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and
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Combating Trafficking in Human Beings**

**ONLINE VISIT TO BOSNIA AND HERZEGOVINA
focussing on Combating Human Trafficking along Migration Routes
(22 – 25 March 2021)**

Highlights of the Discussions
14 April 2021

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Highlights of the Discussions

I. Introduction

On 22-25 March, OSCE PA Vice-President Margareta Cederfelt and the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSCE SR/CTHB) Valiant Richey engaged in a series of online meetings with key stakeholders in Bosnia and Herzegovina focussing on the issue of trafficking in human beings along migration routes as well as the migratory situation more generally (see Agenda in Annex I). The original intention had been to undertake a joint visit to Sarajevo and to the north west of the country, including visits to three temporary reception centres in Una Sana canton (Lipa and Sedra) and Sarajevo (Ušivak), with the support of the OSCE Mission to Bosnia and Herzegovina. However, due to the worsening of the Covid-19 situation and upon advice by the OSCE Mission, this visit was postponed.

This report provides an overview of the main points raised during online meetings with a number of key stakeholders in Sarajevo. Additional meetings with the Minister of Security of BiH and local authorities are foreseen as part of an in-person visit as soon as feasible.

The OSCE Parliamentary Assembly's Ad Hoc Committee on Migration would like to use this opportunity to thank the OSCE Mission to Bosnia and Herzegovina for facilitating these meetings and the Office of the OSCE SR/CTHB for the excellent co-operation.

II. Background

a. Migratory Situation



Since 2016, following the closure of the so-called “Balkan route” through Serbia and Hungary, a growing number of migrants have been transiting through Bosnia and Herzegovina (BiH) seeking to reach the European Union through its border with Croatia. The number of migrants increased dramatically in 2018 and continued to rise in 2019. Since January 2018, the United Nations High Commissioner for Refugees (UNHCR) has recorded 70,856 irregular arrivals in BiH.¹

While there was a slight decrease in arrivals in spring 2020 due to Covid-19 restrictions on freedom of movement, numbers picked up again during the summer.

As of 28 February 2021, 1,443 individuals had entered BiH since the start of the year, including 20 unaccompanied minors.² Of these, 1,269 (or 88 per cent) expressed an intention to apply

¹ UNHCR, “BiH Operational Update - February 2021” (28 February 2021): <https://data2.unhcr.org/en/documents/details/85599>.

² UNHCR, “BiH Operational Update - January 2021” (31 January 2021), <https://data2.unhcr.org/en/documents/details/85001> and “BiH Operational Update - February 2021” (above)

for asylum, but only 26 claims were registered.³ Delays are common, with migrants having to wait 250 days on average to file their petition with the Ministry of Security and 450 days for a first instance decision.⁴ The top countries of origin amongst asylum applicants are Turkey, Afghanistan and Pakistan.⁵

It is estimated that there are currently about 7,000 migrants in BiH, approximately 5,000 of whom live in one of five Temporary Reception Centres (TRCs) in Una Sana Canton and Sarajevo Canton. All are severely overcrowded. About 750 migrants are currently staying in the temporary camp in Lipa.⁶ Management of the site has been taken over from IOM by the Service for Foreigner's Affairs, a body of the Ministry of Security. Significant improvements have been made since the fire on 23 December 2020, including the donation of heated tents by the BiH army, the finalisation of cleaning actions to remove debris, the completion of a vehicle-friendly road, the installation of street lights, the modernisation of sanitation, a canteen and the establishment of a medical corner

In addition, it is estimated that up to 2,000 migrants are living rough, most of whom are in the northwest of the country, close to the Croatian border.⁷

The country's response to the increase in irregular migration has in large part been hampered by its complex administrative structure. While state authorities have exclusive competency in the areas of asylum politics and migration, the entities: Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS) – and within the Federation of BiH: the cantons (districts) – are responsible for security issues and police matters. Against this backdrop, IGOs such as IOM and UNHCR and NGOs play a key role in the provision of basic services to migrants and asylum seekers.

A particularly controversial point is that of the redistribution of migrants and asylum seekers to other parts of the country, with RS President Milorad Dodik refusing to host any reception centres on the entity's territory. Local residents have also protested against the establishment of migrant centres; tensions between migrant groups have also resulted in violent incidents.

b. Covid-19 pandemic

BiH is currently in the midst of a third wave of COVID-19. Since the beginning of the pandemic, there have been 183,125 cases and 7,358 deaths.⁸

While the number of COVID-19 cases among migrants remained low throughout 2020, this spring has seen the biggest outbreak to date. Starting at the Borici TRC, it has now spread to the Miral TRC, where blanket testing found every fifth inhabitant to be positive. The Danish Refugee Council (DRC) has confirmed a total of 265 cases of COVID 19, the majority of which are mild and asymptomatic.⁹ Strict quarantine measures have been met by protest, causing 55

³ See above.

