

## GENDER PARTICIPATION – GENDER PROTECTION PENDULUM

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**Abstract:** International law safeguards our universal commons and international peace and security while protecting those the most vulnerable to human rights abuses, such as participants in existing migration towards the European Union. This article aims to shed light on the link between two international law fields: gender equality and the protection of victims of human trafficking among migrants who diverted their journey through the Western Balkan Route embracing Bosnia and Herzegovina since 2018. The research's relevance is found in statistics from 2018 to 2022 and recent studies on the inadequate protection of migrants from human traffickers and smugglers along the Western Balkan Route.

Thus, the article argues that the gender inequality in the law enforcement agencies in Bosnia and Herzegovina hinders proper identification and protection of VHT in joint migrations of men, women and children, enabling their further trafficking towards the European Union. The methodological framework includes the desk analysis of the gender mainstreaming legal framework and goes over international and national regulations on combating human trafficking. Qualitative research on the main impediments to the identification of the victims of human trafficking includes responses from NGO practitioners mandated to protect migrants in the temporary reception centres in Bosnia and Herzegovina, highlighting the presence of the VHT among migrants.

Research results present the flagship components of migrants' negligence in reporting human trafficking; one of the principal reasons is their non-confidence in law enforcement agencies, which are seriously discriminated against women regarding participation and management position holding. The article demonstrates the intersectionality of international law focus areas in the gender participation-gender protection pendulum and urges for increased participation of women in the security sector of Bosnia and Herzegovina and enhanced protection of the victims of human trafficking through international law implementation.

**Keywords:** gender, migration, human trafficking, Bosnia and Herzegovina

### Introduction

Over 80 000 migrants were registered in Bosnia and Herzegovina from 2018 to 2022 who continued their journey en route to the European Union countries (from now on, the EU). They were men, women and children from Afghanistan, Pakistan, Syria, Iraq, Bangladesh, Iran, Morocco, Algeria and other overseas countries travelling primarily according to the smugglers' rules and directives, having that the EU regulations and enhanced surveillance and border protection hinder their regular entrance in the fortress. Migrants travelling in the mixed migration flow through the Western Balkan Route are at high risk of human trafficking

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committed by organised criminal groups of migrants' smugglers and serious human rights violations by predominantly masculine law enforcement agencies. Migrant women and girls face the intersecting realities of migration and being women. This must be considered in all migration, integration and asylum policies and programmes (Council of Europe, 2023a). According to the recent report of the European Parliament, many victims of human trafficking (from now on, VHTs) remain undetected, traffickers are unprosecuted, and the available official statistical data does not reflect the situation adequately (European Parliament, 2021).

Combating human trafficking among migrants through the Balkans is not a passive, one-way process done by authorities. On the contrary, it is closely bound to whether those detected assess it as beneficial to them, introducing an additional level of complexity in identifying VHTs in a population of the move (Brunovskis & Surtees, 2019; Jerkovic, 2021). However, given the complexity of the detection and identification of VHTs within the migration participants and the statistics showing 71% of female VHTs (Women Political Leaders, 2020), functional law enforcement agencies are to embrace males and females as active agents, from the lowest to the top management levels. Stevens and Aldrich highlight that policemen are well-trained, muscular, aggressive, unfeeling and brutal. On the contrary, policewomen are sensitive, kind, and motherly and have lesser stamina (Stevens & Aldrich, 1985: 59). Only the combination of both can adequately treat serious crimes of our era.

Aiming to maintain global peace and security, since 2000, the United Nations Security Council has been promoting gender mainstreaming and the introduction of gender equality in national and international security contingents. Moreover, to defend human rights and defeat the forces of crime, corruption and trafficking in human beings, the United Nations member state ratified the Convention against Transnational Organized Crime and two subsequent protocols related to the prevention, suppression and punishing of trafficking in persons, especially women and children and smuggling of migrants by land, sea and air. Bosnia and Herzegovina (from now on, BiH) ratified these instruments, aiming to cope with and adequately respond to these actual global security phenomena by introducing internationally recognised standards in the national legal texts. However, when it comes to practice, the statistic and research results show the intimidating low level of female police officers and the low level of VHTs detected.

