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Combating Trafficking in Human Beings and Labour Exploitation in Supply Chains Analysis of Legal, Institutional and Policy Framework in Bosnia and Herzegovina



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Analysis of Legal, Institutional and
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Introduction

Trafficking in human beings (THB) for labour exploitation is a complex phenomenon in and a pressing issue in that today's global economy, which is characterized by highly complex and multi-layered supply chains containing goods, materials, and labour from all corners of the globe.

The problem has been recognised at the international level since the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo protocol)¹. This instrument, as well as the Council of Europe Convention against THB² oblige States to prevent, investigate and punish THB. States then pass on these international obligations regarding THB towards private actors including companies by implementing national laws and policies. The 2013 Addendum to the Organization for Security and Co-operation in Europe (OSCE) Action Plan to Combat THB included provisions related to procurement for participating States as well as for OSCE structures.³ OSCE Ministerial Decision on Strengthening Efforts to Prevent Trafficking in Human Beings that calls on participating States to develop targeted prevention policies; promote co-operation among governments, civil society and international organizations; develop harmonized procedures across States.⁴

States' obligations to protect persons from harmful acts of business actors are further defined by the United Nations (UN) Guiding Principles on Business and Human Rights (UNGPs). The UNGPs were unanimously endorsed by the UN Human Rights Council in 2011⁵. They affirm a states' overarching duty to protect human rights, including against abuses by third parties such as corporations and other businesses. They also emphasize the independent corporate responsibility to respect human rights through steps to ensure that their own activities do not infringe the rights of others. One of the key measures to achieve that the human rights due diligence (HRDD), which is defined as steps a business takes to identify, prevent, mitigate and explain its impacts on human rights.

Since the adoption of the UNGPs significant efforts have been made to translate these requirements into practice, both on an international and domestic level. Many states have adopted legislation and introduced policies to improve accountability of the business sector for human rights protection overall, and for protection against labour exploitation in particular.

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, 2000.

² Council of Europe, *Convention on Action against Trafficking in Human Beings*, 2005

³ 2013 Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later. PC.DEC/1107/Corr.1, 6 December 2013, paras. 1.6 -1.7.

⁴ MC.DEC/6/17

8 December 2011

⁵ See (<https://www.business-humanrights.org/en/big-issues/un-guiding-principles-on-business-human-rights/>, 17 August 2023).

Group of Experts on Action against Trafficking in Human Beings (GRETA)⁶ considers that the authorities of BIH should proactively engage with the private sector, in line with the UNGPs, with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking in their supply chains.⁷

In order to ensure that BIH international legal obligations and political commitments are accurately reflected in BIH anti-trafficking strategic documents, there has been a need to prepare a legislative gap analyses and mapping of the relevant actors with a view to address the identified gaps through the new Strategy for CTHB 2024-27 and the relevant action plans.

Accordingly, this study provides the required gap and mapping analysis in order to identify the measures that are relevant to the BIH duty to protect human rights against violations by business, particularly by addressing risks of labour exploitation through public and private supply chains.

The analysis first provides an overview of the relevant international standards in the prevention of labour exploitation within the supply chains. These standards are contained in a range of instruments, including both legally binding treaties, such as conventions of the International Labour Organization (ILO), and soft law mechanisms, like the UNGPs, which have become a benchmark for assessing corporate social responsibility. Some of these instruments are binding only on states, while others speak directly to businesses. Furthermore, some relevant instruments govern broader issues, such as business and human rights field in general, or action against human trafficking, whereas others deal specifically with labour exploitation in global value chains. Notwithstanding such diversity of sources, they coalesce around several key principles and standards that govern state and business practice in this field.

The analysis furthermore identifies key stakeholders that are responsible for implementing the required standards and addressing risks of THB and labour exploitation in supply chains as well as recommended policies and practices necessary for achieving this goal. It sheds light on the crucial contributions of business sector, chambers of commerce, the human rights Ombudsman, and civil society in fostering policy advocacy, education, stakeholder engagement, and human rights due diligence. Active collaboration between these actors can create fertile ground for tackling labour exploitation and human trafficking in their supply chains.

An overview of the relevant international standards and key stakeholders responsible for addressing THB and labour exploitation in supply chains is followed by a discussion of the situation in BIH and its legal, policy, and institutional framework relevant for this issue. The study reflects on the National Strategy and Action Plan on Prevention and Suppression of Trafficking in Persons⁸ and considers the relevant institutions and other actors across all levels of jurisdictions in BIH that are responsible for anti-trafficking efforts. Particular focus is placed

⁶ GRETA is an expert body established established to monitor the implementation of the Council of Europe Convention against THB.

⁷ See (<https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-bosnia-and-herzegovina>, 17 August 2023).

⁸ See (<https://elearningapi-thb.msb.gov.ba/api/Documents/download/2>, 17 August 2023).

on discussing the roles of labour inspections, Public Procurement Agency, and Chambers of Commerce.

The study concludes by offering a set of recommendations for future action in BIH in order to effectively tackle THB and labour exploitation in supply chains. Some of these will require additional research and investments/projects, and others can be implemented through existing mechanisms. The recommendations are addressed to all identified stakeholders that can play a role in preventing and combating human trafficking and labour exploitation.

I. Trafficking in Persons in Bosnia and Herzegovina- A Short Overview

Bosnia and Herzegovina is the country of origin, transit and final destination for victims of human trafficking. Human traffickers exploit victims of human trafficking in organized prostitution and other forms of sexual exploitation, labour exploitation, especially for the purpose of organized forced begging and committing criminal acts, and for the purpose of concluding arranged and forced marriages. The total number of identified potential victims of human trafficking in Bosnia and Herzegovina during 2022 was 38; of which 30 victims are female, and 8 victims are male; 9 victims are adults (8 are female and 1 male), and 29 victims are minors (23 are female and 6 are male). The forms of exploitation registered during 2022 were: 16 begging, 8 sexually exploited, 5 labour exploitation, 2 forced marriages and 7 other forms of exploitation; 32 victims are citizens of Bosnia and Herzegovina, 5 victims are foreign citizens and one victim's citizenship is unknown. For the sake of comparison, a total of 57 potential victims of human trafficking were identified in 2021 in Bosnia and Herzegovina. For the criminal offense of human trafficking, the competent prosecutor's offices issued 8 orders to conduct investigations against 11 persons during 2022. For the sake of comparison, in the course of 2021, for criminal offenses of human trafficking, the prosecutor's offices in Bosnia and Herzegovina issued 9 orders to conduct investigations against 15 persons.⁹

During the year 2022, the competent prosecutor's offices filed 7 indictments against 8 persons for the criminal offense of human trafficking; For the criminal offense of organized international human trafficking, the competent prosecutor's offices filed 1 indictment against 1 person. For the sake of comparison, in the course of 2021, the prosecutor's offices in Bosnia and Herzegovina filed a total of 8 indictments against 14 persons for criminal offenses related to human trafficking. In 2022, the competent courts issued 5 judgments declaring the accused guilty of human trafficking, while there were no judgments acquitting the accused; For criminal acts of organized human trafficking, the competent courts pronounced 2 judgments declaring the accused guilty, while there were no judgments acquitting the accused; For criminal acts of organized international human trafficking, the competent courts issued 2 judgments declaring the accused guilty, while there were no judgments acquitting the accused. For the sake of comparison, in the course of 2021, for the criminal offenses of human trafficking and international human trafficking, the courts in Bosnia and Herzegovina issued one final conviction for 2 persons.¹⁰

⁹Ministry of Security of Bosnia and Herzegovina, Report on the situation in the field of human trafficking and on the implementation of the Strategy for Combating Human Trafficking in Bosnia and Herzegovina for 2021

¹⁰ Ministry of Security of Bosnia and Herzegovina, Report on the situation in the field of human trafficking and on the implementation of the Strategy for Combating Human Trafficking in Bosnia and Herzegovina for 2022

Most of the victims are children exploited through begging, primarily by family members. Due to their difficult socio-economic situation, members of the Roma community are particularly vulnerable to exploitation. As for other forms of exploitation, sexual exploitation mostly takes place in private accommodation. The largest number of victims are citizens of Bosnia and Herzegovina, while foreign victims are from Serbia, Montenegro, North Macedonia, Libya, Afghanistan, Syria, Iran, Sri Lanka and the Netherlands. Since 2018, Bosnia and Herzegovina has faced an increased influx of migrants and refugees as part of migration flows in the region towards Western Europe, including many unaccompanied children. Only a small percentage of them decided to request asylum in Bosnia and Herzegovina. Although persons on the move are particularly vulnerable to becoming victims of human trafficking, a smaller number have been identified among them.¹¹

1.1. Labour exploitation as an emerging form of trafficking in the country

Human trafficking for the purpose of labour exploitation in BiH has received more attention in recent years, which is, among other things, the result of projects implemented in cooperation with international organizations. As noticed in the recent research, the interviews conducted for the purposes of the study suggest that not many cases of labour trafficking are reported. Victims rarely report their experiences to the authorities, and relatively little is known about the recruitment of victims or methods of coercion and exploitation. In addition, ineffective coordination and cooperation between actors in combating human trafficking can create an environment in which labour trafficking goes unnoticed.¹²

Factors of risk and susceptibility to human trafficking for the purpose of labour exploitation are the economic and social environment, the state of the labour market, and the informal economy. According to the UN Human Development Index, Bosnia and Herzegovina is classified as a country with an upper middle income and is in 73rd place out of a total of 189 countries. The successive impact of the conflicts of the 1990s, economic transition, external economic shocks, austerity policies, weak growth and increasing inequality have led to the fact that a large part of the system of education, health care, social insurance and social assistance is unable to provide quality protection and equality access that citizens need. According to ILO data, the labour market situation in Bosnia and Herzegovina is one of the most problematic in the region.¹³ Employment and activity rates are still very low (38.6% and 47% respectively in 2021). Unemployment is still high despite the downward trend in recent years (19.1%), especially youth unemployment (34% in 2019). One out of four young people is neither in school, employed, nor in training. BiH has one of the lowest employment rates of women in the Balkans (about 27% in the first quarter of 2021), and women make up 57.2% of the unemployed.¹⁴ Informal employment in Bosnia and Herzegovina is relatively high, both in terms of the share of total production and the number of persons

¹¹ GRETA Expert Group for Combating Human Trafficking, Access to Justice and Effective Remedies for Victims of Human Trafficking, Third Evaluation Round, 2022

¹² Council of Europe, Labor trafficking in Bosnia and Herzegovina: risk factors, trends and challenges, 2022, p. 16.

¹³ International Labour Organization, About the ILO in Bosnia and Herzegovina, https://www.ilo.org/budapest/countries-covered/bosnia-herzegovina/WCMS_471903/lang--en/index.htm

¹⁴ https://bhas.gov.ba/data/Publikacije/Saopštenja/2020/LAB_03_2020_04_0_BS.pdf

employed in this way. According to ILO estimates, the share of informal employment in total employment in 2019 was around 30.5%.¹⁵

A high frequency of informal employment is also present in the agricultural sector, among the male population as well as persons with low education and qualifications. Informal employment contracts have the most vulnerable groups such as young people, women and the older age group who are on the margins of the labour market, given that they have just entered the labour market or are about to leave it.¹⁶

People with low education and qualifications, people from rural areas, and people from economically disadvantaged families or communities represent groups exposed to a high risk of informal employment.¹⁷ These data refer to the typical profile of victims of human trafficking and the sectors of the economy in which human trafficking for the purpose of labour exploitation takes place.

Employment remains a challenge, and decent working conditions are not guaranteed. The scope of this problem is particularly indicated by the spread of the informal economy, which is largely unregulated and unregistered, and is beyond the control of the state. It is known that the absence of effective enforcement of rules against violations of labour rights is associated with an increased risk of human trafficking for the purpose of labour exploitation. High exposure to risks combined with weak social protection coverage puts most workers in a very vulnerable situation.¹⁸

Vulnerable groups and profiles exposed to the risk of human trafficking for the purpose of labour exploitation are the following:

1. Young people. In social media ads, traffickers lure their victims with promises of financial stability and improved employment opportunities. However, in reality, the situation they find upon arrival at their destination does not resemble what was promised to them. According to civil society reports, victims from Bosnia and Herzegovina in European and other countries are often subjected to sexual exploitation and labour exploitation.¹⁹
2. Roma communities. Roma are still one of the most vulnerable groups in Bosnia and Herzegovina, which continues to face difficult living conditions and discrimination in terms of access to social protection, healthcare, employment and adequate housing. The overrepresentation of Roma among victims of human trafficking in Bosnia and Herzegovina indicates their "vulnerable position" in society, while the connection between the position of Roma on the labour market and the occurrence of labour exploitation is not paid any attention.²⁰

¹⁵ Overview of the informal economy in Bosnia and Herzegovina, https://www.ilo.org/wcmsp5/groups/public/-/europe/---ro-geneva/---sro-budapest/documents/genericdocument/wcms_751314.pdf

¹⁶ Oruč, N. and Bartlett, W., Labor Markets in the Western Balkans: Outcomes, Causes and Policy Options. Regional Cooperation Council, Sarajevo, 2018. (Labor Markets in the Western Balkans: Performance, Causes and Policy Options, Regional Cooperation Council, Sarajevo 2018.)