⁴ UNHCR, "BiH Operational Update - February 2021" (28 February 2021), <https://data2.unhcr.org/en/documents/details/85599>.

⁵ UNHCR, "BiH Operational Update - February 2021" (28 February 2021), <https://data2.unhcr.org/en/documents/details/85599>.

⁶ IOM, BiH Situation Report (26 February 2021)

⁷ IOM, "Situation Report- BiH Migration Response" (2 April 2021), www.iom.int/sitreps/bosnia-and-herzegovina-bih-migration-response-situation-report-27-march-02-april-2021

⁸ WHO, "COVID 19 Dashboard - BiH" (12 April 2021), <https://covid19.who.int/region/euro/country/ba>

⁹ DRC, "Situation Report- Emergency Response to COVID 19" (5 March 2021), https://drc.ngo/media/g4edn55i/situation-report-covid-19-49-05042021_final.pdf.

migrants to escape from the locked down Miral TRC. Una Sana Canton PM Ruznic has blamed IOM and other NGOs and called for “an investigation into the responsibility for such a threat to the health and epidemiological situation of the region”.¹⁰

BiH has been struggling to procure vaccines and there are currently no plans to vaccinate the migrant population.

c. Trafficking in Human Beings along Migration Routes

BiH faces multiple challenges in fulfilling its obligations and commitments in combating trafficking in human beings (THB), in part due to its complex constitutional structure, its central location in the Balkan Peninsula, and the lingering consequences of the 1992-1995 war.

Trafficking in human beings is prohibited on a state level by Art. 186 of the Criminal Code and carries a sentence of 10 years. This provision mainly addresses cases that have an international aspect to them. In the FBiH, THB is sanctioned under Art. 210a of the Criminal Code; and in RS in Art. 145 and 146 of the Criminal Code. Each entity is obligated to investigate purely domestic crimes which occur on their territory. Sentences vary from three to five years.

In 2020, national authorities recorded 70 potential victims of trafficking in 2020. Of these, 36 were children, 51 were female and 14 were male. The actual number is presumed to be much higher, as many persons affected by trafficking are reluctant to step forward.¹¹ Trafficking for the purposes of sexual exploitation and forced labour are the most prevalent types, a fact which some experts link to the Bosnian war.¹²

The number of identified victims within the mixed migration population is relatively low. Lack of awareness of procedures for claiming protection as a victim of trafficking, language barriers are some of the obstacles. Most migrants are also keen to continue their onwards journey. Furthermore, neither the Service for Foreigner’s Affairs nor the Bosnian border police have the capacity or resources to identify or help foreign victims of trafficking.¹³

Lack of communication between entities also frequently hinders the prosecution of cases. The Anti-Trafficking Strike Force is the only mechanism to ensure co-ordination, but is largely ineffective.¹⁴ Moreover, verdicts against persons convicted of trafficking are often below the minimum, due to the invocation of mitigating circumstances. Instead, perpetrators are often tried for lesser offences than what they are accused of, such as preparatory or accessory crimes.

Positive steps taken in recent years include the addition of prosecutors to the **Anti-Trafficking Strike Force**, the restructuring of **Regional Co-ordination Teams** and the launch of joint projects with the Council of Europe, with the aim of capacity building.¹⁵ On 23 January 2020,

¹⁰ N1, “USK authorities slam international organizations for allowing sick migrants to leave camp” (7 April 2021), www.ba.n1info.com/english/news/usk-authorities-slam-intl-organisations-for-allowing-sick-migrants-to-leave-camp/

¹¹ See: <http://www.msb.gov.ba/PDF/050420212.pdf>. See also: US Department of State, “20th Edition of the Trafficking in Persons Report” (June 2020), <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf>

¹² BIRN, “Sexual Enslavement in the War in Bosnia and Herzegovina and Its Links to the Contemporary Concept of Trafficking in Persons” (December 2020), <https://balkaninsight.com/wp-content/uploads/2020/12/BIRN-Ivana-Radovic-FINAL-edited-1.pdf>

¹³ US Department of State, “20th Edition of the Trafficking in Persons Report”.

¹⁴ US Department of State, “20th Edition of the Trafficking in Persons Report”.

