



## **Transnational Human Trafficking and Stigmatization In The Western Balkans – Bosnia and Herzegovina; Socio-Political and Economic Framework**

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### **Abstract**

The study critically analyzes the root causal and consequential transnational human trafficking factors from the Balkan wars to the present, implying stigmatization discourse, gender-discriminatory climate, the role of masculinity by comprehensive bibliographic review, and insight into the socio-political and economic challenges by the participative observations and the BiH case study's, highlighting harmonization, improvement, and systemic transformation. It is a social phenomenon that requires a comprehensive (legal-social) approach, i.e., applying effective measures in terms of prevention, suppression, and the punishment of perpetrators with mandatory "regional" cooperation. Illegal economy, structural adjustment policies conditioned by international financial funds, systemic corruption, long-term transition, high unemployment, and economic migrations shape the region's economic climate and indirectly affect the state of phenomena. Ethnopolitical structures produce social (in)-stability, affecting the phenomena. Lack of political will and constant internal ethnopolitical conflicts impact the contrary course of initiatives to combat the phenomenon. Considerable attention to victims' social construction in judicial and social capital is critical due to the effects of destructive representation of misogyny elements on perpetuating sexist stereotypes that harm victims and further exploiting. Stigma in social justice significantly affects victimization dynamics, intertwining cultural, legal, conservative patterns, and structural violence continuation. The Western-Balkan states' legal double standards towards prostitution are discriminatory. Implementing adequate programs to reduce stigmatization while increasing institutional and general public exposure to victims who have made successful reintegration could be a productive aspect of the systemic transformation.



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Western-Balkan gender-discriminatory climate and masculinity's role in establishing an ethnonational political community based on conservative values remain insufficiently explored. Given the challenges of the current migrant crisis, the political level can ensure a coherent and coordinated EU and Western Balkans strategy in harmonizing and improving the existing normative solutions.

### Introduction

The author discusses the socio-political and economic factors of human trafficking and exploitation, social, gender, judicial frameworks of victimization, and stigmatization dynamics in feminist-weak, patriarchal Balkan societies. Trafficking in human beings is the cross-border sale of a person, against his or her will, for sexual or other exploitation; it means all acts and attempted acts involved in the recruitment, transport within or across the border, purchase, sale, transfer, reception or concealment of persons. (Bertone, 2000) It leaves victims in a state of slavery because they are forced into prostitution or other activities while denying freedom of change. Although they are often not recognized by legal doctrine, prostitution and human trafficking are closely related phenomena. Moreover, individuals who engage in prostitution if seeking treatment tend to hide or minimize their involvement in prostitution. Social stigma refers to the extreme disapproval (or dissatisfaction) of a person or group on socially characteristic grounds observed and helps differentiate themselves from other society members. Stigma can then be attached to such a person, from the wider society, which differs from its cultural norms. Social stigma refers to the extreme disapproval (or dissatisfaction) of a person or group on socially characteristic grounds observed and helps differentiate themselves from other society members. Stigma can then be attached to such a person, from the wider society, which differs from its cultural norms. The shame and stigma associated with prostitution are so intense that most people will go very far to hide this aspect of their own experience, even in a confidential therapeutic relationship whose success depends on open and complete disclosure. Trafficking in human beings, as a problem of global proportions, equally affects countries in the post-conflict period, i.e., economic and social transition and industrialized countries. Human trafficking is not limited to one country's territory as a form of serious and organized crime.

This phenomenon, encompassing the phases of recruitment, transport, and exploitation of victims, in its various forms, occurs in the territory of the countries of origin, transit, and final destination. Women, children, and men are subjected to various forms of abuse and exploitation that violate their fundamental human rights.

The total number of research on human trafficking in BiH is very modest, and most research has been conducted within joint international research projects. The first research report<sup>1</sup> on human trafficking in BiH was published in 2001. In the Balkans, thanks to initiatives of the United Research Institute nation (United Nations Interregional Crime and Justice Research Institute-UNICRI), -UNICRI), more seriously first, in-depth and systematic research of the organized crime (Grubac, 2009: 709) was started in 2007 at the Institute for Resistance in Serbia with the help of Faculty in Florence (Italy). Fight against trafficking in human beings and human organs is one of the most critical challenges in human rights with which the world faces. Organ smuggling and human trafficking represent the two most advanced cross-border organized crime activities, and the same the straps are the most cost-effective forms immediately after the narcotics trade has (United Nations Office on Drugs and Crime- UNODC, 2010). The Balkan area offers several advantages to all who want to deal with the war-torn Asian and Arab areas to reach Western European countries. Candidate country activities for full membership in the European Union (EU) due to this fact must be aimed at the detection and suppression of organized criminal networks for smuggling people.