¹⁷ Western Balkans Labor Market Trends 2020, World Bank, 2020, available at: <https://wiiw.ac.at/western-balkans-labor-market-trends-2020-dlp-5300.pdf>.

¹⁸ Labor trafficking in Bosnia and Herzegovina: risk factors, trends and challenges, Council of Europe, 2022, p. 31.

¹⁹ Young people use art to raise awareness about the dangers of human trafficking | Bosnia and Herzegovina | World Vision International (wvi.org)

²⁰ Labor trafficking in Bosnia and Herzegovina: risk factors, trends and challenges, Council of Europe, 2022, p. 33.

3. Outsourced workers. The practice of "assignment" of workers, mostly men, who are directed to work in the transport and industry sectors by private agencies for mediation in employment, which conclude fixed-term contracts for workers and then "assign" them to another employer on the basis of a "contract on technical cooperation". This creates the possibility for the emergence of trade in labour force. It is stated that this practice is on the rise and is not regulated by existing labour regulations. Cantonal inspections could be encouraged to take steps against this abundance of undeclared work and employment in the "grey" economy. Legislators could discourage or eliminate this practice by banning it or regulating it.²¹
4. Migrants and refugees. The experience and data of the International Organization for Migration from the region indicate that migrants and refugees passing through the Balkan route are subjected to various forms of abuse and exploitation, including physical and mental abuse, deprivation of food and sleep, theft, imprisonment for ransom, and labour exploitation.²²

II. International standards in the prevention of labour exploitation within the supply chain(s)

This section provides an overview of the most significant international standards addressing labour exploitation within supply chains. These standards encompass both legally binding instruments, such as ILO conventions and the Palermo Protocol, and soft law mechanisms like UNPGs, which have become crucial for corporate social responsibilities. Moreover, certain standards may not impose direct legal obligations within Bosnia and Herzegovina, yet they indirectly affect businesses operating internationally and within supply chains, such as EU Directives and Regulations.

In today's landscape, international human rights instruments are extending their reach to the extraterritorial activities of corporations, responding to the growing recognition of businesses' roles in fulfilling obligations outlined in these agreements.

Beyond these, the 2030 Sustainable Development Goals (SDGs) are widely recognized as catalysts for achieving global peace and prosperity. Comprising seven goals and 169 targets, they guide inclusive global development, including targets addressing human trafficking.

The OSCE itself has initiated projects to prevent trafficking in human beings within supply chains, aiming to equip participating states with practical tools to address the risk of exploitation throughout their supply chains, including government procurement.

Before delving into this comprehensive overview, let us first define "supply chain": it is the intricate network of collaborating organizations that collectively transform raw materials into

²¹ Federal Labour Inspectorate of the Federation of Bosnia and Herzegovina, Report for 2018

²² <https://publications.iom.int/books/migrant-vulnerability-human-trafficking-and-exploitation-evidence-central-and-eastern>

finished goods and services for consumers, involving the flow of materials that are processed, transported, and refined by a series of entities to create higher value products²³.

2.1. Universal standards: ILO Conventions, UN Palermo Protocol, UNGC, UNGP, OECD Guidelines for Multinational Enterprises, OECD Due Diligence Guidance, ISO 26000, SDGs

ILO Conventions

The International Labour Organisation (ILO) is a specialised agency of the United Nations, established in 1919, with the primary mission of developing, adopting, and promoting labour standards worldwide. These standards are aimed at ensuring fair and just working conditions for all individuals. They cover a wide area of social and labour issues including basic human rights, minimum wages, industrial relations, employment policy, social dialogue, social security and other issues²⁴.

Among the ILO Conventions, 10 are considered as "fundamental"²⁵. Four of these fundamental conventions are particularly important in regards to the elimination of forced labour and child labour:

1. The [Forced Labour Convention, 1930 \(No. 29\)](#), stands as one of the earliest ILO conventions, with the purpose of tackling the problem of forced labour on a global scale. At its core, the Convention provides a clear definition of forced labour encompassing any work or service that is extracted from an individual through the use of threats or penalties, without their voluntary consent. Furthermore, it places significant emphasis on the protection of victims of forced labour. This includes extending support and assistance to individuals who have suffered from forced labour, as well as establishing frameworks to prevent and combat future instances of such exploitation. The Convention emphasises the importance of collective action by member states to combat forced labour and safeguard the rights and dignity of those trapped in such conditions.
2. The [Abolition of Forced Labour Convention, 1957 \(No. 105\)](#) marks a resolute commitment to the complete elimination of all forms of forced labour, even if it is imposed as a means of political coercion or punishment for holding specific political views. This Convention emphasises the need for Members to develop and implement effective measures to prevent and abolish forced labour practices.
3. The [Minimum Age Convention, 1973 \(No. 138\)](#) addresses the issue of child labour and sets minimum age requirements for admission to employment or work. It aims to protect children from economic exploitation and ensure that they have the opportunity

²³ See, <https://www.osce.org/files/f/documents/1/9/371771.pdf>, 17 August 2023

²⁴ See, https://www.ilo.org/moscow/areas-of-work/gender-equality/WCMS_249143/lang--en/index.htm, 17 August 2023

²⁵ See, <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>, 17 August 2023

to attend and complete compulsory education. The Convention requires member states to set a minimum age for work, which should not be less than the age for completing compulsory schooling and not be lower than 15 years.

4. The [Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#) supplements Convention No. 138 and focuses specifically on the worst forms of child labour that need urgent action for elimination. It defines the worst forms of child labour to include slavery, trafficking, forced labour, use in armed conflict, and other hazardous or harmful work that jeopardizes the health, safety, or morals of children. The convention calls for immediate and effective measures to tackle these worst forms of child labour.



ILO Conventions have an important role for protecting human rights and combating trafficking and labour exploitation in BIH's supply chains, due to their capacity to: ensure the protection of workers against forced or compulsory labour, a manifestation of human trafficking; advance the cause of decent work, encompassing productivity, fairness, safety, and dignity; and uphold the rule of law and human rights respect, indispensable for sustainable development and peace. States that have ratified Conventions must periodically report on their application in law and in practice. They have a constitutional obligation to present reports on the measures they have taken to put those Conventions into effect²⁶.

- BIH has ratified 83 ILO conventions, including all ten fundamental²⁷ ones, and has received technical assistance from the ILO in various areas such as employment creation, labour law reform and social dialogue²⁸.
- According to the U.S. Department of Labour, BIH is one of the countries where children are engaged in worst forms of child labour, such as forced begging, forced domestic work, commercial sexual exploitation and use in illicit activities²⁹.

United Nations Palermo Protocol

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“UN Palermo Protocol”),³⁰ is an international treaty for the global fight against human trafficking. It is one of the three protocols adopted under the United Nations Convention against Transnational Organised Crime. The Protocol came into effect on December 25, 2003.

²⁶ See, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_086223.pdf, 17 August 2023

²⁷ See, https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102704, 17 August 2023

²⁸ See, https://www.ilo.org/budapest/countries-covered/bosnia-herzegovina/WCMS_471903/lang--en/index.htm, 17 August 2023

²⁹ See https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2021/Bosnia-and-Herzegovina.pdf, 17 August 2023

³⁰ See (<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>), 17 August 2023

Bosnia and Herzegovina signed the Protocol on December 12, 2000, and ratified it on April 24, 2002. The Protocol entered into force for Bosnia and Herzegovina on December 25, 2003.

At its core, the Palermo Protocol offers a crucial framework for combating human trafficking. By providing a universally agreed-upon definition of human trafficking, the Protocol ensures a common understanding and facilitates effective law enforcement cooperation among countries in addressing this issue.

The Palermo Protocol aims to achieve several vital objectives. Foremost, it seeks to prevent and combat human trafficking by implementing strategies and policies that disrupt the operations of trafficking networks. By identifying and targeting the root causes of trafficking, the protocol endeavours to eradicate this modern form of slavery.

The law enforcement action against traffickers is Protocol's objective. The document emphasises the need to prioritise the rights and wellbeing of those who have fallen victim to trafficking. This includes providing support services, safe havens, and rehabilitation opportunities to help survivors recover from their traumatic experiences.

The strength of the Palermo Protocol lies in its emphasis on international cooperation. By fostering collaboration among nations, it facilitates the investigation and prosecution of trafficking cases that often transcend national borders. This cross-border collaboration is essential in dismantling transnational trafficking networks and ensuring justice for victims.



The Government of BiH didn't meet the minimum standards to eliminate trafficking. Law enforcement faced challenges due to limited resources and expertise, hindering effective investigations and victim-centered prosecutions. Inadequate proactive victim identification results in victims facing penalties for crimes they commit while trafficked.

Certain authorities have overlooked potential cases of forced child begging and labour involving the Romani community, rationalizing them as cultural traditions rather than exploitation. Nevertheless, government's anti-trafficking efforts shown improvement, enabling BiH to maintain its Tier 2 status. Achievements include increased prosecution of traffickers, more convictions, and significant sentences, including a landmark one for organized child trafficking.³¹

United Nations Global Compact

The United Nations Global Compact (UNGC) is a voluntary initiative designed to encourage businesses and organisations on a global scale toward the adoption of sustainable and socially responsible policies and practices. The UNGC is founded upon [10 principles](#) covering human rights, labour, environment, and anti-corruption measures. The core idea behind the Global Compact is that what benefits society also benefits businesses.

³¹ See: <https://www.state.gov/reports/2023-trafficking-in-persons-report/bosnia-and-herzegovina/>, 17 August 2023.

By addressing the pressing global challenges of labour exploitation, human trafficking, and supply chain responsibility, the UNGC provides a framework that allows businesses and organisations to harmonise their strategies and operations with sustainable practices. This is done by providing a set of principles that are intended to guide businesses in effecting positive transformations in society.

The following principles of the UNGC aim to protect workers' rights and combat issues of labour exploitation, human trafficking, and modern slavery:

- Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining. This principle underscores the importance of workers' entitlement to organise and engage in collective negotiations, thus empowering them to resist exploitation and violations of their fundamental human rights.
- Principle 4: Businesses should eliminate all forms of forced and compulsory labour. This principle emphasises the need to eliminate practices of modern slavery, including forced labour and human trafficking.
- Principle 5: Businesses should effectively abolish child labour. Child labour is a form of exploitation that deprives children of their fundamental rights to education, health, and a safe environment. The principal is committed to putting an end to such practices.
- Principle 6: Businesses should eliminate discrimination in respect of employment and occupation. Recognising the detrimental consequences of discrimination, particularly in rendering certain groups vulnerable to labour exploitation and human trafficking, this principle seeks to foster a work environment that upholds equality and inclusivity.

By aligning with the UNGC's labour principles, companies take significant strides towards combating labour exploitation, human trafficking, and modern slavery, helping build a more sustainable and just society for all.

In the context of Bosnia and Herzegovina, a group of [14 participants](#)³², mostly small or medium-sized enterprises and NGOs, are actively engaged in the United Nations Global Compact (UNGC) initiative.



The United Nations Development Programme (UNDP) in Bosnia and Herzegovina actively fosters the dissemination of the UNGC principles by means of the application procedure for the [SDG Business Pioneers Award](#)³³ in the country. This esteemed accolade provides companies with a comprehensive framework akin to a "blueprint" for the creation of an annual report, which holds official recognition from the UNGC.

³² See: https://unglobalcompact.org/what-is-gc/participants/search?search%5Bkeywords%5D=&search%5Bcountries%5D%5B%5D=12&search%5Bsort_field%5D=&search%5Bsort_direction%5D=asc&search%5Bper_page%5D=10, 17 August 2023

³³ <https://zamisli2030.ba/sdg-business-pioneers-2022/>, 17 August 2023

United Nations Guiding Principles on Business and Human Rights

The [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#) were developed by John Ruggie, the UN Special Representative on Business and Human Rights, and endorsed by the UN Human Rights Council in 2011.³⁴ UNGPs are a set of guidelines that apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure. Despite their soft law status, the UNGPs have become an authoritative source of companies' corporate social responsibilities by being effectively incorporated in domestic law of many states through growing litigations. For example, in the case against Royal Dutch Shell (*Milieudefensie et al. v Royal Dutch Shell*), the court in the Netherlands found the company liable for failing to act on climate change. It concluded that pursuant to the UNGPs and the OECD Guidelines for Multinational Enterprises, corporations have a responsibility to respect human rights, regardless of whether states take action.

While the UNGPs do not explicitly address labour exploitation, they provide a comprehensive framework for addressing human rights violations. The UNGPs strongly urge governments and businesses alike to take proactive measures in preventing and addressing such violations, while concurrently advocating for the safeguarding of human rights across all facets of their operations and supply chains.

The UNGPs rest on three pillars:

1. **State duty to protect human rights:** This foundational pillar highlights the state's responsibility in preventing human rights abuses within their territory or jurisdiction, even when perpetrated by third parties, including businesses. To achieve this, states must implement effective measures, such as implementing comprehensive policies, enacting robust legislation, and establishing stringent regulations and legal procedures. These measures should address various human rights violations, including criminalising labour exploitation, human trafficking, while ensuring investigations, punishments, and redress mechanisms are in place.