¹⁵ US Department of State, “20th Edition of the Trafficking in Persons Report.” See also Council of Europe, “Preventing and Combating Trafficking in Human Beings in Bosnia and Herzegovina”,

the Council of Ministers also adopted the **2020-2023 National Anti-Trafficking Strategy**, which focuses on support, prevention, prosecution and partnership.¹⁶

d. Engagement of the OSCE Mission to Bosnia and Herzegovina

The General Framework Agreement for Peace in Bosnia and Herzegovina (BiH), negotiated in Dayton, Ohio, and signed in Paris, France in late 1995 to end nearly four years of war, shapes the work of the OSCE Mission to Bosnia and Herzegovina (the Mission). The Dayton Agreement established the Mission as one of the bodies responsible for helping to secure lasting peace in BiH and to build a stable and democratic state. The Mission's initial oversight of elections was transferred to BiH's Central Election Commission in 2002.

The Mission's principal aim is to promote stability and reconciliation while assisting BiH on its path to regional political, economic and social integration. Activities seek to foster systems of education, governance, and justice that uphold human rights and the rule of law for all citizens. The Mission also supports the development of an effective, responsive, and inclusive security sector in BiH, in keeping with international standards. The OSCE's three-dimensional approach to security is reflected in the Mission's organizational structure and programmatic activities.

The OSCE Mission is constantly monitoring the situation at the local level, particularly in the Cantons which are more affected by the influx of migrants, refugees and asylum seekers (MRA) (Una Sana Canton and Sarajevo Canton), and is working to promote better co-ordination between different levels of authorities in addressing the issue.

In 2018, the Mission published its report titled *"Migrant and Refugee Situation in Bosnia and Herzegovina: An overview of the intervention of key actors in the field"*.¹⁷ The Mission has shaped its activities in response to the conclusions of this assessment, including focussing efforts on capacity building the processing of migrants, refugees, and asylum seekers; monitoring criminal cases involving this population, and identifying potential victims of trafficking within mixed migration flows.

Utilizing its network of Field Offices, the Mission shares information with domestic and international actors, promotes co-ordination between governmental agencies and aid organizations, focusing on those locations where such coordination is lacking. The Mission also strives to address hate speech and intolerance.

III. Online Meeting with the State Co-ordinator for CTHB Mr. Samir Rizvo

a. Background

- The function of the State Co-ordinator for Combating Trafficking in Human Beings and Illegal Migration in BiH ("State Co-ordinator") was established through a Council of Ministers decision in 2003. The first post was held by Mr. Almir Dzuvo. In 2004, Mr. Samir

<https://www.coe.int/en/web/sarajevo/preventing-and-combating-trafficking-in-human-beings-in-bosnia-and-herzegovina> for more information on the most recent workshop.

¹⁶ Council of Ministers, "BIH 2020-2023 Anti Human Trafficking Strategy Adopted" (21 January 2021), http://www.vijeceministara.gov.ba/saopstenja/sjednice/saopstenja_sa_sjednica/default.aspx?id=32002&langTag=en-US

¹⁷ OSCE Mission to Bosnia and Herzegovina, "Assessment: Migrant and Refugee Situation in Bosnia and Herzegovina, an Overview of the Intervention of Key Actors in the Field" (25 September 2018), at: <https://www.osce.org/mission-to-bosnia-and-herzegovina/397319>.

Rizvo succeeded Mr. Dzuvo. Mr. Rizvo also holds the position of Assistant Minister for International Co-operation and European Integration within the Ministry of Security (MoS).

- The State Co-ordinator monitors and co-ordinates the implementation of relevant strategic documents and anti-trafficking activities throughout all levels of government. Such efforts include co-ordinating meetings with organizations and institutions involved in the prevention of THB and the collection of the data and information needed to prepare annual reports on anti-trafficking measures in BiH.
- In late 2018, the State Co-ordinator initiated steps to reform the institutional framework for CTHB in order to reflect the constitutional arrangements of the State, and the fact that this distinct criminal offence had been introduced into the entity and Brčko district-level criminal codes. With the adoption of 2020-23 National Anti-Trafficking Strategy, the existing four regional teams were replaced with 17 smaller local coordination teams, whose task is to implement anti-trafficking activities in their areas of responsibilities.

b. Highlights

Opening the meeting, Mr. Richey and Ms. Cederfelt welcomed the timely organization of the virtual visit, expressing their appreciation for the efforts made by all interlocutors, and regretting having had to postpone their in-person visit due to the worsening Covid-19 situation.

