agencies.

Subsequent meetings following the conference led to the creation of a National Working Group on Trafficking in November 2000, which produced a National Plan of Action (hereinafter NPA) to combat trafficking in human beings, which was formally adopted by the BiH government in December 2001. Among other things, the NPA calls for the establishment of a government-funded shelter for the victims of trafficking, which was to have special facilities and procedures for the care of minors.¹¹ However, despite some forward movement, the NPA has thus far remained largely not implemented.

⁸ Anecdotal accounts exist of boys being sexually exploited as prostitutes, but the overwhelming majority of minor-aged victims of trafficking in SEE are female.

⁹ The division of trafficking into two forms, depending on the main purpose of the intended exploitation, is a rough division as the trafficking of younger children for the purpose of begging, etc, also includes forms of sexual exploitation. Many of the children, especially girls, are sexually abused in prostitution or child pornography and there is evidence that girl children in many cases are forced into prostitution when they reach a certain age (TdH (2003), p.12 + 22). The exposure of children working on the streets also includes an increased risk of sexual assault from other children and/or strangers.

Unless otherwise noted, factual claims about the trafficking of human beings in Southeastern Europe are taken from Barbara Limanowska (2003), *Trafficking in Human Beings in Southeastern Europe*, or the International Labour Organization, *Forced Labour, Child Labour and human trafficking in Europe: An ILO Perspective*.

¹⁰ For more information, see: *IOM Regional Counter-Trafficking Programme in the Western Balkans* (Swedish International Development Agency, July 2003), at. 26.

¹¹ For example, the NPA held that "Particular attention should be paid to children who were trafficked by their parents. The consequence of this is an inability to repatriate those children, i.e. return them to their homes. In such instances, it is necessary to seek asylum for these children in other countries. The process implies a longer stay of these minors in the shelter and they need to have appropriate psychotherapeutic assistance during their stay". (BiH Ministry of European Integration/Ministry of Human Rights and Refugees [2001], Action Plan for Prevention of Human Trafficking, p. 18.

Parallel to the development of the NPA, the International Police Task Force (hereinafter IPTF) within the United Nations Mission in Bosnia and Herzegovina (hereinafter UNMIBH) in late 2001 began a “Special Trafficking Operations Programme” (hereinafter STOP)¹². Special teams of international police monitors together with local police conducted a series of law enforcement operations against known establishments of the sex industry, referred to mostly as “bar raids”. How many such raids were conducted overall is not clear, as UNMIBH upon the end of its mission in December 2002 did not hand over the information gathered by the STOP teams to the BiH government, the local police, or EUPM (European Union Police Mission), which took over the task of police monitoring in BiH from January 2003 onwards. However, statistics published by UNMIBH in October 2002 refer to a total number of 713 bar raids with 2,091 women interviewed¹³.

The STOP approach was criticised by many actors for not leading to significant numbers of convictions of traffickers, and for failing to protect trafficking victims. Some argued that STOP had primarily been set up to deter UNMIBH staff from frequenting establishments of the BiH sex industry, following allegations that UNMIBH staff were implicated in the exploitation of trafficking victims. Critics argued that STOP lacked an overall prosecutorial strategy that would lead to systematic gathering of evidence for consequent prosecutions and subsequent convictions of traffickers; repetitive raids without convictions would merely serve to disrupt the operations of traffickers and eventually drive the problem underground to less visible forms of commercial sexual exploitation, such as escort services or the use of private apartments, etc. In relation to victim protection, critics maintained that only a fraction of victims was reached, a claim substantiated by the fact that, according to the October 2002 statistics published by IPTF, a mere 11% of all women interviewed during bar raids actually received assistance as trafficking victims.¹⁴

Following the departure of UNMIBH and the arrival of EUPM in 2003, the STOP programme was discontinued and the “FIGHT” programme was initiated. Under this approach new units are set up in local police departments dealing with both trafficking and sex crimes. The emphasis, according to EUPM, is on promoting the systematic collecting of evidence against traffickers, referred to as “intelligence-led policing”. The number of bar raids has dropped significantly since then. Equally, the number of victims identified and referred to IOM and NGO shelters has dropped sharply.

Current state bodies that address the issue of trafficking are the Strike Force, the State Coordinator and State Group for Combating Trafficking in Human Beings and Illegal Migration, as well as the newly established Sub-Group on Child Trafficking. While the current structure has not been in place for long, the impact of its work has led to positive developments in coordination.

The Strike Force, special units established within the police force to combat human trafficking, consists of one representative of the key government actors at the state and entity levels. The Strike Force is tasked with conducting operative actions (investigations to suppress trafficking and illegal migration), sharing information and data, carrying out other duties important to combating trafficking and ensuring implementation of the NPA.

In July 2003, the Council of Ministers appointed the State Coordinator and each ministry appointed its officials to the State Group for Combating Trafficking in Human Beings and Illegal Migration, replacing the previous coordination body, the State Commission. According to the Council of Ministers’ Decision, the State Coordinator reports directly to the Chairman of the Council of Ministers instead of the Ministry of Human Rights and Refugees and has to coordinate activities in relation to trafficking of human beings with relevant domestic and

¹² Formed in July 2001 (in part as a response to allegations that IPTF officers were themselves involved in soliciting services from trafficking victims), this team was disbanded with the end of the UN mission in December 2002.

¹³ UNMIBH report “Figures for Regional STOP Teams from the formation of STOP to the present”; timeframe covered 25 July 2001 to 5 October 2002.

¹⁴ *ibid*

international institutions and organisations. In addition, the State Coordinator has to direct activities and establish contacts with other ministries at the state and entity levels based on the needs of other local bodies. The State Group consists of 7 members, including the State Coordinator and representatives from the Ministry of Human Rights and Refugees, the Ministry of Security (including the State Border Service), the State Prosecutor's office, the Ministry of Justice and the Ministry of Foreign Affairs.

In March 2004, the Sub-Group on Child Trafficking was established under the umbrella of the State Group. Competent Entity and Brcko District ministries have appointed 10 members from: the BiH Ministry of Human Rights (1 member), the BiH Ministry of Civil Affairs (1), the FBiH Ministry of Education (2), the RS Ministry of Education (1), the FBiH Ministry of Labour and Social Affairs (1), the RS Ministry of Social Affairs (1), the Brcko District Ministry of Social Affairs (1) and NGOs (2). UNICEF and Save the Children Norway will also be in attendance of the Sub-Group meetings. The Sub-Group has had 3 meetings to date and is in the process of finalising the Action Plan for 2004.

1.2.2 The controversy over figures of women trafficked into the BiH sex industry

Since the bar raids began, there has been continuous controversy over what proportion of women working in the BiH sex industry are actually trafficked, a debate that in the virtual absence of meaningful statistical information continues until today. Some maintain – based on the relatively low figures of women seeking assistance – that the majority of women work voluntarily in the sex industry, with only a minority being actual victims of trafficking. Others, primarily professionals providing victim assistance, argue that the majority of women working in the sex industry are trafficked, but are simply not seeking assistance. They maintain that the way interviews are usually conducted - by male police officers, often at night, immediately following a raid, without qualified interpreters¹⁵, with little privacy, and with no prior legal or psychosocial counselling – the police are not able to sufficiently counter the previous intimidation and indoctrination by the traffickers in order to build an atmosphere of trust in which women feel protected enough to come forward. For this to happen, women would require prior legal and other counselling, and a “reflection period” of several days, allowing them to distance themselves psychologically and physically from the traffickers in order to consider the options available to them.

Some key arguments speak in favour of the latter perspective. Many victims have been abused and many have been raped, often repeatedly, leaving them fearful that they could be harmed again at any time; traffickers often have exact information about where victims are from, leaving victims with the fear of later revenge by traffickers for having given information; many victims also have a distorted picture of the situation they are in, given their isolation from the world outside the establishments they work and mostly also live in. Victims are also known to dread the prospect of returning home to their previous lives, having ended up in the trafficking cycle in the first place precisely because they wanted to get away from it all; they are likely to associate the prospect of returning home with failure and shame for having been associated with prostitution.

Beyond these considerations, the practise of defining as a “trafficking victim” only a person who identifies as such and requests assistance appears too narrow. This especially, if the assessment is done solely on the basis of an interview conducted under the described circumstances, and there is a reasonable assumption that the victim continues to be under the influence of “threat or use of force or other forms of coercion, of abduction, of fraud, of deception” by the trafficker. In the context of criminal law, it is essentially a legal question if a person is a victim of the crime of trafficking or not. Trafficking is a crime that extends over a period of time. Typically, victims of trafficking for the purposes of sexual exploitation are deceived with false promises to move to the location where the exploitation then takes place. The subsequent exploitation is then generally less marked by deceit, but rather by threat or

¹⁵ Mostly interpretation assistance is provided by one of the females encountered in the premises, who speaks both the local language and the language of the interviewee.

force. The person organising the recruitment and transportation is generally not the same person who is receiving, harbouring, and exploiting the victims. Any woman qualifies as a “trafficking victim” who at one stage in the process since having left her location of origin has been trafficked, regardless of whether she may appear to have engaged in her own exploitation “voluntarily” at a later stage. Based on this, there is a reasonable assumption that a significantly higher proportion of women are victims of trafficking than those who have been assisted over the past years.

1.2.3 Child victims of trafficking

According to the International Organization for Migration, which has operated or supported the operations of shelters for victims of trafficking in BiH, about 10% of the women brought to their shelters by the STOP teams were girls under the age of 18¹⁶. EUPM statistics give the proportion of interviewed women under 18 as 5%. However, EUPM also pointed out that the grounds on which the local police estimated the age of the women are not clear. Many of the girls trafficked into the sex industry are sixteen or seventeen and not easily recognisable as minors, and most are – like many adult women – provided with false documents, which give them an adult identity. While the forgery is often detected, the actual age will often only be determined if the child victim has enough confidence to come forward and tell the truth about her age. In addition, statistics on child trafficking appear to refer to the age of the victim at the moment of contact with law enforcement or service providers, not to age of the victim when first entering into the trafficking cycle. Cases of women over 18 who were first trafficked when under the age of 18 thus do not enter statistics on child trafficking, despite the fact that they document trafficking in children. The proportion of child victims of trafficking for the purposes of sexual exploitation appears to be higher among internal trafficking victims, as reported by NGOs operating shelters¹⁷, and recent reports suggest that the phenomenon of “internal trafficking” of local young people for sexual exploitation is growing overall.¹⁸

Child victims of trafficking for the purposes of sexual exploitation are generally accommodated in shelters alongside adult victims with few or no special protection measures taken for child victims, such as separation from adults and specific forms of counselling. State social services rarely get involved in trafficking cases concerning identified foreign child victims of trafficking, despite the fact that social protection legislations assigns concrete guardianship and monitoring tasks to Centres for Social Work for all separated children and children in need of special protection. In relation to local trafficking victims, a number of cases have been documented in which older children were sent home by the shelter’s management simply because of a lack of other options, despite the knowledge that home conditions caused or contributed to their victimisation by traffickers.

The problem of children living and working on the streets has so far not been addressed as an issue related to trafficking. Throughout the post-war period, many children could be seen working and begging on the streets of some of BiH’s largest cities (Sarajevo, Mostar and Banja Luka). There have been continued anecdotal reports that children are being transported by van into Sarajevo where they work all day; other reports contended that children were seen periodically handing over their earnings to adults.¹⁹ But so far no efforts have been made to verify this information. The issue of children living and working on the streets as possible victims of child trafficking is to be seen on the background of the overall lack of organised and effective services for these children, and as part of a much wider

¹⁶ About 10 percent of trafficked persons interviewed by the STOP Team were girls under 18. According to IOM, 10% of women in their shelter were under 18.

¹⁷ 4 out of 10 women internally trafficked and assisted by La Strada in 2002 were under 18. International Forum of Solidarity also assisted 4 boys under 18 who were victims of internal trafficking (Limanowska, pg. 116, op. cit. note).

¹⁸ Trafficking in Human Beings in Bosnia and Herzegovina, Human Rights Field Operation in Bosnia and Herzegovina, United Nations Office High Commissioner for Human Rights, 3 June 2003. p. 8.

¹⁹ Reports by researchers from NGO “Lara” from Bijeljina, “La Strada” from Mostar, and “Buducnost” from Modrica.

problem of a largely dysfunctional social protection system in BiH and widespread discrimination against Roma.

1.3 Legal Framework and Definitions Relevant to Trafficking of Human Beings

1.3.1 International law

Convention on the Rights of the Child and related child-specific instruments

The Convention on the Rights of the Child²⁰ with its optional Protocol on the Sale of Children, Child Prostitution and Child Pornography²¹ provides the overall framework for the combat against trafficking in children, including prevention and victim assistance. All actions undertaken in relation to child victims have to be guided by and based on the principles of protection and respect for human rights as set out in the CRC.

By ratifying the CRC and its two optional Protocols, BiH government has committed itself to protecting and ensuring children's rights and has agreed to hold itself accountable for this commitment before the international community. Furthermore, BiH national laws concerning children must be in accordance with incorporated and ratified international documents.

The key principles of the CRC applicable in the context of child trafficking have been summarised and paraphrased in the “Guidelines for Protection of the Rights of Children Victims of Trafficking”. These guidelines were drafted by UNICEF and endorsed in 2003 by the Task Force on Trafficking in Human Beings of the Stability Pact for South Eastern Europe. As part of an intergovernmental meeting in Sofia in December 2003, government representatives from SEE, including from BiH, signed a Statement on Commitments endorsing the guidelines and pledging to develop and adopt minimum standards for the treatment of child victims of trafficking based upon them.

The CRC provides for a broad range of special protection measures that child victims of trafficking are entitled to. The rights of the child under the CRC are not dependent on citizenship; they apply to all children within the jurisdiction of the state party. All child victims, non-national as well as national or resident children, are entitled to the same protection and rights, regardless of status, nationality, race, sex, language, religion, ethnic or social origin²².

States are responsible for ensuring that “legislative, administrative and other measures” give effect to the obligations contained in the Convention²³. States Parties are obliged to take all appropriate legislative, administrative, social and educational measures to protect the child from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”²⁴, and to protect children from economic exploitation, harmful child labour²⁵, sexual exploitation²⁶, trafficking²⁷, and other illicit transfer abroad²⁸.

²⁰ Convention on the Rights of the Child can be found at www.unhcr.ch/html/menu3/b/k2crc.htm.

²¹ Optional Protocol to the Convention on the Rights of the Child can be found at www.unhcr.ch/html/menu2/dopchild.htm.

²² CRC Article 2

²³ CRC Article 4

²⁴ CRC Article 19

²⁵ CRC Article 32

²⁶ CRC Article 34

²⁷ CRC Article 35

²⁸ CRC Article 11

Children who have become victims of such abuse and exploitation are entitled to special protection measures for their recovery and reintegration²⁹. Children separated from their parents and family environment are entitled to special protection and assistance provided by the state³⁰. In all actions concerning child victims of trafficking, whether undertaken by public or private social welfare institutions, police, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration³¹. A child victim who is capable of forming his or her views enjoys the right to express those views freely in all matters affecting him or her, for example, in decisions concerning his or her possible return to the family or country of origin³². The views of the child need to be given due weight in accordance with age, maturity and best interest. Child victims must be provided with information in a language they understand about, for example, their situation, their entitlements, services available and the family reunification and/or repatriation process. Children are entitled to confidentiality, and all necessary measures must be taken to protect the privacy and identity of child victims³³.

The Optional Protocol to the CRC places obligation on the states to ensure that domestic laws do not permit engagement of children, under any circumstances, in prostitution or pornography. In conjunction with the Palermo Protocol and ILO (International Labour Organization) 182 Convention, this implies that the recruitment, transportation, transfer, harbouring or receipt of a child under 18 for the purposes of prostitution or pornography is to be considered trafficking in persons.

Further applicable are Convention 28 of the Hague Conference / the Convention on the Civil Aspects of International Child Abduction³⁴, which establishes a state duty to secure the prompt return of abducted children and to ensure that rights of custody and access are effectively respected; and the ILO Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No.C182,³⁵ which defines the “the worst forms of child labour” that states have to combat, covering inter alia slavery, the sale and trafficking of children, debt bondage and forced labour as well as the procurement or use of children for prostitution, pornography and drugs.

Definition of trafficking

The recognised international legal definition of trafficking of human beings comes from the *Palermo Trafficking Protocol*, one of two Protocols to the United Nations Convention on Transnational Organized Crime, adopted in November 2000 by the United Nations General Assembly (hereinafter Palermo Protocol)³⁶. The Palermo Convention has two supplementary documents, called “protocols”, which elaborate definitions for two subtypes of organised crime – one concerns trafficking in human beings, another the smuggling of migrants.³⁷ The “Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children” provides in Article 3 the first internationally accepted definition of trafficking in persons:

²⁹ CRC Article 39

³⁰ CRC Article 20

³¹ CRC Article 3

³² CRC Article 12

³³ CRC Article 16

³⁴ Convention 28 can be found at: www.hcch.net/e/conventions/menu28e.html.