Additionally, states are encouraged to establish clear expectations that all businesses operating within their jurisdictions must uphold human rights standards in all aspects of their operations. By doing so, the state reinforces its commitment to safeguarding human rights and promotes a culture of respect, dignity, and accountability within its jurisdiction upholding human rights standards in all aspects of its operations.

2. **The corporate responsibility to respect human rights:** Business enterprises are expected to uphold and respect human rights. This entails avoiding any actions that violate the human rights of others and taking measures to address any negative impacts on human rights that may arise from their operations, including issues related to labour exploitation and human trafficking. The responsibility to respect human rights is based on internationally recognised human rights, including those outlined in the International

³⁴ See (<https://www.business-humanrights.org/en/big-issues/un-guiding-principles-on-business-human-rights/>, 17 August 2023).

Bill of Human Rights³⁵ and the principles on fundamental rights from the International Labour Organisation's Declaration on Fundamental Principles and Rights at Work.

3. **Access to remedy for victims of business-related abuses:** The third pillar emphasises the importance of providing effective remedies for human rights abuses linked to business activities and highlights the shared responsibility of states and businesses in this regard. Victims should have access to both judicial and non-judicial remedies to seek justice and redress, creating a shared responsibility between states and businesses to address and prevent human rights violations.



In November 2022, Bosnia and Herzegovina demonstrated a commendable commitment to human rights by proactively embracing the implementation of the UN Guiding Principles on Business and Human Rights. The country's dedication to this cause was evident during a session held on November 9, 2022³⁶, when the Council of Ministers of BiH adopted the [Proposal of Framework Guidelines for the Implementation of UN Principles for the period 2021-2025](#)³⁷.

This significant milestone not only highlights Bosnia and Herzegovina's leadership in the region but also places them as the very first nation to adopt such comprehensive guidelines. By doing so, BiH has taken a crucial step forward in promoting an environment that prioritises the protection and respect of human rights within business operations.

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

The [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#) are the most comprehensive set of government recommendations directed at multinational companies to encourage sustainable development and enduring social progress. They aim to encourage positive contributions enterprises can make to economic, environmental and social progress, and to minimise adverse impacts on matters covered by the Guidelines that may be associated with an enterprise's operations, products, and services.³⁸

Even though Bosnia and Herzegovina is not a member of the OECD or an adherent to the OECD Guidelines, the OECD Guidelines may still be relevant for BIH in several ways:

- The OECD Guidelines reflect the expectation from governments to businesses on how to act responsibly in a global context consistent with applicable laws and internationally

³⁵ The International Bill of Human Rights consists of the Universal Declaration of Human Rights (UHDR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR) and its two Optional Protocols. These documents collectively establish fundamental human rights and freedoms recognised globally.

³⁶ See

(https://www.vijeceministara.gov.ba/saopstenja/sjednice/zakljucci_sa_sjednica/default.aspx?id=39047&langTag=bs-BA [point 119 on Agenda], 17 August 2023).

³⁷ See:

[http://www.mhrr.gov.ba/PDF/LjudskaPrava/Okvirne%20smjernice%20BiH%20za%20implementaciju%20-%20final%20\(1\).pdf](http://www.mhrr.gov.ba/PDF/LjudskaPrava/Okvirne%20smjernice%20BiH%20za%20implementaciju%20-%20final%20(1).pdf), 17 August 2023.

³⁸ See (https://www.oecd-ilibrary.org/finance-and-investment/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_81f92357-en, 17 August 2022).

recognised standards. Therefore, they can provide a useful reference for BIH businesses that operate in or from OECD countries or that have business relationships with OECD-based enterprises.

- The OECD Guidelines are aligned with other international instruments on responsible business conduct, such as the UNPGs and UN Global Compact. The EU Directive on corporate sustainability due diligence³⁹ explicitly refers to the OECD Guidelines.

The OECD Guidelines constitute an important tool for civil society to engage with multinationals and expose malpractice in a mediated quasi-legal setting. They can also have significant impact. In 2020, ClientEarth filed a complaint via the NCPs that a BP advertising campaign breached OECD guidelines by misleading the public as to the size of its renewables business. Months after the complaint was filed, and before it was assessed, BP pre-emptively pulled the multi-million dollar campaign, and pledged to halt all reputational advertising in future.⁴⁰⁴¹

OECD Due Diligence Guidance for Responsible Business Conduct

The [OECD Due Diligence Guidance for Responsible Business Conduct](#)⁴² provides practical support to enterprises on the implementation of the OECD Guidelines for Multinational Enterprises. It provides clear explanations of due diligence recommendations and associated provisions, helping companies prevent and address negative impacts on workers, human rights, the environment, bribery, consumers, and corporate governance linked to their operations, supply chains, and business relationships. The guidance includes extra explanations, tips, and illustrative examples of due diligence. Additionally, this guidance aims to create a common understanding among governments and stakeholders regarding due diligence for responsible business conduct. It helps companies implement due diligence recommendations found in the UN Guiding Principles on Business and Human Rights and the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy.

ISO 26000 - Guidance on social responsibility

ISO 26000 stands as a comprehensive International Standard offering invaluable recommendations to both the public and private sectors, fostering the enhancement of social responsibility and thereby facilitating sustainable environment, social and economic

³⁹ On 23 February 2022, the Commission adopted a proposal for a Directive on corporate sustainability due diligence, which aims to foster sustainable and responsible corporate behaviour and to anchor human rights and environmental considerations in companies' operations and corporate governance. This would include due diligence to prevent trafficking in persons for purposes of forced labour and protection of trafficked persons, as highlighted by a UN expert. See more:

https://commission.europa.eu/business-economy-euro/doing-business-eu/corporate-sustainability-due-diligence_en, 17 August 2023

⁴⁰ ClientEarth, 'BP pulls latest advertising campaign just months after our legal complaint' (14 February 2020) available at: <https://www.clientearth.org/latest/latest-updates/news/bp-pulls-advertising-campaign-just-months-after-our-legal-complaint/>

⁴¹ See: <https://storage.googleapis.com/production-bluehost-v1-0-3/893/1053893/wP2T0utO/90d142ccb1c247cea321aed23f0ee441?fileName=sustineri-general-study-eng-final.pdf>, 17 August 2023

⁴² See: <https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>, 17 August 2023

development. Unlike certain prominent ISO standards that are eligible for certification, ISO 26000 serves as a guiding framework rather than imposing mandatory requirements.

This standard holds the distinction of being the world's largest and most extensive voluntary international directive. Recent data from 2021⁴³ underscores its global impact, revealing that 88 countries have integrated ISO 26000 into their national standards. Notably, Bosnia and Herzegovina stand as exemplars of its implementation, while 17 nations advance towards its full adoption. However, it's noteworthy that there are four countries yet to embrace its principles.

ISO 26000 addresses the issue of labour exploitation as part of its guidance on labour practices, one of the core subjects of social responsibility. It recommends that organizations respect and promote the principles and rights at work established by the International Labour Organization (ILO), such as freedom of association, elimination of forced or compulsory labour, abolition of child labour and elimination of discrimination⁴⁴. It also provides guidance on how to implement due diligence processes to identify, prevent, mitigate and account for actual and potential adverse impacts on labour practices, including those in the supply chain⁴⁵. It suggests that organisations join or establish labour-management health and safety committees, provide social protection for workers, and engage in social dialogue with workers and their representatives⁴⁶.

Sustainable Development Goals

[The 2030 Agenda for Sustainable Development](#)⁴⁷ is a collective roadmap adopted by all United Nations Member States in 2015 to achieve peace and prosperity for humanity and the planet. Comprising 17 Sustainable Development Goals (SDGs) and 169 targets, this ambitious agenda encompasses a wide range of interconnected objectives aimed at addressing pressing global challenges, such as poverty, inequality, and environmental degradation.

The SDGs represent a global call to action to foster collaboration and partnership from all nations, regardless of their level of development. Governments, non-governmental organisations, businesses, and individuals all have pivotal roles to play in achieving these goals.

In particular, SDG Goal 8 and Goal 16 are relevant to the fight against human trafficking, forced labour, and modern slavery. Target 8.7 specifically addresses the eradication of forced labour, modern slavery, human trafficking, and child labour by 2025, calling for immediate and effective measures to end these practices in all their forms.

SDG Goal 16 aims to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at

⁴³ <https://iso26000.info>, 17 August 2023.

⁴⁴ [Ficha Prácticas Laborales Ing \(cegesti.org\)](#).

⁴⁵ [Discovering ISO 26000 - Guidance on social responsibility](#).

⁴⁶ ISO, 2008, [socialresponsibility.pdf \(iso.org\)](#).

⁴⁷ <https://sdgs.un.org/2030agenda>, 17 August 2023

all levels. Target 16.2 specifically focuses on ending abuse, exploitation, trafficking, and all forms of violence and torture against children.



Bosnia and Herzegovina has embraced the Sustainable Development Goals (SDGs) and Agenda 2030 as an opportunity to enhance social, economic, and environmental aspects of life in the country and promote regional cooperation. To effectively engage stakeholders in this complex agenda, the UN in BiH initiated the 'Imagine2030' initiative in 2016. In April 2017, the official launch of Agenda 2030 and the SDGs in BiH took place, accompanied by the appointment of institutions responsible for spearheading the implementation at various administrative levels.

In 2018, extensive consultations were conducted throughout the country to localise the SDGs with the support of the United Nations through the Mainstreaming, Acceleration, and Policy Support (UN MAPS) Mission. The SDGs Working Group established three sub-groups to draft the Voluntary Review on the Implementation of Agenda 2030 and the SDGs, the SDGs Framework, and to focus on statistics.

The first [Voluntary Review of BiH⁴⁹](#) on the implementation of Agenda 2030 and the SDGs was presented at the High-Level Political Forum (HLPF) in New York in July 2019. This document serves as a reference point for subsequent strategic planning processes in institutions across the country.

The [SDGs Framework in Bosnia and Herzegovina⁵⁰](#) is a collaborative document representing governments at all levels, defining broader development directions. This framework outlines how the governments and society in BiH strive to contribute to the accomplishment of the SDGs. It is based on an assessment of key development trends, opportunities, and obstacles, and focuses on three pathways for sustainable development: 1) Good Governance and Public Sector Management; 2) Smart Growth; 3) a Society of Equal Opportunities, and two horizontal themes 1) Human Capital for the Future and 2) the “Leave no one behind” Principle.

The second [Voluntary Review of BiH⁵¹](#) in 2023, provides an overview of the strategic and institutional framework for implementing Agenda 2030. It also reviews progress towards achieving the SDGs and their targets, with a focus on priority SDGs and targets for BiH. The review highlights successful practices in SDG implementation in BiH and emphasises the challenges that need to be addressed by all levels of government and society.

Recognizing the significant role of the private sector in achieving the SDGs, a special program called the SDG Business Pioneers Award ceremony has been established. This program aims to promote private sector efforts in sustainable development in BiH. Annually, outstanding private sector companies related to SDG accomplishment in BiH are acknowledged as SDG Business Pioneers. The award not only celebrates the ongoing efforts of these companies but also inspires and motivates new entrepreneurs to align their business models with the SDGs. As of 2023, the fifth generation of [SDG Business Pioneers⁵²](#) has been declared.

According to the [Sustainable Development Report 2023, Bosnia and Herzegovina](#) has experienced some economic growth, with GDP growth of 1.6% in 2021. Additionally, a relatively high percentage of adults have access to financial services, with 79.3% of the population aged 15 or over having an account at a bank or other financial institution or with a mobile-money-service provider in 2021.

⁴⁸ See: <https://zamisli2030.ba>, 17 August 2023.

⁴⁹ See: <https://zamisli2030.ba/wp-content/uploads/2019/07/VNR-BiH-ENG-Final.pdf>, 17 August 2023.

⁵⁰ See: <https://www.undp.org/bosnia-herzegovina/publications/sdgs-framework-bosnia-and-herzegovina>, 17 August 2023.

⁵¹ See: <https://hlpf.un.org/sites/default/files/vnrs/2023/VNR%202023%20Bosnia%20and%20Herzegovina%20Report.pdf>, 17 August 2023.

⁵² See: <https://zamisli2030.ba/sdg-business-pioneers-2023/winners-2023/>, 17 August 2023.

However, the country still faces challenges such as a high unemployment rate of 14.6% in 2023 for the total labour force aged 15+. There are also issues with modern slavery and labour rights, with 31.1 victims of modern slavery embodied in imports per 100,000 population in 2018. These are important issues that need to be addressed in order to achieve decent work and economic growth for all.

2.2. CoE Standards: European Convention on Human Rights (ECHR), CoE Convention on Action against Trafficking in Human Beings; Council of Europe Committee of Ministers Recommendations

European Convention on Human Rights

The European Convention on Human Rights (ECHR) is an international treaty established by the Council of Europe in 1950, which sets out fundamental human rights and freedoms that member States are obligated to respect and protect. Within the constitutional framework of Bosnia and Herzegovina, Article 2 (2) explicitly establishes the direct applicability of the rights and freedoms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, along with its associated protocols. In essence, these rights are considered paramount, superseding all other domestic laws within the country

ECHR also establishes the European Court of Human Rights (ECtHR), which can hear complaints for individuals or States alleging violations of the ECHR. The ECHR applies to business conduct in two ways.. Firstly, member states have a duty to respect, protect and fulfil the human rights of individuals within their jurisdiction, which extends to mitigating any adverse impacts of business activities. Secondly, businesses themselves can be directly held accountable for ECHR violations under specific circumstances. This liability arises when businesses function as agents of the State, exercise public powers, or manage essential public services/resources.