Asked about the implementation status of the National Strategy on CTHB, State Co-ordinator Rizvo provided an overview of the migration situation in BiH, stressing the following points:

- Increased influx of transiting migrants and refugees since the end of 2017, and presumed higher number of unregistered migrants.
- Reported low level of asylum applications compared to the number of people transiting: only about 5 per cent of irregular arrivals initially claim their intention to seek asylum, and of those 5 per cent very few stay long enough to hear the outcome of their case), confirming BiH as a transit country.
- Particular challenges related to the identification of victims of trafficking along migration routes, due to the speed with which migrants travel through the country (not enough time to investigate), the large numbers of migrants, limited capacities of law enforcement agencies, and lack of designated teams focusing exclusively on CTHB.
- Other obstacles to the identification of potential victims of trafficking amongst migrant populations relate to language barriers (insufficient capacity for translation and interpretation in the languages spoken by migrants) as well as cultural barriers (lack of trust in authorities as many migrants have escaped from oppressive regimes).
- Importance of accommodating women and children in special reception centres.
- Substantial improvement of cooperation with the anti-trafficking strike force, responsible for coordinating law enforcement efforts across administrative entities.
- Mr. Rizvo also informed participants about efforts to improve the rate of identification of victims of trafficking by providing training for staff operating in reception centres, in co-operation with migration management organizations UNHCR and IOM, as well as UNICEF, the Danish Refugee Council (DRC) and civil society organizations.

- Five projects on improving state capacities to identify victims of trafficking in mixed migration flows, together with international partners, are under consideration.

In the **Discussion**, responding to a question on reported pushbacks on the border between BiH and Croatia, Mr. Rizvo concurred that such incidents were happening on a regular basis as a result of Croatia's strict surveillance of its borders, noting that they only postpone the problem.

The State Co-ordinator highlighted achievements, including an 80 per cent implementation of activities planned under the National Strategy for CTHB for 2020. He also highlighted good practices in the area of identifying victims of THB amongst migrants, such as the introduction with IOM of a vulnerability screening tool, which will also be available in electronic form, to help frontline staff screen and identify potential victims, including minors. IOM is also developing a mobile app to provide people on the move with the possibility to communicate directly with authorities.

Asked about the state of affairs with regard to trafficking of migrant children, especially unaccompanied minors, Mr. Rizvo noted that most were between the ages of 13 and 18. Although all were assigned a state guardian, the uneven distribution of migrants and refugees between the cantons prevents a balanced allocation of minors to guardians (the allocation of legal guardians is within the competence of the cantons).

Insufficient co-operation with countries of origin and transit was highlighted as another challenge in the fight against THB.

Mr. Rizvo also touched upon a new decentralization strategy for referral mechanisms being implemented to ensure the appointment of trafficking coordinators at the cantonal/district level. Some cantons are also developing their own anti-trafficking action plans. He emphasized a significant improvement in terms of stricter sentencing of traffickers who have received 5 to 10 years of prison. At the same time, the OSCE SR/CTHB referred to the high number of suspended sentences.

The issue of vaccination campaigns for migrants was also raised. The State Co-ordinator highlighted the difficulties in procuring vaccines for the general population as part of the WHO's COVAX scheme, noting that there were currently no plans to vaccinate migrants.

In conclusion, Mr. Rizvo emphasized that the challenges associated with CTHB in migration flows cannot be addressed unilaterally. Noting that BiH has become a hub, he called for a broader international agreement on this topic. He also thanked the OSCE for its support in developing a counter-trafficking concept and in the implementation of the National Strategy on CTHB.

IV. Online Meeting with Selected IGOs and NGOs

In their opening remarks, Mr Richey and Ms Cederfelt stressed the importance of consulting with IGOs and NGOs due to their independent critical perspective. They moreover welcomed the participation of Amb. Johanna Stromquist, who in her capacity as the Swedish Ambassador to BiH, represented the OSCE Chairpersonship.

The representatives of the IGOs and NGOs, which included the Association Vaša Prava, Danish Refugee Council, IOM, World Vision and UNHCR, agreed that:

- BiH is a point of transit for many migrants who wish to enter the EU. Since 2018, some 71,000 people have passed through BiH. Most try several times to cross the Croatia-BiH border, only to be pushed back.
- Of those individuals who wish to seek asylum in BiH, many do not know the relevant requirements and correct procedure. Currently, only 6 per cent of those who arrive in BiH submit an asylum application.
- The low numbers can be attributed to the inadequacy of information materials, lack of interpretation and a tight deadline of two weeks within entry into the country.
- It is unacceptable that survivors of THB continue to have to choose between seeking victim or refugee status.
- As early as 2018, an IOM-conducted survey indicated that 10 per cent of respondents had experienced some sort of human trafficking or connected abuse on their journey along the Balkan route. There is evidence of human trafficking for the purposes of forced labour, sexual exploitation, organ trade and child marriage.
- The work of state authorities and NGOs/IGOs in dealing with people suspected of being victims of THB must be better synchronised. The new, local anti-trafficking coordination teams must become more effective, e.g. by considering both domestic and international cases.
- Many individuals affected by THB are not officially identified or referred to appropriate services. Frequently, there is no capacity for such an examination and temporary reception centres (TRCs) are overcrowded.
- This is compounded by the fact that many migrants are unaware that they might qualify as victims of THB.
- Survivors of THB must be empowered. Such efforts should include a focus on mental health and economic well-being.

During the meeting, the UNICEF representative relayed the following information regarding unaccompanied minors in BiH:

- At any given point, 15 per cent of the migrants accommodated in TRCs are children, of which 8 per cent are unaccompanied minors.
- In part because of the COVID-19 pandemic, the registration of children by the Service for Foreigners' Affairs has become less systematic. This affects particularly those outside of official housing, blocking their access to essential resources.
- Unaccompanied minors in BiH are at particular risk of human trafficking, due to the lack of safe and legal pathways for onward movement.
- While around 100 unaccompanied minors are being provided with formal education in Una Sana Canton, this is not the case elsewhere in FBiH.

Several participants also provided an overview of their respective office's recent activities in BiH. The IOM representative emphasised efforts to build capacity, especially through workshops involving police, prosecutors and judges. The representative of the Council of Europe emphasized her close cooperation with GRETA and the CoE's conduct of targeted studies on human trafficking. She moreover recalled the visit by the CoE's Special

Representative for Migration and Refugees Drahoslav Štefánek to BiH in January 2021 and invited participants to draw on his conclusions in case of an eventual field visit.

Calls for improvements included:

- The recruitment of further interpreters to ease communication.
- The facilitation of proper interviews to identify victims of THB and the need to ensure a timely response.
- The enhancement of victim protection, by building on the 2020-2023 National Anti-Human Trafficking Strategy. Appropriate provisions should also be made in the upcoming 2021-2025 Strategy in the Area of Migration and Asylum.
- The establishment of better procedures to identify and register unaccompanied minors, assess their age and appoint legal guardians, if necessary.
- The provision of alternate care options in smaller, specialized facilities dedicated exclusively to unaccompanied minors.

V. Online Meeting with the BiH Parliamentary Assembly JCHR

a. Background

The BiH Parliamentary Assembly Joint Committee for Human Rights (JCHR) was inaugurated in January 2020, and has convened for a total of eleven sessions, including its inaugural session and a thematic session on the human rights of women in BiH.

The JCHR considers the issues pertaining the exercise of human rights and fundamental freedoms as guaranteed by the Constitution and legislation of BiH, including issues related to migration, refugees and asylum and children's rights.

b. Highlights

The meeting was attended by the Chair of the JCHR, Mr. Lazar Prodanović (SNSD), former Head of the Delegation of BiH to the OSCE PA, and Ms. Marina Pendeš (HDZ).

The members of the BiH JCHR highlighted the following issues:

- The treatment of migrants, and their accommodation is a central issue in domestic politics.
- Over the past couple of years, BiH has achieved much progress in promoting the human rights of migrants. There is no discrimination when it comes to key programmes, like those related to education.
- EU funds never reach the central Council of Ministers, hindering central oversight and management of the migration crisis.
- The Parliament Assembly Joint Committee for Human Rights has charged the Ministry of Security and the Ministry for Human Rights and Refugees to make regular reports, but no information has been received so far.
- Individuals are often reluctant to provide personal data, hindering their identification and registration. A viable alternative might be the introduction of DNA testing.

- Neighbouring countries must urgently cease channelling migrants through BiH. The government should accept assistance from Frontex to reduce the number of irregular arrivals.
- As the vast majority of migrants in BiH want to move on to the EU, Member States should help relieve pressure on Una Sana Canton.
- One of the priorities must be the improvement of relations with countries of origin, so as to enable quicker repatriation.

Recommendations by the JCHR included:

- The further training of law enforcement and judiciary to ensure the stricter implementation of laws.
- A stronger focus on domestic, and regional, coordination. This could be ensured, amongst others, by UNDP or other IGOs/NGOs who receive EU support.