³⁵ ILO Convention 182 can be found at www.iloex.ilo.ch:1567/english/convdisp2.htm. Click on C182 in left menu.

³⁶ The Palermo Trafficking Protocol can be found at www.odccp.org/crime_cicp_convention.htm#final.

³⁷ “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and “Protocol against the Smuggling of Migrants by Land, Sea and Air”. For the text of the Convention see: www.uncjin.org/Documents/Conventions. While the Convention entered into force on September 29, 2003, the Protocols have been in force since 25 December 2003 (Trafficking Protocol) and 28 January 2004 (Smuggling Protocol).

(a) “Trafficking in persons” shall mean the recruitment, transportation, harbouring or receipt of persons, by means of threat or the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purposes of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practises similar to slavery, servitude or the removal of organs...

Subparagraph (b) of the Article holds that even if an individual victim has “consented” to being trafficked for exploitation, that consent is irrelevant if any of the coercive means listed above have been employed.³⁸

Of particular relevance for this study, subparagraph (c) goes on to define trafficking in persons much more broadly where children are concerned:

(c) The recruitment, transportation, transfer, harbouring or receipt of a child [defined subsequently as “any person under eighteen years of age”] for the purposes of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this Article.

In other words, every person under 18 who is found in the circumstances described in this provision will be considered a victim of trafficking, regardless of the means by which she or he has come to be trafficked. Articles 7 and 8 of the Protocol very generally describe special protections states must provide to children in this situation. They include adopting necessary legislative and other measures to enable minor-aged trafficking victims to remain in the country in which they have been found, *and/or* to protect and fulfil their right to repatriation, depending on what options are determined to best serve the humanitarian interests of the child in question.³⁹

1.3.2 Domestic Legislation Framework

The Dayton Peace Agreement of 1995 shaped the constitutional structure of Bosnia and Herzegovina, creating legislative, executive and judicial structures at three levels: State, Entity and Canton.⁴⁰ A special status has been granted to another territorial structure, Brcko District, which has a distinct legal system.⁴¹

Criminal law provisions

The ongoing comprehensive reform of the criminal law system and the judiciary has changed the legislation and practise at both state and entity levels. At state level, the BiH Criminal Code, BiH Criminal Procedure Code, and BiH Law on Protection of Witnesses under Threat and Vulnerable Witnesses⁴² (hereinafter Law on witness protection) were adopted in 2003. Subsequently, the Criminal Codes and Criminal Procedure Codes of both the FBiH and the RS were harmonised with the new state level legalisation. However, in relation to the provisions on trafficking, the regulations still show differences.

Until the reform, jurisdiction in criminal matters was subject to regulation by the entities only. With the introduction of the new Criminal Code and Criminal Procedure Code in March 2003,

³⁸“(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this Article shall be irrelevant where any of the means set forth in subparagraph (a) have been used”.

³⁹ For a detailed discussion of how the Protocol is to be interpreted by states, see: International Human Rights Law Group, Ann Jordan: The Annotated Guide to the Complete UN Trafficking Protocol, August 2002; source: <www.hrlawgroup.org/initiative/trafficking_persons/>.

⁴⁰ Bosnia and Herzegovina consists of two entities, the Federation of Bosnia and Herzegovina (hereinafter FBiH) and the Republika Srpska (hereinafter RS). See Article 1 (para 3) of BiH Constitution.

⁴¹ For more see: Statute of the Brcko District of Bosnia and Herzegovina, Official Gazette No. 9/00

⁴² All three pieces of legislation at the state level entered into force on March 1st, 2003. At the entity level the same pieces of legislation were enacted on 1 July 2003 in the RS, and in the FBiH on 1 August 2003.

jurisdiction in criminal matters is now divided between the state and entities. State legislation defines a catalog of crimes which are to be dealt with at state level, including trafficking in human beings. Notwithstanding, the revised Republika Srpska Criminal Code still contains a provision that explicitly criminalises trafficking in human beings.⁴³ However, this provision only pertains to trafficking in persons *for the purposes of prostitution* and does not reflect the Palermo Protocol definition of trafficking in human beings. The FBiH Criminal Code, and the Brcko District Criminal Code do not include trafficking in human beings as a criminal offence.

The criminal law reform at both state and entity levels did not succeed in harmonising the legislation on and practise of criminal prosecution of trafficking in human beings.⁴⁴ There is a lack of clarity regarding at which level to prosecute trafficking-related crimes. Trafficking in human beings is defined as a state crime in the BiH criminal code and should be exclusively prosecuted by the BiH prosecutor. Yet, as seen above, the crime of trafficking is also included in Criminal Code of the RS. Also, both entity Criminal Codes contain various provisions that criminalise acts commonly committed in the context of trafficking in human beings, which – depending on the circumstances of the case – would allow prosecuting trafficking cases also at entity level.⁴⁵ Furthermore, almost all law enforcement activity is organised at entity level (and in the FBiH also at the Canton level), raising the question of according to what criteria and at what stage the BiH prosecutor would pull a given case to the state level.

The lack of harmonisation of the Criminal Codes and the absence of clear instructions on competencies regarding the prosecution trafficking raises a number of concerns, including divergent court practises, unequal treatment of victims and defendants, unnecessary delays in delivering justice, and overall ineffective prosecution of trafficking cases. There is a risk that prosecutors at entity level may prefer to prosecute according to their own definitions –not in accordance with the Palermo Protocol - without referring trafficking cases to the BiH prosecutor.

The Law on Witness Protection has been adopted at state and entity levels with harmonised provisions. The provisions cover two categories of witnesses: witnesses under threat⁴⁶ and vulnerable witnesses, the latter including all children witnesses.⁴⁷ Witnesses are entitled to receive psychological and social assistance and professional help⁴⁸ as well as other protection measures.⁴⁹ However, the practical application of the law to date has been limited, given the lack of required resources and guidelines for implementation.

⁴³ Article 188. Trafficking in Humans for the Purpose of Sexual Exploitation.

⁴⁴ L Ivanovici, «Comentary on the criminal law reform with particular emphasis on legislation designed to combat trafficking in human beings.» str. 1, the Council of Europe Lara Criminal Law Reform Seminar, Albania, November 2003, n. 1, at. 3.

⁴⁵ Some of these are: Unlawful Deprivation of Freedom (Fed CC Art. 179, RS CC Art. 166 and BD CC Art. 176), Procuring and Pandering/Intermediation in Prostitution/International Procuring in Prostitution (Fed CC Art. 210 and BD CC Art. 211 and 212, BiH CC Art. 187), Abduction (Fed CC Art. 180 and BD CC Art. 179), Forgery of Documents (Fed. CC Art. 373ss and BD Art. 366 ss), Rape (Fed CC Art. 203, BD CC Art. 206), Forced Sexual Intercourse (Art. 206, BD CC Art. 207) and Sexual Intercourse with a Helpless Person (BD CC Art. 208), Sexual abuse of a Child (Fed CC 207, BD CC Art. 209), serious bodily injury (RS CC Art. 156).

⁴⁶ Definition: “whose personal security or the security of the family is endangered through his participation in proceedings, as a result of threats, intimidation or similar actions pertaining to his testimony.” Article 3.para.1.

⁴⁷ Definition: “who has been severely physically or mentally traumatised by the events of the offence or otherwise suffers from a serious mental condition rendering him unusually sensitive, and a child, and a juvenile.” Article 3.para.3.

⁴⁸ Chapter II, Article 6.

⁴⁹ Ibid. Art. 7: Order of presentation of evidence at main trial; Art. 8: Examination; Art. 9: Testimony by using technical means for transferring image and sound; Art. 10: Removal of the accused; Art. 11: Exception from imminent presentation of evidence; Art.12: Limitation of the right of an accused and his defense attorney to inspect files and documentation; Art. 13: Additional measures to protect anonymity; Art. 14: Witness protection hearing

Victim protection

BiH has made numerous legal and political commitments at international and regional level with regard to the assistance to and protection of victims of trafficking, regardless of their nationality.⁵⁰ With regard to local victims of trafficking little has been done to embody these obligations in national law.

According to applicable health regulations, access to health care is only provided to persons covered by health insurance, i.e. mainly BiH citizens. Foreign nationals are covered only where there is a formal agreement with their state of origin. Most victims of trafficking originate from countries with which BiH has not entered into such agreements. Exceptions are made for urgent cases, when health institutions are obliged to provide emergency medical care to all persons, regardless of their insurance coverage.

Bearing in mind the vulnerability of trafficking victims and the frequent abuse they suffer, and considering the right of victims to health care as stipulated in the UN Convention on Transnational Crime with its Protocols, BiH has an obligation to ensure access to free health care for all victims of trafficking regardless of their nationality.⁵¹ This should also include regulating access to social protection entitlements for trafficking victims who are granted temporary residence permits on humanitarian grounds.

The Law on Movement and Stay of Aliens and Asylum introduced several victim friendly provisions. These include the option of granting temporary residence permits on humanitarian grounds to victims of trafficking, preventing the deportation of recognised victims. The law also provides for specific protection measures for children, granting

⁵⁰ **United Nations (UN):** United Nations Convention Against Transnational Organized Crime (Palermo Convention) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Trafficking Protocol) as well as its Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Smuggling Protocol); International Convention on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography; ILO Slavery Convention ILO Conventions No.29 and 105 on Forced Labor and No. 138 and 182 on Child Labor. ILO Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery; UNHCHR Recommended Principles on Human Rights and Human Trafficking (2002); UNICEF Guidelines for the Protection of the Rights of Children Victims Trafficking in South Eastern Europe (May 2003); WHO Ethical and Safety Recommendations For Interviewing Trafficked Women (2003).

Council of Europe (CoE): the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and its Protocols; European Convention on Extradition and its Protocol, European Convention on the Compensation of Victims of Violent Crimes, European Convention on Mutual Assistance in Criminal Matters and its Protocols; European Convention on Transfer of Proceedings in Criminal Matters; Committee of Ministers Recommendation R (85) 11 to Member States on the Position of the Victim in the Framework of Criminal Law and Procedure; Committee of Ministers Recommendation R (87) 21 to Member States on Assistance to Victims and the Prevention of Victimization; Committee of Ministers Recommendation R (97) 13 to Member States concerning Intimidation of Witnesses and the Rights of the Defense; Committee of Ministers Recommendation R (2000) 11 to Member States on action against trafficking in human beings for the purpose of sexual exploitation; Committee of Ministers Recommendation R (2001) 11 to Member States condemning guiding principles on the fight against organized crime.

Organization for Security and Cooperation in Europe (OSCE): Vienna Ministerial Council Decision NO. 1 on enhancing OSCE's efforts to Combat Trafficking in Human Beings, November 2000; Bucharest Ministerial Council Decision No. 6, December 2001, Permanent Council Decision No. 426 Trafficking in Human Beings, July 2001, Porto Ministerial Declaration on Trafficking in Human Beings, December 2002, Sofia Ministerial Council Decision No. 2/03 endorsing the OSCE Action Plan to Combat Trafficking in Human Beings; OSCE ODIHR Reference Guide for Anti-Trafficking Legislative Review with a Particular Focus on South Eastern Europe (2001); OSCE ODIHR National Referral Mechanism. Joining Efforts to Protect the Rights of Trafficked Persons. A practical handbook. Forthcoming publication.

Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings (SPTF): Stability Pact Anti-Trafficking Declaration of South Eastern Europe, Palermo, 13 December 2000, Stability Pact Statement on Commitments on Information Exchange Mechanisms Concerning Trafficking in Human Beings in South Eastern Europe, Zagreb 27 November 2001; Stability Pact Statement of Commitment on Temporary Resident Permits, Tirana, 12 December 2002. Stability Pact Statement on Victim/Witness Protection and Trafficking in Children, Sofia, December 2003.

⁵¹ UNOHCHR, Proposal for Draft Rulebook for protection of Victims of Trafficking in Humans, Jasminka Džumhur, National Legal Officer, April 2004.

temporary residence permits for child victims of organised crime and unaccompanied children.⁵²

A by-law is currently being drafted that will establish rules and standards for the treatment for victims of trafficking, further specifying protection measures for children. It will replace the instructions issued in September 2002 by the Ministry for Human Rights and Refugees. These “Temporary Instructions on the Treatment of Trafficking Victims”⁵³ contained provisions on the treatment and protection of trafficking victims⁵⁴. However, they saw very little application in practise, given the lack of appropriate dissemination among law enforcement agencies, uncertainty about their binding nature and non-publication in any of the official gazettes.⁵⁵

Both the Law on Movement and Stay of Aliens and Asylum and the draft by-law only pertain to foreign trafficking victims. This leaves a void for trafficking victims who are citizens of BiH. There is also an urgent need to regulate in a comprehensive manner the protection of and assistance to victims of internal trafficking and victims of trafficking from BiH to third countries.

Laws on social protection provide the framework for the protection of children from abuse and violence. However, one of the key conditions for eligibility for social protection is permanent or temporary residence in a given canton⁵⁶ or municipality. This raises an issue with regard to children or persons who cannot prove residence and in particular non-resident or non-registered foreigners, such as trafficking victims. In such cases, Centres for Social Work routinely deny assistance to children on the basis that the cases do not fall within their competence. However, social protection legislation in both Entities has no specific provisions to regulate the status of child victims of trafficking or assistance they should receive in accordance with international standards.⁵⁷

CHAPTER 2: RESEARCH DESIGN, METHODS, AND INSTRUMENTS

2.1 Background

The methodological approaches to this research project combined tools and assumptions from both “rapid assessment” and “community-based action research”. **Rapid Assessment** (hereinafter RA) is a method of research developed jointly by the ILO and UNICEF to gather descriptive information about hidden or illegal forms of child labour within a specific geographical area.⁵⁸ It is frequently used at the beginning of programme planning activities to develop a quick sketch of a problem situation. As described by the statistics and

⁵² Article 35. para.b.

⁵³ Ministry for Human Rights and Refugees, Decision No. 01-6341/02.

⁵⁴ According to TI, as soon as a person is determined to be trafficked, she/he is automatically given temporary residency for humanitarian reasons for a period of up to three months. See: Part B. para. 13.

⁵⁵ UN OHCHR, “Trafficking in Human Beings in Bosnia and Herzegovina” June 2003, at. 6.

⁵⁶ The FBiH consists of federal units (cantons). For more see: Constitution of FBiH, Official Gazette, No 1/94, 13/97.

⁵⁷ S Sali-Terzic, D Sehic, “Legal analysis of research conducted on trafficking and the worst forms of child labour in Bosnia and Herzegovina”, June 2003, at. 15.

⁵⁸ International Programme on the Elimination of Child Labour (January 2000). *Investigating Child Labour: Guidelines for Rapid Assessment (A Field Manual)*. International Labour Organization, <http://www.ilo.org/public/english/standards/ipecc/simpoc/guides/rapass.htm>.

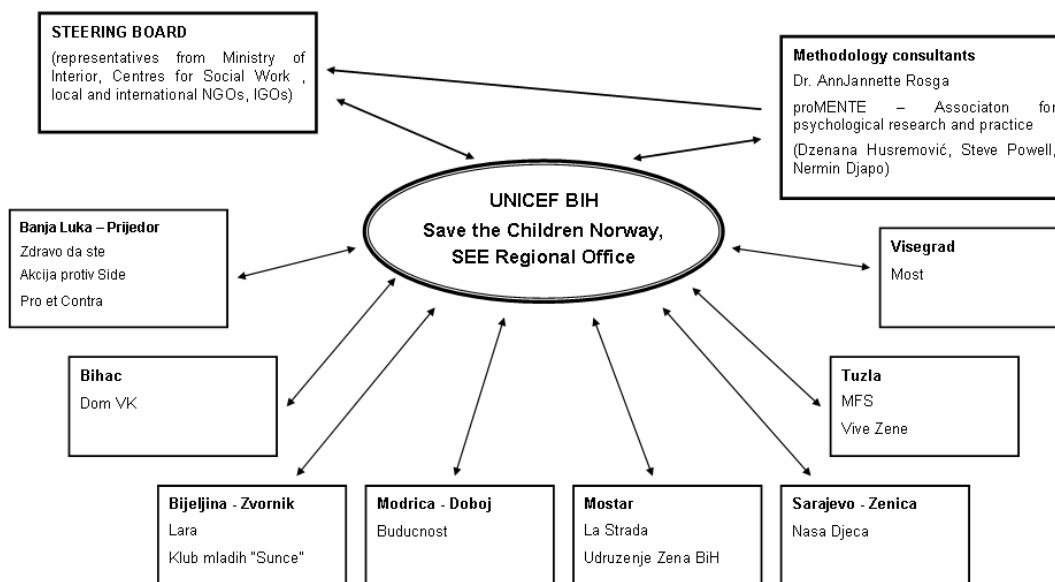
See also Elsie Wong, UNICEF and Canadian International Development Agency (2002), *Rapid Assessment and Response on Especially Vulnerable Young People in South Eastern Europe*. (Belgrade: UNICEF Area Office for the Balkans).

monitoring unit of the ILO's International Programme on the Elimination of Child Labour, the RA method, "[w]hile more qualitative... in approach than household-based surveys... [is] considerably easier, less costly, and faster to implement. The method has proven very useful for obtaining detailed knowledge of the working conditions and life circumstances of children who are the victims of the worst forms of child labour".⁵⁹ The RA methodology is not designed to produce generalisable numerical data, but rather to collect descriptive detail specific to the interviewed respondents.