Thus, the first part of the article sheds light on the human trafficking and smuggling of migrants' legal threshold. It also goes over the international law on gender in peace and security and their translation into national texts and practice in BiH. The second part highlights the main impediments to identifying VHTs among migrants in BiH. The third part presents the results of field research on why VHTs do not report traffickers in the existing movement without identification documents. The article confirms the wording of Nadia Murad, 2018 Nobel Peace Prize Laureate: 'The reason behind the trafficking is the same: women are still seen by many as objects (Women Political Leaders, 2020)'.

## **1. The positive obligations for investigation and gender mainstreaming**

Half of our globe population goes to women considered as the weaker sex that should be protected by men and rather stay in the private areas without interference in politic, policy creation, security, and peace. The position of woman, as passive victim of males' serious politics, actions, armed conflicts and war, was very often at the international legal

arena led by male lords of the world order. Since 2000 the bridge for women's access in the male world of peace and security was established, making women as active agents.

#### A) Human trafficking and smuggling of migrants' legal threshold

BiH has a positive obligation to take all appropriate measures to combat and prevent the trafficking of human beings and protect the victims in the existing mixed migration flow through the country. As the state party to the Convention against Transnational Organized Crime (United Nations Convention against Transnational Organized Crime adopted by the UN General Assembly on 8 January 2001, A/RES/55/25UN) and its Protocols related to the prevention, suppression and punishing of trafficking (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime adopted by the UN General Assembly on 15 November 2000 (2000a)) and smuggling of migrants (Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime adopted by the UN General Assembly on 15 November 2000 (2000b)), BiH adopted legislative and other measures to prevent and combat transnational organised crime and to assist and protect victims of such crimes. Due to the transnationality of human trafficking and smuggling of migrants, competent authorities may establish joint investigation bodies or conduct joint investigations on a case-by-case basis (UN General Assembly, 2001, Article 19) based on the Convention or bilateral or multilateral agreements or arrangements on direct cooperation between law enforcement agencies (UN General Assembly, 2001, Article 27).

The Palermo protocol<sup>70</sup> enshrines the obligation of the signatory states to take all appropriate measures to prevent and combat trafficking in persons, to protect and assist the victims of such trafficking, and to promote cooperation among states (Article 2). It introduced the definition and various forms of human trafficking with the aim of the criminal justice reaction. Additionally, the Council of Europe Convention on Action against Trafficking in Human Beings 'defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention introduces human rights and a victim-centred perspective providing for a series of rights for VHTs, in particular, the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered (Council of Europe, 2023b).' Two bodies monitor the implementation of this Convention. The first is GRETA groups of experts, while the second body has a political character; the Committee consisted of the Parties to the

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<sup>70</sup> Referred to Protocol to Prevent, Suppress and Punish Trafficking in Person Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted and opened for signature, ratification and accession by General Assembly Resolution 55/25 of 15 November 2000. The Protocol is also named as the international prevention, protection and prosecution framework or SP's Protocol. The main criticism goes to overemphasized prosecution, while prevention and protection stay at the low-level states policies. The overall protection and prevention framework is more alarming among VHTs in migrants' population in transit countries, such as Bosnia and Herzegovina whose agencies are more focused to irregularities of migrants than to rights, they are as human beings entitled to.

Convention (Council of Europe, Council of Europe Convention on Action against Trafficking in Human Beings, 16 May 2005, CETS 197, Chapter I, Article 1, par. 2, Chapter VII, Article 36. and 37.).