The Article 4 of the ECHR prohibits slavery, servitude, forced labour, and as elaborated below, human trafficking.

The European Court of Human Rights⁵³ highlights that exploitation through work falls within the definition of human trafficking and is covered by Article 4 of the Convention (*Rantsev v. Cyprus and Russia*, application no. 25965/04, §§ 272-282; *Chowdury and Others v. Greece*, application no. 21884/15, § 93). It's crucial to note that even if a victim provided prior consent, their work cannot be classified as "forced labour" if they were exploited due to an employer's abuse of power or their vulnerable position. Determining whether work qualifies as "forced labour" is a factual matter, requiring a thorough examination of all relevant circumstances in each case (ibid., § 96).

⁵³ Guide on the case-law of the European Convention on Human Rights - Social rights, First edition – 31 August 2022.

In a significant development in 2017, the European Court of Human Rights rendered a landmark judgement in [*Chowdury and Others v. Greece*](#) (application no. 21884/15), recognizing a violation of Article 4 of the European Convention on Human Rights in cases of human trafficking for labour exploitation. This ruling marked a crucial advancement in European human rights law, acknowledging the intricate and subtle forms of coercion involved in trafficking for labour exploitation.

The Court's case-law

The judgement in the case of [*Zoletic and Others v. Azerbaijan*](#) (application no. 20116/12) holds significant importance. The case concerns 33 individuals who were recruited in Bosnia and Herzegovina and brought to Azerbaijan as temporary foreign construction workers by representatives of Serbaz Design and Construction LLC ("Serbaz"). These individuals alleged severe mistreatment, including poor living conditions, lack of sanitation, inadequate medical care, restricted freedom of movement imposed by their employer, unpaid wages, and instances of punishments such as fines, beatings, and detentions. These claims collectively suggest that the applicants were victims of human trafficking and forced labour.

The decision in the Zoletic case marks a substantial evolution in the ECtHR's interpretation of Article 4 of the European Convention on Human Rights in several significant aspects.

Council of Europe Convention on Action against Trafficking in Human Beings

The [Council of Europe Convention on Action against Trafficking in Human Beings](#)⁵⁴, which entered into force on 1 February 2008, was developed as part of the Council of Europe's efforts to prevent and combat all forms of human trafficking, including forced labour. It encompasses all forms of trafficking whether national or transnational, whether or not related to organised crime and it covers all victims of trafficking women, men or children, as well as all forms of exploitation.⁵⁵

The key strength of the Convention lies in its human rights approach and its emphasis on protecting victims and witnesses of trafficking. It defines trafficking in human beings as a violation of human rights and an attack on human dignity and integrity. The Convention grants several rights to trafficking victims, including the right to be identified as a victim⁵⁶, to be protected and assisted⁵⁷, to have a recovery and reflection period of at least 30 days⁵⁸, to obtain a renewable residence permit⁵⁹, and to receive compensation for the harm they have endured⁶⁰.

It is worth noting that the Convention is not limited to the Council of Europe member states; non-member states and even the European Union have the option to become parties to the Convention. This means that the scope of the Convention's impact extends beyond the Council

⁵⁴ See: <https://rm.coe.int/168008371d>, 17 August 2023

⁵⁵ See: <https://www.coe.int/en/web/anti-human-trafficking/about-the-convention>, 17 August 2023

⁵⁶ Council of Europe Convention on Action against Trafficking in Human Beings, Article 10

⁵⁷ Ibidem, Article 1(1b)

⁵⁸ Ibidem, Article 13(1)

⁵⁹ Ibidem, Article 14(1)

⁶⁰ Ibidem, Article 15 (3 and 4)

of Europe's membership. Bosnia and Herzegovina formally ratified the Convention on January 11, 2008, thereby affirming its adherence to the Convention's fundamental principles and standards.

Additionally, the Convention establishes a monitoring mechanism to ensure compliance with its obligations. It consists of two distinct, but interacting, bodies⁶¹:

- **The Group of Experts on Action against Trafficking in Human Beings (GRETA)** is an independent expert's body composed of 15 members chosen for their expertise in the areas covered by Convention. GRETA evaluates the extent to which the Convention's provisions are being implemented by the Parties. The evaluation process involves multiple stages, starting with the distribution of questionnaires to the relevant authorities and non-governmental organisations active in the field against trafficking in human beings. Subsequently, GRETA organises a visit to the country to gather more information and evaluate the practical application of the Convention. Following these visits, GRETA compiles a preliminary assessment report that details the Convention's implementation and recommendations concerning the actions to address any identified problems.
- **The Committee of the Parties** is a political body composed of representatives of the Parties to the Convention. Its primary function is to consider GRETA's reports and, on the basis of that, to adopt recommendations to governments of the Parties in improving their efforts against trafficking in human beings.



In its [third-round evaluation report on Bosnia and Herzegovina](#)⁶², the Group of Experts on Action against Trafficking in Human Beings (GRETA), has highlighted a series of significant recommendations. Among these is enhancement of efforts directed at investigating, prosecuting, and ensuring convictions in cases involving trafficking for the explicit purpose of labour exploitation, with special emphasis on labour inspectors (paragraph 100). Both the Anti-Trafficking Strategy and the Action Plan for the period 2020-2023 encompass a range of objectives and strategic actions aimed to facilitate collaboration with the private sector, specifically geared towards promoting workers' rights, prevention of trafficking for labour exploitation, and upholding fundamental liberties within the supply chain (paragraph 144). However, there's a lack of specific initiatives and any information on engagement of the business sector with regards to these themes (paragraph 145). GRETA, in light of these observations, recommends the proactive involvement of BH authorities in cultivating a constructive partnership with the private sector. This collaboration should be guided by the principles articulated in the UN Guiding Principles on Business and Human Rights, alongside the provisions outlined in Recommendation CM/Rec(2016)3, to raise awareness and responsibility in preventing trafficking and supporting victims' recovery (paragraph 146).

⁶¹ See: <https://coe.int/en/web/anti-human-trafficking/monitoring-mechanism>, 17 August 2023

⁶² See: <https://rm.coe.int/greta-evaluation-report-bosnia-and-herzegovina-3rd-evaluation-round/1680a70b3b>, 17 August 2023.

Council of Europe Committee of Ministers Recommendations

Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business

Building on the 2011 UN Guiding Principles, the Committee of Ministers of the Council of Europe adopted [Recommendation CM/Rec\(2016\)3](#)⁶³ in 2016. This document provides guidance to member States on how to prevent and remedy human rights violations committed by businesses. Moreover, it underscores the imperative of motivating businesses to uphold human rights.

The Recommendation puts an emphasis on access to judicial remedy. Drawing upon the Council of Europe's established legal standards in the areas such as civil and criminal liability, reduction of judicial barriers, legal aid, or collective claims, the Recommendation puts special emphasis on the additional protection needs of workers, children, indigenous people and human rights defenders.

The Recommendation is addressed to all member States of the Council of Europe. However, it is not legally binding and does not create new obligations for States or businesses. It is up to each member State to decide how to implement the recommendation in its national context. Some examples of how member States implemented the Recommendation are:

- Adoption or updating national action plans on business and human rights. According to the [National Action Plans on Business and Human Rights website](#) there are 28 countries that have adopted NAPs as of April 2023.
- Establishing or strengthening national human rights institutions or other mechanisms to monitor and report on business-related human rights issues.
- Developing or supporting guidance, training and awareness-raising activities for businesses and other stakeholders on human rights and business.
- Enhancing access to remedy for victims of business-related human rights abuses through judicial or non-judicial means.

Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation

The rise of human trafficking for labour exploitation within Europe has compelled the Council of Europe to take strategic steps to combat this issue. These efforts encompass a series of coordinated actions aimed at addressing the growing challenges with this phenomenon.

In November 2019, the Secretary General presented a comprehensive “Roadmap on Strengthening Action against Trafficking in Human Beings for the Purpose of Labour Exploitation”⁶⁴ to the Committee of Ministers. Building upon the roadmap's foundation, the

⁶³ See: <https://rm.coe.int/human-rights-and-business-recommendation-cm-rec-2016-3-of-the-committee/16806f2032>, 17 August 2023.

⁶⁴ [SG/Inf\(2019\)34](#) and [SG\(2020\)29](#).

Group of Experts on Action against Trafficking in Human Beings (GRETA) adopted a [Compendium of good practices in addressing trafficking in human beings for the purpose of labour exploitation](#)⁶⁵ in September 2020. This Compendium served as a foundation for the development of a [Guidance Note on Preventing and Combating Human Trafficking for the Purpose of Labour Exploitation](#)⁶⁶, which GRETA formally adopted in November 2020, revealing the need for additional legal instruments.

Recognising the gravity of the situation, in April 2021, the Committee of Ministers decided to set up the [Drafting Committee on Trafficking for the Purpose of Labour Exploitation \(DH-TET\)](#)⁶⁷, operating under the authority of the [Steering Committee for Human Rights \(CDDH\)](#)⁶⁸, to prepare a draft recommendation on preventing and combating trafficking in human beings for the purpose of labour exploitation.

This collaborative effort culminated in a significant milestone on September 27, 2022, as the Committee of Ministers sanctioned [Recommendation CM/Rec\(2022\)21](#)⁶⁹ of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation on 27 September 2023. The Recommendation advises member States' governments to take several key actions to combat human trafficking, particularly for labour exploitation, while prioritising human rights and victim wellbeing:

1. **National Laws and Strategies:** Governments should develop and adopt national laws, policies, and strategies to address human trafficking for labour exploitation by taking human rights-based and victim-centred approaches. Specific mechanisms should be established to coordinate, monitor, and evaluate these policies. These policies are intended to serve several purposes: prevent trafficking in human beings for the purpose of labour exploitation, protect victims, ensure access to effective remedies (including compensation), punish those responsible for the offence, and promote international cooperation.
2. **Implementation and Monitoring:** Governments should ensure that measures and principles set out in recommendation are integrated into their national laws and practices. The effectiveness of these measures should be periodically evaluated by appropriate governmental bodies, working in collaboration with relevant stakeholders.
3. **Dissemination:** The recommendation encourages governments to widely distribute this guidance and its accompanying explanatory memorandum to various competent authorities and stakeholders at different levels – national, regional, and local, including intergovernmental organisations.

⁶⁵ See: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168098e630, 17 August 2023.

⁶⁶ See: <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>, 17 August 2023.

⁶⁷ See: <https://www.coe.int/en/web/human-rights-intergovernmental-cooperation/human-trafficking-for-the-purpose-of-labour-exploitation>, 17 August 2023.

⁶⁸ See: https://www.coe.int/en/web/human-rights-intergovernmental-cooperation?&_cldee=aW5mb0BpY2xycy5vcmc%3d, 17 August 2023.

⁶⁹ See: <https://rm.coe.int/booklet-preventing-and-combating-trafficking-in-human-beings-for-the-p/1680aa08ef>, 17 August 2023.

4. **Review and Assessment:** The Committee of Ministers, along with other relevant bodies of the Council of Europe and involving stakeholders, should examine the implementation of this recommendation within five years after its adoption. This evaluation should consider national assessments conducted before the review.

2.3. Supranational legal documents of the EU

EU Anti-trafficking Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

The [EU Anti-trafficking Directive 2011/36/EU](#)⁷⁰ aims to establish a set of minimum common rules within the European Union for addressing and combating the issue of trafficking in human beings. The Directive focuses on defining various offences related to trafficking, imposing sanctions for these offences, prosecution of perpetrators, providing support for victims, and implementing preventative measures.

The Directive has been in effect since April 15, 2011, and EU countries were required to adopt it as law by April 6, 2013. It is part of the EU's comprehensive legal and policy framework to combat trafficking in human beings, as prohibited by the EU Charter of Fundamental Rights.

On 19 December 2022 the European Commission [proposed a revision](#)⁷¹ of the EU Anti-trafficking Directive to strengthen the EU rules to prevent and combat trafficking in human beings and protecting its victims. The main changes include⁷²:

- **Expanded format of exploitation:** Adding forced marriage and illegal adoption among the forms of exploitation.
- **Internet and social media:** Acknowledgment of the misuse of the internet and social media as tools for committing trafficking offences.
- **Stronger sanctions for companies:** Strengthening the sanctions for companies (legal persons) held accountable for trafficking offences introducing mandatory sanctions regimes.
- **Formalised National Referral Mechanisms:** Formalising the National Referral Mechanisms, which deal with identification of victims and their referral to protection, assistance and support services.
- **Criminalisation of use of Services:** Member States will be required to criminalise the knowing use of services extracted from victims of trafficking in human beings.
- **Annual data Collection:** Formalising an annual data collection on trafficking indicators.

⁷⁰ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0036>, 17 August 2023.

⁷¹ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022PC0732>, 17 August 2023.

⁷² See: https://home-affairs.ec.europa.eu/news/eu-proposes-new-rules-fight-trafficking-human-beings-2022-12-18_en, 17 August 2023.