Community-Based Action Research (hereinafter CBAR) shares with RA an interest in gathering information that will be directly useful to programme design and planning. Both methodologies actively incorporate the participation of groups and individuals who will be involved in responding to a problem, and in many cases the methods also involve those who have been identified as *part* of the "problem" (e.g. children working on the streets). However, CBAR takes the lessons of RA a bit further. As an approach that is frequently employed in situations of either significant community conflict and/or where problems seem to be especially resistant to change, CBAR is sometimes called "consensus-based inquiry". In other words, while CBAR is concerned with gathering factual information, it is principally a tool for involving as many people as possible in the search for solutions to a community problem.

2.2 Researcher and site selection

After the formation of a partnership agreement between UNICEF and Save the Children Norway to conduct the study, invitations to collaborate were issued to approximately two dozen governmental and non-governmental agencies in BiH.⁶⁰ 36 representatives from 13 of these agencies (hereinafter "stakeholders") were selected as researchers to be trained by the study's methodology consultants. Other representatives were asked to form an Advisory Board to oversee the research and facilitate researcher access to information in their respective regions.



⁵⁹ Statistical Information and Monitoring Programme on Child Labour (SIMPOC). <http://www.ilo.org/public/english/standards/ipecc/simpoc/about.htm>

Research sites were identified by the stakeholders on the basis of three criteria:

Box 1. Known prevalence of “night bars” in which the presence of victims of trafficking for sexual exploitation had been suspected or confirmed, including establishments in proximity to main transportation routes and national/entity borders,

Box 2. Known prevalence of children working on the streets, and

Box 3. Locations and capacities of local NGOs in the country that have contact with the target populations.

Eight sites were chosen, each of which was investigated by a team of 3-6 researchers and a regional coordinator. Research sites included following regions: Mostar, Bihać, Modriča-Doboj, Sarajevo-Zenica, Banjaluka-Prijedor, Visegrad, Tuzla and Bjeljina-Zvornik. These regions encompassed the named cities and their surrounding towns/municipalities.

Stakeholders participated in the development of research questions and collaborated in the refinement of data gathering instruments designed by the consultants.

2.3 Police stations, service providers and Centres for Social Work that provided information for the research

Police stations providing data, by region

Sarajevo/Zenica: Zenica, Novi Grad, Centar, Stari Grad, Ilidza, Novo Sarajevo; **Tuzla:** Tuzla; **Visegrad:** Goražde, Pale; **Modrica/Doboj:** Modrica, Brod, Samac, Derventa, Petrovo, Vukosavlje, Teslic, Doboj; **Mostar:** Jablanica, Stolac, Siroki Brijeg, Posusje, Grude, Ljubuski, Trebinje; **Banja Luka/Prijedor:** Banja Luka, Gradiška, Prijedor; **Zvornik/Bijeljina:** Brcko, Srebrenica, Vlasenica, Bratunac, Milici, Zvornik, Lopare, Ugljevik, Bijeljina; **Unsko – Sanski Canton (USC):** Kljuc, Bosanski Petrovac, Sanski Most, Bosanska Krupa, Bihac, Buzim, Cazin, Velika Kladusa.

Service providers that gave information on trafficking for the purposes of sexual exploitation, by name of organisation and title of implemented project

Medica-Zenica: Therapy centre for women and children, Educational centre; **"Lara" Women's Organisation-Bijeljina:** Women's centre, Women can do it Assistance for victims of trafficking, Magic corner – playroom for children; **UG "Buducnost" –Modrica:** Centre for support of women, Women can do it – programme for strengthening women's power, Assistance for victims of violence and trafficking, Playroom for children, Interactive learning; **Prihvatni centar "Duje" - Doboj Istok:** Sheltering centre; **La Strada BiH:** Sheltering centre; **International Organization for Migration (IOM):** Assistance for victims of trafficking.

NGOs that gave information on children living and working on the streets as possible victims of trafficking for the purposes of labour exploitation, by name of organisation and title of implemented project

"Hello Neighbour (Zdravo da ste)", Banja Luka: Community centres – community development, Psychosocial support for children victims of war, Work in Roma community Modricki Lug, Implementation of children's rights, Psychosocial support for children

⁶⁰ Invitees were selected on the basis of a single criterion: the agency should be one likely to have direct contact with one or both of the research target groups (children forced to labour or exploited sexually who may have been trafficked into this situation).

returnees, Protection of sexual and reproductive health among youth, Youth centres; **"Društvo za pomoć mentalno retardiranim osobama", Prijedor:** Daily accommodation for moderately retarded persons, Purchase of medicines and orthopaedic tools, Education of children with special needs, Food programme – purchase and installation of greenhouses, Painting on silk; **"Nada" Prijedor:** Prevention of violence against children, women and elderly persons, Prevention of socio-pathological disorders among children and youth; **UG "Buducnost", Modrica:** Centre for support of women, Women can do it – programme for strengthening the women power, Assistance for victims of violence, Playrooms for children, Interactive learning; **HUG "Zemlja djece", Tuzlanski tinejdzerski centar Telex Tuzla:** Street children (media campaign, helping street children, education and literacy work).

Centers for Social Work that provided data on registered cases or reports of children living and/or working on the streets, by region

Tuzla: Tuzla, Gracanica, Srebrenik, Doboj Istok, Gradacac; **Mostar:** Ljubuski, Mostar Jugozapad, Trebinje, Jablanica, Mostar-Stari Grad, Stolac; **Sarajevo/Zenica:** Novi Grad, Stari Grad, Novo Sarajevo, Centar, Ilidza, Travnik, Zenica; **Zvornik/Bijeljina:** Brcko, Ugljevik, Bijeljina, Lopare, Zvornik, Milici, Vlasenica, Bratunac, Srebrenica; **USC:** Bosanski Petrovac, Velika Kladusa, Cazin, Buzim, Bosanska Krupa, Sanski Most, Kljuc, Bihac; **Modrica/Doboj:** Brod, Modrica, Derventa, Doboj, Petrovo, Samac, Vukosavlje; **Banja Luka,** Banja Luka, Gradiška, Prijedor, Novi Grad; **Višegrad:** Goražde, Rudo, Rogatica, Visegrad.

2.4 Research Questions & Methods

The design of this research project was largely determined by the selected target groups, and by the challenges that their situations posed for any social scientific study.⁶¹ First, the illegality of the activities under investigation meant that individuals involved in trafficking would have built-in incentives to disclaim involvement in, and deny knowledge of, the problem. Second, it has already been established that trafficking for the purposes of sexual exploitation occurs in BiH, and that it often involves organised criminal networks, at times with the active or passive collusion of criminal justice system officials. Thus, issues of researcher safety and ethical considerations regarding research with children were especially important in the design of research methods

A note on language usage

Research methods and instruments were co-designed by two research consultants, one Bosnian and one US citizen residing in BiH. As a result, the instruments were developed simultaneously in both BSC (Bosnian-Serbian-Croatian) and English. Trainings and seminars for BiH researchers were also conducted in both languages, with a Bosnian interpreter to facilitate the participation of English speakers. In this way, difficulties of basic translation were minimised in the preparation of data-gathering instruments. However, there are two key words in BSC that do not have easily translatable equivalents in English: *trgovina* and *nacija*. See text boxes below for information on these terms.

In light of these challenges, the methodology consultants determined that a multi-method study would generate the most valid and reliable findings. **Three areas (for each target group) were identified for investigation by the study: nature and extent, responses, and awareness/attitudes.** Nature, extent, and response questions were primarily answered through surveys of law enforcement and service providers who might be expected to have direct contact with either of the two target groups. Where possible, follow-up interviews were also conducted with these respondents to clarify and elaborate information provided on surveys.

⁶¹ Several other factors, however, contributed to the design of data collection instruments and the privileging of qualitative over quantitative methods.

«Trgovina»

Trgovina is the term that is usually used by BSC speakers when translating the term “trafficking” from English. However, reverse translation (a technique by which the accuracy of a translated word’s meaning may be checked) of the word *trgovina* into English may produce such terms as “store” or “shop”, and “market economy”. For this reason, it is not uncommon for native BSC speakers working in the anti-trafficking field to use the English word “trafficking” even when speaking in BSC.

Data gathered through these methods were deemed sufficient for the sexual exploitation target group, and were used for collecting data as well about the target group of children working on the streets. However, much less secondary information was available about this group from law enforcement and service providers. Hence, primary data collection methods were also utilised – specifically, direct, guided street observations of working children, and interviews with children willing to talk to researchers.

Consultants and researchers recognised that the problem of trafficking in human beings, particularly children and youth, has causes and effects that extend beyond official institutions like law enforcement and service providers into the society at large. Minimally, public awareness of, and attitudes towards, the problem of human trafficking affect both the need for particular educational campaigns and the willingness of the public to demand or support various prevention and response activities. Therefore, this study also sought to collect information about the levels of awareness about, and the attitudes towards, child trafficking-related issues. Specific subgroups of the public were identified as sources of information for each of the study’s target groups.

2.4.1 Trafficking for the purposes of sexual exploitation

Groups of adolescent girls were assembled at each site to assess the vulnerability of BiH girls⁶² to being trafficked, and to identify effective strategies for preventative public education campaigns. Groups of adult men between the ages of 18 and 44 at each site were invited to respond to questions assessing their levels of awareness and perceptions about trafficking for sexual exploitation, and about prostitution in general. The goal here was to identify attitudes towards the sex industry among BiH men as a way of determining “market conditions” for trafficking networks. Secondly, these focus groups attempted to identify the likelihood that men would report evidence of trafficking for sexual exploitation if they encountered it. Like the data gathered about adolescent girls’ attitudes and perceptions, this data will be useful in designing effective trafficking awareness and prevention campaigns. These focus groups were included in the study because researchers and consultants believed that targeting both potential clients and potential victims for education would address both the supply and demand sides of trafficking for sexual exploitation.

2.4.2 Children working on the streets

Randomly selected groups of BiH adults were assembled at each site where children were known to work/beg on the streets. These groups were asked to discuss their perceptions of and awareness of children working on the streets. Questions were designed to identify whether or not BiH residents are aware of the possibility that children may be coerced into working or begging on the streets; how they view and explain such behaviour; and what they think should be done about the problem. Preliminary research by the consultants indicated that widespread discrimination against Roma, and the perception that most children working on the streets are Roma, may affect the willingness of BiH residents to support programmes to assist such children. These focus groups attempted to assess the accuracy of the

⁶² While evidence does exist of boys being trafficked for the purpose of sexual exploitation in some countries, it is by far more common for girls to be subjected to this form of exploitation, and little data exist to confirm that boys are working in the BiH sex industry. Hence, these focus groups were limited to girls.

preliminary findings and to learn more about residents' understanding of and attitudes towards children working/begging on the streets.

Table 1 *Research questions, methods, and respondents by target group*

Target Group	Research Questions	Method(s) Used	Respondents
Minors trafficked for the purposes of sexual exploitation	Nature & Extent	Surveys & Follow-up Interviews	Law Enforcement ⁶³
	Responses	Surveys & Follow-up Interviews	Shelters (IOM & NGO)
	Awareness / Attitudes	Surveys & Follow-up Interviews	Law Enforcement Centres for Social Work
		Focus Groups	Teenage Girls Adult Men
Children and youth working on the streets	Responses	Surveys & Follow-up Interviews	Law Enforcement Centres for Social Work NGOs
	Nature & Extent	Surveys & Follow-up Interviews	Law Enforcement Centres for Social Work NGOs
		Interviews (spontaneous; on street)	Children working on streets
		Guided street observations	
	Awareness / Attitudes	Focus Groups	Adult BiH residents
Surveys & Follow-up Interviews		Law Enforcement Centres for Social Work	

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Researchers sought to answer the following overarching questions:

Nature and Extent

What can the agencies most likely to come into contact with minor-aged trafficking victims tell us about the nature and extent of trafficking of minors in BiH?

What is known about the nature and extent of the involvement of minors within the larger problem of trafficking of women for sexual exploitation in BiH?

To what degree, and in what manner, are children who work and/or beg on the streets doing so because they have been trafficked? To what degree, and in what manner, is the labour of children who work and beg on the streets organised and forced/coerced by adults?

Responses

What services exist to assist children who work on the streets and victims of trafficking for sexual exploitation? What are the strengths, weaknesses, and gaps in services to each group at the state level and at regional levels?

⁶³ Local Police and State Border Service

Where services exist, are there also special protection measures for children designed to assess 'the best interests of the child' and to implement those forms of support? If so, what are they?

«Nationality»

Nacija, pronounced, roughly, "Nât-see-ya", is often mistranslated into English as "ethnicity" or "nation", neither of which conveys its full meaning in BSC. *Nacija* combines elements of territorial geography, national identity, patrilineal descent, and religious/cultural heritage and traditions.

The term **Bosnjak** distinguishes Bosnian Muslims from Bosnian Serbs or Bosnian Croats. *Bosnjak* will be used in subsequent chapters of the report to refer to Bosnians known to be Muslims. The generic term *Bosnian* will be used when the *nacija* of the individuals or groups under discussion is either unknown or irrelevant to the topic at hand. That is, "Bosnian" will signify individuals of any *nacija* living within the national boundaries of the country Bosnia and Herzegovina.

Awareness/Attitudes

Figure 1: For each target group (children who work/beg on the streets; girls/women who work in night bars), respondents were asked in focus groups to talk about what they knew about the nature and extent of child trafficking. They were invited to share their opinions about the causes of trafficking and about what should be done to prevent or respond to the problem.

2.5 Limitations of the Quantitative Data

Respondents consulted for this research had different relationships to the problem of human trafficking. An institution's mandate might bring particular versions of human trafficking to its attention but not others. For instance, local police in an area such as the "Arizona Market"⁶⁴ would be familiar with the crime of selling women into prostitution but they may not have implemented a consistent practise of age evaluation to determine whether any known sales involved underage minors. Other institutions, such as the Centres for Social Work might have contact with children who work on the streets but no contact with minors trafficked for the purposes of commercial sexual exploitation. This fact led to some variation among respondents' working definitions of "trafficking," particularly as it pertained to children and youth.

There was also tremendous variability (in both quality and organisation) of the many record-keeping systems available to respondents and researchers. In many cases the relevant information had not been recorded consistently across geographic or institutional boundaries. In other cases the data existed only in unstructured formats (e.g. masses of individual sheets of paper).

As a result of these factors, researchers often encountered an imprecise fit between their questions and the available answers. Where significant inconsistencies appeared in reported results, or where it was clear that a respondent's interpretation of survey questions had been incorrect for the purposes of this study, the reported data were interpreted conservatively or excluded altogether.⁶⁵ Other limitations specific to each target group are discussed at the ends of Chapters 3 and 4, and in the Conclusion.

⁶⁴ The Arizona Market, which is close to Brcko, was in the years covered by this study notorious for being a location in which bar owners could purchase women to work for them as prostitutes.

⁶⁵ For example, some respondents from the Centres for Social Work reported cases of child trafficking for sexual exploitation when other reliable information suggested they would have had no contact with this target group. Subsequent inquiries determined that some CSW respondents interpreted the survey questions to include child

CHAPTER 3: CHILD TRAFFICKING FOR THE PURPOSES OF SEXUAL EXPLOITATION

3.1 Scope of the research and types of respondents

The primary concern of this chapter is trafficking in children to or inside⁶⁶ Bosnia and Herzegovina for the purposes of sexual exploitation.

The definition of trafficking of children adopted in this report is the "recruitment, transportation, transfer, harbouring or receipt of a child [...] for the purposes of exploitation⁶⁷".

Respondents were divided into agencies, service providers and law enforcement agencies.

