

*In 2012, Bosnia and Herzegovina (BiH) made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. It also signed a Memorandum of Understanding (MOU) for the construction of homes for Roma and allocated \$1.38 million for Roma assistance projects in 2013. In addition, the Federation of Bosnia and Herzegovina (FBiH) adopted an Action Plan for the period 2013–2016 to implement the Policy for Protection of Children Deprived of Parental Care and Families at Risk of Separation. The BiH State Parliament proposed legislation that would maintain jurisdiction over international trafficking at the State level. However, during the reporting period the entity and district laws did not cover domestic trafficking, leaving this aspect of trafficking unregulated. In addition, the Government has not appointed a National Coordinator that would oversee and monitor the projects under the Roma initiative. Children in BiH continue to engage in the worst forms of child labor, including forced begging and commercial sexual exploitation.*

### Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	8.9 (44,017)
Attending School	5-14 yrs.	83.7
Combining Work and School	7-14 yrs.	10.6
Primary Completion Rate		75.6

#### Sources:

**Primary completion rate:** Data from 2011, published by UNESCO Institute for Statistics, 2013.(1)

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

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in BiH are engaged in the worst forms of child labor, primarily in forced begging and in commercial sexual exploitation.(3-5) Many Roma children are forced to beg by their parents/guardians.(6) Organized groups also exist that traffic mainly ethnic Roma children and force them to beg.(5) Many children exploited for forced begging are under age 14.(7)



Children, especially girls, are trafficked for commercial sexual exploitation.(8) Although the extent of the problem is unknown, there is evidence suggesting that the Roma custom of paid and arranged marriages between families results in the exploitation of Roma girls as domestic servants.(9) There are also reports that child pornography is produced in BiH, although research has not revealed the magnitude of the problem.(10)

Reports indicate that many Roma children do not attend school, which makes them vulnerable to the worst forms of child labor.(4, 6, 7, 11)

The authorities provide textbooks, meal allowances, and transportation to Roma children who are citizens of the State.(7) However, obstacles such as a lack of culturally sensitive school programs, verbal harassment, and language barriers still prevent Roma children and other minorities from attending and cause some children to drop out of school.(12) Poverty and living in rural areas are additional barriers to quality education for many children in BiH.(4)

There are reports of children working on the streets, but information regarding specific activities and hazards is unknown.(8)

### Laws and Regulations on the Worst Forms of Child Labor

The State of BiH consists of two entities—FBiH and Republika Srpska (RS)—and a self-governing district, the Brčko District (BD).(13) While criminal laws at the State, entity, and district

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levels regulate issues related to the worst forms of child labor, the entities and district are responsible for regulating labor issues.(3, 14)

## International Conventions and Selected Laws on Child Labor and Education

	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 Labor Codes of the FBiH, the RS, and the BD set the minimum age for work at age 15.(15-18) The Government of FBiH is in the process of adopting a new labor law that penalizes the employment of a person younger than 15 years old with fines.(6) This provision already exists in the RS and BD labor codes.(6)

The labor codes of FBiH, RS, and BD prohibit minors ages 15 to 18 from working at night or performing work that endangers their health or development.(16-18) It is unclear how comprehensively children are protected from hazardous work in BiH. Reportedly, FBiH, RS, and BD law prohibit hard labor, working underground, underwater, and other activities that would risk the life, health, or psychological development of minors.(15) However, according to the ILO Committee of Experts, the Government reports that there is no regulation that determines specific types of hazardous work prohibited to minors in FiBH. The ILO Committee of Experts had not received copies of lists of hazardous work from either RS or BD as of its last reporting, so it is unclear if such lists exist.(4)

The BiH Constitution, prohibits forced and compulsory labor.(19) The Criminal Code of BiH dictates prison terms for actions that place or keep a minor in slavery.(20)

The Criminal Code of RS includes a provision under which any person who uses a child or juvenile to commit the illicit trafficking of narcotics will be punished by imprisonment for a term of between 3 and 15 years(4, 21). Criminal Codes of the State, FBiH, and BD prohibit the illicit trafficking of narcotics. However, the Criminal Codes of the State, FBiH and BD do not include provisions to prohibit the use, procuring, or offering of a minor of any age for this offense.(4)

The Criminal Codes of FBiH, RS, and BD prohibit the production, possession, and distribution of child pornography. The Criminal Codes of FBiH, RS, and BD prohibit incitement to prostitution and turning a person over to a third party for the purpose of prostitution.(20-22)

However, these criminal code provisions do not make clear that pimping or pandering is a crime regardless of whether the child has previously engaged in prostitution or “consents” to such exploitation.