EU Global Human Rights Sanctions Regime Regulation (EU) 2020/1998

On December 7, 2020, the EU Council adopted Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses⁷³ which provides legal base for the EU to target, individuals, companies and bodies – including those who are associated with national governments and those who are not – that are responsible for, involved in or associated with serious human rights violations and abuses worldwide, no matter where they occur.

The sanctions regime also covers acts which are widespread, systematic or of serious concern in relation to the goals of the common foreign and security policy (CFSP), as set out in Article 21 of the Treaty on European Union. These include: trafficking in human beings; abuses of human rights by migrant smugglers; sexual violence and gender-based violence; violations or abuses of the freedoms of peaceful assembly and of association, of opinion and expression, of religion or belief.⁷⁴

2.4. OSCE initiatives in relation to supply chains in trafficking process

The OSCE has launched a project on the prevention of trafficking in human beings in supply chains which aims to provide participating States with practical tools and measures to address the risk of exploitation throughout their supply chains, including government procurement.⁷⁵

The project has three priorities:

1. **Prevention through government practices and measures:** providing participating States with materials, guidelines and capacity-building initiatives to prevent trafficking in their supply chains, especially in government procurement. To support this goal, the OSCE has published a handout that identifies [three action areas](#)⁷⁶ for parliaments to combat trafficking in human beings including prevention of trafficking for forced labour in global supply chains;
The handout provides examples of legislation that parliaments can pass to strengthen their national legal frameworks combating trafficking in human beings.
2. **Prevention in OSCE's procurement:** ensuring that the OSCE's own supply chains and procurement practices do not contribute to trafficking and labour exploitation, setting a positive example for others to emulate. To achieve this, the OSCE has updated its [procurement policies](#)⁷⁷, carried out a pilot project on monitoring and risk assessment of the supply chains of the OSCE Mission to Serbia, and developed guidance and training for OSCE procurement staff on how to prevent trafficking and labour

⁷³ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R1998>, 17 August 2023

⁷⁴ See: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4496091>, 17 August 2023

⁷⁵ [Supply chains | OSCE](#)

⁷⁶ See: <https://www.osce.org/cthb/513025>, 17 August 2023

⁷⁷ See: <https://www.osce.org/cthb/502383>, 17 August 2023.

exploitation in supply chains. The guidance document provides background knowledge, practical steps, and useful resources for OSCE procurement staff to implement anti-trafficking measures in their procurement activities.

3. **Prevention in the supply chains of international organisations:** supporting and working with other international organisations to prevent the risk of trafficking in their supply chains.

The OSCE has created an [online database](#)⁷⁸ on ethical sourcing and prevention of trafficking for labour exploitation in supply chains. The database keeps the information up-to-date and searchable for governments, researchers and experts.

The OSCE's multifaceted initiatives highlight its commitment to eradicating trafficking in human beings from supply chains. By providing practical tools, guidelines, and fostering collaborations, the OSCE is contributing to a safer and more responsible global supply chain ecosystem.

III. Domestic legal, policy and institutional framework for tackling Labour Exploitation in Supply Chains.

Following BiH's constitutional arrangement, the legislative framework for combating THB in BiH consists of legislation at the level of the state, the two entities (RS and FBiH) and the Brčko District. While there are four criminal codes in BiH, the criminal offence of THB became a distinct offence in 2003 under the Criminal Code of BiH.⁷⁹ The distinct offence of THB existed only at the State level through the CC BiH until introduction of the criminal offences of THB in entity and Brčko District codes in 2013-2016.⁸⁰ As a result of the amendments of criminal codes in the country, THB committed transnationally, i.e. when the citizen of BiH is exploited abroad or foreign citizen exploited in BiH is prosecuted under the Criminal Code of BiH, while internal THB is prosecuted under the criminal codes of the entities and the Brčko District.⁸¹

To ensure proper application of criminal law in trafficking cases specialised function was given to the Strike Force for Combating Trafficking in Human Beings and Illegal Migration ("Strike Force").⁸² The Strike Force is composed of representatives of the PO BIH, the PO FBiH, the Public PO RS, the POBD BiH, the Border Police, Service for Foreigners, State Information and Protection Agency (SIPA), the Ministry of Internal Affairs of the FBiH, the Ministry of

⁷⁸ See: <https://communities.osce.org/display/CTHBSOURCE>, 17 August 2023.

⁷⁹ BiH Official Gazette 3/03, /03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14 40/15, 26/16, 13/17, 50/18. Since 2003 the CC BiH has been amended on several occasions, and the legal description of the criminal offence of trafficking in human beings was specifically amended in 2004, 2005, 2007, 2010 and 2015.

⁸⁰ See, RS Official Gazette 67/13, BD BiH 9/13, FBiH, Official Gazette Takode vid.: RS Official Gazette 64/17,

⁸¹ In RS, under the 2016 Law on Fighting Corruption, Organised and Most Severe Forms of Economic Crime (RS Official Gazette, 3/06, 69/06, 99/07), a Special Department for Corruption, Organised and Most Severe Forms of Economic Crime within the RS Prosecutor's Office is entrusted with the task to investigate cases of human trafficking.

⁸² CoM BiH Decision, Official Gazette of BiH, 3/04.

Internal Affairs of RS, Brčko District Police, the Tax Administration of the FBiH, and the Tax Administration of RS. It is chaired by the Chief Prosecutor of BiH.

Certain provisions of other legislation, such as laws on the protection of witnesses under threat and vulnerable witnesses, treatment of children in criminal proceedings, and on aliens and asylum are also relevant to the anti-trafficking legal framework in BiH.⁸³

All four criminal codes applicable in BiH contain provisions establishing criminal liability of legal persons including companies.⁸⁴ However, despite the existence of these provisions they have never been applied in practice in trafficking-related cases.⁸⁵

Ministry of Security, Department for Combating Trafficking in Human Beings – a leading institution in the coordination of combating THB in BiH. It supports the work of the national anti-trafficking coordinator- the State Co-ordinator for CTHB and Illegal Migration in BiH (State Co-ordinator), established in 2003. The Department gathers all data regarding situation related to human trafficking.

Following the adoption of the BiH 2020-23 Strategy for Combating THB a new anti-trafficking coordination structures have been introduced at all levels of government in BiH. Therefore, the new anti-trafficking structure include multidisciplinary local coordination teams at level of each canton, entity and Brčko district. All levels of jurisdiction developed and adopted their respective anti-trafficking action plans.

3.1. National Strategy and Action plan on Prevention and Suppression of Trafficking in Persons

The Strategy for Combating Human Trafficking in Bosnia and Herzegovina 2020-2023 ('the Strategy') was adopted by the Council of Ministers of Bosnia and Herzegovina. The Council of Ministers of Bosnia and Herzegovina also adopted the Action Plan for the implementation of the Strategy for the Institutions of Bosnia and Herzegovina, while the entity, canton and Brčko District governments adopted action plans for those levels of government. The guiding principles of the Strategy are: Respect for human rights;

⁸³ A comprehensive overview of the anti-trafficking legislative framework can be found in the OSCE Mission to BiH, 2017, *Trafficking in Human Beings: A Training Manual for Judges and Prosecutors*, available at <https://www.osce.org/mission-to-bosnia-and-herzegovina/376705>, pp. 9-12. A full list of anti-trafficking laws and regulations in BiH can be found in *Guidelines for Work of Regional Monitoring Teams for combating THB in BiH*, pp. 33-35, (<https://bih.iom.int/sites/default/files/TRAFIC/GUIDELINES%20FOR%20WORK%20OF%20REGIONALMONITORING%20TEAMS%20FOR%20COMBATTING%20TRAFFICKINGIN%20HUMAN%20BEINGS%20IN%20BOSNIA%20AND%20HERZEGOVINA.pdf>).

⁸⁴ Chapter XIV CC BiH, Chapter XIV CC FBiH, Chapter X CC RS, and Chapter XIV CC BDBiH. For a more detailed explanation on domestic law provisions on criminal liability of legal persons, see, OSCE Mission to BiH, 2017, *Trafficking in Human Beings: A Training Manual for Judges and Prosecutors*, pp. 29-32. Grupa autora, 2023, *Krivično gonjenje pravnih osoba u predmetima trgovine ljudima, Smjernice za postupanje u predmetima trgovine ljudima*, Sarajevo.

⁸⁵ OSCE, 2021, [Ensuring Justice for Victims of Trafficking in Human Beings: Response of the criminal justice system in Bosnia and Herzegovina, with recommendations](#), p. 25. Za detaljan pregled, međunarodnog i domaćeg pravnog okvira u pogledu krivične odgovornosti pravnih osoba zbog trgovine ljudima, vid.: Grupa autora, 2023, *Krivično gonjenje pravnih osoba u predmetima trgovine ljudima, Smjernice za postupanje u predmetima trgovine ljudima*, Sarajevo

Participation and responsibility of authorities; Interdisciplinary and multisectoral approach; Non-discrimination; Involvement of the wider social community; Sustainability; International and regional cooperation; Protection and respect of children's rights; and Gender specific approach.

The general goal of the Strategy is: To ensure a constant, comprehensive and sustainable response of society to human trafficking through a strengthened system of prevention, prosecution of perpetrators of crimes related to human trafficking, protection and assistance to victims of human trafficking, especially vulnerable groups, through functional connection and capacity building of all involved authorities, institutions and organizations. The general goal is elaborated into five specific goals:

1. Support. Organize a sustainable system of support in dealing with the issue of human trafficking in Bosnia and Herzegovina, ensured through various system-oriented activities, of which are the most important: improvement of institutional frameworks and coordination; capacity building; securing the necessary financial resources; and conducting a continuous process of monitoring and evaluating the implementation of the Strategy.
2. Prevention. Build the correct understanding and understanding of citizens and professionals about human trafficking, its forms, causes, risks and the way to react in cases of recognizing risky situations and endangering individuals and groups. Build mechanisms to prevent and limit the possibility of the occurrence and survival of human trafficking, which will encourage the proper reaction of formal social control authorities in creating an environment for strengthening socially acceptable forms of behavior and developing sustainable early warning systems for cases of human trafficking.
3. Processing. Improve the system of detection, clarification, proof and criminal prosecution in conventional and non-conventional forms of human trafficking in Bosnia and Herzegovina.
4. Proactive protection. Ensure sustainable programs and procedures for proactive protection of victims of all forms of human trafficking in Bosnia and Herzegovina.
5. Partnership. Improve cooperation between competent institutions and authorized organizations at all levels of government, with the aim of more effectively combating various forms of human trafficking in Bosnia and Herzegovina.

Strategic measure 2.4. within the framework of the special strategic goal of prevention, it refers to the improvement of the prevention of forced labour, and it starts from the necessity that in relation to the phenomena of labour exploitation and especially forced labour as a current form of human trafficking, preventive activities are undertaken by all competent institutions, in particular:

1. Strengthen efforts on preventing human trafficking for the purpose of labour exploitation, in particular: by strengthening legal frameworks; by sensitizing responsible officials, especially police officers and holders of judicial functions, on human trafficking for labour exploitation and on the rights of victims;
2. Strengthening efforts to suppress the spread of fake job offers on the Internet; cooperation with the private sector, and revising the rules that ensure the inclusion of labour market and labour migration actors who may come into contact with persons trafficked for labour exploitation;

3. Build and strengthen the capacities of competent institutions for migration management, work and employment to provide information on safe and legal migration opportunities;
4. Establish a monitoring mechanism for labour migration agreements; Promote clear criteria for the official registration and licensing of employment mediation agencies, and monitor the activities of these agencies in an effort to prevent all forms of human trafficking;
5. Encourage the private sector, trade unions and civil society organizations to promote the principles of protection of human rights and basic freedoms of workers in public procurement procedures in order to prevent exploitative situations that favour human trafficking;
6. Establish mechanisms to inform workers before their departure from Bosnia and Herzegovina on how to report and seek help without fear of retaliation in cases of abuse or falling into a situation of human trafficking for the purpose of forced labour exploitation.

Therefore, only measure 5 refers to the fight against human trafficking for the purpose of labour exploitation in supply chains, with the fact that in the action plans this measure was not elaborated in activities, nor was the implementation of this strategic measure actively acted upon in the implementation of the Strategy and action plans.⁸⁶

3.2. Identification of key stakeholders

This part takes a comprehensive approach to mapping the relevant state and non-state actors that play an important role in addressing labour exploitation and THB. Among the crucial players in the field of prevention of labour exploitation and THB by business actors the study identifies the relevant public procurement entities and labour inspections. Furthermore, it sheds light on the crucial contributions of business sector, Chambers of Commerce, the Human Rights Ombudsman's, and CSOs in fostering policy advocacy, education, stakeholder engagement, and human rights due diligence. By actively involving these actors, businesses can create a collaborative ecosystem aimed at eradicating labour exploitation and human trafficking from their supply chains.

