

Combating Trafficking in Human Beings



The OSCE Mission to Bosnia and Herzegovina (Mission) demonstrates a clear commitment to combating trafficking in human beings (CTHB) by strengthening domestic authorities' capacity to counter this heinous practice. The Mission grounds its CTHB efforts in its comprehensive trial monitoring programme, which covers all criminal cases related to trafficking in human beings (THB) criminal cases adjudicated by the judiciary across Bosnia and Herzegovina (BiH). The data collected through this monitoring, combined with long-standing relationships with key counterparts, guides the Mission's work to strengthen the relevant legislative and policy frameworks, and to build the capacity of judicial officials, and other relevant stakeholders.

What is trafficking in human beings?

Often referred to as a modern form of slavery, THB is a devastating crime that violates fundamental human rights

and destroys the dignity of survivors, even long after exploitation ends.

According to the Palermo Protocol and the European Convention on Action against

Trafficking in Human Beings, the internationally accepted definition of human trafficking consists of three key elements:

1. Acts – recruitment, transportation, transfer, harbouring or receipt of persons;
2. Means¹ – threat or 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; and
3. Exploitative purpose –

including but not limited to sexual exploitation, labour exploitation and the removal of organs.

Trafficking in human beings in BiH

In BiH, THB increased in the mid- to late-1990s, when organized sex-trafficking rings preyed on thousands of women, mostly from Eastern Europe. The situation has changed over the last two decades, and, today, the typical trafficking victim in BiH is a citizen, often below the age of eighteen, subjected to sexual and labour exploitation, forced begging or forced criminality. Despite efforts

¹ The trafficking of children exists even in the absence of the means element.

by domestic authorities to combat THB, significant shortfalls remain. Although all four BiH criminal codes criminalize THB, a lack of harmonization, including in terms of minimum sanctions, hinders effective prosecutions. In addition to lenient and inconsistent criminal sanctions, THB investigations and the identification of victims often progress slowly, while traffickers continually adapt their methods and practices, making it more difficult to detect and combat this highly lucrative criminal activity. Finally, even successful prosecutions rarely result in victims the receiving compensation.

The OSCE commitment to CTHB

In accordance with its comprehensive approach to security, founded on respect for human rights, the OSCE established mechanisms to assist participating States (pS) in combating THB. This included establishing a Special Representative and [Coordinator for Combating Trafficking in Human Beings \(SR/CTHB\)](#) and the [2003 OSCE Action Plan to Combat Trafficking in Human Beings](#) (Action Plan). Together with its 2005 and 2013 Addendums, it provides a comprehensive toolkit to assist pS in fulfilling their commitments in combatting THB.

Co-ordination structures and domestic CTHB efforts in BiH

Following the constitutional structure of BiH, the legislative framework for combating THB consists of legislation at the level of the State, entity [Republika Srpska (RS) and

Federation of BiH (FBiH)] and the Brčko District of BiH (BD BiH). The BiH Ministry of Security's Department for Combating Trafficking in Human Beings (Department) leads in co-ordinating CTHB efforts across BiH. In addition to gathering all data related to human trafficking, the Department supports the State Co-ordinator for CTHB and Illegal Migration in BiH (State Co-ordinator). Alongside the State Co-ordinator, there are ten co-ordination teams led by local co-ordinators in each canton of FBiH, one at the level of institutions in FBiH, and one in BD BiH. The Co-ordinator for CTHB in RS co-ordinates work of six regional teams established in accordance with the jurisdiction of each prosecutor's office.

Established in 2003 as an operational body at the State-level, the Strike Force for CTHB should enhance anti-trafficking operations at the State-, entity- and BD BiH-levels. Chaired by the Chief Prosecutor of the Prosecutor's Office of BiH, the Strike Force comprises representatives of prosecutor's offices, law enforcement and tax agencies from various levels of government across BiH.

The Rulebook on Protection of Foreign Victims of Trafficking, the Rules on Protection of Victims of Trafficking in Human Beings who are Citizens of BiH and the Guidelines for the Work of Competent Institutions and Authorized Organizations in Combating THB in BiH outline the responsibilities of the national referral mechanisms, understood as a co-operative framework through which governmental institutions fulfil their obligations to protect

and promote the human rights of trafficked persons, co-ordinating their efforts in strategic partnerships with civil society,² and detail how the respective institutions should address case of THB.

Mission contributions to CTHB

Embracing and promoting a victim-centric approach to CTHB, the Mission works with local partners and institutions to guarantee the protection and support of victims and to ensure that the required institutional and legislative tools are in place. The Mission's monitoring and reporting mandate is key in its CTHB efforts. In 2022, the Mission launched a public report based on ten years of trial monitoring, entitled [Ensuring Justice for Victims of Trafficking in Human Beings: Response of the criminal justice system in BiH](#), containing comprehensive analysis and specific recommendations targeting key actors.

In addition the Mission conducts a significant number of capacity-building activities, including training courses, workshops, [simulation-based exercises](#), and conferences, aimed at enhancing the adequate response to THB. The Mission's Trafficking in Human Beings: A Training Manual for Judges and Prosecutors helps institutionalize capacity-building programmes related to CTHB.³ The Mission also works with law enforcement agencies to strengthen their understanding of and ability to identify and deal with THB-related crimes effectively.

The Mission has developed several practical tools for use by law enforcement and prosecutor's offices. With a special focus on protecting victims, such tools include the Manual for Investigating Trafficking in Human Beings as well as the Case Law Compendium in Trafficking in Human Beings, which consolidates relevant judicial decisions for legal professionals, social workers, academics and others dealing with issues related to THB.

Given the nexus between mixed migration flows and human trafficking, the Mission works closely with OSCE field operations in the Western Balkans to strengthen regional co-operation in CTHB. To this end, the Mission translated and promoted a range of OSCE SR/CTHB publications, including [From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows](#) and the Uniform Guidelines for the Identification and Referral of Victims of Human Trafficking within the Migrant and Refugee Reception Framework in the OSCE Region. To improve the anti-trafficking response, the Mission translated several OSCE-wide publications aimed at strengthening a [gender-sensitive](#) and human rights-based approach to combating human trafficking, particularly in relation to persons with vulnerabilities such as [national minorities](#) and [persons with disabilities](#). It also actively advocated for the enhancement of anti-trafficking efforts related to [supply chains](#) and [IT-facilitated trafficking](#).

² ODIHR, National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, (2004), p.15

³ OSCE Mission to BiH, Training Manual for Judges and Prosecutors, (2018).

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OSCE Mission to Bosnia and Herzegovina

Fra Andela Zvizdovića 1, UNITIC Tower A
71000 Sarajevo
Bosnia and Herzegovina

Tel: +387 33 952 100
Fax: +387 33 442 479
press.ba@osce.org
<https://bih.osce.org/>

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