The Criminal Code of BiH prohibits trafficking minors for the purpose of sexual and labor exploitation.(20, 23) Although the Criminal Code of RS includes a provision titled “Trafficking in Human Beings for the Purpose of Prostitution,” this provision is in reality only a prohibition on pimping and enticing into prostitution, as it does not include the element of transferring, recruiting, and harboring individuals. Therefore, the Criminal Code of RS does not currently prohibit trafficking.(21) The Criminal Codes of FBiH, and BD also do not currently prohibit trafficking.(21-23) In the absence of entity and district level trafficking laws, courts in local jurisdictions use the “enticement to prostitution” laws to address these cases.(5)

In 2011, State, entity, and district- level representatives compromised on changes to existing legislation for international trafficking to maintain jurisdiction at the State-level, while all other trafficking crimes will be covered under the amended entity and district legislation.(8)

This reporting period, the RS Parliament introduced amendments to harmonize its entity criminal code with the 2013 amendments to the State level Criminal Code provisions on trafficking. FBiH and BD pledged to introduce the necessary amendments before mid-year.(25) Until the amendments are adopted, the Deputy State Prosecutor has requested that entity and district law enforcement agencies refer all trafficking in persons cases to the State Prosecutor’s Office.(5)

The authorities’ frequent failure to identify trafficking victims results in prosecuting the victims for unlawful acts committed as a result of being trafficked. For example, the existing

laws at the entity level against “enticement to prostitution” allows entity law enforcement to treat minors ages 14 and older as “juvenile prostitutes” instead of victims of rape or trafficking in persons.(8, 24) The proposed amendment to the Criminal Code of BiH prohibits criminal proceedings against victims of trafficking for crimes committed as a result of the trafficking.(25)

The Government of BiH ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in November 2012. The Convention was enacted on March 1, 2013.(26)

According to the BiH Defense Reform Law, there is no military conscription. Voluntary recruitment is not permitted for anyone under age 18.(15, 27)

Primary education is free and compulsory for 9 years, starting at approximately age 6. Secondary education is also free for 3 to 4 years.(4, 28, 29) However, many undocumented children, mostly Roma, are not granted access to education because only citizens are entitled to these benefits.(6, 7, 12)

### **Institutional Mechanisms for Coordination and Enforcement**

Research found no evidence that the relevant levels of Government in BiH have established mechanisms to coordinate efforts to combat the worst forms of child labor.

Currently, various institutions at the entity level are responsible for enforcing labor laws, including those on child labor.(14, 15) The FBiH Ministry of Labor and Social Policy, the RS Ministry of Labor and Veterans, and the BD Administrative Support Department oversee and enforce the Labor Codes of their respective jurisdictions.(3) FBiH, RS, and BD have a total of 121 labor inspectors.(15) Officials in these Ministries have reported that these numbers are adequate and that they have sufficient resources to carry out inspections. Although child labor is not common in the formal sector in which labor inspections take place, labor inspectors undergo training for detection of child labor violations.(15) During the reporting period, labor inspectors confirmed that they did not find any cases of child labor.(15)

Forced begging crimes are pursued by the entity-level police and prosecutors, as well as the State-level prosecutors.(15) However, research found no evidence of an existing mechanism to investigate how children fall victim to involvement in forced begging and which agency is responsible for removing children from the street.(3, 14)

The Government of BiH has established a number of mechanisms to coordinate efforts to combat human trafficking. The Office of the State Coordinator for Anti-trafficking, within the BiH Ministry of Security (MOS), leads anti-trafficking efforts at the State level, including in a nationwide Inter-Ministerial Working Group to Combat Trafficking that includes a number of agencies.(15)