3.2.1. Public procurements

The field of public procurement refers to very widespread practices of procurement of goods and services by public authorities (government agencies, organizations with public authority and other entities) that are financed from the public budget. It is a legally regulated activity, which is under the supervision of institutions (most often public procurement agencies, audit offices and others) considering the amount of public funds that are annually spent on public

⁸⁶ Ministry of Security of Bosnia and Herzegovina, Report on the situation in the field of human trafficking and on the implementation of the Strategy for Combating Human Trafficking in Bosnia and Herzegovina for 2020, 2021, and 2022

procurement. There are numerous areas where public procurement is linked to the phenomena of human trafficking, and they most often refer to procurement practices behind which in the supply chains we find certain manifestations of the exploitation of people for the purposes of human trafficking. Various procurements of goods in the production of which victims of forced labour were used as part of human trafficking activities, the use of the infrastructure of legal entities (e.g. in tourism) to provide accommodation services in which victims of human trafficking are engaged are just some of the examples where procurement is used as a catalyst for facilitating human trafficking. Therefore, many companies that participate in public procurement are often involved in human trafficking, and it is often difficult to recognize at first that completely legal activities of the delivery of goods and services are used for human trafficking and financial gain. For the above reasons, it is increasingly insisted that due diligence procedures and mechanisms for detecting, managing and reducing the risk of human trafficking be established within the business community, specifically those entities that participate as bidders in public procurement procedures. These mechanisms refer to the entire business activities and operations of business entities and are especially related to their supply chains, so that the system of responsibility is tied not only to their own business operations, but also to those that include business partners in the supply chains. On the other hand, public institutions and entities that make purchases in the public interest have the responsibility to ensure that the goods and services they procure are not the result of human trafficking, especially forced labour, that is, to prevent the use of public funds to facilitate, encourage and enable the exploitation of victims of human trafficking. As it has already been emphasized, the key role in ensuring that public procurement and finances are not used in public procurement in a way that enables and promotes procurement anding is played by appropriate assumptions that primarily relate to the legal framework, institutional environment and capacities, development of procedures and practices prevention of human trafficking in public procurement and strengthening of professional awareness and capacities for more determined engagement of all involved entities.

When it comes to the legal framework governing public procurement in Bosnia and Herzegovina, the single Law on Public Procurement⁸⁷ is in force, which governs the entire system of public procurement and the rules that apply. This law has designed two institutions that monitor the application of not only the law but also all sub-legal (implementation) regulations governing public procurement. These are the Agency for Public Procurement of Bosnia and Herzegovina and the Procurement Review Body.

It should be emphasized right away that the Law on Public Procurement and the by-laws do not contain specific provisions on the prevention of human trafficking or due diligence in this area in terms of managing the risks of human trafficking in supply chains. Nevertheless, the Law on Public Procurement contains general provisions authorizing public institutions (contracting authorities) to reject the request for participation or offer in public procurement for those bidders who have been convicted in criminal proceedings by a final judgment for criminal offenses of organized crime (Article 45). Likewise, contracting authorities are

⁸⁷ Official Gazette of BiH", no. 39/14 and 59/22.

authorized to exclude from the public procurement process (for a period of 12 months) those bidders who are guilty of a serious professional failure that calls into question their integrity. It should be emphasized that the Law on Public Procurement placed the burden of proof in this case of disqualification on the contracting authorities, who are required to possess evidence of such violations of professional ethics.

Additional possible conditions for bidder disqualification include previous negative experiences, i.e., significant deficiencies in the implementation of public procurement contracts, fraudulent activity in the provision of data on bidder qualifications, conflict of interest, etc.

Therefore, in terms of the legal framework in the domain of public procurement in relation to the prevention of human trafficking, the legal provisions should be modernized so that they are clear, precise and predictable in such a way as to clearly establish the system of responsibility of bidders and contractual authorities, especially in terms of the mandatory establishment of due diligence procedures, at least in those sectors where human trafficking practices are most often recorded in supply chains.

At the level of sub-legal (implementation) regulations, it is necessary to foresee procedures and mechanisms for checking bidders in relation to the practices of human trafficking, especially the use of the services of victims of forced labour in supply chains.

Based on the good practices of other countries, it is possible to introduce lists of indicators and checks of bidders, from their general profile, through the evaluation of previously implemented contracts, up to the application of self-assessment methods in relation to the presence of human trafficking practices in their business operations. If the legal framework in this area of prevention of human trafficking in the supply chains of bidders in public procurements were to be innovated, contracting practices of special clauses could be introduced on the basis of which bidders would be obliged to self-regulate, in the sense that they undertake to establish a monitoring system, early warning and recognition of human trafficking and especially forced labour, as well as reporting all suspicious cases to the Agency for Public Procurement. For future changes and improvements to the law and the legal framework in general to be implemented as effectively as possible, it is also necessary to work on raising professional awareness, knowledge and the transfer of experience and good practices so that all those professionals, both from the Agency and the bidders, are as well acquainted with the problem as possible. human trafficking, forced labour and the use of supply chains for human trafficking.

One of the current responsibilities of the Agency is the establishment of a system for monitoring the procedures carried out by contracting authorities for the procurement of goods, services and works, with the aim of education and elimination of observed irregularities in individual public procurement procedures (Article 92). In this regard, if there were a precise legal framework related to the prevention of human trafficking, the Agency could establish a specially designed monitoring mechanism and apply different methods of control and

supervision to determine whether bidders carry out due diligence measures in relation to the prevention of human trafficking in their supply chains.

In addition to the aforementioned provisions of the Law on Public Procurement, which allow the disqualification of bidders for up to 12 months, it is possible to improve the legal framework in the area of prescribing specific sanctions for violations of the law on the prevention of human trafficking in public procurement, which should be decisive and include compensation for victims of human trafficking and the prohibition of participation of business entities in public procurement procedures for a longer period of time. crime, of corruption, fraud or money laundering.

4.2.2. Labour inspections

In terms of prevention and suppression of certain forms of human trafficking, especially forced labour, servitude, and similar phenomena of exploitation of victims, labour inspectorates play a key role in detecting, reporting and referring victims in terms of inter-agency cooperation. In general, labour inspections monitor the application of labour regulations, safety at work, and other related issues, and often labour inspectors may encounter various phenomena that indicate labour exploitation for the purposes of human trafficking. These are different risks associated with certain sectors, circumstances, and situations on the basis of which it is assessed whether it might be human trafficking, about which labour inspectors who suspect such a thing submit a report to other competent institutions such as the police and the prosecutor's office.

During field inspections, labour inspectors can detect the presence of one or more low, medium or high level indicators that indicate possible human trafficking, such as working conditions, salary, duration of working hours, safety at work, circumstances of accommodation and residence of workers, immigration status, presence persons who supervise workers, freedom of movement, possession of personal documents, etc.

Typical sectors in which labour trafficking occurs, through forced labour and services, are agriculture, manual work, construction and road construction, domestic servants, car washing, accommodation industry, etc. In order for labour inspectors to be able to adequately recognize indicators of human trafficking, especially the presence of signs of forced labour, they must, in addition to constant training and cooperation with other stakeholders, have a good knowledge of the legal framework that governs their activities and criminal legislation on human trafficking, detection and investigation procedures, and especially national referral for victim protection (safe houses, support and counselling, legal representation, etc.).

In relation to due diligence and the prevention of human trafficking, especially forced labour in supply chains, labour inspections are an integral part of the national framework for the prevention and suppression of human trafficking. Specifically, their role is reflected in the protection of workers' rights as provided by the current labour legislation, compliance with the highest ethical standards of business, especially in preventing the contamination of supply chains with various human trafficking practices. Therefore, the key prerequisite for a more robust engagement of labour inspectorates in the field of human trafficking prevention is

clearly set and prescribed standards of business with integrity, the implementation of which in practice is monitored by labour inspectorates and ensures that all illegal practices, including human trafficking in supply chains, are prevented.

Therefore, labour inspections have a multidimensional role in the anti-human trafficking system. The first is to be an integral part of the criminal justice system and to participate together with other institutions in investigations, prosecutions and adjudication of human traffickers. The second is for labour inspectors to be sufficiently trained, together with other professionals, to recognize indicators of forced labour for the purposes of human trafficking, and to expand the reach of their activities to identify potential victims.⁸⁸ Finally, labour inspectorates should cooperate with the private sector, which should adopt and implement its own standards of due diligence and business compliance with the highest ethical standards, all in order to ensure full compliance with those standards and prevent the use of business operations for illegal activities of human trafficking.

When it comes to labour legislation, it is in force in two entities (Federation of BiH and Republika Srpska) and Brčko District of BiH. Labour inspections in the Federation of BiH operate at the level of entities and ten cantons according to the principle of shared jurisdiction, which is regulated by the Law on Inspections from 2014. The Federal Administration for Inspection Affairs is responsible for the control of those entities that are important for the Federation of Bosnia and Herzegovina, while all other controls are carried out by the cantonal inspection administrations. In the Republic of Srpska, the system of inspections is organized in such a way that there is a centralized Republican Administration for inspection affairs with organizational units. In Brčko District, the inspectorate is an independent body of the Government that carries out its activities of supervision over the implementation of regulations in the field of labour legislation.

4.2.3. Business Sector

Businesses, especially those operating in global supply chains have a vital role in preventing and suppressing labour exploitation. Labour exploitation includes all the conditions that deny the effective exercise of fundamental labour rights, which endanger the life, health, freedom, human dignity and safety of workers.⁸⁹ Recognising these indicators is crucial for effectively addressing and preventing labour exploitation within the business sector.

Some common indicators of labour exploitation are⁹⁰:

1. **Withholding of, or deception about wages.** Wages are the compensation that workers receive in exchange for their labour. In the context of labour exploitation, it signifies the unethical

⁸⁸ Group of Experts on Action against Trafficking in Human Beings Evaluation Report - Bosnia and Herzegovina (Third evaluation round). Access to justice and effective remedies for victims of trafficking in human beings (Recommendations no. 100 and 175).

⁸⁹ See: https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-rome/documents/publication/wcms_842406.pdf, 17 August 2023, page 3

⁹⁰ More on: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_203832.pdf, 17 August 2023.

practice of not providing workers with the rightful wages they deserve. This can encompass various forms of mistreatment, such as paying wages below the agreed amount, significantly lower than the legally mandated minimum wage, or even below the industry average. Additionally, it involves denying workers their entitled overtime pay for exceeding a standard 40-hour workweek and other essential benefits, or withholding wages entirely.

E.g., wages are paid with coupons or cash alternatives, payment is not made to the worker's own bank account

2. **Intimidation and threats** involve using fear as a tool, often manifested through verbal abuse, harassment, or aggressive gestures, to exert control over workers who complain about their working conditions, stand up against abusive practices or contemplate leaving their jobs. *E.g., threatening to deport a worker or report him/her to law enforcement if he/she does not continue to work, threatening to family members working in the same company to face consequences if an employee report violation*
3. **Verbal, Physical, or Sexual Abuse:** includes any form of abusive behaviour, whether verbal, physical, or sexual, directed towards workers. It can involve yelling, hitting, pushing, or any other form of physical or emotional harm. Sexual abuse can involve unwanted advances, harassment, or assault. *E.g., visible injuries, aggressive behaviour toward worker*
4. **Restriction of movement:** Workers' movements are controlled or restricted, during recruitment process, at work or within employer-controlled accommodations, preventing them from leaving the workplace or living quarters during non-working hours. *E.g., locking workers in a location, surveillance cameras or guards monitoring worker movement, confiscating workers' passports or identification documents*
5. **Isolation:** Isolating workers means cutting them off from their communities, friends, and family, making it difficult for them to seek help, share their experiences, or escape from an abusive situation. *E.g., migrant worker does not speak local language and is not permitted to communicate with anyone,*
6. **Inadequate living conditions** refers to substandard and unhealthy accommodations provided to workers by their employers, often as part of their employment package. These conditions fall below acceptable standards of safety, cleanliness, and basic amenities. *E.g., lack of safe water and adequate food, crowded living quarters*
7. **Deception** relates to the failure to deliver what has been promised to the worker, either verbally or in writing. Victims of forced labour are often recruited with attractive job promises, only to find themselves trapped in harsh situations without consent or escape. Deceptive recruitment includes false information about work, wages, housing, migration status, job location, and employer identity. Children may also be recruited through false promises, made to them or their parents, concerning school attendance or the frequency of visits by or to their parents. *E.g., contract is written in a language not understood by the worker, a different job or housing arrangements are offered than previously agreed*
8. **Retention of identity documents:** Some employers or recruiters may hold onto workers' passports, identity cards, or other important documents, which makes workers feel unable to leave the employer without losing his/her documents. *E.g., seizing of passport, travel documents, work authorization forms*
9. **Debt bondage** occurs when workers are trapped in a cycle of debt due to excessive recruitment fees, making it nearly impossible for them to leave their jobs until the debt is

repaid. (E.g., excessive recruitment fees, other deductions from their wages, food and accommodation are charged at inflated prices

The presence of a single indicator, in certain situations, can imply the existence of forced labour, while in different scenarios, multiple indicators need to be considered together to identify a case of labour exploitation.

