

# Combating Trafficking in Human Beings



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

## What is trafficking in human beings?

Often referred to as a modern form of slavery, trafficking

in human beings (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. **Means<sup>1</sup>** – 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 by domestic authorities to combat THB, significant shortfalls remain.

<sup>1</sup> The trafficking of children exists even in the absence of the means element.

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 tend to move quite slowly, and traffickers often alter their methods and practices, making it more difficult to detect and combat this lucrative criminal activity. Finally, even successful prosecutions rarely result in the awarding of compensation to victims.

### 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 in combatting THB. This included establishing a Special Representative and Co-ordinator 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, this Action Plan provides a comprehensive toolkit to assist participating States in fulfilling their commitments in combatting THB, including through repressing, prosecuting and preventing THB; protecting victims; and promoting partnerships between all actors involved in CTHB.

Co-ordination structures and domestic CTHB efforts in BiH

The BiH Ministry of Security's Department for Combating Trafficking in Human Beings (Department) leads in co-ordinating CTHB efforts in BiH.

In addition to gathering all data related to human trafficking, the Department supports the national anti-trafficking coordinator, the State Co-ordinator for CTHB and Illegal Migration in BiH (State Co-ordinator), established in 2004.

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 Brčko District of 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 adoption of the BiH Strategy for CTHB 2020-23 led to the introduction of new anti-trafficking co-ordination structures at all levels of government in BiH, including multi-disciplinary co-ordination teams in each entity and canton and in the Brčko District of 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, coordinating their efforts in strategic partnerships with civil society<sup>2</sup>, 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. Most recently, 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 to supporting the State Co-ordinator, the Mission conducts a significant number of capacity-building activities, including trainings, workshops and conferences, aimed at enhancing the judicial response to THB. The Mission's [Trafficking in Human Beings: A Training Manual for Judges and Prosecutors](#) helps institutionalize its capacity-building programmes related to CTHB<sup>3</sup>. 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 and 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](#).

<sup>2</sup> ODIHR, National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, (2004), p.15  
<sup>3</sup> OSCE Mission to BiH, Training Manual for Judges and Prosecutors, (2018).

For more information, scan the QR code.