The Directive of the European Union on preventing and combating trafficking in human beings and protecting its victims (European Union (2011) Council of the European Union, Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, 15 April 2011) provided a legal basis for a robust criminal justice response and high standards of protection and support to victims. However, as the modus operandi for this crime constantly evolves, the national, regional and international combating capacities should be strengthened, too (European Commission, 2022).<sup>71</sup>

The legislative framework of BiH on the trafficking of human beings and the smuggling of migrants aligns with international and regional conventions. Due to the country's complex political, legislative and judiciary structure, criminalisation of human trafficking is addressed at entity levels, Brčko District and the level of state. Thus, the BiH Criminal Code, Article 186 'criminalised sex trafficking and labour trafficking only in cases where the victim was exploited in a country where he or she did not reside or have citizenship. It prescribed penalties of one to 10 years imprisonment (United States Department of State, 2022; Criminal Code of Bosnia and Herzegovina, BiH Official Gazette No. 3/2003, 32/2003, 37/2003, 54/2004, 61/2004, 30/2005, 53/2006, 55/2006, 8/2010, 47/2014, 22/2015, 40/2015, 35/2018, 46/2021 and 31/2003)'. Articles 210a and 210b of the Federation's criminal code criminalised sex and labour trafficking and prescribed a minimum penalty of five years imprisonment (Criminal Code of the Federation of Bosnia and Herzegovina, FBiH Official Gazette No. 6/2003, 21/2004, 69/2004, 18/2005, 42/2010, 42/2011, 59/2014, 76/2014, 46/2014, 75/2017 and 21/2023).

Article 145 of Republic of Srpska criminal code criminalised sex and labour trafficking and prescribed a minimum penalty of three years imprisonment. The Republic of Srpska entity amended Article 146 to increase the minimum sentence for child trafficking from five to 20 years (Criminal Code of the Republic of Srpska, RS Official Gazette No. 64/2017, 104/2018, Decision No.15/2021, 89/2021) Article 207a of Brčko District's criminal code criminalised sex and labour trafficking and prescribed a minimum penalty of five years imprisonment' (United States Department of State, 2022; Criminal Code of Brčko District, BiH Brčko District Official Gazette No. 19/2020).

### B) Gender mainstreaming in law enforcement agencies' legal threshold

The legal basis for introducing gender equality and eliminating discrimination in the BiH institutions, inter alia, the security sector, stems from international and national documents. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (from now on, CEDAW) laid the foundation for women's human rights. CEDAW

<sup>71</sup> Duo to the seriousness of the crime, the European Commission proposed stronger rules to fight the evolving crime on 19 December 2022. The new rules will include forced marriage and illegal adoption, offences committed or facilitated through information and communication technologies, formal national referral mechanism as a basis for a European referral mechanism, EU-wide annual data collection and stepping up demand reduction (European Commission, 2022).

introduced the term 'discrimination' in the international discourse and recognised the special measures as the bridge towards accelerated gender equality (United Nations' General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, adopted and opened for signature, ratification and accession by General Assembly Resolution 34/180 of 18 December 1979, Article 3, Article 4. and Article 5).

Two decades after the CEDAW adoption, the Beijing Declaration and Platform for Action was adopted unanimously by 189 countries in 1995, shedding light on the obstacles to women's full equality. Twelve critical areas were recognised where urgent international and national actors should work to protect the human rights of women, such as women and poverty, education and training, health, violence against women, armed conflict, economy, women in decision-making positions, institutional mechanisms, media, environment and the girl child (UN Women, 2023). As particularly vulnerable persons to the gravest forms of violence, the Platform listed women participating in migration, such as refugees, internally displaced persons, immigrants and emigrants. According to the Mission Statement, the principle of shared power and responsibility should be established between women and men at home and in the workplace...as a condition for social justice, equality, development and peace (United Nations, Beijing Declaration and Platform of Action, adopted at the Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995)).

Moreover, recommendation CM/Rec (2007)7 of the Committee of Ministers is based on equality. According to the same principle, 'public authorities...shall not discriminate between private persons on grounds such as sex, ethnic origin, religious belief or other conviction. Any difference in the treatment shall be objectively justified (Council of Europe: Committee of Ministers, Recommendation CM/Rec(2007)7 of the Committee of Ministers to Member States on good administration, adopted by the Committee of Ministers on 20 June 2007)'. On their gender equality paths, member states shall adopt and implement national strategies and action plans, indicators to measure progress, regularly report on the implementation and revise to achieve set goals (Ministry of Human Rights and Refugees of Bosnia and Herzegovina, 2018).