Table 2 Respondents by group

"Agencies" = all responding agencies: police stations / administrations, SBS, Centres for social work, NGOs and IOM.			
Service providers / Shelters		Law enforcement agencies	
NGOs: Non Governmental Organisations	IOM: International Organization for Migration	Police stations / administrations	SBS: State Border Service

- The service provider information given in this chapter focuses on that provided by those five organisations which explicitly said that they provide services for children trafficked for the purposes of sexual exploitation. Details are available on request. These five responding organisations include three of the total of five shelters which exist in Bosnia and Herzegovina⁶⁸.
- The IOM centre in Sarajevo was also contacted as a special service provider which is not an NGO (it is an intergovernmental organisation). However, the data they provided, which gives details of a large number of child victims of trafficking for the purposes of sexual exploitation, is treated separately here because this data is very well known: exactly the same data covering the same cases has already been quoted in other reports.
- Centres for Social Work were not approached because they were not involved in this kind of case.
- Data were collected from 50 police stations or administrations. Data were given by a representative of each police station.
- Data were also collected from State Border Services.

victims of sexual abuse. Since resources did not permit follow-up interviews with each CSW respondent to verify data validity, all CSW reports regarding trafficking of children for commercial sexual exploitation were excluded.

⁶⁶ That means that trafficking in which Bosnia and Herzegovina is the source country is explicitly not included.

⁶⁷ Article 3, subparagraph c of the Palermo Convention, which is the relevant paragraph for children.

⁶⁸ Regional Clearing Point, First Annual Report on Victims of Trafficking in South Eastern Europe, International Organization for Migration, Stability Pact for South Eastern Europe Task Force on Trafficking in Human Beings and International Catholic Migration Commission, p121.

3.2 Nature and extent: Trafficking in children for the purposes of sexual exploitation in BiH

Research focus

Police stations, service providers and the State Border Service in the eight areas covered by this research were asked about cases of child victims of trafficking for the purposes of sexual exploitation since the beginning of 1999.

Main Findings

- *Based on the responses given by the police, NGOs and IOM, between 110 and 160 children⁶⁹ were identified as trafficked for the purposes of sexual exploitation in BiH between 1999 and early 2003. The police reported 70 cases (56 local, 14 foreign), the SBS 7 (all foreign), the NGOs around 31 (21 local, 10 foreign) and IOM around 52 (all foreign) for the same time period.*
- *According to the data provided by the police and NGOs, around half of all identified child victims of trafficking for the purposes of sexual exploitation are from BiH. This finding stands in contrast to other reports (combining data for adult women and girls) for a comparable period of time. The discrepancy could be due to this research covering more service providers and including all reported cases of child trafficking. Also, some respondents may have reported as child trafficking sexual exploitation cases not involving trafficking.*
- *The police and NGO figures corroborate that the majority of foreign children trafficked for the purposes of sexual exploitation originate from Romania, which confirms the IOM data.*
- *The majority of the victims are over the age of 14; a few are as young as 10.*
- *Nearly all reports by respondents referred to girls rather than boys.*

Conclusions

The findings confirm that a considerable number of children have been trafficked for the purposes of sexual exploitation in BiH over the past three years. The overall number of 110 to 160 cases identified here is significant, but can only be an indication of how many children are trafficked for the purposes of sexual exploitation into and within BiH in the period between 1999 and early 2003.

The actual number can be assumed to be still larger. This research relied on existing secondary sources and did not attempt to obtain hidden information in any “undercover” form. Yet trafficking of children for the purposes of sexual exploitation is a hidden crime, and like with all similar crimes, there is a dark field that can only be speculated about. In addition to the clandestine nature of trafficking and commercial sexual exploitation, the inadequate identification techniques applied in the past and the fact that nearly all foreign child victims of trafficking for the purposes of sexual exploitation are issued with forged identification papers make it likely that there is a significant portion of child victims of trafficking that is never detected. Also, statistics only record as children those victims who are under the age of 18 when they are discovered; if a victim was trafficked as a child, but detected when over 18, she does not enter the child trafficking statistics.

Of particular concern is the finding that at least half of all recorded cases of child trafficking for the purposes of sexual exploitation concern children from BiH. It was not always clear, and the research could not determine to what degree classifications as local trafficking by the police and NGOs were correct - some cases may actually concern sexual exploitation of children from BiH without constituting internal trafficking. However, this finding does in any

⁶⁹ It cannot be determined if the figures given by different sources refer to the same or different children. The approximate minimum number is taken from the respective highest number given for foreign and local child victims (108 total – 56 local cases reported by the police and 52 foreign cases reported by IOM); the approximate maximum number is the cumulative sum of all cases from all three sources (160 total – 77 local and 83 foreign).

case indicate that commercial sexual exploitation affects children from BiH as much as it does children from third countries. It actually may concern even more children from BiH, once efforts to curb cross-border trafficking succeed, as traffickers may find it easier than to recruit locally. Thus far, BiH has been primarily seen as a country of destination for trafficked women and girls and the primary focus of attention has been on cross border trafficking and foreign women and girls.

There is no concrete evidence from this research for the existence of a market for commercial sexual exploitation and prostitution involving children before puberty in BiH, however, there are some reports on younger victims down to the age of 10 so this possibility cannot be excluded.

3.2.1 Extent: How many cases of trafficking in children for the purposes of sexual exploitation are there?

Approximately 30% of the police stations reported cases of child victims of trafficking for the purposes of sexual exploitation. The total number of child victims registered at these stations since 1999 is 70, out of which 14 concerned foreign and 56 local girls below the age of 18. In addition, the State Border Service respondents reported another seven cases of foreign girl victims.

The surveyed NGO service providers reported having dealt with a total of 31 cases of child victims of trafficking for the purposes of sexual exploitation, including 10 foreign and 21 local victims. IOM reported a total number of 52 child victims of trafficking, all of them foreign.

It cannot be determined if the figures given by different sources refer to the same or different children. The approximate minimum number would therefore be the respective highest number given for foreign and local child victims, coming to a minimum total of 108, i.e. the 56 local cases reported by the police and the 52 foreign cases reported by IOM. The approximate maximum number is 160, being the cumulative sum of all cases from all four sources, i.e. 77 local and 83 foreign victims.

In relation to victims from third countries, these numbers concur reasonably well with other reports, including the recent RCP (Regional Clearing Point) data, which gives a figure of about 50 trafficked girls under 18 assisted since 2000⁷⁰. However, the figures recorded in this research on local victims of trafficking - 56 cases by the police and 21 cases by NGO service providers – are in sharp contrast to previous reports.

Around half of all reported cases of child trafficking in BiH recorded in this research are concerning local trafficking – 77 cases out of a total of 160 reported cases, or if one only takes the respective highest figure from the three information sources (Police, SBS, IOM, NGOs), 56 cases of local child victims reported by the police against 52 cases of foreign victims reported by IOM. The Regional Clearing Point report finds only 2% of all trafficking victims (adult women and girls) in BiH who were internally trafficked in a comparable period⁷¹, but within that figure does not distinguish between adults and children.

One explanation for this discrepancy may be that this research covered more service providers and included all reported cases on child trafficking, whereas the RCP report only included those that were considered sufficiently documented. In addition, this research directly collected information on child trafficking from police stations. Therefore, it is more likely for this research to have identified a bigger proportion of domestic victims of trafficking.

Also, it is not always clear, and the research could not determine, to what degree the classification of cases that were reported as local trafficking was actually correct. In some cases, sexual exploitation may actually not have been preceded by a relocation that would meet the Palermo Protocol definition of trafficking. It is obvious from the interviews carried

⁷⁰ 7% of 714 assisted victims. The RCP report, like the present report, is certainly an underestimation and only gives data from a subset of all possible sources.

⁷¹ Regional Clearing Point, pg 120.

out with service providers that data collection and classification of cases conducted by them is not always in accordance with the Palermo Protocol definition of trafficking. A follow up on initial responses from services providers also showed that a minority did not adequately distinguish between sexual exploitation and internal trafficking.

While this data suggests that child trafficking in Bosnia and Herzegovina concerns local children as much as it does foreign children, one can only speculate if the findings confirm a perceived general increase in local trafficking for the purposes of sexual exploitation, given that the ratio between local and foreign trafficking victims may well be very different for adult women and children.

3.2.2 Nature: What are the geographical and demographic characteristics of children trafficked for the purposes of sexual exploitation?

Police stations, service providers and the State Border Service were asked to give geographical and demographic details of any cases of child victims of trafficking for the purposes of sexual exploitation since the beginning of 1999.

The largest number of police stations in which there were reported cases or findings on child victims of sexual exploitation come from the Bihać region, which is reasonable given the proximity to the state border. In the Mostar region no single police station reported cases of child trafficking. This is in contradiction to the fact that the NGO La Strada operates a shelter in Mostar, where trafficked children are known to have been assisted during the reporting period.

It is evident that the largest number of cases are present in border regions (Bihać, Zvornik/Bijeljina, Banja Luka), where there are a number of points for illegal crossing of the state border. In these regions there are many night clubs connected with illegal trafficking of women. The State Border Service registered cases of children trafficked for the purposes of sexual exploitation at border crossings in Orašje, Brčko and Bijeljina, mainly near the rivers Sava and Drina, where it is possible to cross the border from Serbia by boat.

According to the police, the victims from outside BiH come from Romania (10), Moldavia (6), FRY (5) and Russia (1), which approximately corresponds to the information on countries of origin outside BiH given by IOM and (mainly by IOM) to other sources, in particular the Regional Clearing Point report which highlights the special importance of Romania as a source country in the case of child victims.

Turning now to the data on victims' ages, if it is true that there is no market for child prostitution involving children before puberty as such in BiH, one would expect a large majority of victims to be in the 14-18 age range, as is in fact reported by the service providers and the police. The service providers and police each reported one case of a victim under the age of 10.

3.3 Understanding of and attitudes towards the problem in BiH

Research focus

Representatives of police and service providers in the eight regions covered by this research, along with focus groups involving a total of 105 adult men in eight groups and 105 teenage girls in seven groups, were asked about child trafficking for the purposes of sexual exploitation.

Findings

- *Members of law enforcement agencies, service providers as well as adult men and teenage girls are all aware of the problem and most could produce reasonably accurate definitions of child trafficking.*
- *Participants most frequently mentioned poverty, family problems, drug addiction and alcoholism as causes of child trafficking for the purposes of sexual exploitation.*

- *All respondents were able to list a number of plausible problems faced by children in the trafficking chain, in particular mistrust, lack of resources, fear and addiction.*
- *None of the respondents made much mention of girls being coerced or forced into joining the trafficking chain.*
- *The members of the focus groups of adult men are more inclined to believe that girls enter the sex industry voluntarily.*
- *The members of the focus groups of teenage girls in particular believe that the victims are poorly informed and particularly credulous; most think "it could never happen to me".*
- *Service provider respondents stressed the specific difficulties which children have leaving the trafficking chain: helplessness, vulnerability to psychological and physical abuse and exploitation.*
- *The members of the focus groups of adult men believe that men buying sex are likely to seek prostitutes who are as young as possible; girls from foreign countries may be particularly attractive as prostitutes.*
- *A considerable proportion of the members of the focus groups of adult men would become involved in trafficking if the rewards were high enough. For some, trafficking is not a moral issue and for others it is not enough of an issue to outweigh a substantial financial reward.*
- *There is a very low level of confidence amongst the members of the focus groups of adult men in the police as able or likely to take effective action against trafficking, with a majority believing that the police are actively involved in trafficking.*
- *The members of the focus groups of teenage girls think that prevention campaigns should be directed primarily at themselves. They are very open to media presentations and though they see discussion with parents or school teachers as potentially very important they feel less open to these kinds of discussions.*

Conclusions

Adult men are aware of the existence of trafficking in children for the purposes of sexual exploitation, but a disturbingly high proportion was found prepared to condone or ignore crimes against children such as trafficking, sexual exploitation and abuse. The very low level of confidence in relevant institutions as able or likely to take effective action is of particular concern.

There further appears to be little awareness about the coercion and violence trafficking victims are regularly subjected to.

Notable for their absence were comments about children's rights or women's rights. Neither did rights come up in discussions of possible responses to the problem of trafficking for the purposes of sexual exploitation.

3.3.1 Awareness: Is there awareness of the existence of trafficking of children for the purposes of sexual exploitation?

Members of law enforcement agencies, service providers and focus groups of adult men and of teenage girls are all aware of the problem and most were able to produce reasonably accurate definitions of child trafficking. They also know of the existence of trafficking inside BiH and not just across borders; they do not share the misconception that "trafficking" must be international to count as such. However, being aware of the existence of a phenomenon on a factual level of course does not imply that all the respondents have accurate information or would identify trafficking correctly in real life situations.

3.3.2 Presumed causes: What do respondents believe leads children to become trafficked?

When the representatives of police and service providers were asked to share their opinions about the most common problems of child victims of sexual exploitation which lead them to become victims of trafficking, they largely agreed on the main factors which are, in order of importance:

- poverty,
- family problems, and
- drug addiction and alcoholism.

It is somewhat problematic to assess how well these responses correspond with the actual situation of children. Firstly, most existing information is also based largely on reports from secondary sources such as ours, and secondly most existing information is based on victims who are brought in from outside the country rather than internal trafficking. Most respondent groups did not mention the aspect of targets of traffickers being coerced rather than persuaded, including sale by family and kidnapping, although these aspects are mentioned several times in Limanovska's report.⁷²

However, it should be said that the detailed information given by IOM on victims from outside Bosnia and Herzegovina mentions few cases of girls being kidnapped. The IOM respondent stated that "all the girls really believe at the start that they are going to work as waitresses ... etc. Only during the journey or when they arrive in Serbia or Bosnia and Herzegovina do they realise that they have become victims of trafficking and that they will be sexually exploited ...". This of course does not *necessarily* apply to the internally trafficked victims who make up the majority of cases reported to us by NGOs and police. However, it does leave the question open of the extent to which victims are forced or coerced by family members or others.

While the focus groups of adult men, potential users (and possibly actual users) of sexual services, also mentioned these causes, they were of the opinion that a large majority of prostitutes of all ages enter the sex industry knowingly and voluntarily. They opined that only a small majority do not, largely those who are brought into the country under false pretences, and that a substantial group of women choose to sell sexual services in order to have a better standard of living. The men believe that these women mostly bond themselves to a client in a quasi-love relationship and use the money he gives them for buying clothes, paying the rent, travel, etc.

The focus groups of teenage girls, as potential victims of trafficking, were also asked about causes. Alongside the above causes, they also stressed lack of information particularly in rural environments when girls are not exposed to warnings on tactics traffickers use, for example promises and primitive job advertisements. These responses underline the importance of providing clear and plentiful information specifically for those groups of girls who are under-informed and hence particularly likely to become victims of traffickers. The girls also often mentioned the lack of future perspectives as reasons for believing traffickers' stories. Two of the respondents (probably correctly) pointed out that some of the girls were supported or forced by their parents to accept the offer, an aspect which seems to have been missing from some of the other sources.

However, when specifically asked about what makes a girl a potential target for traffickers, the respondents favoured explanations involving the assumption that the victims "should have known better", implying that these victims are either particularly credulous or in fact did know what would happen to them; there were overtones of moral censure.

«What type of girls could find themselves in such a situation?»

⁷² Limanowska , pg 107.

Respondent from Zvornik:

I agree with them, I think they are right, but those girls are not the same. Some of them do that intentionally knowing what is waiting for them there, maybe they like something like that. Such girls exist. But, from the other side, some of the girls were forced to work, they do not know what waits for them there but they can guess. I don't believe that someone can believe it is going to be so nice there. They know very well what is asked from them there. They know, but because of the problems they have here, financial, problems in family they are forced to leave and sell themselves.

These attitudes probably represent a rather naïve view of the desperate nature of situations in which girls may become the targets of traffickers and in which it is not easy to make a rational decision. It may also mean that information campaigns may not be effective if they do not confront the stance that "it could never happen to me".

Overall, none of the respondent groups made much mention of what perhaps seemed to them too obvious a factor leading to trafficking for the purposes of sexual exploitation; the specific vulnerability of children to all kinds of physical and psychological violence and coercion.

Little mention was made of children's rights or of the possibility that children could or should be able to turn to specific support in defence of such rights.

Similarly there was little mention of the specific economic and social factors which in many regions make women and girls particularly vulnerable, nor of women's rights or the possibility that women could or should receive specific support in defence of such rights.

3.3.3 Presumed problems: What problems do respondents believe victims face once in the trafficking chain?

The police and service provider respondents were also asked about the problems girls face once they are in the trafficking chain and the factors which make it difficult for them to leave. Most of the responses, particularly from the police, confirm what is already known from reports on trafficking in women in general:

- mistrust towards others, even those who want to help,
- lack of material resources,
- lack of personal documentation,
- fear of the organisers of the chain, and
- drug and alcohol addiction.

They also underlined that it is indeed very difficult to leave the chain once involved.

The service provider respondents brought additional light to bear on the specific problems faced by children:

- helplessness,
- exposure to physical and psychological abuse and exploitation,
- no safe place to go to (or not knowing about one), and
- not knowing whom to contact for help.

The detailed information provided by IOM describes the combinations of drugs and alcohol which may be given to the victims and physical / sexual abuse on the part of the organisers. They are sometimes kept under observation so that they cannot escape and also forced to do other jobs for no payment.