The following are types of labour exploitation that businesses operating in global supply chains may encounter:

Type	Description	High-Risk Industries	Key Indicators
Forced Labour	“all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.” ⁹¹	Agriculture and Farming, Garment and Textile Industry, Construction, Hospitality and Tourism, Manufacturing and Electronics, Mining, Food Processing	Confiscation of passports, Debt bondage, Restriction of movement, Inadequate living conditions
Human Trafficking	“is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit.” ⁹²	Agriculture and Farming, Garment and Textile Industry, Domestic Work (such as housekeepers, nannies), Hospitality and Tourism, Transportation	Controlled movement, Isolation, Withholding wages, Lack of personal identification documents

⁹¹ According to the ILO Forced Labour Convention, 1930 (No. 29), Article 2(1)

⁹² <https://www.unodc.org/unodc/en/human-Trafficking/Human-Trafficking.html>

Child Labour	Work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. ⁹³	Agriculture and Farming, Garment and Textile Industry, Construction, Manufacturing and Electronics, Mining, Food Processing	Below-age employment, Hazardous conditions, Inadequate education, Long working hours
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Preventing labour exploitation is not only a moral imperative and legal obligation of the business sector but it also contributes to sustainable economic growth and social stability over the long term.⁹⁴ All businesses, regardless of their location, size, operational context, ownership and structure, should act responsibly. They must identify and effectively manage risks related to their operations, products or services, including their supply chain and other business relationships. By ensuring fair wages, safe working conditions, and respectful treatment of workers, businesses fulfil their social responsibilities by following the rule of law and adhering to international standards. Furthermore, they foster a positive reputation, enhance employee loyalty, and build stronger relationships with stakeholders. Consequently, this can result in improved productivity, diminished turnover rates, and increased consumer confidence, ultimately benefiting both the company and the wider community.

While multinational companies may have more resources and therefore enhanced responsibility to tackle labour exploitation, it is crucial for all businesses, including those in Bosnia and Herzegovina, to proactively adopt a range of best practices to effectively address and combat this pressing concern. They need to have appropriate policies and procedures in place to prevent labour exploitation from taking place.

The research identified the following recommended policies, procedures and practices:

- Recommended policies

- 1. Business Code of Conduct** communicates the values of business and how business operates. It should point to various factors of a business's functioning, including hiring, workplace conditions, compensation, and interactions. At minimum, it should state that

⁹³ According to Worst Forms of Child Labour Convention, 1999 (No. 182), Article 3

⁹⁴ The article suggests that creating decent jobs and improving workers' skills can boost economic growth and social stability, see more: <https://www.weforum.org/agenda/2021/06/chief-economists-how-to-solve-labour-market-paradox-covid-pandemic-recovery-jobs-unemployment/>, 17 August 2023

business does not tolerate any form of labour exploitation and address issues such as child labour, forced labour, and human trafficking in their global supply chains.

2. **Supplier Code of Conduct** effectively communicates expectations for business partners, which include suppliers and contractors. The document is designed to establish standard practices within your business relationships. At minimum, the document should prohibit business partners from engaging in any form of labour exploitation and should also cover working conditions and worker treatment.
3. **Human Rights Policy** sets out how the company respects human rights by having policies and processes in place to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts⁹⁵.

⁹⁵ [How to Develop a Human Rights Policy 20151013.indd \(ohchr.org\)](#), p.3

Practical examples of companies implementing various practices and policies

Practice	Example	Benefits/Impact	Implementation Steps	Considerations
Business Code of Conduct	Bugatti Rimac d.o.o. ⁹⁶ establishes a Code of Conduct that explicitly prohibits labour exploitation, such as: child labour, forced labour, modern slavery, and human trafficking, throughout its operations and supply chain.	<ul style="list-style-type: none"> - Mitigation of labour exploitation risks - Enhanced company reputation and ethical standing - Alignment with global human rights standards 	<p>Analysis of the document elements:</p> <ol style="list-style-type: none"> 1. <i>Creation of Code of Conduct</i> - has a policy statement in the introduction section that outlines the purpose, scope and values of the code of conduct. 2. <i>Clearly define prohibited practices</i> - The document is covering human rights violations, e.g., child labour, modern slavery, human trafficking, etc. 3. <i>Develop guidelines for third-party engagement</i> - The document has a section on third-party engagement and business partners. 4. <i>Train employees and partners</i> - The document partially mentions expectations from employees and partners to comply with the code of conduct and to report any violations or concerns. However, it lacks training specifics or its implementation. 5. <i>Regularly review and update the code</i> - The document partially states that the code of conduct is subject to change, but does not have frequency and oversight details. 	<ul style="list-style-type: none"> - Methods for monitoring compliance. - Approach for addressing any non-compliance. - Establish remedy mechanisms for victims. - Collaboration with external stakeholders such as NGOs and trade unions.

⁹⁶ See: <https://web-cdn.rimac-automobili.com/wp-content/uploads/2023/06/06210117/BR-Code-of-conduct.pdf>, 17 August 2023.

<p>Supplier Code of Conduct</p>	<p>Inditex's⁹⁷, the global fashion retailer, Supplier Code ensures ethical standards for manufacturers and suppliers. The code guarantees human and labour rights, banning child labour and ensuring safety at work.</p>	<ul style="list-style-type: none"> - Improved working conditions and rights for workers in the supply chain. - Strengthened brand reputation and consumer trust. - Increased supply chain transparency and sustainability. 	<p>Analysis of the document elements:</p> <ol style="list-style-type: none"> 1. <i>A comprehensive Supplier Code of Conduct based on ethical and labour rights principles</i> - The document covers topics such as human rights, health and safety, environmental protection, anti-corruption, and transparency. 2. <i>Distribution of the code to all current and potential manufacturers and suppliers</i> - The document states that it is mandatory for all suppliers to sign and accept it, and to communicate it to their subcontractors and employees. 3. <i>Mechanism for supplier self-assessment or disclosure of practices</i> - The document requires suppliers to fill out a self-assessment questionnaire and to provide relevant information and documentation upon request. 4. <i>Regular audits to verify compliance</i> - The document states that Inditex reserves the right to conduct audits, inspections, and investigations at any time, with or without prior notice, and to use third-party auditors or monitors. 5. <i>Collaboration with non-compliant suppliers to drive continuous improvements</i> - The document states that Inditex will work with suppliers to correct any non-compliance issues, and to provide training and support. However, it also warns that repeated or serious violations may result in termination of the business relationship. 	<ul style="list-style-type: none"> - Challenges in auditing and monitoring, especially in geographically dispersed supply chains. - Handling cases of non-compliance or violations fairly and effectively, considering cultural and legal differences.
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⁹⁷ See: https://www.inditex.com/itxcomweb/api/media/8cd88d29-0571-43d5-a6c3-a6c34671e4c1/inditex_code_of_conduct_for_manufacturers_and_suppliers.pdf?t=1655306501225, 17 August 2023.

<p>Human Rights Policy</p>	<p>Coca-Cola HBC⁹⁸, beverage company, implements Human Rights Policy aligned with global standards like the Universal Declaration of Human Rights, International Labour Organization's principles, UN Global Compact, and Business and Human Rights Principles.</p>	<ul style="list-style-type: none"> - Enhanced ethical reputation and corporate responsibility. - Positive impact on employee morale and engagement. - Mitigation of human rights-related risks and legal liabilities. 	<p>Analysis of the document elements:</p> <ol style="list-style-type: none"> 1. <i>Develop a comprehensive Policy based on international standards and principles</i> - The document is based on international standards and principles. 2. <i>Clearly articulate the Policy's commitment to human rights in all aspects of the business</i> - The document expresses the company's commitment to respect and promote human rights in all aspects of its business, including its own operations, its supply chain, its communities, and its stakeholders. 3. <i>Communicate the policy across the organisation, ensuring awareness and understanding</i> - The document is communicated across the organisation through various channels, such as the company's intranet, internal newsletters, employee induction programs, and annual performance reviews. 4. <i>Integrate the policy into training programs and company culture</i> - The document is integrated into training programs and company culture. The company provides regular training on human rights topics to its employees, especially those in high-risk roles or locations. The company also encourages its employees to speak up and report any human rights concerns or violations through its Speak Up Line or other internal mechanisms. 	<ul style="list-style-type: none"> - Ensuring alignment across regions and cultures
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⁹⁸ See: <https://www.coca-colahellenic.com/en/about-us/corporate-governance/policies/human-rights-policy>, 17 August 2023.

			<p><i>5. Establish mechanisms for reporting, addressing, and rectifying human rights concerns</i> - The document establishes mechanisms for reporting, addressing, and rectifying human rights concerns. The company has a Human Rights Steering Committee that oversees the implementation and review of the policy. The company also conducts human rights due diligence assessments to identify and mitigate potential risks and impacts.</p>	
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- Recommended Procedures and Practices

- 1. Human Rights Due diligence** is an ongoing risk management process that a reasonable and prudent company needs to follow in order to identify, prevent, mitigate and account for how it addresses its adverse human rights impacts.⁹⁹ Businesses should conduct ongoing human rights due diligence, to identify, assess and mitigate potential or actual risks of forced labour, engage in meaningful dialogue with rights-holders and ensure their grievance mechanisms are working.

UNGP under the heading 'human rights due diligence,' which includes Principles 17–21, enumerates a range of processes and procedures that businesses should have in place to identify, avoid and monitor their human rights impacts.¹⁰⁰

The OECD Due Diligence Guidance for Responsible Business Conduct similarly outlines specific steps that businesses should take, as agreed upon by various stakeholders including business, trade unions, and civil society.

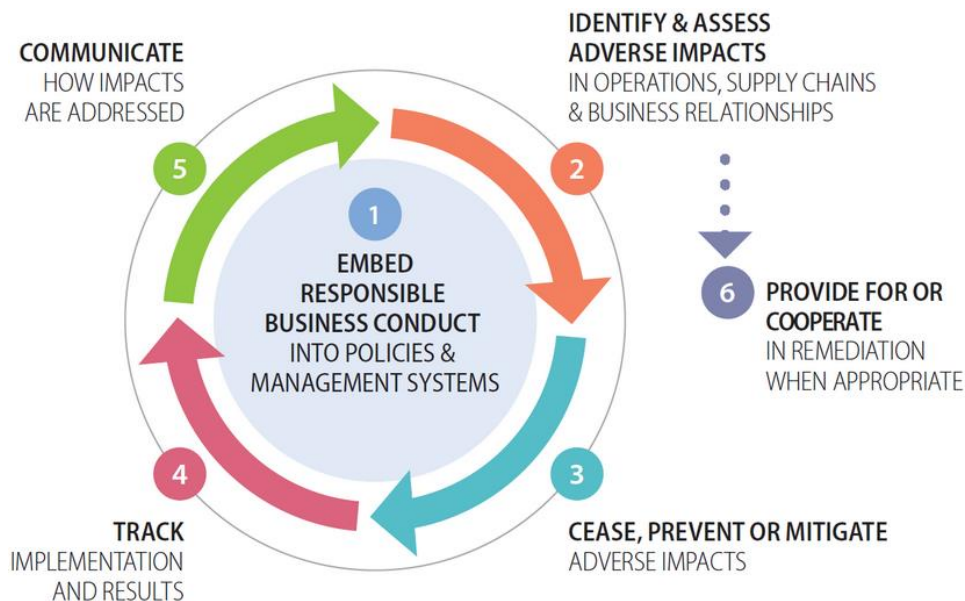


Figure 1: The OECD Due Diligence Guidance

⁹⁹ See: <https://www.ungpreporting.org/glossary/human-rights-due-diligence/>, 17 August 2023.

¹⁰⁰ See: https://www.undp.org/sites/g/files/zskgke326/files/2022-10/HRDD%20Interpretive%20Guide_ENG_Sep%202021.pdf, 17 August 2023.

2. Businesses should develop **Key Performance Indicators (KPIs)** to track progress on labour exploitation prevention efforts. KPIs are measurable values that demonstrate the effectiveness of an organisation's actions and strategies in achieving specific objectives. They provide valuable insights into the extent of the problem, the effectiveness of preventive measures, and areas that may require further attention.
3. Implementing comprehensive **training programs for staff** is a crucial action to address labour exploitation in supply chains. Training helps raise awareness, build capacity, and empower employees to identify, prevent, and respond effectively to instances of labour exploitation.



Marriott International, a UN Global Compact signatory, has demonstrated a strong commitment to combating human trafficking through its innovative training and awareness programs. Collaborating with ECPAT-USA and Polaris, Marriott launched its original human trafficking awareness training in 2016. The training program was further enhanced in 2021 to provide hotel associates with scenario-based examples, enabling them to recognize the signs of trafficking in real-world contexts. This approach empowers employees to respond effectively to potential trafficking situations and protect potential victims.

To ensure the program's effectiveness, Marriott made this training mandatory for all on-property staff in both managed and franchised properties globally from January 2017. This commitment to training has yielded significant results, as on December 10, 2022, Marriott International proudly announced that one million associates have been successfully trained¹⁰¹ to spot and respond to human trafficking.

Marriott's proactive approach to raising awareness also extends to guests and visitors. Educational materials are displayed in their hotels to raise awareness among the public and foster a collective effort to combat human trafficking.

Furthermore, Marriott has gone the extra mile in making this impactful training online and free of charge, ensuring accessibility to a broader audience. This demonstrates Marriott's commitment to sharing knowledge and best practices beyond its own workforce, thereby contributing to a broader positive impact on society.

4. **Stakeholder engagement** is a crucial part of effectively addressing human rights responsibilities. The UNGPs emphasise the need for businesses to meaningfully interact with stakeholders who understand the real working conditions and reasons behind exploitation on the ground. This engagement should be continuous and involved throughout various stages of human rights due diligence. Businesses need to identify and collaborate with relevant stakeholders. The low discovery of labour exploitation incidents in research can be attributed, in part, to the lack of engagement with workers, their representatives, and civil society.