The Chief State Prosecutor chairs the Anti-Trafficking Strike Force, which is comprised of prosecutors, financial investigators, and police officers who focus on trafficking and illegal migration.(8, 30) This agency is charged with coordinating the collection of trafficking-related data from all enforcement agencies, whereas the responsibility of the Office of the State Coordinator is to maintain and verify these data.(3)

The Bosnia and Herzegovina State Prosecutor’s Office has exclusive jurisdiction over trafficking cases under State-level law.(8) In 2011, the entities’ and the district’s prosecutors referred 19 trafficking-related cases to the State-level prosecutor’s office, which did not pursue trafficking charges in any of the cases.(15) Research did not determine whether cases were referred from the entity to the State level during 2012.

In 2012, law enforcement agencies referred 18 trafficking victims under the age of 18 to the centers for social welfare.(8) Most were victims of trafficking for sexual exploitation and forced begging.(8) During the reporting period the State Government also reported 13 investigations of trafficking against 38 persons, 1 indictment for trafficking against 2 persons, and 1 conviction for trafficking that resulted in a prison sentence under Articles 186 and 187 of the BiH Criminal Code.(8) The Entities and District prosecutors initiated five investigations against 12 persons, indicted 4 persons, and sentenced 2 persons to prison under their own Criminal Codes provisions against pimping and pandering.(8) However, it is unclear how many of these cases involve children. Although evidence is limited, there is some information from NGOs that some foreign trafficking victims who were no longer needed in the prosecution process were deported by the Government without reintegration support.(8)

In 2012, the Government provided a specialized training on recognition, investigation, and prosecution of trafficking to State and entity level prosecutors and law enforcement agencies.(8)

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## Government Policies on the Worst Forms of Child Labor

The Government of BiH is participating in an international initiative aimed at assisting Roma populations that could benefit Roma children living and working on the streets.(31) The Decade for Roma Inclusion (2005-2015) is an initiative of 12 European countries to improve the socioeconomic status and social inclusion of Roma across the region. The Council of Ministers decided to allocate funds from the State budget to address Roma's access to employment, housing, and health care.(3, 7, 11, 32)

A recent evaluation of these policies for the 2009-2011 period showed that some progress has been made toward improving conditions for the Roma population.(32) The improved conditions were attributed to efforts such as funding for the implementation of the Action Plan for Addressing Issues Faced by the Roma in the Fields of Employment, Housing, and Healthcare in 2009, completion of a Roma census aimed at addressing the needs of Roma population, and the adoption of the Roma Education Action Plan in 2010. However, the evaluation indicated that despite these efforts, the Action Plan was not adequately implemented or funded, decreasing its impact.(32) The evaluation did not assess the program's potential impact on children in the worst forms of child labor.

In this reporting period, the Government of BiH, in collaboration with UNICEF, published Guidelines for Improving the Welfare of Roma in Bosnia and Herzegovina. The document calls for improving the overall condition of the Roma population in areas such as housing, education, health care, social security, fostering cultural identity, and the core teachings of the Roma.(6)

The Ombudsman for Human Rights investigated the problem of children begging by attempting to collect data on child beggars from five locations across the country.(6) However, most social service centers, from whom the Ombudsman attempted to collect data, did not have statistical records due to insufficient financial and human capacity and the lack of jurisdiction on the issue of the rights of children who beg.(6)

During this reporting period, the Government adopted an Action Plan for the period 2013-2016 to implement the Policy for Protection of Children Deprived of Parental Care and Families at Risk of Separation in FBiH 2006-2016. This initiative aims to provide sufficient protection to children without parental care and children separated from their parents.(6) Such children may be at greater risk for involvement in the worst forms of child labor.