3.3.4 Presumed appeal: What do adult men think attracts the users?

The focus groups of adult men, as potential users (and possibly actual users) of sexual services, were specifically asked about the importance of the nationality and age of the child victims to users of sexual services. They were aware that girls as young as 15 are involved in prostitution.

The respondents stressed that while the girls should be pretty, attractive, and perhaps have blonde hair, youth is by far the most important factor: they should be as young as possible. While it is not possible to conclude from this kind of data that there is any substantial demand for *pre-adolescent* prostitutes, this result certainly highlights the general danger to girls under 18 years of age presented by the sex industry.

Some respondents also opined that there is a demand for girls who are "foreign" because they provide new experiences for clients.

3.3.5 Ethics: Do adult men see trafficking as wrong?

The focus groups of adult men were asked "If someone offered you 5,000 KM just to hide a girl and take her across the border of BiH, what would you do? Why would/would not you do it?"

Of those who responded, approximately:

- one quarter said that they would not take the girl across the border for moral reasons,
- another quarter said they would not take the girl across the border because it is a crime, and crime is punishable,
- another quarter said they would not take the girl across the border for fear of being caught, and
- one quarter said they would accept the offer.

«Would you take a girl across the border for 5000 KM?»

Respondent from Mostar:

I would not think of it even as a joke, and at no cost would I contribute to the flourishing of this dark business. I would remember my sister, mother and other women and girls who mean something to me.

Respondent from Banja Luka:

I would not, because I am not from that profession, that field. I do not even know how would I do it, my hands are already sweating.

Respondent from Dobo:

Right now, earning 5000 doesn't sound bad at all. A couple more times and that's half your house built.

Given that answers given in focus groups are likely to tend towards social desirability, this reveals that a considerable proportion of adult men would become involved in trafficking if the rewards were high enough. For some, trafficking is not a moral issue and for others it is not enough of an issue to outweigh a substantial financial reward.

The same focus groups were asked "If you visited a prostitute and found out that she had been trafficked, what would you do, and why?"

Of those who responded:

- one half said they would not do anything, the vast majority giving the reason that the police are corrupt and are involved in trafficking, and
- most of the others said they would report the case to other organisations but not to the police.

«If you discovered a trafficked woman, what would you do?»

Respondent from Banja Luka:

If I listen to my moral principles the answer is "yes", but when I give it a thought I would not know who to turn to, because those whose job is to defend law and order, they are the main protagonists or an important "supportive" factor. So, I am lost now. A poor person, amidst all this corruption, does not dare to report a minor crime, not to mention something related to prostitution and trafficking, because we all know how strong are the "brothers" who are the "bosses" in our town in this business and who keep people, and to them beating me is like to you saying "Good afternoon".

It is possible that those saying that they would not report the case to the police because the police are corrupt are using this as a convenient excuse not to have to do anything. Either way, there appears to be a dramatically low *explicit* level of confidence in the police as likely to take effective action against trafficking.

These answers show worrying levels of lack of confidence in the role of the law enforcement to combat trafficking, either because the police are ineffective or because they are believed to be so, or both.

To the extent that this dramatic lack of confidence in the police is misplaced, then any campaign to encourage the reporting of trafficking-related crime would first have to address this explicit lack of confidence and possibly other underlying reasons for not reporting.

3.3.6 Possible prevention: What measures do teenage girls suggest to make their peers less likely to become victims of trafficking?

If prevention measures directed at potential victims, i.e. teenage girls in Bosnia and Herzegovina, are to be successful then it is essential to know what ideas the girls themselves have about such measures. For this reason a number of questions to address this issue were asked in the focus groups with teenage girls.

Most of these focus group respondents opined that the girls themselves are most responsible for their protection. Other stakeholders who should have important roles in protection of children from trafficking for the purposes of sexual exploitation, according to the respondents, are the family (especially parents), media, NGOs and schools.

Parents are, according to the opinion of a large number of respondents, very important in the protection of children from trafficking. The girls think they themselves should develop as honest a relationship with their parents as possible, and parents should be informed of the importance of conversation with their children on trafficking. Two of the girls stated that they had heard about child trafficking from their parents who advised them to stay away from strangers, and two more said that they had talked about this in school.

«How to help girls to protect themselves from getting into chain of trafficking?»

Respondent from Modriča:

Maybe lectures in school, but of course not with the teachers because it is impossible for girls to relax before their teachers, although they mean well, then TV programmes, education through youth organisations, and I do not know who else should deal with this.

However, the girls in fact rely much more on media than on any other source for information and to form opinions about trafficking. Most of them said that they had heard about child trafficking through media, mostly TV.

They think it is important to fund non-governmental organisations or activate projects in the existing non-governmental organisations which would deal with education of young girls on

trafficking in human beings and ways to prevent getting into one of those chains. These projects should be implemented either in schools or clubs or info-centres. These should be open discussions with experts such as psychologists and inspectors working on the suppression of trafficking in human beings.

According to the respondents, school is another important factor in prevention of trafficking in human beings. Within school, information sessions or seminars should be organised on this topic, or for the prevention of drug abuse.

Media are, according to the respondents, the most important factor in contributing to the prevention of trafficking in human beings. They proposed making special programmes designed to interest adolescents on these issues, and writing articles which would be attractive to this age group.

3.4 Current interventions and action taken

Research focus

Police stations and service providers were asked to give information about how they respond to cases of child victims of trafficking for the purposes of sexual exploitation.

Findings

- *Victims most frequently come into contact with state and other agencies as a result of bar raids. In addition, some contact NGOs via SOS telephone lines.*
- *A significant number of police stations said because they had no such cases, there was no reason to have any special procedures. Others mentioned that they had special procedures applicable to all children. These procedures were not specific to victims of trafficking for the purposes of sexual exploitation. NGOs on the whole do not treat their child victims differently from adults.*
- *No specific mention was made by any of the respondents of any special procedures applicable to children such as those set out in the Temporary Instructions issued by the Ministry for Human Rights and Refugees in 2002.*
- *While most agencies reported that they cooperate with other agencies and are satisfied with this cooperation, there are frequent complaints about the inefficiency of judicial institutions. Police stations rarely cooperate with NGOs.*

Conclusions

There appears to be an overall lack of outreach work, i.e. of efforts to establish information about premises and underage victims through regular control and visits of premises used for commercial sexual exploitation, as opposed to "bar raids" as concerted law enforcement operations.

Law enforcement agencies and service providers seem to apply by and large the same procedures and standards as those intended for adults when dealing with children. This is obviously problematic as children are entitled to special protection. Specific provisions issued in relation to child trafficking, the Temporary Instructions, were not known to respondents in the field.

Overall it seems that there is little actively coordinated cooperation, particularly between NGOs and the police, with mostly one-way referrals. In as much as respondents reported good cooperation, there is at the same time a noticeable absence of plausible sounding substantiation in terms of how this cooperation is put into practise in detail.

3.4.1 Contact: How do relevant agencies get in contact with victims of trafficking?

The police stations and administrations mostly had contact with child victims of trafficking because they come to register for work permits or through participation in bar raids.

However, as most of the raids were led by IPTF, the victims of trafficking found in these raids were not registered with the local police.

Service providers usually get in contact with victims of trafficking above all by:

- Referral from IPTF (after bar raids, underage victims were referred to shelters provided by service providers), and
- Phone-calls on an SOS telephone.

Some service providers also reach out to victims via media campaigns.

IOM receives substantial numbers of foreign adult and child victims of trafficking, largely through referral by other agencies and as a result of bar raids.

3.4.2 Procedures: Do relevant agencies have special policies and procedures for child (as opposed to adult) victims of trafficking?

The majority of police stations did not answer questions on how their response procedures differ for under-18 victims, giving as a reason that they have not in fact had such cases. Of those that did respond one or two answered that there were no special measures. A few mentioned, apart from additional measures directed towards identifying and apprehending perpetrators, that victims of trafficking in general (girls and women) are given a medical examination and/or are referred to IOM if they are foreign citizens.

Just over one third of stations/administrations gave at least one detail about how they treated under-18 victims of trafficking for the purposes of sexual exploitation differently from over-18 victims.

Responses to persons suspected to be victims of trafficking are, according to some respondents, subject to special procedures which include special treatment of underage children. Answers are quite mixed. According to some individual respondents, minors are:

- provided with professional interviewers trained in interviewing minors, usually from a Centre for Social Work,
- and/or provided with the obligatory presence of parents,
- and/or provided with the obligatory presence of a responsible person from a Centre for Social Work,
- and/or treated with additional care and discretion,
- and/or treated according to the Convention on the Rights of the Child.

However, these responses are isolated and do not reflect the majority.

These responses seem to focus more on treatment in police stations than on protection of the victims. No specific mention was made by any of the respondents of the special procedures set out in the Temporary Instructions issued by the Ministry for Human Rights and Refugees in 2002, let alone the special section on minors.

Service providers gave little specific information about any special procedures apart from general information about a respectful and pedagogical approach. It seems that the number of under-18 girls is quite low and the service providers consider the approach offered to adult women to be sufficiently suitable for girls.

IOM undertakes special security measures when returning under-18 victims home.

3.4.3 Cooperation: What is the nature and extent of cooperation with other agencies?

Nearly all police stations and administrations reported that in working on cases of child victims of sexual exploitation they do cooperate with other institutions and/or organisations, and most frequently with other police stations/administrations⁷³.

The police respondents reported a high level of satisfaction with cooperation with other institutions or organisations.

The main reason for satisfaction with cooperation with other police stations is "prompt exchange of information".

There are mixed responses on cooperation with *judicial institutions*. While some are satisfied with their effectiveness, others are not.

Cooperation with NGOs (as required by the Temporary Instructions) is infrequent and with medical institutions very infrequent.

The respondents from non-governmental organisations reported cooperation with IOM, IPTF, Centres for Social Work, the State Border Service, and other NGOs. They said they are mostly satisfied with this cooperation. However, this assessment is very global and there are a large number of more detailed dissenting comments, covered below. On the other hand, the NGOs also cooperate with the judiciary, about whom they have frequent complaints, above all about slow processing of these cases.

3.5 Key problems identified by respondents and suggestions for action

Research focus

The agencies were asked for suggestions on how to increase the quality of support to trafficked children.

Main Findings

- *The main problem reported by the police was lack of a legislative framework and material and personnel resources, particularly specialised support to deal with child trafficking.*
- *The main problem reported by the service providers, apart from lack of material and personnel resources, was frustration with the poor quality of cooperation on the part of government institutions with non-governmental service providers.*
- *It seems that there is very little funding of any kind for victims from inside Bosnia and Herzegovina, as funding appears to be earmarked for shelter of foreign trafficking victims. Care responses to local victims of trafficking appear to be funded on an ad hoc and improvised basis from case to case.*
- *The suggestions for improving responses centre around activities at present most closely associated with the NGO model, such as running shelters and information campaigns.*

Conclusions

The legal framework for law enforcement bodies is crucial for their ability to intervene. At the time of the survey, the new anti-trafficking provisions provided for in the Criminal Codes were either not in place, not known, or respondents had not yet received any training on them.

The lack of material and personnel resources seems to be a blockage to combating child trafficking, both in relation to ability to undertake certain tasks and also in relation to motivation. However, appropriate responses are not solely dependent on material resources and to some degree this may also serve as an excuse for inaction.

⁷³ It seems that some of these answers may have been very general, because there are frequent answers about cooperation with Centres for Social Work. There is indeed frequent cooperation in general between police and CSWs but not in the case of trafficking because the CSWs generally do not get involved.

If the role of NGOs is to be increased then this should be accompanied by work on the multidisciplinary approach, involving management-level representatives from state agencies together with the definition and resourcing of specific contact points for this kind of multidisciplinary work.

3.5.1 Main problems identified: What are the main problems the agencies see as hindering their work with child victims of trafficking for the purposes of sexual exploitation?

The police respondents identified the following problems in work with child victims of trafficking for the purposes of sexual exploitation:

- lack of material and technical resources for work,
- inadequate specific legal provisions for child victims of trafficking,
- inadequate number of specialised positions in the police force, such as the post of inspector specially trained to deal with these problems,
- insufficient support by the parents of those child victims who are from Bosnia and Herzegovina,
- in the case of foreign citizens there is also a problem of language understanding, and
- lack of clarity in legislation.

The service provider respondents also named a number of problems which in their opinion affect their work with these victims:

- there is no understanding of the victims' situation from governmental institutions,
- there is no understanding of the service providers' situation from governmental institutions,
- government institutions do not work efficiently,
- cooperation with government institutions is not organised in a systematic fashion,
- cooperation with NGOs is not included as an obligation in the job descriptions of employees in governmental institutions,
- cooperation with Centres for Social Work is established only if the service provider initiates it and it lasts as long as the service provider has funds and enthusiasm,
- there are not enough places for shelter victims from Bosnia and Herzegovina because IOM shelters are perceived to service foreign victims only,
- there is a lack of material resources, such as money and shelter - if the victim has to stay in the shelter for longer than a few days, shelter staff have to improvise in order to provide the money, and
- there is a lack of human resources – because of limited funds, it is difficult to provide continuous and adequate care for victims from different professionals such as physicians, social workers, psychologists, lawyers and others.

3.5.2 Recommendations made: What would respondents recommend?

The respondents from police stations/administrations proposed a number of measures to overcome the problems they face when dealing with child victims of trafficking, as well as increasing the quality of the support they provide. In addition to increasing resources as implied by the above section, they made the following suggestions:

- focus on prevention, through media or school programmes,

- establish or strengthen NGOs which would deal with providing for children and assistance and support for them,
- establish more safe houses, and
- foster exchange of experience with police officers from other countries who deal with these issues.

The service provider respondents also made the following suggestions:

- organise shelters with constant therapeutic work,
- establish a multidisciplinary approach to the fight against violence,
- work towards changes in legislation, and
- introduce more preventive education of different groups.

In short, the suggestions for improving responses centre around activities at present most closely associated with the NGO models such as running shelters and information campaigns.

Not only service provider staff but also the police themselves stated the need for forming or strengthening service providers which would deal with shelter, care and work with trafficked child victims of sexual exploitation. This support for the NGO model from police seems puzzling in the light of the complaints by NGOs about lack of cooperation and understanding from state bodies such as the police reported above. So while state officers on the one hand see the task of dealing with these clients as one which better fits an NGO profile than their own, it seems that on the other hand, the institutional preconditions for this kind of cooperation are lacking: for example that they are not fully informed about the existence of or how to contact the relevant NGO in their area, or there is no one in the police service responsible for these kinds of contacts, or there is an underlying suspicion of or unfamiliarity with this kind of cooperation.

In short, if the role of NGOs is indeed to be increased then this should be accompanied by work on the multidisciplinary approach involving management-level representatives from state agencies together with the definition and resourcing of specific contact points for this kind of multidisciplinary work in all the agencies involved with the explicit support of senior managements.

3.6 Limitations of the research and their impact on the findings

Cross-sectional data on age has to be understood in a dynamic context as a product of different effects. The numbers of victims of trafficking in the younger age groups can only be correctly interpreted in the light of information about how long the victims stayed in the sex industry after having crossed into Bosnia and Herzegovina and before they entered our statistics. Similarly, one should not forget that young women who are now over 18, and not considered in this report, may have been victims of child trafficking in previous years.

These considerations should be understood as *increasing the estimates of the number* of child victims of trafficking given here and also as *decreasing the estimates of the ages* of the victims when they enter the country.

The data given by the police and to a lesser extent the other agencies should be taken with some reserve. In many cases the relevant data does not exist in the form the research required, or that data exists only on masses of individual sheets of paper and the way it has been summarised makes it difficult to answer the research questions precisely. This means that answers to individual questions are often estimates. Sometimes different but related questions were answered on the basis of different data summaries, leading in some cases to inconsistent totals across tables, etc.

It is possible that when an agency reported no cases of trafficking at all, this is due to missing or defective identification and/or reporting procedures rather than to an actual absence of trafficking victims, which means that the actual numbers would be higher than reported here.

On the other hand, it is possible that the numbers given by the police are somewhat inflated because police stations do not have electronic data bases, so the same victim could be registered more than once.

During the series of raids organised by IPTF, local police were not responsible for recording numbers of victims identified in the raids. This means the corresponding data may or may not appear in local police statistics.

A considerable proportion of those trafficking victims from inside Bosnia and Herzegovina were reported by the Bihać region. In the other regions, the proportion of those victims who are from inside Bosnia and Herzegovina is somewhat lower but still much greater than the proportion quoted in previous reports.