Regarding the security sector and gender mainstreaming, the United Nations Security Council unanimously adopted the 1325 Resolution in 2000 (UN Security Council, Security Council resolution 1325, 31 October 2000, S/RES/1325 (2000)). 'It was a firstborn of the Women, Peace and Security Agenda (from now on, WPS) that urges the UN member states to achieve gender-balanced security sectors based on its four pillars: participation, prevention, protection and relief and recovery (Jerković, 2022: 141)'. The WPS Agenda is an international framework 'with nine more resolutions, two on agenda settings (1325, 2242), three on participation (1889, 2122, 2493), and four on protection (1820, 1888, 1960, 2106, 2467) (OECD DAC Network on Gender Equality, 2020:2)'. BiH was the first country in the WBR who adopted the National Action Plan for the Implementation of the UNSCR 1325 in 2010. However, a deficient number of female police officers in BiH law enforcement agencies urges further action of the Security Council towards the WPS Agenda implementation for international peace and security.

Gender equality is the crucial rule of law principle in the EU enlargement process. Bosnia and Herzegovina should adopt the EU *acquis* as the state for accession to the EU, meaning rights and obligations that all EU member states should follow. According to the EU Charter of Fundamental Rights 'equality between women and men must be ensured in all

areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex (European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02, Title III 'Equality', Article 23 'Equality between women and men'). However, according to the UN Women, the BiH legal framework is gender-blind and does not actively promote gender equality in private and public life (UN Women, 2023). When it comes to the security sector, the situation is even more alarming. The participation of women police officers within 16 law enforcement agencies in Bosnia and Herzegovina varies from 8% to 15%, who predominantly (95 %) hold low-level positions.

According to the BiH Law on Prohibition of Discrimination, 'legislative, judicial, executive authorities, legal persons and individuals with public authorities ensure protection, promotion and creation of conditions for equal treatment (Law on Prohibition of Discrimination (2009), BiH Official Gazette No. 59/09, published on 28 July 2009, entered into force on 5 August 2009, Chapter I, Article 1.)'. Discrimination includes direct and indirect discrimination, harassment, sexual harassment, mobbing and segregation. Moreover, the same Law forbids instructions to discriminate and assist others in discrimination (Article 4, paragraph 5.) On the basis of Article 5, adopting temporary special measures shall not be considered discriminatory if based on objective and reasonable justification to enable full participation of under-represented gender in all spheres of life (Article 5.)

The Law on Gender Equality in BiH (Law on Gender Equality in Bosnia and Herzegovina – consolidated version, Official Gazette of BiH, No. 32/10) forbids gender discrimination. It prescribes the obligations of authorities to take all appropriate steps to enforce the implementation of the Law by the adoption of planned measures designed to achieve the equal treatment of the sexes in all fields and all levels of governance. With that aim, the authorities should enact new legislation amendments and ensure gender-disaggregated data in private, state and public organisations and institutions is accessible to the general public (Article 21.) The same law establishes legal standards and a baseline for the Gender Action Plan (from now on, GAP BiH).

The GAP BiH is a strategic framework document for the inclusion of the principle of gender equality and elimination of discrimination that is the most evident in the security sector (Ministry for Human Rights and Refugee of Bosnia and Herzegovina, Gender Equality Agency of Bosnia and Herzegovina, 2018). Thus, strategic goal number one of the GAP BiH 2018-2022 defines measures advancing gender equality within governmental institutions. Among seven priority areas, there are: 'preventing and combating gender-based violence, including domestic violence and trafficking in human beings' and 'gender and security' (Ministry for Human Rights and Refugee of Bosnia and Herzegovina, Gender Equality Agency of Bosnia and Herzegovina, 2018:10).