VI. Online Meeting with the Chief Prosecutor and Head of the Strike Force for CTHB and Illegal Migrations, Ms Gordana Tadić

a. Background

- The Prosecutor's Office of BiH (PO BiH) was established in August 2002 as part of wider judicial reforms in BiH. The jurisdiction and scope of activities of the PO BiH are stipulated by the Law on Prosecutor's Office of BiH whereby the Prosecutor's Office is competent for: a) conducting investigations of criminal offences under the jurisdiction of the Court of BiH pursuant to the Criminal Procedure Code (CPC) of BiH and other applicable laws; and b) receiving requests for international legal assistance in criminal matters. PO BiH has three departments: Department I is in charge for processing war crimes cases; Department II is the Special Department for Organized Crime, Economic Crime and Corruption, which is also responsible for processing cases of organised human trafficking; and Department III is in charge of most other cases falling within the competencies of PO BiH.
- PO BiH is a *sui generis* institution and is not hierarchically superior to the entity and Brčko District POs. Its jurisdiction is limited to the prosecution of crimes stipulated by the respective laws.
- As a result of the introduction of the criminal offence of THB in the criminal codes (CC) of the entities and in the Brčko District as of May 2015, internal THB is prosecuted under the CCs of the entities and the Brčko District. THB committed transnationally – i.e. when a citizen of BiH is exploited abroad or a foreign citizen is exploited in BiH – is prosecuted under the BiH CC.
- Other POs in BiH were established pursuant to the current political and administrative structure of BiH, whereby the Federal PO of the Federation of BiH (FBIH) is the superior PO for the ten cantonal POs from the area of the Federation. The Public PO of Republika Srpska (RS) is the superior PO for the district POs from RS. In RS – under the 2016 Law on Fighting Corruption, Organised and Most Severe Forms of Economic Crime – a special department with the same name was created under the RS PO, with

the task to investigate cases of human trafficking. The Public PO of Brčko District is competent in that District.

- **Strike Force for CTHB:** The Chief Prosecutor of BiH chairs the Strike Force for Combating Trafficking in Human Beings and Illegal Migration (“Strike Force”). The Strike Force is composed of representatives of the PO BiH, entity/BD POs; the Border Police; State Information and Protection Agency (SIPA); entity-level Ministries of Internal Affairs, Brčko District Police; the entity-level Tax Administrations.

b. Highlights

In her presentation, Ms. Tadić described that:

- Since 2005, the Prosecutor’s Office of BiH has indicted 123 people for human smuggling, 71 for human trafficking and 7 for international prostitution.
- The nature and form of THB has constantly evolved since the end of the Bosnian War. Early on, sexual exploitation was most prevalent. Now, authorities have noted a worrisome increase in the online grooming of children.
- The Strike Force for Combating Human Trafficking has been closely cooperating with law enforcement to identify victims and collect evidence. However, this is a near impossible endeavour among a mixed migration flow, as in BiH, due to individuals’ quick onward movement.
- It should not be ignored that migrants are frequently perpetrators of this type of crime as well but this is difficult to prove as migrants are moving swiftly from one country to another.
- There is a need for interpreters and expert assistance.
- The problem of THB is compounded by the difficult housing situation of migrants as well as economic problems.

In the **discussion**, Ms. Tadić underlined the need to address the grey areas between identification of smuggling and trafficking cases, underlining the need for more prosecutors tasked to investigate THB in the country. Asked about important needs in investigating cases, the Chief Prosecutor underlined that lack of sufficient technological equipment which hinders prompt and effective identification of perpetrators.

Annex I



Recommendations following the visit to Bosnia and Herzegovina on 22 -25 March 2021

Between 22 and 25 March 2021, the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings Valiant Richey and the OSCE PA Vice-President Margareta Cederfelt conducted a series of online meetings with key anti-trafficking interlocutors in Bosnia and Herzegovina. The meetings aimed to enquire about the situation of asylum seekers and migrants transiting through the country and discuss how to address the challenges related to trafficking in human beings in these mixed-migration flows.

The meetings were organized in close co-ordination with the OSCE Mission to Bosnia and Herzegovina and included conversations with the State Co-ordinator for Combating Trafficking in Human Beings, the Parliamentary Joint Committee for Human Rights, the Chief Prosecutor, as well as representatives of International Organizations and local NGOs.

Following the meetings, the SR/CTHB and the OSCE PA VP prepared the following observations and recommendations for the attention of relevant stakeholders in Bosnia and Herzegovina.