Unlike security-oriented authors who see organized crime as a threat to liberal democracy, economic stability, and opportunities to combat organized crime, L. Shelley believes that looking at the problem should focus on changes in social relations necessary

for developing strong institutions. Organized crime is a new, non-state form of authoritarianism, and that organized crime, like traditional authoritarianism, affects all aspects of society, including economic relations, political structures, legal institutions, citizen-state relations, and human rights. (Shelley, 1997) Human trafficking is an epidemic in itself. However, it is also an indicator of other deep-rooted international challenges - refugee crises, civil strife, poverty, and more.

Nevertheless, there is another root cause that is rarely, if ever, discussed: authoritarianism. The powers of states and entities created on the ruins of ex-Yu (former Yugoslavia) are often authoritarian and weak at the same time. With the frequent rise of dictators and arbitrary recourse to power, human rights violations and relations can be described as multiple antagonisms with questionable cross-border cooperation. States cannot establish effective civilian control over security systems, much less to restore inappropriate flows of the economy and political decision-making, the distribution of power to legal, institutional flows. Corruption is understood today as a form of organized crime, which is characteristic of Balkan states that are particularly vulnerable and as pronounced a negative phenomenon that collapses their economy. Organized crime is often intertwined with ex-Yu political structures, taking advantage of confusing social and institutional changes, and some transitional effects have become structural. The systemic absence of political stability in BiH, systemic corruption has negatively affected institutions' further weakening, despite billions of dollars by the US and European support after the war. After the signing of the Dayton Agreement in BiH, state institutions were weak, conflicts of interest and interethnic mistrust of the recently warring parties were significant. Such circumstances have made the fragile political situation even more unstable.

In the context of the policy framework, recent research on trafficking suggests that policy interests focused on (exclusive) migration policy call for protectionist-preventive discourse on vulnerability - especially for women - and tightening borders against the entry of certain types of migrants. (Fitzgerald, 2010) In this regard, the war in the Balkan region, and the emergence of new states, the proximity of borders, its permeability, inconsistent records

of citizens, and the current migrant crisis caused a "collapse" in the control of personal documents and borders. Simultaneously, some people could be citizens of two to three states, which were previously part of Yugoslavia, which automatically made it challenging to control their movements. Furthermore, traditional security analyzes of trafficking emphasize border security, migration control, and international law enforcement cooperation. Feminist analyzes of trafficking challenge the traditional security framework, prioritizing recognizing how both traffickers and the state threaten victims. Focusing on trafficking as a security threat to the state ignores the voices of trafficked persons whose human and legal rights must protect.

Regarding the discourse of social construction of victims globally, it is a common opinion that "once a prostitute woman loses all her rights and no longer has the right to protection from violence, exploitation, abuse, blackmail, and imprisonment." (Bindman, Doezema, 1997: 77) Besides, the Balkan gender-discriminatory climate and masculinity's role in establishing an ethnonational political community based on conservative values remain insufficiently explored. There is a lack of systemic solutions to victims' social reintegration and judicial stigmatization occurs when influencing the further victimization cycle. Stigma in social and judicial frameworks significantly affects victimization dynamics, intertwining cultural, legal patterns, and structural violence continues.

Victims of trafficking are subjected to conditions that devalue and degrade their dignity and humanity, and societal beliefs about the types of slavery they are forced into often participate in the shadow of human rights violations. The unique focus on trafficking in women for sexual exploitation is partly due to media sensationalism. However, what is the relationship between criminality (reduction) and misdemeanor charges (prostitution) in practice? If we took an example from Croatia in 2014, 55 reported criminal offenses of organized crime - prostitution, and 170 misdemeanor charges for prostitution (of which 100% were women). CZZR<sup>2</sup> research published in the form of a brochure *Legal and Media Perspectives on Trafficking in Women and Prostitution* showed that between 2004 and 2008, there were 797 misdemeanor proceedings against persons who

"committed prostitution" (almost all women) and only 50 against procurers (mostly men). On the legislative basis, the public in the local communities' is not sensitive to this problem in all aspects of the phenomenon.