Besides the international and national legal framework and established strategies, all law enforcement agencies in BiH are discriminatory when it comes to the participation of female police officers. As such, they cannot combat crimes with predominantly female victims, such as domestic violence and trafficking in human beings. Research shows that 'one of every two women in BiH experienced some type of domestic violence and that this problem was underreported because most victims did not trust the support system (police, social welfare centres or the judiciary) (United States Department of State, 2018)'. Even worse, VHTs do not trust the BiH law enforcement agencies and are unwilling to report the crime. As the desk



analysis highlights, national gender mainstreaming regulations were introduced in 2009, prescribing the key measures and actions for security institutions to achieve gender equality and elevate the percentage of women up to 40%. Notwithstanding, the portion of female police officers remains significantly below the set rate (Jerković, 2022).

The BiH legislation is in line with the international and regional texts on combating human trafficking and gender mainstreaming. Regarding the VHTs identification among migrants the legal framework is defined in the Criminal Code of BiH, the basis for international human trafficking investigation by police agencies at the national level. However, besides the impeccable national legal framework on gender mainstreaming within police agencies, the serious underrepresentation of women is persistent what urges for special measures introduction in accordance with adopted international texts, national laws and related strategies.

## **2. The main impediments to international law implementation**

International areas of gender and security correspond to the global voice for combating human trafficking and smuggling of people aiming to protect the most vulnerable cohabitants of our planet. Gender mainstreaming and sufficient participation of women in the police are crucial for combating serious crimes with many female victims. On the contrary, gender-biased police agencies in the WBR are seen as the institutions to address in case of emergency but are also feared due to violence and corruption (Jovanović, Besedić, 2020). Thus, according to Sida's report, 'gender inequality breeds corruption and vice versa: corruption exacerbates gender inequalities. It disrupts efforts to combat human trafficking, enabling traffickers to go unpunished (Sida, 2015:1)'. In its third report on BiH, GRETA urges the BiH authorities to pay increased attention to detecting VHTs amongst migrants and asylum seekers by conducting gender-sensitive interviews (GRETA, 2022). Last but not least, 'equality between women and men means not only non-discrimination on the grounds of gender but also positive measures to achieve equality between women and men (Council of Europe, 2005:35)'. This mechanism is underrepresented in the international and BiH security arena.

### A) The critical hindrance in the identification of VHTs in Bosnia and Herzegovina

Besides the gender-mainstreaming discourse on the international agenda on human trafficking, legal or policy anti-trafficking instruments do not offer guidance on the gender-sensitive approach implementation (OSCE, 2021). The literature review shows many obstacles to identifying VHTs among migrants who suffer various hardships and adversities (Balkans Migration and Displacement, 2022) travelling through the Balkans. According to the OSCE Assessment on Migrants and Refugees Situation in Bosnia and Herzegovina, there are no uniform instructions on the correct procedure for approaching and screening migrants, which weakens the institutions' ability to effectively identify potential victims among the migrant and refugee populations (OSCE, 2018:7). Moreover, there is no consistent workflow for identifying VHTs and referral mechanisms depending on the specific situation of migrants.<sup>72</sup> Service

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<sup>72</sup> Migrants could be victims of human trafficking within the temporary reception centres in Bosnia and Herzegovina, and in outreach. They could be women and men, unaccompanied children (boys and girls)

for Foreigners' Affairs representatives state that they have not received uniform guidelines for handling migrants and refugees in vulnerable situations, with no internal infrastructure to adequately respond within their legal mandate (OSCE, 2018). Regarding relevant law enforcement agencies, their officials have not received the appropriate tools and training to effectively respond to cases involving migrants and refugees, particularly cases of potential human trafficking or gender-based violence (OSCE, 2018:7, OSCE 2021).