1. The need to **identify and assist** victims of trafficking among migrants and asylum seekers, irrespective of the country of exploitation, should be regarded as a priority for the anti-trafficking action in all locations that provide transit reception facilities.
2. The above need should be reflected in **local action plans** for combating trafficking in human beings, upheld by the adequate allocation of **human and financial resources**.
3. **Screening of new arrivals** should not solely focus on their eligibility to enter the asylum system. Applying for **asylum** and seeking **assistance as a victim of trafficking** are **not self-exclusive procedures**; whenever relevant, they can and should be administered in parallel.
4. **Screening interviews** at the transit centres should be conducted in a **multi-agency setting** and include social workers/NGO personnel experienced in working with trafficking victims.
5. To increase the capacity of first line responders to screen and address vulnerabilities of the migrant population, consideration should be given to a more **even and balanced spread of reception locations** across the country, thus ensuring a more manageable workload and upholding victims' rights.
6. Newly established **local co-ordination teams** should **work closely with the transit reception centres** both in the area of identification and assistance, and in training and awareness raising. For this, the mandate of the local co-ordination teams should be extended to working with foreign victims of trafficking in human beings.

7. **Uniform** identification, referral and assistance **protocols** regulating the co-operation between the transit reception centres and local co-ordination teams should be developed and available in all respective locations.
8. **Information on assistance** to victims of trafficking should be available in the languages understood by the migrants. This information should also be **proactively delivered** through briefings and other awareness raising events at the transit reception centres.
9. Specialized safe gender-specific **accommodation** should be available for presumed victims of trafficking identified at the transit reception centres.
10. Improved procedures should be introduced for **unaccompanied minors**, including an obligatory appointment of **legal guardians** and developing **alternative care** options. Legal guardians should be trained, appointed without delay and have a caseload that would enable them to perform their duties in the best interests of the child. Unaccompanied minors should be accommodated separately from other groups.
11. All children in mixed-migration flows should be granted unconditional **access to education** across the country.

The OSR/CTHB has long worked on these issues and is ready to provide further support to local authorities, both with regards to policy improvement and capacity building, towards building a stronger and more sustainable identification and protection framework.

Preporuke nakon posjete Bosni i Hercegovini 22-25. marta 2021. godine

U periodu između 22. i 25. marta 2021. godine, specijalni predstavnik i koordinator OSCE-a za borbu protiv trgovine ljudima (OSR/CTHB) Valiant Richey i potpredsjednica Parlamentarne skupštine OSCE-a Margareta Cederfelt održali su niz *online* sastanaka sa ključnim akterima iz oblasti borbe protiv trgovine ljudima u Bosni i Hercegovini. Cilj sastanaka bio je da se dobiju informacije o trenutnom stanju tražitelja azila i migranata u tranzitu kroz BiH i da se razgovara o načinima rješavanja izazova u vezi sa trgovinom ljudima u ovim tokovima mještovite migracije.

Sastanci su organizovani u koordinaciji i saradnji sa Misijom OSCE-a u Bosni i Hercegovini te su se specijalni predstavnik Richey i potpredsjednica Cederfelt, između ostalih, virtuelno sastali i sa državnim koordinatorom za borbu protiv trgovine ljudima, Zajedničkom komisijom za ljudska prava Parlamentarne skupštine BiH, glavnom tužiteljicom Tužiteljstva BiH, kao i sa predstavnicima međunarodne zajednice i nevladinih organizacija koje djeluju u BiH.

Nakon održanih sastanaka, specijalni predstavnik i koordinator OSCE-a za borbu protiv trgovine ljudima (OSR/CTHB) i potpredsjednica Parlamentarne skupštine OSCE-a iznijeli su sljedeća zapažanja i preporuke upućene relevantnim akterima u Bosni i Hercegovini:

1. Potreba da se **identifikuju** žrtve trgovine ljudima među migrantima i tražiteljima azila i da im se **pruži pomoć**, bez obzira na državu u kojoj se vrši njihova eksploatacija, trebalo bi da bude prioritet u borbi protiv trgovine ljudima u svim prihvatnim centrima.
2. Spomenutu potrebu bi trebalo uvrstiti u **lokalne akcione planove** za borbu protiv trgovine ljudima i podržati odgovarajućom raspodjelom **ljudskih i finansijskih resursa**.
3. **Provjera (screening) dolazećih migranata** ne bi trebala biti isključivo fokusirana na to ispunjavaju li uslove za pristup sistemu azila. Podnošenje zahtjeva za **azil** i traženje **pomoći u svojstvu žrtve trgovine ljudima nisu postupci koji isključuju jedan drugog**; kada god je to moguće, oni se mogu i trebaju provoditi paralelno.
4. **Intervjui za provjeru** (screening interviews) u tranzitnim centrima trebali bi se provoditi **uz prisustvo predstavnika više različitih agencija** i uključivati socijalne radnike / osoblje nevladinih organizacija s iskustvom u radu sa žrtvama trgovine ljudima.
5. Kako bi se unaprijedili kapaciteti profesionalaca koja su prva tačka kontakta sa potencijalnim žrtvama trgovine ljudima (first responders) za otkrivanje i rješavanje ranjivosti migranata, potrebno je razmotriti **ravnomjerniji i uravnoteženiji raspored prihvatnih centara** u cijeloj zemlji, čime bi se osiguralo da obim posla bude bolje raspoređen, kao i veće poštivanje prava žrtava.

