

Bosnia and Herzegovina

The Government of Bosnia and Herzegovina continued to make significant efforts to combat trafficking in 2010. The exploitative use of child labor in begging and pick-pocketing rings remains a problem. Significant gaps remain in the knowledge base on these issues and in the Government's programs to address them.

Statistics on Working Children and School Attendance

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



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Bosnia and Herzegovina are engaged in the worst forms of child labor,⁷⁰¹ including in forced begging and pickpocketing.⁷⁰² There are reports of organized groups trafficking mainly ethnic Roma children and forcing them to beg and pickpocket.⁷⁰³ Reports from UNICEF and the country's Roma leaders indicate that a large percentage of Roma children do not attend school. Many of these children are under the age of 14 and live or work in the streets.⁷⁰⁴ Children working on the streets may be exposed to severe weather, traffic accidents, and criminal elements.

Other worst forms of child labor in Bosnia and Herzegovina include the trafficking of children, particularly girls, for commercial sexual exploitation.⁷⁰⁵


There are also reports of child pornography being produced in Bosnia and Herzegovina,⁷⁰⁶ although research has not revealed the magnitude of the problem.

Laws and Regulations on the Worst Forms of Child Labor

The state of Bosnia and Herzegovina consists of the Federation of Bosnia and Herzegovina (FBiH), Republika Srpska (RS), and Brcko District (BD), a self-governing territory.⁷⁰⁷ Laws at both the state level and component entity level regulate issues related to the worst forms of child labor, with primary responsibility for labor laws being at the entity level.⁷⁰⁸

The Labor Codes of FBiH, RS, and BD set the minimum age for work at 15. Minors ages 15 to 18 are prohibited from working at night or performing work that endangers their health or development. FBiH, RS, and BD law prohibit hard labor, working underground, underwater, and other jobs that would risk the life, health or psychological development of minors.⁷⁰⁹ However, research found no evidence that entity-level governments have lists of specific forms of hazardous work prohibited to minors.

The Constitution prohibits forced or compulsory labor.⁷¹⁰ The Bosnia and Herzegovina Criminal Code dictates prison terms for actions that place or keep a minor in slavery.⁷¹¹

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

The FBiH, RS, and BD Criminal Codes prohibit prostitution and penalize the production and distribution of child pornography.⁷¹² The Bosnia and Herzegovina Criminal Code prohibits trafficking in persons for the purpose of sex and labor exploitation.⁷¹³ In practice, this also includes forcing children to beg.⁷¹⁴ The Bosnia and Herzegovina Criminal Code outlaws hiring a prostitute outside of the state where one resides or is a citizen.⁷¹⁵

Education in Bosnia is free and compulsory through age 15.⁷¹⁶ However, even though authorities provided textbooks, meal allowances, and transportation to Roma children, poverty, verbal harassment, and language obstacles still prevented children from attending or caused some children to drop out of school.⁷¹⁷

The Bosnia and Herzegovina Defense Reform Law ended conscription, and voluntary recruitment is not permitted for anyone under the age of 18.⁷¹⁸

Institutional Mechanisms for Coordination and Enforcement

Research identified no information to indicate that the Government of Bosnia and Herzegovina has established mechanisms at the state or entity level for coordinating efforts to combat child labor.⁷¹⁹

Various institutions at the entity level, however, are responsible for enforcement of labor laws, including those on child labor. The FBiH Ministry of Labor and Social Policy, the RS Ministry of Labor and Veterans, and the BD Administrative Support Department oversee and enforce the Labor Codes of their respective jurisdictions.⁷²⁰ There are 118 labor inspectors for FBiH, RS, and BD. Officials in these ministries have reported that these numbers are adequate and report that they have sufficient resources to carry out inspections.⁷²¹ Labor inspectors are trained to detect child labor violations; however, child labor is not common in the formal sector. During the reporting period, there were no identified cases of child labor law violations.⁷²²

The Government of Bosnia and Herzegovina appears to have established a number of mechanisms to coordinate efforts to combat human trafficking.⁷²³ The Office of the State Coordinator for Anti-trafficking, within the Bosnia and Herzegovina Ministry of Security (MOS), plays the lead role in anti-trafficking efforts at the state level, and a nationwide Inter-Ministerial Working Group to Combat Trafficking, which includes a number of agencies, also exists. At the state level, the Ministries of Interior, Health, Labor, and Education are involved with anti-trafficking efforts, along with prosecutors at the state, entity and local levels.⁷²⁴

The Government continued to make efforts to improve cooperation and coordination between entities involved in combating trafficking. It made improvements in its data collection on trafficking cases through the nationwide Anti-Trafficking Strike Force.⁷²⁵ The Anti-Trafficking Strike Force is chaired by the chief state prosecutor. It includes prosecutors, financial investigators, and police who target trafficking and illegal migration.⁷²⁶

The Bosnia and Herzegovina State Prosecutor's Office has exclusive jurisdiction over trafficking cases under state level law, and can decide which cases to prosecute at the state level and which to send to the entity level.⁷²⁷

During 2010, 24 out of 37 trafficking victims documented by the Government of Bosnia and Herzegovina were minors.⁷²⁸ During 2009, the last year for which information is available, authorities investigated 21 cases, prosecuted 16 cases, and convicted 16 trafficking offenders.⁷²⁹ Research has not revealed how many of these cases involved child victims of trafficking.