CHAPTER 4: CHILDREN LIVING OR WORKING ON THE STREETS AS POSSIBLE VICTIMS OF TRAFFICKING FOR THE PURPOSES OF LABOUR EXPLOITATION

4.1 Scope of the research and types of respondents

The primary concern of this chapter is trafficking in children to or inside Bosnia and Herzegovina for the purposes of labour exploitation. The methodology used targeted in the first instance street children in general, primarily in order to address this question but also in order to gather some general information about the situation of street children in Bosnia and Herzegovina.

Data were collected from 50 police stations or administrations. Data were given by a representative of each police station. A "case" is officially established by the police only when a child commits an offence.

Data were also collected from 49 Centres for Social Work. Data were given by a representative of each Centre.

The researchers also approached all NGOs in the eight regions covered by this research who could be identified as having projects which imply their involvement with street children and which expressed interest in being involved. These are:

HUG "Zemlja djece", Tuzlanski tinejdzerski centar Telex ("Tuzla teenager centre"), Tuzla

UG "Buducnost" ("Future"), Modriča

"Zdravo da ste" ("Hello neighbour"), Banja Luka

NVO "Društvo za pomoć mentalno retardiranim osobama" ("Society for assisting mentally retarded persons"), Prijedor

"Nada" ("Hope"), Prijedor

Each of these organisations has different aims and none has working with children living or working on the streets as its sole or main aim. The projects are mainly educational and psychosocial in nature. Only two of these projects are specifically aimed at children living or working on the streets.

The combined questionnaire and interview methodology used with the above sources is detailed in Chapter 3. All questionnaire packages given to the sources named above were returned. Some individual questionnaires in the packages were not completed by some of the police respondents because they stated that they had no cases at all of children living or working on the streets.

In addition, between December 2002 and April 2003, researchers conducted street observation to document activities of working children and to determine if there were any indications whether adults are organising their activities. The same researchers approached 44 of these children and conducted interviews with them (with the child's informed consent).

The final data source used in this chapter is a series of 8 focus groups involving a total of 95 adults who were asked about their attitudes towards and opinions on the children living or working on the streets.

4.2 Nature and extent: Children living or working on the streets as possible victims of trafficking in BiH

Research focus

Representatives of police stations, Centres for Social Work and NGOs in the eight areas covered by this research were asked about contacts with children living or working on the streets since the beginning of 1999. In addition, observations of and interviews with children living or working on the streets were carried out in the eight areas to gain more information about their living conditions.

The researchers did not interview adult women begging with babies and very young children.

Findings

- *Respondents reported significant numbers of children living or working on the streets. They reported thousands of contacts between 1999 and 2002 with such children, but it is difficult to make concrete estimates of the actual number of children due to documentation problems reported in Chapter 2. The majority of these children are under 14. Those coming into contact with the police and Centres for Social Work tend to be older. There is a larger proportion from outside the country amongst those under 14 than amongst those over 14.*
- *The largest numbers of children living or working on the streets seem to be in the Sarajevo/Zenica, Banja Luka and Bihać regions. Whether police stations reported having contacts with these children seems to vary quite a lot from region to region. Well under 10% were from outside Bosnia and Herzegovina, of whom most were from Serbia, although the police also reported a few children from Macedonia; the majority of children are Roma.*
- *Most children living or working on the streets have some kind of at least semi-permanent accommodation which they share with at least one parent and sleep only occasionally in deserted buildings.*
- *The major activity of children living or working on the streets is begging, from which they reported earning most frequently 1 to 5 KM daily.*
- *Nearly all of the children interviewed feel that they are "forced" to earn money, but primarily in order to survive rather than because they have to hand it over to other people. Most of the children who work on the streets give at least some of the money they earn to adults and/or share it with other family members. In most cases these adults are their parents. A smaller number have to regularly hand over a certain amount of money, under threat of serious consequences if they do not do so, such as being deprived of a place to sleep.*
- *In those cases where the children's labour is organised, this is mostly a question of small-scale activities organised informally by older family members.*
- *Most children living or working on the streets do not go to school, which they see as a hostile environment. Nearly half of the children appeared to be ill.*

- According to the statements, between 5 and 10% moved in organised groups across national borders primarily for purposes of labour, for which they are forced. Nearly all of these children came from Serbia and Montenegro.
- Others, of which the majority are from Bosnia and Herzegovina, are performing harmful child labour, primarily begging. Nearly all of the children interviewed feel that they are "forced" to earn money, but primarily in order to survive. Most of the children who work on the streets give at least some of the money they earn to adults, mostly their parents. One quarter of them have to regularly hand over a certain amount of money, under threat of serious consequences if they do not do so.

Conclusions

The research confirms first and foremost that the problems faced by children living and working on the streets are substantial, particularly in the bigger cities of BiH. It further confirms that the majority of these children perform child labour, primarily through begging. Given the circumstances under which it is performed it can be classified as harmful child labour. The majority of these children appear to come from the Roma community. However, the research did not attempt to determine the overall number of children living or working on the streets, or the exact proportion of Roma among them. The records kept by Centres for Social Work, the police and other actors simply do not contain sufficient information to give a more comprehensive picture.

Among these children, a proportion live and work under conditions that fall under the definition of the Palermo Protocol definition of child trafficking. Many children report being compelled or forced to work by adults, which allows their work to be qualified as forced labour in many cases. A number of children report moving within BiH or across state the border to Serbia (5 to 10 %) to perform labour. Some of these children move in groups organised by adults. Some of the children cross the border between Serbia and Bosnia and Herzegovina regularly. The State Border Service seems at least in some cases to turn a blind eye to such illegal border crossings that may actually constitute trafficking in children.

Whether or not these children are defined as "trafficked" depends on the interpretation of the Palermo Protocol. Article 3 defines trafficking as "the recruitment, transportation, transfer, harboring or receipt of a child [...] for the purposes of exploitation"⁷⁴, whereas "exploitation" includes "forced labour or services".

Children who are organised to move across a state border to locations in BiH to perform forced labour do fit the trafficking definition. However, this interpretation is less clear when the transfers appear to be initiated by parents or relatives and when one considers that the majority of these children are assumed to be from the Roma community. Travelling is often an inherent part of Roma culture, which can apply to entire families moving or groups travelling for the purposes of begging, for instance on the occasion of weddings. Also, the movement of children across the border – usually from the rural border regions of Serbia to larger towns in the border regions of BiH – appears moreover a trip to the next best larger towns. It may represent a kind of local migration to regions more suitable for begging, which happens to disrespect state borders.

The research did not attempt to cover exhaustively the aspects of culture, poverty and child care practise in the Roma community, which need to be examined further to better understand the phenomena associated with Roma children living and working on the streets in BiH.

In the end, the question of trafficking is far less clear in the case of children living and working on the streets than it is in the case of children who are forced into sexual exploitation. The distinction between trafficking and a desperate attempt to struggle for survival is blurry. In relation to "forced labour", one can argue that many of the parents and relatives are themselves "forced", not by other perpetrators of trafficking, but by sheer

⁷⁴ Article 3, subparagraph c of the Palermo Convention, which is the relevant paragraph for children.

poverty and desolation. But the two concepts are not mutually exclusive and poverty-related exploitation of children within a family context can well constitute forced labour and trafficking. According to the legal definition, there is nothing to prevent a parent or relative acting as a trafficker, despite the fact that in BiH most people would associate trafficking with organised crime networks.

The research did not determine concrete evidence for the involvement of criminal networks. However, the fact that no such evidence was found has to be seen in the context of the research methodology, which in this respect relied primarily on observations and interviews with children. The researchers made no attempt to try and investigate potential criminal activities. Therefore, the possibility of an involvement of criminal networks cannot be excluded.

All children who live and work on the streets are extremely vulnerable to further exploitation and abuse. If there is money to be made by the systematic exploitation of children, it can be assumed that there are enough unscrupulous individuals to turn this into a criminal enterprise.

In this context law enforcement certainly does have its place. Yet any response to the plight of children living and working on the streets should focus primarily on outreach social work.

4.2.1 Numbers: How many children who live or work on the streets come into contact with agencies?

Police stations and Centres for Social Work in the eight areas covered by this research were asked about contacts with children living or working on the streets since the beginning of 1999.

Approximately half of all police stations and administrations reported having had contact with children living or working on the streets in this period. The total number of offences attributed to children living or working on the streets was around 2600. These numbers are largely based on daily records of police officers on patrol.

The numerical data seems to indicate that the number of offences committed by minors is increasing. However, the data for 1999 and 2000 are only estimates and so it is difficult to compare numbers for different years.

A rather higher proportion, about 70 percent, of the Centres for Social Work reported contact with children living or working on the streets. The total number of cases varies between about 700 and 900 per year between 1999 and 2002. As Centres for Social Work usually come into contact with children living or working on the streets via the police, this rather flat profile over time directly contradicts the dramatic increase suggested by the police data.

The observation teams described above, working in each of the eight regions covered by this report, recorded having seen a total of just over 100 children.

The five NGOs from four different areas reported dealing with over 100 different children. Unless there is a substantial commitment to children living or working on the streets by other NGOs not identified by the initial NGO survey conducted for this report, then the number of children living or working on the streets receiving care from NGOs is quite small.

On the basis of this data, it is almost impossible to estimate the total number of children living or working on the streets in the whole Bosnia and Herzegovina. However, it is possible to estimate the number of children living or working on the streets per year coming into contact with the authorities in the eight regions covered by this report. As both police and Centres for Social Work reported about 1000 contacts a year it seems safe to assume that at least 1000 children living or working on the streets come into contact with some state authority each year. On the one hand, the case numbers given by police and Centres for Social Work may involve multiple contacts with a smaller number of children, but on the other hand, there are certainly other contacts not identified as being with children living or working on the streets or otherwise not making it into the final statistics.

4.2.2 Demography: What are the demographic details of the children living or working on the streets?

Age

The police, Centres for Social Work, NGOs and street observers all reported the ages of the children living or working on the streets with whom they came into contact. Of course the age distribution reported by each agency depends on the nature of these contacts; it is to be expected that the police would come into contact with an older age group as these contacts are based on breaches of the law. The age distribution reported by the street observers is likely to be the most reliable.

Approximately half of the children living or working on the streets registered by the police and also by the Centres for Social Work belong to the 16 to 18 age group, although there are also cases of children younger than 10. The NGOs are in contact with rather younger children, above all from the 10 to 15 age group. The street observations reported that the majority were even younger; in fact, nearly half were judged to be under nine or ten years old, while one was judged to be seven months old.

On the basis of this data it seems reasonable to assume that the majority of children living or working on the streets are under 14 years old.

Just over half of the children observed on the streets were boys⁷⁵.

Region

Whether police stations reported having contacts with children living or working on the streets seems to vary quite a lot from region to region. In the Mostar region not a single station registered any such cases in 2002, while the largest numbers of police stations with registered cases of children living or working on the streets are in Bihać, Modriča-Doboj and Sarajevo-Zenica. The Centres for Social Work recorded the largest numbers in Sarajevo/Zenica, Bihać and Banja Luka. Comparison of the different sources suggests that the largest numbers of children living or working on the streets are to be found in the Sarajevo/Zenica, Banja Luka and Bihać regions.

Country of origin and nationality

The police, NGOs and Centres for Social Work recorded the nationality of the children living or working on the streets with whom they had contact. In each case, well under 10% were from outside Bosnia and Herzegovina, these mostly from Serbia, although the police also reported a few children from Macedonia. The police report a rather different picture in the case of the Bihać region where about half were from outside the country.

In the small sample of children who were interviewed directly, a higher proportion, one in five, said that they were from outside the country. However, as the interview sample was a "convenience sample" this data is unlikely to be representative of the whole population of children living or working on the streets.

Police, Centres for Social Work and NGOs all report a larger proportion from outside the country amongst those under 14 than amongst those over 14.

The police and Centres for Social Work were asked about the nationality ("nacija") of the children. The Centres for Social Work stated that 37% of the children were Roma, which agrees quite well with the figure given by the police of 43%. The others were nearly all Serbian or Bosnjak, depending on the region. However, "Roma" is not a legally defined constituent nationality of either the Federation of Bosnia and Herzegovina or the Republika Srpska. The answer which a Roma person chooses to give to this question, or which

⁷⁵ 64 were boys, 46 were girls

someone assessing the nationality of a Roma person chooses to write down, are thus unpredictable. Thus it is possible that some Roma children were classified as Bosnjak or Serbian.

4.2.3 Living conditions: How do children living or working on the streets live?

Families and accommodation

Police, Centres for Social Work and NGOs were asked additional information about the lives of the children with whom they come into contact. The profiles were quite different. The police reported that approximately half the children lived without parents in abandoned buildings, whereas only about 10 percent of the children seen by Centres for Social Work and NGOs fall into this category. Possible explanations are either that children suspected of committing breaches of the law are more likely to live in abandoned buildings, or that the police have or gave less reliable information than the other sources. Centres for Social Work and NGOs agree that nearly three-quarters of the children live with their families. This data is backed up by the interviews with children where over 80 percent reported living with at least one parent. The children were also asked where they sleep; none said that they had no home of their own at all, although about one in seven said that they sometimes sleep outside, in parks, abandoned buildings and bus stations.

«What don't you like about your family?»

Girl originally from Serbia, currently begging in Banja Luka:

«At home I do not like the fact that mother and father constantly argue, they got divorced and now they are back together, while sometimes they drink and then argue once again.»

Boy from Donji Vakuf, aged 12, currently living in Bihać:

«In my family, what I like the most is that they sometimes, but very rarely, buy me food.»

Some of the children have distressing stories of being abandoned or deserted by family members; however, most of those who live with their families have at least some positive things to say about them. The children consistently report conflict and beatings as the thing they like least about their families.

Health

The level of hygiene of observed children is relatively low. They are mostly dressed in old and torn clothing, although the majority of the children were dressed in accordance with the season. Only about a third were deemed as "relatively healthy", "without visible symptoms of illness" or "healthy", whereas nearly a half were judged to be "ill" or "sick". Around 10% of children were assessed to be "malnourished" and "anaemic".

Those children interviewed said that for the most part they buy food from the money earned from begging, while four of them stated that they look for food in garbage collection bins. Two of the children reported that, due to the shortage of money, they can not receive the medical assistance which they require.

Activities

As the police almost exclusively came into contact with children living or working on the streets when they committed offences, some information about the street children's lives can be gained by analysing the most frequent types of offence. The types of offence which children living or working on the streets committed most often in absolute terms were theft and begging. This information is consistent with the observations carried out on the streets: the main activity observed being carried out by the children living or working on the streets was begging. Major locations for these activities are major streets in cities and towns, the most popular locations being in front of areas where wedding ceremonies are performed, in

front of religious buildings, cafes, public parking lots and bus stations. Most frequently the children initiate contact with passer-bys by demanding a certain sum of money. The sum of money most frequently asked for ranges between 0.10 and 0.50 KM, while the passer-bys most frequently give them 0.50 KM. This information is also compatible with what the children themselves said when asked about the work they do: begging, selling goods, doing heavy physical work and looking after other children.

The children who were interviewed reported occasionally earning up to 20 or even 50 KM a day, although they say that they most frequently earn 1 to 5 KM.

Education

75% of the children interviewed do not attend school.

25% of them have never gone to school and cannot read or write. Moreover, most of the others dropped out at some point and only one child reported completing as many as four grades of elementary school.

The children were asked why they did not go to school. There were three main reasons:

- they have to earn money on the streets,
- they are exposed to teasing and ridicule, and
- education is not necessary as they earn money on the streets.

Most have problems adapting to the school environment. They feel uncomfortable or bored in school, other children pick on them and fight with them, while one child reported that the teacher called him a "gypsy" and as a result, he did not like going to school.

«Would you consider going back to school?»

Boy, aged 13, from Serbia, interviewed in Banja Luka:

«We are too old for school; we are older than the other children in the same class so everyone laughs at us. We also have to earn money for a place to sleep and something to eat which makes us very tired afterwards. It would be good if we could find some work but no one wants to hire us gypsies.»

Most of those who replied to this question see school as a hostile environment in which the other children and teachers reject them and pick on them due to their backgrounds and lifestyles. For these children, these are strong enough reasons to reject all idea of returning to school.

Opinions about being on the streets

Around 30% of children don't like the fact that they have to beg. The other most frequent problem that the children identified is aggressive passer-bys who chase them away, shout at them and hit them.

In general it can be said although the children also see many positive things in their circumstances, in general they do not like their lives and describe many dangerous and unpleasant situations.

Even though they are very young, the children living or working on the streets take over the duties and responsibilities of adults and contribute to the survival of their families.

What problems are children living or working on the streets faced with?

Most identified their biggest problem to be the lack of money for survival. Most of the other problems which the children mentioned can be seen as a direct consequence of the shortage of money. For example, due to the shortage of money, these children are not able to live the lives of children, and to meet their needs for play. They cannot play because they have to be on the streets, and they do not have toys like bicycles and dolls.

«What are the biggest problems you are faced with?»

Girl aged 9, refugee from Kosovo:

«It is the most difficult when I do not have anything to eat and people tell me I am annoying and do not want to give me anything, no money and no food.»