The existence of human trafficking was ignored in the post-Dayton (Dayton Peace Accords) period; after 1995, except for a few newspaper articles, no one paid particular attention to the existence of dozens of nightclubs where forced prostitution takes place. The victims were mostly women from Moldova, Romania, Ukraine, Kazakhstan, FR Yugoslavia, and Belarus. According to reports from NGOs and the International Organization for Migration (IOM), between 110 and 160 children were trafficked for sexual exploitation in BiH between 1999 and early 2003. Today, the dominant form of exploitation in BiH is labor exploitation, and 89% of victims are children. The problem is the small number of organizations and institutions that deal with monitoring and improving victims' position. The establishment of a mechanism to monitor the situation in combating trafficking in human beings is seen by Bosnian NGOs dealing with this problem as a significant step forward in this area. (ASTRA, Anti-trafficking Action, 2018).

It is assumed that this number was far higher. (Human Rights Watch, 2002: 9) BiH is a geographical part of Southeast Europe, a region of recruitment, destinations, transit, and it has become an area of origin for victims of trafficking. Organized crime activities are intertwined and deeply embedded in political instability, institutional weakness, and a widespread culture of corruption in the region. "Corruption in most countries of the Western Balkans is systemic and well organized and is rooted in state institutions of government, including the judiciary, police, and secret services." (Gyarmati, Stančić, 2007: 55). Based on this, we can problematize the national security of BiH as evidently inefficient (the author will further mention BiH in the theoretical context of a weak state). After the war, the emerging-market managed to become a smuggler's paradise quickly and became an ardent symbol of the government's inability to regulate the flow of goods across its borders. For many years, the Arizona market near Brčko<sup>3</sup> was the main stage for smugglers of illegal immigrants, prostitutes, and drugs from Asia

and the former Soviet republics to Western Europe, and criminal gangs and racketeers controlled the area. (Peter, 2004: 19).

The Balkans in geographical form through the former Yugoslavia, except Slovenia, has become a "frozen" entity in history due to the prevailing ethnonational differences and circumstances between and within borders (nationalism, sovereignty, and identities) opposing democratic peace. As in other countries that have experienced and survived the implosion of communist regimes, in post-Yugoslav countries, democracy has not been won by independent and robust social groups that can act as a counterweight to the state structure, with formed interests that act "transformatively"; not directing political change and form the basis of political pluralism expressed through different parties. (Hadžić, 2020) In a broader socio-political sense, nationalisms, i.e., the prominent advocates of the ideology of exclusion, "very quickly became allies in the former Yugoslavia" (Papić, 2002), which further weakened and impoverished all others who do not support such discourses. The old ethnonational parties of "war origin" have dominated coalitions, a rule for twenty-four years, and BiH could remain in its premodern political phase for a long time, only as a "failed state." BiH has become a political "Gordian knot" internally, for domestic political factors, and externally, for the so-called international community. No positive step out of such a situation is possible outside the agreement of the three peoples, and at all levels as an ethno-political formula without alternative. Thus, incompatible and irreconcilable to the point of complete divergence, affecting the fight against phenomena. Three ethno-politics follow a restraining policy so that "hybrid wars" prevent their transition into three political communities without adopting an applicable rule of law. It is a state of permanent crisis, the inability to create the minimum internal political cohesion needed to build a country's stable political identity.

In the literature on human trafficking, the military presence is cited as one of the structural factors contributing to human trafficking. Peacekeepers came to BiH to defend a specific political order, to provide physical security. One of the questions that the study raises is the in-possibility of

separating physical security from the right to the body's physical integrity, which is violated through sexual exploitation. "It gives the whole situation a political context" (Carol, 2011:3). The international community's responsibility to prosecute those who committed recorded crimes related to trafficking and exploitation while members of the UN peacekeeping mission is a moral and political issue. A vital issue is the question of the responsibility of the international forces for involvement in human trafficking. However, there was no political will in the countries that sent their members to the UN mission to prosecute their citizens who committed recorded crimes related to human trafficking while they were members of BiH's UN peacekeeping mission. (Simić, 2010: 2) Furthermore, a large number of international forces, which remained in BiH after the war in order to preserve peace, and in connection with that, the increased presence of so-called "foreign citizens" (diplomats, experts, humanitarians, journalists), are also one of the causes of mass prostitution. (Mićo, 2004: 77). At the same time, BiH is in immediate danger from the current "migrant crisis" due to the influx of thousands of migrants. Moreover, a particular concern is engaging in trafficking in unaccompanied and adequately protected minors; the vulnerable group is children who travel on the Balkan route unaccompanied by adults.