6. Novoosnovani **lokalni koordinacijski timovi** trebali bi **usko saradivati s tranzitnim prihvatnim centrima**, kako u oblasti identifikacije i pomoći, tako i na obuci i podizanju svijesti. Zbog toga bi se mandat lokalnih koordinacijskih timova trebao proširiti na rad sa stranim žrtvama trgovine ljudima.

7. **Jedinstveni protokoli** za identifikaciju, upućivanje i pomoć, koji reguliraju saradnju između tranzitnih prihvatnih centara i lokalnih koordinacijskih timova trebali bi biti izrađeni i dostupni na svim lokacijama na kojima se centri nalaze.

8. **Informacije o pomoći** žrtvama trgovine ljudima trebale bi biti dostupne na jezicima koje migranti razumiju. Te bi se informacije također trebale **proaktivno dostavljati** kroz sastanke i obuke za podizanje svijesti u tranzitnim prihvatnim centrima.

9. Poseban i siguran rodno specifičan **smještaj** trebao bi biti na raspolaganju za pretpostavljene žrtve trgovine ljudima identificirane u tranzitnim prihvatnim centrima.

10. Trebalo bi uvesti poboljšane postupke za **maloljetnike bez pratnje**, uključujući obavezno imenovanje **zakonskih staratelja** i kreiranje opcija **alternativne zaštite**.

Zakonski staratelji bi trebalo da budu obučeni i imenovani bez odgađanja te bi trebalo da imaju onoliko predmeta koliko će im dozvoljavati da svoje dužnosti obavljaju u najboljem interesu djeteta.

Maloljetnici bez pratnje bi trebalo da budu biti smješteni odvojeno od ostalih grupa.

11. Svoj djeci u mješovitim migracijskim tokovima bi trebalo omogućiti bezuslovni **pristup obrazovanju** u cijeloj državi.

Ured specijalnog predstavnika i koordinatora OSCE-a za borbu protiv trgovine ljudima (OSR/CTHB) radi na ovim pitanjima niz godina i spreman je pružiti dalju podršku lokalnim vlastima, kako u pogledu unapređenja politike djelovanja, tako i izgradnje kapaciteta, u izgradnji jačeg i održivijeg okvira za identifikaciju i zaštitu žrtava.

Annex III: Agenda

Monday, 22 March

- 12:00-13:00 Online Meeting with State Co-ordinator for Combating THB, Mr. Samir Rizvo
- 15:00-15:30 Online Meeting with OSCE Mission to BiH Staff
- 16:30-18:30 Online Meeting with Anti-Trafficking NGOs and IOs
- Council of Europe
 - EU Special Representative/EU Delegation
 - IOM
 - UNHCR
 - UNICEF
 - Danish Refugee Council (DRC)
 - “Vasa Prava”
 - World Vision

Tuesday, 23rd March

- 13:00-14:00 Meeting with Members of the BiH Parliamentary Assembly Joint Committee for Human Rights (JCHR)

Thursday, 25th March

- 12:30-13:30 Online Meeting with Ms Gordana Tadić, Chief Prosecutor, Prosecutor’s office of BiH and the Head of the Strike Force for Combating THB and Illegal Migrations

Delegation

- OSCE PA Vice-President Margareta Cederfelt (Sweden), Acting Chair of the Ad Hoc Committee on Migration
- OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR/CTHB) Valiant Richey
- Oleksandr Kyrylenko, Programme Officer, Office of the OSCE SR/CTHB
- Boris Topić, National Anti-Trafficking Officer, OSCE Mission to Bosnia and Herzegovina
- Farimah Daftary, Senior Programme Officer, OSCE Parliamentary Assembly
- Lærke Hulsrøj, Research Assistant, OSCE Parliamentary Assembly
- Ilias Trochidis, Research Assistant, OSCE Parliamentary Assembly