Another problem is that they feel responsible for helping their families and have a difficult time coping with the times when they are not able to do so.

The major strategy each one of the children uses in order to face their problems is returning to the streets and begging. They see begging as the only method of earning money for their families, of avoiding physical abuse and of affording some sort of satisfaction, such as candy.

4.2.4 Exploitation: What proportion of street children are subject to the worst forms of labour exploitation?

The majority of the children have to work on the streets in order to earn enough for their existence. About one quarter said that they are punished if they do not earn enough money, by being forced to sleep on the streets or in the form of physical abuse⁷⁶. Nearly all of them share the money they earn, in most cases on a daily basis⁷⁷.

Girl, 11 years old

"My grandmother tells me to get money or not to come back. If I don't get money she beats me. I have to beg. The grandmother has to be respected."

The girl said this with tears in her eyes. She lives with her grandmother, who is sick and old. They came to Bosnia and Herzegovina from Serbia and they have to pay 5KM each for a bed in a private house. The little girl has to earn that money by begging on the streets. Her parents are divorced; her mother lives in Italy and comes to visit her rarely, while she doesn't know anything about the father. In order to survive she has to beg every day and her grandmother insists that she earns at least 30 KM per day. If she doesn't earn that money, her grandmother beats her.

During the observations, only one indication of organised exploitation was recorded. However, researchers from two areas (Banja Luka and Sarajevo/Zenica) included in their reports secondary information given by other citizens who claimed to have noticed vans driving children from one location to another for the purposes of organised begging. Additionally, during methodology training in Sarajevo, the team of researchers from Bijeljina observed two children begging, who were picked up after a while by two adults in car and moved to another place because a police car was approaching.

⁷⁶ Ten children reported that, unless they earn the money, they can expect certain repercussions from their family members. Most frequently this is some sort of physical punishment (eight of the children are most frequently punished by beatings from their parents), being forced to continue begging (1 child) or threats that they will be sold (1 child).

⁷⁷ Out of 44 children, 42 of them stated that the money they earn is shared with other people. All of them share the money with the members of their immediate family: parents, siblings, grandmother or their husband. 28 have to share the earned money on a daily basis, while 13 of them have to do this sometimes.

4.2.5 Trafficked?: What proportion of children living or working on the streets have been trafficked?

Police, Centres for Social Work and NGOs were asked what proportion of the street children with whom they come into contact were victims of trafficking or worked for bosses⁷⁸. The NGOs and Centres for Social Work both reported that a little under 10%⁷⁹ were victims of trafficking for the purposes of labour exploitation and that again a little under 10%⁸⁰ worked for bosses to whom they give their income, whereas the police, who dealt with over three times as many children, did not judge any of the children to be victims of trafficking or to work for bosses.

«Whom did you come with to Bosnia and Herzegovina?»

Boy aged 13, originally from Serbia:

«We, some 5-6 kids from the village got in the car with a neighbour, and since none of us has identification cards, he said he was our dad. And when we got more familiar with those on the border they let us cross the border by ourselves.»

20% of interviewed children reported they have been transported from another country with the sole purpose of work. All of these children are from Serbia (Sabac, Bačka Palanka and Sremska Mitrovica). They migrated with other family members to Bosnia and Herzegovina in order to work on the streets and earn money. Seven of them are girls and two are boys. Most of them live with one or both parents. They have crossed the border several times. Sometimes they came with other people (such as a neighbour) who transported several children at the same time across the border. One boy said that he used to come with his neighbour with five other children and since they did not have any documents, the neighbour presented himself as the father of all the children. The children also reported that now, as the border officers already know them, they let them cross the border on foot without any escort by adults and without any documents.

The situation of the remaining children is as follows:

- 13% of them have moved within the borders of Bosnia and Herzegovina.
- 9% are from Kosovo, and live in refugee centres in the Una-Sana Canton. They came to Bosnia and Herzegovina during the Kosovo war as refugees and so are not victims of trafficking, although they now work on the streets.
- Over 50% of children live in their home towns.

4.3 Understanding of and attitudes towards the problem in BiH

Research focus

Representatives of police, Centres for Social Work and NGOs, along with focus groups involving a total of 95 adults in the eight areas covered by this research were asked their opinions on children living or working on the streets; who they are, what can be done to assist them, and if they have been trafficked.

Findings

- *Many of the focus group respondents subscribe to the following reasoning: most street children are Roma, Roma beg primarily because it is their tradition, and it is very hard to change traditions, therefore it is very hard to help children living or working on the streets. While participants believed it would be extremely difficult to offer any assistance to Roma*

⁷⁸ The BSC word "gazda" means boss but in this context also specifically implies someone who organises the exploitation of others.

⁷⁹ NGOs: 7%. Centres for Social Work: 8%

⁸⁰ NGOs: 6%. Centres for Social Work: 8%

children living or working on the streets that would cause them to stop begging, they thought that the other, "white" children who are on the streets solely because of poverty would cease begging if they were provided alternatives.

- *Little mention was made by the focus groups of any vulnerabilities specific to children or minorities which lead them to be trafficked, of children's or minority rights or of the possibility that children or minorities could or should be able to turn to specific support in defence of such rights.*
- *Less than 10 percent of the respondents believe that there might be cases of child trafficking in Bosnia and Herzegovina. Only a few of them have witnessed activities which would lead them to believe that the child trafficking issue is real.*

Conclusions

The notion of Roma culture dominates the way the focus group respondents think about street children and was central to their explanations for the presence of children begging on the streets. The belief of most of the focus group respondents, that it is in the ethnic nature of Roma children living or working on the streets to beg, is very similar to stereotypes held by majority groups in respect of the ways many ethnic minorities have coped with disadvantage all over the world and throughout history, especially when the minority and majority are culturally very different⁸¹. Their comments underline the perspective that improving the situation of Roma children is a difficult undertaking because it involves encompassing cultures which are at least perceived to be very different.

4.3.1 Presumed reasons: What do respondents believe leads children to work on the streets?

Police, Centres for Social Work and NGOs identify similar problems which lead children to work on the streets:

- material situation and unemployment, and
- incomplete and dysfunctional families (i.e. alcoholism, divorced parents).

The responses of the focus group members are somewhat different. While they too mention poverty as a reason, Roma nationality plays a much larger role in their explanations, as explored in the following sections.

4.3.2 Which children: Who do respondents think children working on the streets are?

There are three groups of opinions on the question "Who are children living or working on the streets?":

The first and largest group identified the children as being Roma by nationality, at least predominately. Of these respondents, those who live in Banja Luka, Bijeljina and Zvornik believe that these children are originally from Serbia, and enter Bosnia and Herzegovina in an organised manner. In other regions the public belief is that these are Roma children who live in majority Roma communities and that for the most part they work on the streets, primarily begging.

"Who are the children living or working on the streets?"

⁸¹ The literature on prejudice, majority-minority group relations, and economic vs. cultural explanations for persistent social inequality, are of course vast. For one excellent and historically nuanced review of social and psychological theories of prejudice, see Elisabeth Young-Bruehl, *The Anatomy of Prejudice* (Cambridge, MA, Harvard University Press 1996). For an English-language account of Roma women's experiences in neighbouring Serbia, one that describes conditions similar to those in BiH, see Zorica Mrsevic, "Filthy, Old, and Ugly: Gypsy Women from Serbia," in *Global Critical Race Feminism: An International Reader*, ed. Adrien K. Wing (New York; London, New York University Press, 2000): 160-178.

Respondent from Banja Luka

«For the most part these are Roma children that are abused, exploited by their parents, who do this as a trade. This is an organised group that collects money for adults. I do not know what the adults spend this money on, either for their own purposes, or to buy food, or some other needs - I am not sure. Mostly these are Roma children that practically ... for them it is a trade or a type of job. They probably gain their experience in Italy or other western European countries.»

Respondent from Bihać

«I think that there are two groups of those children. There is the group that poverty has forced into the streets while there is another group that begs in an organised manner. Usually there are some bosses that organise and take the children from town to town, making them beg for their own profit. The first group needs to be taken care of, while the second group needs to be prevented, that is the pimps need to be prevented in their exploitation of children. The second group is characteristic for Roma children who send children as young as 3 into the streets to beg.»

Respondent from Sarajevo:

«They are abandoned children, with a small number of institutions that could take them in, while the ones that are situated in such institutions are alone due to the shortage of staff. They live in other people's apartments: their parents are unemployed, war invalids, or they simply have no place to go.»

The second group classified the children living or working on the streets into two types: Roma children and children of other nationalities. Most of the time this second type of children is referred to as "children from our town", "our children" and "white".

The third, rather smaller group, are of the opinion that these are children, whether Roma or not, from socially endangered families, including:

- Children with a single parent or without parents, who have to earn their living,
- Children neglected by their parents,
- Children belonging to poor families where the parents are unemployed or are invalids, and who are forced to beg in order to earn their living, and
- Children whose parents are alcoholics.

4.3.3 Possible Solutions: What do respondents think can be done to assist children living or working on the streets?

The dominant theory among the public about the connection between nationality and reasons for being on the streets is:

- There is an important distinction to be made between Roma children and non-Roma children ("our children", "white children").
- There is an important distinction to be made between those children who work on the streets due to dire poverty and those who do it primarily for cultural reasons (although poverty may also play a role).
- These two distinctions coincide, that is, it is the Roma children work on the streets because that is their tradition or the tradition of their parents.
- When a child works on the streets for cultural reasons it is very hard to change their behaviour (whereas other children would not be on the streets if their material problems were resolved).

These assumptions lead to the conclusion, explicitly adopted by some but not all of the respondents, that it is hard to do anything about children living or working on the streets

because they are Roma; Roma beg because it is their tradition, and it is very hard to change traditions. And as most of the respondents believe that the majority of children living or working on the streets are Roma, this would support the conclusion that there is not much point doing anything about children living or working on the streets as a whole.

«Is there a difference between Roma children and other children living or working on the streets?»

Respondent from Mostar:

«I think that Roma children beg out of habit, and the others due to their need. I know this is discriminatory, but it is true. Roma children cannot be helped to stop begging, while other children would probably stop if they were given another alternative»

According to respondents in small settlements (Gradiska and Zvornik) the problem of children living or working on the streets is less expressed in small communities than in larger urban settlements such as Banja Luka, Sarajevo, and Mostar.

4.3.4 Evidence of trafficking: Have respondents ever seen evidence that children living or working on the streets are victims of trafficking?

The majority of respondents believe that children living or working on the streets are victims of exploitation by adults, who are usually their parents or occasionally other adult organisers of child labour, but not victims of trafficking.

Less than 10% of the respondents believe that there might be cases of child trafficking. Only a few of them have witnessed activities which would lead them to believe that the child trafficking issue is real. These activities were:

- Pick ups and drop offs of children by a minivan
- One of the respondents overheard a telephone conversation between two boys and their boss in the post office, when they were begging their boss to send them money.

4.4 Current interventions and action taken

Research focus

The agencies were asked for information about how they come into contact with children living or working on the streets and what action they take.

Findings

- *With a few exceptions, children living or working on the streets come into contact with Centres for Social Work or police only when they are suspected of having committed an offence. Their first point of contact tends to be the police, which is the agency least tasked with or suited to dealing with their needs.*
- *Police and Centres for Social Work seem to follow procedures in the case of children living or working on the streets which do not differ substantially from those followed for other minors, that is, they do not have a special procedure for children living or working on the streets.*
- *The main form of interagency cooperation is that police stations refer cases of children living or working on the streets to Centres for Social Work. However, as the police do not have any responsibility for the welfare of the children this is very much a one-off and one-way process. The police rarely cooperate with other agencies except occasionally with the courts. The cooperation with NGOs is usually established only if the NGO initiates it and it lasts as long as there are funds in the NGO. The police and Centres for Social Work are mostly satisfied with these kinds of cooperation, the NGOs less so.*
- *The respondents identified significant problems in their work with children living or working on the streets, above all an overriding shortage of material and resources. The*

Centres for Social Work depend on limited funds from the municipality budget, resulting in low wages and low motivation. The number of children living or working on the streets receiving care from NGOs seems to be quite small.

- *The respondents suggest a number of measures of primary and secondary prevention which involve, amongst other things, trying to improve the economic situation of children living or working on the streets and their families.*

Conclusions

There appears to be no systematic, comprehensive approach to address the situation of children living or working on the streets. Often children appear to be perceived as “the problem” rather than the circumstances they live in. This is manifested by the fact that the majority of contacts between the police or CSW with children living and working on the streets are recorded within the context of “delinquency”.

There is no programmatic guidance on how to best address the situation of children living or working on the streets for police or for social services. This includes a virtual absence of a referral procedure, where roles and responsibilities of various actors are clearly understood by all those tasked to intervene.

There is little cooperation between entities and even between some cantons in the Federation, while the target population (children living or working on the streets) is very mobile.

4.4.1 Contact: How do relevant agencies get in contact with children living or working on the streets and/or child victims of trafficking for the purposes of labour exploitation?

The main source of contacts between children living or working on the streets and state agencies – police and Centres for Social Work – is when the child is suspected of illegal activity. The police respondents stated that contacts and cases of street children are officially established only when a child commits a criminal act. In most cases, after completing police procedure, the children are referred to a Centre for Social Work. If the suspected criminal activity is more serious, the cases are referred to judicial institutions.

Centres for Social Work come into contact with children mostly through referral by the police.

The situation is rather different with NGOs. Direct contacts are usually established in the framework of some specific project for which the NGO has received funding.

4.4.2 Procedures: Are there special policies and procedures for children living or working on the streets and/or child victims of trafficking for the purposes of labour exploitation in relevant agencies?

The police reported that when a case of a street child is established they implement the following activities:

- Questioning the children (such as establishing what they are doing on the streets, where their parents are) and/or questioning the families where possible,
- Informing the parents if possible,
- Informing a Centre for Social Work and other institutions, and
- Initiating legal procedure if the offence is serious.

In short, the procedure is not basically different from that for other minor offenders. There is no mention of any prosecutions of adults for organising the children's labour.

The Centres for Social Work specified the following activities:

- Providing children and their families with material support and psychological assistance,

- Returning children to their families or placing them in institutions, and
- Cooperating with other institutions or organisations dealing with support to children.

Most of the NGOs reported that they use a human rights-based approach in working with children living or working on the streets, using pedagogical and psychosocial methods.

It seems that the police are not at present in a position to even identify child victims of trafficking for the purposes of labour exploitation in particular, let alone to respond to them. Centres for Social Work and NGOs do identify such cases, but the respondents' methods used do not seem to differ substantially from those followed for their other child clients in general or children living or working on the streets in particular.

4.4.3 Cooperation: What is the nature and extent of cooperation with other agencies?

Almost all the police stations/administrations having cases of children living or working on the streets cooperate with other institutions and organisations, almost exclusively with Centres for Social Work. Cooperation with other institutions is at best occasional. The police assess this cooperation mostly as satisfactory or very satisfactory. However, as there is no systematic follow-up procedure, the basis of this satisfaction is probably restricted to the initial act of referral. In particular, the number of police respondents reporting cooperation with the courts is quite low (only six stations report ever cooperating with them) which is an indication that legal proceedings are rarely initiated.

All the Centres for Social Work having cases of children living or working on the streets cooperate with other institutions and organisations. They cooperate most frequently with the police and judicial institutions, but also with schools, NGOs and residential institutions.

Satisfaction on the part of the Centres for Social Work with cooperation with the police, judicial institutions and schools is generally very high. Only two centres are not pleased with cooperation with judicial institutions, and one with the police. The reasons for satisfaction with cooperation with the police are: professional relationships, understanding, teamwork, and prompt responses. The main reason for satisfaction with cooperation with judicial institution is their accepting the opinion of the Centre for Social Work. However, descriptions of satisfaction or dissatisfaction are not detailed and in many cases are omitted. It should also be pointed out the questions of this satisfaction and dissatisfaction with cooperation relate to the kinds of cooperation which actually take place. It is quite possible that other forms of cooperation with other institutions might be desirable, or have been tried in the past, but are not currently operative.

In their work with children living or working on the streets, NGOs mostly cooperate with Centres for Social Work and generally are not satisfied with cooperation because, as one respondent noted, "the Centres for Social Work still stick to the old system, they don't have any money and they don't have a team approach to problems".

4.4.4 Problems: What are the key problems in working with children living or working on the streets?

Police stations/administrations and Centres for Social Work have similar problems:

- overriding shortage of material and other resources,
- lack of adequate institutions for accommodating or sheltering such children,
- lack of appropriate legal regulations,
- negligence of parents, and
- lack of engagement of other institutions.

The most important obstacles perceived by the NGOs in working with children living or working on the streets are:

- shortage of resources, particularly with respect to the inability to provide long-term support to children,
- inefficiency of the social network as a whole, and
- lack of appropriate legal regulations.