In 2010, police conducted several large-scale raids against organized forced begging rings. As a result, the police rescued 15 children engaged in forced begging and placed them in government-funded shelters.⁷³⁰

The State Coordinator's Office coordinates trafficking victim protection efforts among NGOs, law enforcement, and government institutions.⁷³¹ It also identifies and registers trafficking victims and refers them to NGO service providers.⁷³²

Government Policies on the Worst Forms of Child Labor

The Government of Bosnia and Herzegovina has policies to address human trafficking and socio-economic inclusion of the Roma population, but

there is no evidence of an over-arching policy framework for the elimination of the worst forms of child labor.⁷³³

The trafficking of children for commercial sexual exploitation or forced labor is addressed in the Action Plan for Combating Trafficking in Human Beings in Bosnia and Herzegovina for 2008-2012. This plan is based on three pillars: prevention, protection of trafficking victims, and prosecution of traffickers.⁷³⁴ The goals include: 1) lowering the risk of trafficking among vulnerable categories; 2) advancing the procedure for identifying trafficking victims; 3) ensuring timely and adequate assistance to victims and witnesses of human trafficking; and 4) strengthening the criminal policy for acts of human trafficking and increasing the number of convictions and sentences. The Government continued to implement this plan during the reporting period.⁷³⁵

The Government is also participating in an international initiative aimed at helping Roma populations that could benefit Roma children living and working in the streets. The Decade for Roma Inclusion (2005-2015) is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of the Roma minority across the region.⁷³⁶ Action plans for employment, health, and housing have been developed. No evidence was identified to determine the impact of this initiative on Roma children involved in the worst forms of child labor. Roma organizations, in coordination with relevant Government agencies, intend to develop an Action Plan to combat the problem of child begging, but it appears that the plan has not yet been completed.⁷³⁷

The Government does not collect reliable data on children being forced to engage in begging, pickpocketing or prostitution. This impairs its ability to formulate and implement effective policies to address these problems.⁷³⁸

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

During 2010, the Government continued to cooperate with the IOM to implement anti-trafficking assistance, training, and prevention programs.⁷³⁹

The Government of Bosnia and Herzegovina funded six local NGOs that provided shelter and medical and psychological assistance to victims of trafficking, both foreign and domestic. It continued to fund the operation of an NGO anti-trafficking hotline.⁷⁴⁰ The Government developed a manual on preventing child trafficking that it subsequently distributed to police, prosecutors and health-care officials.⁷⁴¹

The Ministry of Human Rights and Refugees, in cooperation with local Roma NGOs, spent \$2.1 million on programs focused on Roma housing, education, employment, health care and social inclusion.⁷⁴² Research has not revealed the impact that this effort has had in reducing the challenges faced by street children.

Aside from these important initiatives against child trafficking, research has identified limited social programs by the Government of Bosnia and Herzegovina to assist street children involved in forced begging and pickpocketing.

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

IN THE AREA OF LAWS AND REGULATIONS:

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

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish coordinating mechanisms at the state and entity level to combat all worst forms of child labor.

IN THE AREA OF POLICY:

- Assess the impact that policies addressing the social inclusion of the Roma population have on the worst forms of child labor.
- Collaborate with Roma organizations to formulate an Action Plan to combat the problem of child begging.
- Collect reliable data on children engaged in begging, pickpocketing, and prostitution, to enable policymakers to identify problems more accurately and to address them more effectively.

IN THE AREA OF SOCIAL PROGRAMS:

- Assess the impact of efforts by the Ministry of Human Rights and Refugees that target housing, education, employment, health care, and social inclusion for Roma children involved in the worst forms of child labor in Bosnia and Herzegovina.
- Institute programs to assist street children and address children's involvement in begging and pickpocketing rings.

⁷⁰¹ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

⁷⁰² U.S. Embassy- Sarajevo, *reporting, February 17, 2011*.

⁷⁰³ Ibid. See also U.S. Department of State, "Bosnia and Herzegovina," in *Country Reports on Human Rights Practices-2010*, Washington, DC, April 8, 2011; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154416.htm>.

⁷⁰⁴ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Bosnia and Herzegovina*, CRC/C/15/Add.260, Geneva, September 21, 2005; available from [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/\\$FILE/G0544039.DOC](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/dd9baddc520d9878c1257018002db47e/$FILE/G0544039.DOC). See also U.S. Department of State, "Country Reports- 2010: Bosnia and Herzegovina."