Additionally, the gender participation gap in responsible law enforcement agencies leads to such agencies' lower capability for investigating human trafficking. Given the 71% of female VHTs, the statistics show the incapability of masculine law enforcement agencies to respond to such a serious phenomenon. Predominantly male law enforcement agencies perceive migrants as illegals rather than human beings with guaranteed human rights. When it comes to children in migrations, the existing procedures hinder the identification of accompanied children and thus enable their trafficking towards the EU (Jerković, 2021). Girls who travel through the Balkans experience a general sense of disorientation due to the violence and brutality by the police. At the same time, they all were in contact with distant and fearsome smugglers at some point in their journey (Krašić, 2021).

All obstacles mentioned above lead to a data gap since people are challenged to track when they move, and families with uncertain legal status are often missed in official statistics. Thus, in 2020 there was only one case of international human trafficking reported to the State Prosecutor's office. 'State courts convicted one trafficker in 2021, compared with no convictions in 2020 (United States Department of State, 2022)'. It was a female victim of human trafficking who reported the case to the police and was ready to cooperate with the authorities until the legal procedure finalisation. Some of the worst violations of children's rights are also regularly under-reported (Unicef, 2017: 68). However, among the children in migration, there is evident fear of smugglers who lead the journey through the WBR. In this way created entourage, any act of disloyalty would be punished (Jovanović, Besedić, 2020) and VHTs would not be able to continue 'the game' and reach the EU.

### B) The main obstacles to gender equality in law enforcement agencies

Equality between women and men means not only non-discrimination on the grounds of sex but also positive measures to achieve equality between women and men while preventing crimes, protecting VHTs and prosecuting the perpetrators (Council of Europe, 2005). Notwithstanding, gender discrimination in the security sector highlights the void between normative texts and their implementation. Even more, 'patriarchy, inequalities, militarised masculinities and discriminatory power structures inhibit effective conflict prevention, inclusive peace, women's rights and participation (PeaceWomen, 2020)'. Additionally, 'in most societies, there's an inherent belief that men are better equipped to handle certain jobs (Human Rights Careers, 2023)', such as police work. The job announcements for the deployment of the police are discriminatory in language, posing the age limit and physical appearance. Moreover, women are discriminated against since there is no legal mechanism for maternity leave regulations (United States Department of State, 2018).

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and accompanied children registered as members of false families. VHTs could be boys and minors, registered and settled in men's camps, such as Blažuj camp in Sarajevo.



Moreover, gender focal points in the law enforcement agencies that combat human trafficking and smuggling of migrants are underestimated and unpaid. The management of the agencies does not support their work or consult them during the deployment and promotion of police officials. The gender and UNSCR 1325 framework strategies are not implemented. Profoundly rooted political influence plays a vital role, especially in the promotion into decision-making positions. Gender-sensitive language does not function in any of these agencies due to the existing Law on Police Officials recognising men-only ranks. Additionally, 'female police officers and managers are reluctant to use the ranks in female forms (Jerković, 2022: 141)'. Moreover, special affirmative measures until the gender balance is reached in law enforcement agencies are not introduced, causing the stagnation and reduced number of female police officials. Last but not least, 'the overall mindset of a society significantly impacts gender inequality... It's common for everyone (men and women) to ignore other areas of gender inequality such as better representation of women in leadership. These mindsets exacerbate gender inequality and delay significant change (Human Rights Careers, 2023)'.

All obstacles mentioned-above confirm the WPS Agenda suggestion on the necessity for establishment of mechanisms for holding states that do not implement WPS resolutions (Unrcca, 2020).

### **3. The first-line officials' point of view**

Push and pull factors attracting human trafficking and smuggling correlate in mixed migration flow. Push factors include, among others, poverty, unemployment, lack of social security, gender inequalities, conflicts and violence. Pull factors include promises of steady employment, better living conditions and demand for cheap unskilled labour and sexual services (UNODC, 2004). Having the alarmingly low rate of detected cases of human trafficking within the existing mixed migration flow through BiH, for the sake of this article, the survey questionnaire has been prepared and disseminated within the temporary registration centres in Blažuj (where mature male migrants are settled) and Ušivak (opened primarily for families and unaccompanied children), situated in Sarajevo Canton. The survey's primary purpose was to collect information about the main impediments to identifying VHTs among the migrant population from NGO members point of view who work directly with migrants. Following the limited literature on human trafficking in the migration through the WBR, this part presents the main findings on the impediments to the VHTs identification in BiH.