4.5 Key problems identified by respondents and suggestions for action

Research focus

The agencies were asked for suggestions about how to increase the quality of support to children living or working on the streets.

Findings

- *The main problem reported by the police was lack of a legislative framework and material and personnel resources, particularly specialised support to deal with child trafficking.*
- *The main problem reported by the service providers, apart from lack of material and personnel resources, was frustration with the poor quality of cooperation on the part of government institutions with non-governmental service providers.*
- *The suggestions for improving responses centre around activities at present most closely associated with the NGO model, such as running shelters and information campaigns.*

Conclusions

Following the substantial criminal law reform process, the legislative framework should by and large be comprehensive enough to provide law enforcement with a framework to act upon. However, often there is a lack of knowledge or understanding of the law or its application in the concrete context of child protection cases.

Cooperation between government institutions and non-governmental service providers lacks clarity and guidance in child protection in general, not only in the area of children living or working on the streets or in child trafficking.

In general, the social protection sector in BiH and the child protection sector in particular lack funding support, which affects services for victims of child abuse in general, including children living and working on the streets and local victims of trafficking. Funding for services to these children appears to be allocated on an ad hoc and improvised basis from case to case.

The suggestions given by the police and Centre for Social Work respondents were quite similar:

Primary prevention:

- work on prevention of the general economic conditions which lead to children working on the streets, and
- educate the parents of children living or working on the streets.

Care:

- form or support appropriate specialised institutions for such children,
- ensure the proper cooperation of existing institutions, especially that between governmental and non-governmental institutions,
- involve children living or working on the streets in extracurricular activities such as sports and cultural activities, and
- introduce additional training for agency employees because there are no specialised professionals for children living or working on the streets.

The respondents from the Centres for Social Work had some additional points related to their field of work.

1. ensure inclusion of these children in the education system,
2. ensure material support for children and their families, and
3. work with families.

Several respondents from the Centres for Social Work addressed the question of punishments for organisers of begging. There were a variety of opinions. The question was raised whether punishments for persons maltreating children should be increased, particularly when the street labour is only minimally organised and might function to support the family.

The responses provided by the NGOs were quite similar to these. However, they particularly stressed the importance of a long-term solution for each child. They also stressed the importance of addressing public opinion.

4.6 Limitations of the research and their impact on the findings

The numbers reported by the local police only represent children who commit some kind of offence or criminal act; the police do not register every child on the streets who begs or loiters. There are large numbers of children living or working on the streets who are not included in the numbers given by the police and Centres for Social Work.

Approximately half the police stations and administrations did not report having had any contact with children living or working on the streets. This is more likely to be due to missing or defective reporting procedures than to an actual absence of children living or working on the streets, which also means that the actual numbers are higher than reported here.

In some cases the numbers could be somewhat inflated because police stations and Centres for Social Work do not have electronic data bases, so the same child could be registered more than once because of repeated offences.

Cross-sectional data on age has to be understood in a dynamic context as a product of different effects. The fact that there seem to be more children living or working on the streets in the younger age groups could be due to the fact that the children start working and/or living on the streets young, but leave the street around the age of 14 or 16. However, another possible explanation is that, assuming children living or working on the streets tend to start young, that the numbers of children living or working on the streets are increasing and this is being reflected in a larger number of younger children.

The data given by the police and Centres for Social Work should be taken with some reserve. In many cases the relevant data does not exist in the form the research required, or that data exists only on masses of individual sheets of paper and the way it has been summarised makes it difficult to answer the research questions precisely. This means that answers to individual questions are often estimates. Sometimes different but related questions were answered on the basis of different data summaries, leading in some cases to inconsistent totals across tables, etc.

The methodology chosen for the observations and interviews (the children were chosen based on their willingness to talk) leaves open the possibility that children who are in fact forced to work in groups under the supervision of adults became aware of the presence of observers and left the scene or were removed by these adults. It is also possible that those children who are forced to work by adults are less willing to talk and are thus underrepresented in the interview sample. As the interviewers did not speak Romani, children not speaking BSC are certainly underrepresented.

CHAPTER 5: CONCLUSIONS AND RECOMMENDATIONS

5.1 General recommendations

It is important that the responses to the trafficking, exploitation and abuse of children are differentiated and comprehensive. An overemphasis on trafficking as the primary or only focus may deflect from the need to address abuse and exploitation as such, whether preceded by trafficking or not. The research shows that children are being trafficked to and within Bosnia and Herzegovina, both for the purposes of sexual exploitation and, to some degree also labour exploitation; but it also confirms that there are many cases of sexual exploitation and labour exploitation of children, where children have not been trafficked, or where it is unclear or debatable whether the circumstances constitute trafficking. To also provide for the protection of these children, services and responses have to be inclusive – while being differentiated – and not be dependent on children falling under the trafficking definition.

In the context of commercial sexual exploitation of girls from third countries this is not problematic, as virtually all girls who end up in the sex industry in Bosnia and Herzegovina have been trafficked here. In contrast, in the context of sexual exploitation of girls from Bosnia and Herzegovina not all cases necessarily constitute internal trafficking. Yet sexual exploitation of children is a serious crime in any case that warrants both prosecution of perpetrators and victim protection – whether it also qualifies as internal trafficking or not. Services in response to sexual exploitation of local girls therefore have to be provided to all cases of sexual exploitation, trafficked or not.

In the case of child labour performed on the streets, the plight of working children and labour exploitation needs to be addressed regardless of its qualification as trafficking. It would be inappropriate to have to go through the loop of defining child victims of labour exploitation as trafficking victims in order to do something about the phenomenon and to assist affected children.

In the case of labour exploitation, the qualification as trafficking *does* change the nature of the phenomenon and the response to it significantly. Unlike sexual exploitation of children, organising or facilitating child labour is – depending on the circumstances – generally not treated as a crime, but as an offence, and is generally moreover publicly tolerated. Where individual cases meet the criteria of the Palermo Protocol, the question arises as to how far the concept of trafficking is an appropriate framework to address the issue.

Clearly, where there are indications of the involvement of organised groups, there is a need for a strong law enforcement response. But where child labour on the streets is condoned and arranged by impoverished parents and families, an approach that focuses primarily on criminal prosecution is problematic. This does not necessarily imply that criminal law sanction against parents or relatives have to be excluded, but they should be a last resort, when social work intervention fails and should focus on child abuse and neglect provisions, rather than trafficking. The police certainly do have a role to play in any case, but it pertains moreover to intervention for the protection of children, rather than criminal prosecution of parents and relatives.

Attitudes and understanding towards trafficking, sexual exploitation and child labour are dominated by stereotypes, prejudice, discrimination and lack of respect for the rights of victims. A comprehensive approach to combat trafficking, sexual exploitation and child labour exploitation needs to address these attitudes as part of a long-term response – among the general public, bystanders, service providers, users and perpetrators. The condoning of and indifference to sexual abuse, commercial sexual exploitation and related crimes have to be addressed in the context of the overall objectification and de-personalisation of women; the moral apathy towards the plight of children living and working on the streets has to be tackled in the context of the prevailing overall prejudice towards Roma.

There is an urgent need to strengthen the overall protective environment for children, through interplay of parents, families and communities assuming their responsibility, governmental services providing mainstream support – through education, healthcare, etc. – and governmental and non-governmental services intervening where family protection fails.

Bosnia and Herzegovina has an obligation to provide effective protective measures and services to both children from Bosnia and Herzegovina and children from third countries. The Convention on the Rights of the Child is applicable to every child within the jurisdiction of Bosnia and Herzegovina, regardless of why the child is in the country and, in particular, whether or not his or her presence is legal.

Finally, it is important to recognise the particular vulnerability of child victims of trafficking, sexual exploitation and labour exploitation and to ensure that these children are first and foremost victims who are not to be treated as offenders.

5.2 Specific recommendations

5.2.1 Common recommendations

- 1) Anti-trafficking efforts – Within programmes to combat trafficking in human beings in BiH, intensify efforts to combat trafficking in children, and to detect and identify child victims of trafficking.
- 2) General child protection prevention measures – Increase general prevention measures to detect and assist vulnerable children at risk of falling victim to trafficking, sexual abuse and exploitation, and labour exploitation.
- 3) Guidelines for child victims of trafficking – Adopt and apply guidelines for the treatment of child victims of trafficking based on the UNICEF guidelines for the protection of the rights of child victims of trafficking in SEE and the new legal framework of anti-trafficking in BiH, including the detection, registration, referral, sheltering, care and protection, and follow up of children, covering both children from Bosnia and Herzegovina and children from third countries.
- 4) Strengthening existing child protection services – Strengthen existing services for the protection of children at risk of harm and exploitation in a comprehensive and inclusive manner, rather than building and supporting separate or new response capacity for child trafficking only.
- 5) Budget allocation for child protection – Allocate more funding from government budgets to social protection and in particular to the child protection sector in order to enable services by CSW and NGOs to respond to the protection needs of children, including children living and working on the streets and trafficked children.
- 6) Record keeping, statistics and case file management – Organise appropriate and consistent record keeping and statistics by social work services, law enforcement bodies and other actors, to collect information on child victims of trafficking in particular and children in need of special protection in general in a more systematic and standardised manner; this should include sensible desegregation of data according to gender, social background and other relevant criteria, proper case file management and a statistical distinction between individual cases and instance of assistance.
- 7) Cooperation and coordination – Enhance cooperation and coordination among all actors, in particular multidisciplinary cooperation at the local level, cooperation between government and NGOs, and cooperation at the entity and state levels.
- 8) Training on case management and cooperation – Provide training on case management and multidisciplinary cooperation in child protection for professionals concerned with child protection at the local level, such as governmental and non-governmental social workers, law enforcement officers, members of the judiciary, and the media.

- 9) Community policing and outreach – Modernise police approaches to dealing with children living or working on the streets, children in conflict with the law and children as victims of crimes, through more focus on proactive outreach work (“community policing”), confidence building measures, and closer cooperation with social services.
- 10) Confidence in law enforcement – Increase efforts to build confidence in the capacity and willingness of law enforcement agencies to combat trafficking in human beings and organised crime, and to assist victims of child trafficking and child labour.
- 11) Shelter needs assessment – Undertake or commission a study on sheltering child victims of trafficking in particular and children in need or special protection in general, examining the current practise of placing children temporarily or long-term in shelters and residential care, as well as future requirements in terms of infrastructure development and training needs for appropriate sheltering that considers the needs and respects the rights of children.
- 12) Harmonisation of legal provisions – Ensure that legal provisions pertaining to the prosecution of the crime of trafficking are harmonised and provide for guidance and clarification in the application of the law.

5.2.2 Recommendations in relation to trafficking in children for the purposes of sexual exploitation in BiH

- 13) Internal trafficking and sexual exploitation – Intensify efforts to prevent and respond to sexual exploitation of children and internal trafficking for this purpose, and in particular, allocate funds for services for victims of sexual exploitation and local trafficking.
- 14) Children’s and women’s rights – Increase efforts to raise awareness about and increase respect for children’s and women’s rights, particularly in the context of victim assistance.
- 15) Prosecute sexual exploitation of children – Increase efforts to enforce existing criminal law in relation to sexual abuse and exploitation of children and ensure effective prosecution of perpetrators.
- 16) Sensitisation of potential users – Increase efforts to sensitise potential users of commercial sex about the actual scope of force used, and the human suffering caused by trafficking and commercial sexual exploitation of women and children.
- 17) Sensitisation of teenage girls – Increase efforts to sensitise teenage girls about the risks related to trafficking for the purposes of sexual exploitation.
- 18) Regular surveillance of suspected premises – Increase efforts to systematically search for children victims of trafficking through regular low level controls of premises where commercial sex is known to be offered.
- 19) Inclusion of former child victims in statistics – Record cases of women who were trafficked when under the age of 18 in trafficking statistics as victims of child trafficking.

5.2.3 Recommendations in relation to children living or working on the streets and trafficking in children for the purposes of labour exploitation

- 20) Assistance for children living and working on the streets – Address urgently the appalling conditions children living and working on the streets are subjected to, regardless of trafficking-related concerns.
- 21) Integrated response to trafficking – Respond to trafficking for the purposes of begging in the context of the overall problem of children living and working on the streets, as part of a comprehensive and integrated response to the problems faced by all children living and working on the streets in BiH.

- 22) *Social work focus* – Put the primary emphasis of the response to the overall problem of children living and working on the streets on social work, addressing the situation of the child in the context of the problems faced by the family, such as homelessness, poverty and social exclusion.
- 23) *Right to family* – Respect the right of children to grow up with their parents and in a family environment, and use separation from families and institutional placement only as a measure of last resort, when in the best interests of the child.
- 24) *Involvement of Roma* – Involve in a substantial role Roma community representatives in any response to assist Roma children living and working on the streets.
- 25) *Study on protecting Roma children* – Undertake or commission an “action-oriented” study (rather than a purely empirical one) in partnership with Roma community organisations to better understand how to protect Roma children from neglect, abuse, and exploitation; in that context, examine the connection between extreme poverty and homelessness of entire families and the situation of children living and working on the streets.
- 26) *Study on Child Labour* – Undertake or commission a broader study on the question of child labour in Bosnia and Herzegovina.
- 27) *Respond to imminent harm* – Develop and implement appropriate responses for police and social work services to intervene on an ad hoc basis to protect children from harm, wherever children living or working on the streets are concretely at risk, such as small children begging at street lights at night, or children of homeless families in winter.
- 28) *Investigation of criminal networks in begging* – Encourage law enforcement bodies to investigate the possible involvement of criminal networks in organised forms of begging involving children, both where children beg, or where infants are carried by adult women when begging.
- 29) *Sensitisation of professionals* – Sensitise professionals coming into contact with children living and working on the streets to Roma culture and child protection, as a measure to improve the ability to understand child protection concerns in the context of Roma culture and to enable professionals to decide on appropriate intervention steps where required.
- 30) *Sensitisation of general population* – Include the theme of children living and working on the streets in overall programmes and campaigns to reduce prejudice against and discrimination of Roma in BiH.

5.3 Suggestions in relation to implementation of the recommendations

The primary responsibility for implementing these recommendations is upon the government and authorities at all levels in Bosnia and Herzegovina, as part of the responsibility as a state party to the Convention on the Rights of the Child. This responsibility pertains to all administrative levels of the state, i.e. the state, entity, canton, and municipality levels, and to all branches, i.e. the legislative, judicial and executive branches. This includes allocating adequate financial resources to responsible institutions and bodies, creating an appropriate legal and policy framework, and ensuring that civil servants have the appropriate skills, knowledge and attitudes.

While it is the responsibility of the state to ensure that children are protected from trafficking, violence, exploitation, abuse, and neglect, the state does not necessarily or exclusively have to provide the very services that benefit children. These services can be implemented by the non-governmental and even by the private sector. However, the government and authorities have the responsibility to fund such services, to create a favourable operational environment for them, and to ensure that quality standards are maintained. In the context of the complex division of governmental responsibility in Bosnia and Herzegovina, a functional cooperation of all actors is of particular importance. It is vital that responses particularly targeting

trafficking in children as part of the overall combat of trafficking in human beings are harmonised with and integrated into the overall child protection system and service structure, also involving in particular Centres for Social Work.

The Office of the State Coordinator and the State Group for Combating Trafficking in Human Beings and Illegal Migration, the newly created Working Group on Child Trafficking, and the Strike Force all have a very important role to play. Their task is to concentrate, coordinate and synchronise efforts to combat trafficking in children. The Working Group should act as an interface to ensure that overall anti-trafficking action harmonises with overall child protection policies and that mainstream child protection services are tasked and strengthened to respond to trafficking in children. It should retain a broad enough focus to also assess, monitor and advise on issues related to trafficking in children as determined in this research, including sexual exploitation and abuse of children, and labour exploitation of children. In doing so it should foster and devise integrated responses that protect children from sexual exploitation and labour exploitation, regardless of whether they fall under the trafficking definition or not. Such an integrated response is also particularly important with a view to prevention, given that a child that suffers from abuse and exploitation is obviously more vulnerable to being trafficked.

The action plan to combat child trafficking that the Working Group is currently working on should take into account the recommendations of this research, and devise a comprehensive and sound strategy to combat trafficking in children, sexual exploitation and labour exploitation of children. The strategy should focus on the medium and long term and include broad prevention measures. It should be translated into ambitious but realistic work plans, with clear targets, timeframes and assignments of responsibilities and tasks.

The Office of the State Coordinator and the State Group for Combating Trafficking in Human Beings and Illegal Migration, and the Working Group on Child Trafficking should ensure that there is no duplication of the work of the State Council for Children – tasked to oversee the implementation of the State Plan of Action for Children – and that all activities to combat trafficking in children are integrated in and harmonise with the State Plan of Action for Children. To that end, the action plan should be developed in close cooperation with the State Council for Children.