### **Methodology**

The study critically analyzes the root causal and consequential transnational human trafficking factors in the Western Balkans from the Balkan wars to the present, implying stigmatization discourse, gender-discriminatory climate, and the role of masculinity by comprehensive bibliographic review. Besides, the author provides insight into the socio-political and economic challenges by the participative observations and the BiH case study's phenomenon. Given the modest research in these phenomena so far, this study highlights the potential of future research that could lead to more insights into the importance of the correspondence between transnational human trafficking and socio-political, economic, and stigmatization dynamics in feminist-weak, patriarchal societies for the harmonization, systemic transformations, and improvement of the normative solutions.

### **Economic Framework**

Ethnonationalism does not bring political scenes a socioeconomic system that would already be independently formed, with appropriate bearers of transformative interests and competing "projects" of the new order. (Hadžić, 2020) The author maintains that the link between organized crime and corruption, on the one hand, and nationalist ethnopolitical structures, on the other, is the most significant obstacle to the development of a market economy in BiH and a growing threat to the peace process. The country rapidly gained a reputation as an emerging market or as a lawless and incorrigible state dominated by organized crime and corruption. (Peter, 2004: 17) Thus, the state's essence is determined by protecting its territory, citizens, political order from various external threats, and establishing internal order. (Fukuyama, 2007: 12) This strength of state power is called institutional capacity. Institutional and administrative capacities are divided into strong and weak states. A healthy state, according to J. Migdal, can meet the set goals. It can "penetrate society, regulate social relations, extract funds, and direct or use them in established ways." Also, weak states are unable to create consensus on fundamental social and political issues. A weak state can also be defined as one that cannot protect fundamental civil and property rights. Weak states are characterized by, among other things, ethnic-religious conflicts, organized crime, and terrorist activities. Besides, the problems posed by the state's criminalization mainly occur in environments characterized by the weakness of institutions and the moral crisis (Puhalo, Žiga, 2017), that usually accompanies weak institutions. Each year, the U.S. State Department publishes a trafficking report that categorizes countries according to the strength of their anti-trafficking efforts. There are four categories: Tier 1 (first level countries), Tier 2 (second level countries), Tier 2 watch list (for second-level countries), and Tier 3 (third level countries). For a country to be categorized as a Tier 1 best-performing country, its government should go faster and further in prosecuting traffickers, protecting victims, preventing new trafficking cases, and partnering with civil society to come up with new solutions. In this year's report, published in June, 94% of first-tier countries have democratic governments. Meanwhile, only 6%

of ranked authoritarian states fall into that category. The third level list is made up of 90% authoritarian governments and 10% democratic ones. (The State Department report on human trafficking, 2018).

Illegal economy, structural adjustment policies conditioned by international financial funds, high unemployment rate, and increased economic Migration are factors that shape the economic climate of Western Balkans and indirectly affect the state of human trafficking. The impact of the economic environment on human trafficking in BiH results from the asymmetry of these factors." (Obradović, 2006: 250) The global economy can be a model of three sectors: the legal economy, informal economy, and criminal. In BiH, there is a disparity in these sectors to the detriment of the legitimate economy. (Lock, 2003: 34) The stable economy is a sector that should employ the population and taxes for the state from which various programs are financed, including anti-trafficking activities. The consequence of this situation is the creation of organized smuggling groups that have made enormous profits illegally. (Hadžić, 2020) With "money laundering" from human trafficking, the capital of criminal organizations increases, and with the increase of money, their powers increase because part of that money is used to bribe state bodies, individuals, or even political parties, through which it is possible to influence the "paths of justice," and then "laundered" money is invested in legal affairs or other criminal activities. (TIP Report, 2005) It is necessary to describe the wider environment, which directly or indirectly impacts the state of human trafficking.