#### A) Research sample and tools

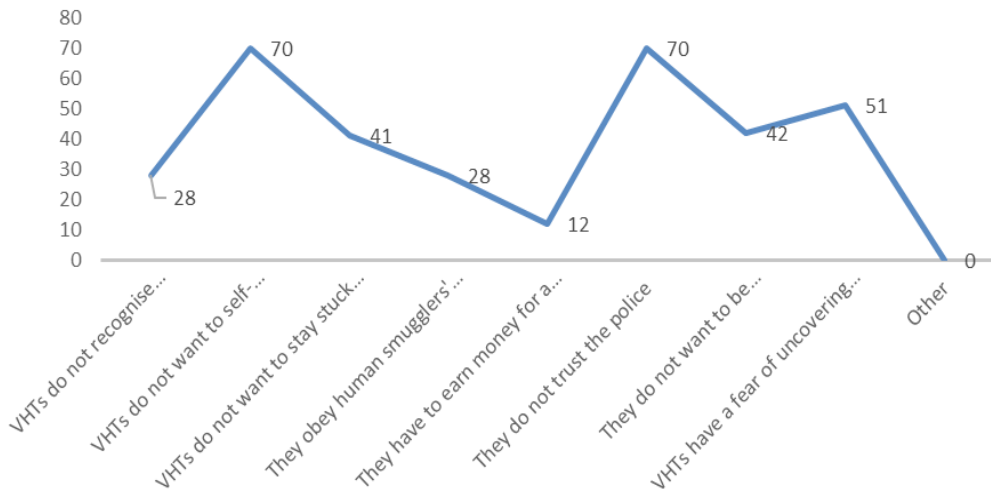
The survey questionnaire consisted of six questions. The first question was regarding the gender of participants, while in the second, the participants indicated the specific organisation they work for. Participants responded by circling YES or NO for the third and fourth questions. The third was an affirmative sentence: Existing migrations through the Western Balkan Region include victims of human trafficking who travel along with migrants. Next, the fourth affirmation followed: VHTs can be easily recognised among the migrant population in Bosnia and Herzegovina. The fifth was an open question to be responded to if participants responded affirmatively to the fourth question: 'If your answer to the 4<sup>th</sup> question is YES, please indicate the most usual indicators for VHTs recognition.'

The sixth was consisted of an affirmative phrase with established responses, responded by participants having a negative answer to the fourth question. The participants could circle one or more offered affirmations. Thus, to the sixth question: If your answer to the 4th question is NO, please specify the critical impediments to recognising VHTs among the migrant population. Established options to be chosen were: VHTs do not recognise themselves as victims of HT; VHTs do not want to self-identified themselves as victims; VHTs do not want to stay stuck in B&H; They obey human smugglers' rules and even accept to work for them during the journey; They have to earn money for a further journey towards the EU; They do not trust the police; They do not want to be returned to their countries of origin; VHTs have a fear of uncovering human traffickers; Other.

B) Research results and analysis

Seventy-three officials, forty females and thirty-three males, participated in the survey during April and May 2023. Seventy participants, or 95%, think VHTs do not trust the police and are unwilling to self-identify as victims. Fifty-one, or 70%, believe that VHTs fear uncovering human traffickers. Twenty-eight participants, or 38%, believe that VHTs do not recognise themselves as victims and obey smugglers' rules working for them. VHTs do not want to stay stuck in Bosnia and Herzegovina, and they do not wish to return to their countries of origin are impediments, according to 55% of participants. Twelve participants, or 16 %, anticipate that VHTs must earn money for further travelling towards the EU.

**Q6: IMPEDIMENTS TO THE VHT IDENTIFICATION**



**3.1.** Q6 research results on the critical impediments to recognising VHTs among the migrant population (one or more options could be circled).