⁷⁰⁵ U.S. Department of State, "Bosnia and Herzegovina," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/documents/organization/142981.pdf>.

⁷⁰⁶ "Bosnian police seize 2 million child porn photos," *USA Today*, (Sarajevo), March 21, 2011; available from http://www.usatoday.com/news/world/2011-03-21-bosnia-child-pornography_N.htm.

⁷⁰⁷ U.S. Department of State, *Background Note: Bosnia and Herzegovina*, [online] January 2011 [cited April 18, 2011]; available from <http://www.state.gov/r/pa/ei/bgn/2868.htm>.

⁷⁰⁸ Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina*, article II, section 3c, and article III, section 3, (December 14, 1995); available from http://www.ohr.int/print/?content_id=372.

⁷⁰⁹ Government of Bosnia and Herzegovina, *Labor Law of the Federation of Bosnia and Herzegovina*, articles 15, 36, 51; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Labor Law of the Republic of Serbia*, articles 14, 45, 46, 69; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Labor Law of the Brcko District*, articles 10, 28, 41; available from (hard copy on file).

⁷¹⁰ Government of Bosnia and Herzegovina, *Constitution of Bosnia and Herzegovina*.

⁷¹¹ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*, article 185, section 5; available from <http://www.ohr.int/ohr-dept/legal/oth-legist/doc/criminal-code-of-bih.doc>.

⁷¹² Government of Bosnia and Herzegovina, *Criminal Code of the Federation of Bosnia and Herzegovina*, articles 210, 211; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Criminal Code of the Republic of Serbia*, articles 198, 199, 200; available from (hard copy on file). See also Government of Bosnia and Herzegovina, *Criminal Code of the Brcko District*, article 186, 207, 208; available from (hard copy on file).

⁷¹³ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*.

⁷¹⁴ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*. See also U.S. Embassy- Sarajevo official, e-mail communication, August 9, 2010.

⁷¹⁵ Government of Bosnia and Herzegovina, *Criminal Code of Bosnia and Herzegovina*.

⁷¹⁶ UNESCO, *Education for All Global Monitoring Report*, 2010; available from <http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/ED/GMR/pdf/gmr2010/gmr2010-annex-04-stat-tables.pdf>. See also U.S. Department of State, "Country Reports- 2010: Bosnia and Herzegovina."

⁷¹⁷ U.S. Department of State, "Country Reports- 2010: Bosnia and Herzegovina."

⁷¹⁸ Coalition to Stop the Use of Child Soldiers, "Bosnia and Herzegovina," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/FINAL_2008_Global_Report.pdf.

⁷¹⁹ U.S. Embassy- Sarajevo, *reporting, February 17, 2011*.

⁷²⁰ Council of Europe, *Bosnia and Herzegovina: Administrative organisation*, 2010; available from <http://www.coe.int/t/dg3/socialpolicies/socialsecurity/Source/MissceoChart2010/BiH-Chart-2010.doc>.

⁷²¹ U.S. Embassy- Sarajevo, *reporting, February 17, 2011*.

⁷²² Ibid.

⁷²³ Ibid.

⁷²⁴ Ibid.

⁷²⁵ U.S. Department of State, *Trafficking in Persons Interim Assessment: Bosnia and Herzegovina*, April 5, 2011; available from <http://www.state.gov/g/tip/rls/reports/2011/160017.htm>.

⁷²⁶ U.S. Embassy- Sarajevo, *reporting, February 26, 2010*.

⁷²⁷ Ibid.

⁷²⁸ U.S. Embassy- Sarajevo official, e-mail communication, June 3, 2011.

⁷²⁹ U.S. Department of State, “Trafficking in Persons Report-2010: Bosnia and Herzegovina.”

⁷³⁰ U.S. Embassy- Sarajevo official, e-mail communication, June 3, 2011.

⁷³¹ U.S. Embassy- Sarajevo, *reporting, February 26, 2010.*

⁷³² U.S. Department of State, “Trafficking in Persons Report-2010: Bosnia and Herzegovina.”

⁷³³ U.S. Embassy- Sarajevo, *reporting, February 17, 2011.*

⁷³⁴ Ibid.

⁷³⁵ Ibid.

⁷³⁶ Ibid.

⁷³⁷ Ibid.

⁷³⁸ Ibid.

⁷³⁹ IOM, *Bosnia and Herzegovina*, [online] July 2010 [cited May 6, 2011]; available from <http://www.iom.int/jahia/Jahia/bosnia-and-herzegovina>.

⁷⁴⁰ U.S. Department of State, “Trafficking in Persons Report-2010: Bosnia and Herzegovina.”

⁷⁴¹ Ibid.

⁷⁴² U.S. Embassy- Sarajevo, *reporting, February 17, 2011.*