The trafficking of children for commercial sexual exploitation and forced labor is addressed in the Action Plan for Combating Trafficking in Human Beings in BiH for 2008-2012.(15) The goals include the following: 1) lowering the risk of trafficking among vulnerable groups, 2) improving the procedure for identifying trafficking victims, 3) ensuring timely and adequate assistance to victims and witnesses of human trafficking, and 4) strengthening enforcement of criminal laws against human trafficking and increasing the number of convictions and sentences. The Government continued to implement this plan during the reporting period.(15) In addition, the authorities hired the Criminal Policy Research Center of Sarajevo University to evaluate the plan.(8) Based on the evaluation results, the new National Action Plan for 2013-2015 has been drafted and is currently waiting for adoption by the Council of Ministers.(8) The Government allocated \$100,000 for the implementation of the Action Plan in 2013.(8)

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

During the reporting period, the Ministry of Human Rights and Refugees (MHRR) along with 23 NGOs, signed a MOU for the construction of homes for the Roma community. The project is worth \$1.3 million.(15) The MHRR also announced funding of an additional \$1.4 million for Roma-assistance projects in 2013.(15) However, the Government has not appointed a National Coordinator to implement the Roma Decade Initiative that would contribute to oversee and monitor the projects under the Roma initiative.(33) Although the Government has implemented programs to improve the housing situation in Roma population, research found no evidence that it has carried out programs to assist children engaged in begging.

The MHRR in cooperation with the UNHCR undertook a project to promote registration of Roma in civil registries that would ease Roma's access to social benefits.(33)

In 2012, there were four institutions, two reception centers, and one day care center to provide either long or short term care for children seeking protection.(6, 33) However, it is unknown whether the number of centers is adequate or whether it meets the needs of the municipalities in which the most begging occurs.

The Government continued to implement the third phase of the project Strengthening the Social Protection and Inclusion of Children in BiH. The project aims to improve the social protection system at all levels of government, strengthen



capacity of government agencies, provide for social protection and inclusion of children, and enhance coordination and communication between providers of social services and the responsible authorities at the local level.(6)

The MHRR also provided small grants of \$46,000 to seven NGOs to provide counseling, education assistance, job

training, and other assistance specifically designed for domestic trafficking victims.(8) Three of these seven NGOs provide shelters for domestic and foreign victims. The shelters assisted 21 trafficking victims, of which 18 were minors.(8, 14) In addition to providing funds for domestic victims, the Government allocated \$69,000 for the assistance of foreign trafficking victims.(8)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Ensure that comprehensive regulations exist prohibiting minors' involvement in hazardous activities .	2009, 2010, 2011, 2012
	Ensure that minors are protected from being used, procured, or offered for illicit trafficking of narcotic drugs at the State and entity levels.	2011, 2012
	Adopt proposed amendments to harmonize the State, entity, and district criminal laws to prohibit explicitly all forms of trafficking, including domestic trafficking.	2011, 2012
	Adopt proposed amendments to the State, entity, and district criminal laws to ensure that trafficking victims will not be prosecuted.	2011, 2012
	Clarify provisions in the criminal code to make clear that pimping and pandering are crimes regardless of whether the child has previously engaged in prostitution or "consents" to such exploitation.	2012
Coordination and Enforcement	Establish coordinating mechanisms at the state and entity levels to combat all worst forms of child labor.	2009, 2010, 2011, 2012
	Ensure adequate enforcement of protections, including anti-trafficking laws against forced begging.	2012
Policies	Assess the impact of policies addressing the social inclusion of the Roma population on the worst forms of child labor.	2010, 2011, 2012
	Set up standards and methodology for data collection related to children involved in the worst forms of child labor, particularly those engaged in begging, pickpocketing, and prostitution in order to enhance policymakers' ability to identify problems more accurately and to address them more effectively.	2009, 2010, 2011, 2012
	Improve the statistical capacity of social service centers to collect quality data on children working in forced begging and child victims of sexual exploitation.	2012
Social Programs	Institute programs, including long-term facilities, to address children's involvement in begging and pickpocketing rings.	2009, 2010, 2011, 2012

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Area	Suggested Actions	Year(s) Action Recommended
Social Programs	Increase efforts to assist Roma families in the registration process for the proper citizenship documentation that entitles their children to access to school.	2011, 2012
	Continue funding for social programs, especially those that targets the Roma population.	2011, 2012
	Appoint a National Coordinator to oversee, monitor, and evaluate the actions set up in Roma Decade framework.	2012

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