¹⁰¹ <https://news.marriott.com/news/2022/12/15/marriott-international-celebrates-the-power-of-one-in-a-million-in-anti-trafficking-milestone>, 17 August 2023.

- 5. Supplier engagement** is crucial for improving labour standards throughout supply chains and promoting better company performance. Successful human rights due diligence involves consistent and meaningful interaction with suppliers. Businesses can be linked to human rights issues either directly or through their relationships with others, like suppliers. Labour exploitation often occurs in smaller supplying businesses or informal subcontractors. Therefore, companies can make a significant impact by collaborating with their suppliers.

4.2.4. Chambers of Commerce

Chambers of Commerce have an important role as non-state actors in addressing labour exploitation and advocating for workers' rights. Serving as conduits between the business community and broader society, they are significant for cultivating fair labour practices, ensuring decent working conditions, and safeguarding vulnerable workers from the clutches of trafficking and exploitation. Chambers of Commerce in BiH¹⁰² represent the interests of businesses across various sectors and promotes economic growth and development. Considering their role and capacity to shape corporate practices, they can significantly contribute to addressing labour exploitation issues in supply chains through policy advocacy, education, and direct engagement with businesses.

The following are examples of the ways in which the Chambers of Commerce can shape and contribute to preventing and tackling labour exploitation by businesses.

Policy Advocacy and Enlightened Engagement

The mission of Chambers in BiH is to represent the interests of its members before the authorities of Bosnia and Herzegovina, through proactive engagement with governmental bodies, it actively shapes labour laws, regulations, and enforcement mechanisms that act as against labour exploitation and human trafficking.

The Chambers hold the capacity to advocate policies that combat labour exploitation and human trafficking within the framework of labour laws, regulations, and enforcement mechanisms. These policies encompass a range of strategic initiatives: those that operationalize the UN Guiding Principles on Business and Human Rights; those that adhere to the Council of Europe's Recommendation CM/Rec(2022)21, guiding member States in their vigorous endeavours to prevent and combat human trafficking for labour exploitation. Moreover, through active participation in international associations, the Chambers not only fosters a favourable business environment but also raises awareness among members regarding the importance of respecting human rights.

¹⁰² Foreign Trade Chamber of Bosnia and Herzegovina, Chamber of Commerce and Industry of Republic Srpska, Chamber of Commerce of FBiH and entity chambers and Chamber of Commerce of Brčko District. See more: <https://komorabih.ba/privredne-komore-u-bih/>, 17 August 2023.

Empowerment through Knowledge: Capacity Building and Training

The Chambers in BiH offer various services to their members, including various training programs, workshops, and seminars for small and medium-sized enterprises (SMEs). By offering specialised training on human rights, labour standards, and ethical business conduct, the chambers ensure that businesses operate ethically and responsibly.

Networking and Collaboration

The Chambers act as dynamic hubs that foster interconnections and collaborations among diverse stakeholders. They initiate dialogues between businesses, NGOs, trade unions, and other relevant entities to combat labour exploitation and human trafficking. They have well established network platforms that can enable strategic partnerships, creating a resilient alliance against exploitative practices.

Strengthening the Foundation: Human Rights Due Diligence

The Chambers should encourage businesses to integrate human rights due diligence, guiding them in assessing and addressing vulnerabilities related to labour exploitation. By providing resources and tools, the chamber ensures that member businesses actively safeguard human rights in their operations and supply chains.

4.2.5. Ombudsman

An ombudsman is an official, often appointed by the government, entrusted with investigating complaints lodged by private citizens against a range of entities, including businesses, government departments, and financial institutions. Its fundamental aim is to resolve conflicts and address concerns through mediation or recommendations.¹⁰³

The Institution of Human Rights Ombudsman of BiH is an independent institution dedicated to protecting the rights of individuals and legal entities, as outlined by the Constitution of BiH and international human rights standards. It addresses complaints filed by natural persons or legal entities, as well as those initiated *ex officio*. These complaints relate to poor functioning or human rights violations committed by any organ of Bosnia and Herzegovina, its entities, and the District Brčko.¹⁰⁴ When the Institution of Human Rights Ombudsman of BiH determines a violation of rights, it issues recommendations to competent organs for implementing measures to rectify human rights violations or improve the functioning of administration. The Institution also assists citizens in understanding the most appropriate legal remedies and advises them on which institution to approach.

Furthermore, it should serve as an exemplar in efforts towards ethical business practices and fair treatment of workers. Through its power of investigation and issuing recommendations,

¹⁰³ See (<https://www.investopedia.com/terms/o/ombudsman.asp>, 17 August 2023).

¹⁰⁴ See:(<https://www.ombudsmen.gov.ba/Default.aspx?id=10&lang=BS>, 17 August 2023).

the Ombudsman has a capacity to contribute to the fight against human trafficking and labour exploitation. By actively engaging in work-related complaints and collaborating with competent authorities, the BH ombudsman contributes to a safer and more equitable work environment for individuals in various industries.

Some examples of ombudsmen who have dealt with this issue are:

- [The Canadian Ombudsperson for Responsible Enterprise \(CORE\)](#)¹⁰⁵, who is mandated to review allegations of human rights abuses arising from the operations of Canadian companies abroad in the mining, oil and gas, and garment sectors.
- [The Australian National Contact Point \(ANCP\)](#)¹⁰⁶, who is responsible for promoting adherence to the OECD Guidelines for Multinational Enterprises and handling complaints of non-compliance, including those related to labour exploitation in supply chains.
- The Ombudswoman of the Republic of Croatia¹⁰⁷, who is a commissioner of the Croatian Parliament responsible for the promotion and protection of human rights and freedoms, including those related to labour exploitation.

The concept of the ombudsman, as illustrated by the Institution of Human Rights Ombudsman of Bosnia and Herzegovina (BiH), plays a significant role in protecting human rights. By carefully addressing complaints and concerns, whether initiated by citizens or through its own initiatives, the BH ombudsman plays a key role in protecting the rights of individuals and legal entities established in the Constitution of BiH and international human rights standards.

4.2.6. Civil society organisations (CSOs)

Civil society organisations (CSOs), as dynamic agents of change, wield a pivotal role in the action against human trafficking and labour exploitation within global supply chains. Their multifaceted approach encompasses a range of strategic interventions, including raising awareness, supporting victims, overseeing compliance with international standards by public and private actors, facilitating comprehensive training initiatives, and advocating for improving policies and standards.

Through research and data accumulation, these CSOs attain profound insights into the nuanced dimensions of this issue, pinpointing vulnerable demographics and formulating high-impact strategies. Among their paramount functions is the task of instilling awareness and knowledge

¹⁰⁵ See: <https://www.canada.ca/en/employment-social-development/programs/international-affairs/reports/what-we-heard-forced-labour-global-supply-chain.html>, 17 August 2023

¹⁰⁶ See: <https://ausncp.gov.au>, 17 August 2023

¹⁰⁷ The 2017 Ombudswoman's Report presents the situation in Croatia, based on complaints they received and the activities they carried out. The report states that labour exploitation is one of the forms of human trafficking that occurs in Croatia, along with sexual exploitation, forced begging and forced criminal activities. See: https://www.google.com/url?q=https://www.ombudsman.hr/en/stanje-ljudskih-prava-u-hrvatskoj-izvjesce-pucke-pravobraniteljice-za-2018/&sa=D&source=docs&ust=1692694758403735&usg=AOvVaw1Vg9dTrbRogn6pMUuanl_g, 17 August 2023

among a diverse set of stakeholders: from labourers and local communities to corporate entities and conscientious consumers. This educational endeavour not only underscores the perils of trafficking but also empowers individuals to recognize and promptly report instances of exploitation.

The bedrock of CSO endeavours lies in collaborative synergy, harmonising efforts with a spectrum of partners to orchestrate a unified and harmonious response to the scourge of trafficking and exploitation. By cultivating strategic alliances, these organisations marshal resources and expertise to proactively curb these pernicious practices. Their reach extends to the corporate sphere, where they kindle a commitment to ethical conduct by meticulously scrutinising supply chains, fostering transparency, and nurturing a culture of integrity.

Additionally, CSOs extend a lifeline through the establishment of helplines and hotlines, expeditiously offering succour and essential resources to potential victims and concerned individuals. These vital communication channels act as beacons of hope, illuminating pathways toward assistance and redress. The transformative potential of CSOs is further amplified through impactful public awareness campaigns, which artfully shape consumer behaviour, galvanising support for ethical consumption and nurturing an ethos of responsible business practice.

The report by the U.S. Department of Labour that reviews the worst forms of child labour in BiH and highlights the efforts of NGOs to combat them. *E.g.*, UNHCR-funded project, implemented by the NGO Vaša Prava, which promotes the registration of Roma people to increase their access to social benefits and schools. Has helped 1,740 individuals register for citizenship since 2009 and continues to provide legal assistance to foreign victims of trafficking. Authorities continued to implement the registration project during the reporting period.

The efforts of civil society organisations¹⁰⁸ actively operating in Bosnia and Herzegovina (BiH) to combat human trafficking are noteworthy and laudable. This is underscored in the report by the U.S. Department of Labor, which reviews the worst forms of child labour in BiH and showcases the role played by non-governmental organizations countering these challenges. *E.g.*, UNHCR-funded project, implemented by the NGO Vaša Prava, which promotes the registration of Roma people to increase their access to social benefits and schools. Has helped 1,740 individuals register for citizenship since 2009 and continues to provide legal assistance to foreign victims of trafficking. Authorities continued to implement the registration project during the reporting period.¹⁰⁹

¹⁰⁸ Among these stalwart entities are ISF Emmaus, Medica Zenica, Nova generacija, Save the Children, Vaša prava, Zemlja Djece, Centar ženskih prava, Foundation Lara Bijeljina, Udruženje Žena BiH, Novi put, Bolja budućnost, and Naša djeca

¹⁰⁹ See: <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/bosnia-and-herzegovina>, 17 August 2023.

IV. Conclusions and recommendations

This study has identified the measures that are relevant to the BiH duty to protect human rights against violations by business, particularly by addressing risks of labour exploitation through public and private supply chains.

First, it provided an overview of the relevant international standards concerning prevention of human trafficking and exploitation within the supply chains. These standards are contained in a range of instruments, including both legally binding treaties, such as Palermo protocol, ECHR or ILO conventions and soft law mechanisms, like the UNPGs, which have become a benchmark for assessing corporate social responsibility.

The analysis furthermore has identified key stakeholders that are responsible for implementing the required standards and addressing risks of THB and labour exploitation in supply chains as well as recommended policies and practices necessary for achieving this goal. It highlights that active collaboration between these actors can create fertile ground for tackling labour exploitation and human trafficking in supply chains of public and private sectors.

Despite BiH international obligations to address the human trafficking for the purpose of labour exploitation the study identifies that in the reviewed strategic and policy documents of BiH, only one strategic measure refers to the fight against human trafficking for the purpose of labour exploitation in supply chains. This resulted in the omission to elaborate this measure in specific activities of the relevant action plans at the State, Entity, Canton, and District levels. Also the relevant public procurement legislation does not contain specific provisions on the prevention of human trafficking or due diligence in this area in terms of managing the risks of human trafficking in supply chains. In addition, in BiH there are no due diligence regulations that require businesses to undertake efforts to identify exploitation in their supply chains and address it.

To rectify the observed shortcomings, improve the BiH response to THB, and labour exploitation in supply chains, this study formulates the following recommendations:

Enhance Legislative Framework:

- Strengthen existing national legislation against trafficking for labour exploitation in supply chains.
- Collaborate with international bodies to harmonise national legislation with relevant international standards and conventions.

Promote Effective Enforcement:

- Conduct regular and thorough inspections of businesses, particularly those operating in high-risk sectors prone to labour exploitation.

Foster Industry Collaboration:

- Encourage the establishment of industry-specific working groups to address labour exploitation and human trafficking collectively.
- Facilitate the sharing of best practices, resources, and strategies among businesses operating within similar sectors.
- Develop a platform for businesses to collaboratively address supply chain challenges, share knowledge, and coordinate efforts to combat exploitation.

Promote Human Rights Due Diligence:

- Encourage businesses to adopt and implement comprehensive human rights due diligence processes within their supply chains.
- Provide training and capacity-building programs for businesses to effectively conduct risk assessments, identify vulnerabilities, and take proactive measures.

Strengthen Stakeholder Engagement:

- Facilitate regular and meaningful engagement between businesses, NGOs, Chambers of Commerce, and governmental bodies to address labour exploitation.
- Establish multi-stakeholder platforms that promote open dialogue, knowledge sharing, and collaborative initiatives to combat human trafficking.
- Encourage the active participation of Chambers of Commerce in stakeholder engagement efforts to leverage their influence and resources, and to raise awareness about forced labour and trafficking among members.
- Develop strategic partnerships with civil society organisations.

Enhance Training and Education:

- Collaborate with Chambers of Commerce to integrate human rights and ethical business conduct into curricula, fostering a culture of responsible business practices.
- Offer specialised training programs and resources to equip businesses, employees, and stakeholders with the knowledge and skills to identify and address labour exploitation.