## Conclusion

Organised criminal groups continue to profit from the exploitation of participants of international migration in all regions, including the WBR. This article endeavoured to fill the void and break the silence on human trafficking among migrants in BiH. The paper aims to fill the existing gap in the literature on VHTs in the international mixed migration flow through BiH, aligning with the Convention's proposals on consultations with the academic community on human trafficking and the smuggling of migrants. The first part of the article shows the compliance of the BiH legislation with the international legal threshold on serious crime investigation, such as human trafficking and smuggling of migrants from one side and gender and security from the other.

However, the main obstacle to increased women's participation within the security sector is the non-implementation of international and national legal obligations. The predominantly masculine security sector still discriminates against women, with an average of 9% of female police officials, as the second part reveals. Discriminatory law enforcement agencies are not worthy of women's trust and the trust of vulnerable groups in migration through the WBR, such as migrants and VHTs. Lack of confidence is one of the reasons for the low-level rate of identified VHTs among migrants in BiH. Moreover, the gender participation gap in responsible law enforcement agencies leads to such agencies' lower capability for investigating human trafficking and identifying and protecting VHTs. The second part reveals deeply rooted traditional stereotypes on the roles of men and women and the prevailing perception of police as a job for strong men. The role of gender focal points is seriously underestimated in such an entourage, which perceives women as victims and passive objects rather than as active participants in various spheres of social life and security.

Thus, the third part confirms the set hypothesis that predominantly masculine law enforcement agencies cannot adequately protect and respond to the needs of the VHTs. As 95% of humanitarians and non-governmental officials in TRCs in BiH argue, VHTs among migrants do not have confidence in the police officials in Bosnia and Herzegovina, what is one of the main impediments to revealing and investigating such cases. Even more, victims of serious crimes do not trust police agencies predominantly consisting of males. To respond to and prevent human trafficking and other serious crimes, this article advocates for gender mainstreaming and gender equality in the security sector for law enforcement efficiency. Gender-sensitive approaches are to be established and implemented during the deployment of new police officials, their further promotion and assignment to combating specific serious crimes, such as the trafficking of human beings among migrants, where a victim-centred approach is crucial.

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## **Annex 1: The Survey Questionnaire: Victims of human trafficking among the migrant population in Western Balkan countries; the identification impediments.**

Dear Sir, Madame,

In the context of the preparation of the Article titled “Gender participation-gender protection pendulum”, I am surveying human trafficking victims and their identification in Bosnia and Herzegovina.

Through this survey, I would like to determine your opinions on the VHTs main identification impediments.

You participate in this survey by filling out the questionnaire below, which takes 5 minutes.

Please fill out the questionnaire and help me to gather data from the most relevant participants, who can present significant concerns from the field.

I am sincerely grateful for your cooperation.

Sarajevo, April 2023

Nermina Jerković

Top of the form

1. Gender
  - Female
  - Male
2. Workplace (please indicate the specific organisation you are deployed by)
3. Existing migrations through the Western Balkan Region include victims of human trafficking who travel along with migrants.
  - YES
  - NO
4. Victims of human trafficking can be easily recognised among the migrant population in Bosnia and Herzegovina.
  - YES
  - NO
5. If your answer to the 4<sup>th</sup> question is YES, please indicate the most usual indicators for VHT recognition.
6. If your answer to the 4<sup>th</sup> question is NO, please specify the critical impediments to recognising VHT among the migrant population (Circle one or more options).
  - VHTs do not recognise themselves as victims of HT;
  - VHTs do not want to self-identified themselves as victims;
  - VHTs do not want to stay stuck in B&H;
  - They obey human smugglers' rules and even accept to work for them during the journey;
  - They have to earn money for a further journey towards the EU;
  - They do not trust the police;
  - They do not want to be returned to their countries of origin;
  - VHTs have a fear of uncovering human traffickers;
  - Other.

Thank you for your participation.

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