An essential economic characteristic of the war in BiH represents a real explosion of war profiteers/war lords. Every war is, by definition, a time of abnormal tendencies in all spheres of human life. The most drastic changes have taken place in the domain of economic efficiency. Thus, a unique economic feature and most significant impetus for strengthening criminal networks in the Balkans was the tremendous economic opportunity offered by weapons or other war goods, such as fuel, and appropriation of international humanitarian aid. Forcibly seize humanitarian aid was done on mutually established warring parties, or in the continuous practice, the organization of taking over

and distributing humanitarian goods was performed mostly by domestic humanitarian organizations. These goods were later placed on the domestic market on a commercial basis. In Sarajevo alone, each truckload of imported often smuggled excise goods meant close to a million, and it was not uncommon for goods to be of unknown origin and without proper production and trade documentation. On the example of BiH's post-war situation, M. Pugh showed how strongly political and economic interests are intertwined with controlling trade and production. Besides, BiH is an excellent example of how the international embargo enabled the creation of many monopoly positions based on force and how, partly because of these monopolies, war's economic structures greatly hinder the construction of a market order in the postwar period.

Corruption problems of the E.U. member states negatively reflect the European Union (E.U.) 's the internal market because corruption is inevitably leading to its participants' discrimination. Corruption is understood today as a form of organized crime (Ignjatovic, Škulić, 2012: 415), which is characteristic of Balkan states that are particularly vulnerable and as pronounced a negative phenomenon that collapses their economy. European Union reports (E.U.) when it comes to corruption, they say that only Greece is worse stands from the Republic of Croatia. Besides, surveys among the Republic of Albania citizens are Montenegro, the Republic Serbia, the Republic of Croatia, and Macedonia shows that corruption after unemployment and poverty are the most significant and the problem they face daily (United Nations Office on Drugs and Crime-UNODC, 2011). Corruption is present everywhere, in politics, culture, educational and health system, and is a direct consequence of the weak standard of living and unrealistic high prices. When we add to the mentioned as never before previously expressed materialism in humans, it becomes quite clear why the results and research are devastating. Corruption exists in all systems and all states. However, every state must have a goal; to the same, reduce it to a minimum and send the message to the right way cares about its stability.

Organized crime is a significant income source and employment in the region, 4 and thus a threat to the legitimate social order. Furthermore, foreign

investments are the basis for the revitalization of the economy, which should reduce unemployment, increase public revenues, and generally positively impact the development of society and strengthen state institutions. I argue that insufficient inflow of foreign investments is directly conditioned by the high crime rate and corruption rate. The state's damage from the illegal economy on an annual level is estimated at around 600 million U.S. dollars, which is approximately the same as the budget deficit. (Pugh, 2003: 78) Significant economic capacities were destroyed in the war, and smugglers became the leading suppliers of the market. (OHR, 2000) This situation has resulted in the long-term disintegration of the social order and the erosion of its legitimacy. The black economy has left a visible change in the social structure of the population; on the one hand, it contributed to the impoverishment of a large part of the population, and on the other hand, it created the economic empires of the lords of war, who mostly made a fortune by smuggling excise goods including trade in banned goods. (Katunarić, Puntarić, 2001)

A. Peter believes that war economies in places like the Balkans, the Caucasus, and Central Asia are criminalized because they rely on criminal actors and the black market as the primary source of funding and supply; there is a close link between conflict and crime, which gives these conflicts the form of "criminalized conflicts". Many war commanders emerged from the wars as national heroes, and in the post-war period, became known for illegal enrichment, closely related to power structures. (Hadžić, 2000: 261) Besides, the constant political, economic, and security crisis, have inevitably led to the erosion of institutional structures and the creation of informal social relations, often based on nepotism - a kleptocracy. After controversial privatizations of former Yugoslavia economic giants and state banks, and the significant influence of the new actors, countries in the region became "captured" by private interests by confiscation of the cultural property of the ex-Yu and transfer of that property to the thin layer of war profiteers, the former technocratic layer of the ex-Yu, the domestic political elite and foreign tycoons" (Tabaković, 2007). The nationalization of states prepared the ground for the entry of capitalism - ethnonationalism and ethnoreligious violence played a crucial role as

a foundation for criminalization. Starting from the war accumulation of capital (profiteering), through the privatizations of the 1990s, to the formation of power within ethnopolitics (especially war parties). Moreover, the illicit economy and criminal actors in the Bosnian conflict have influenced the conflict's outbreak, its course, and its duration.

V. Obradović distinguishes the so-called push and pulls factors that cause human trafficking.<sup>5</sup> In the last few years, BiH's Unemployment has tended to increase, and the estimate of unemployment in the first quarter of 2005 was 50%. (UNDP BiH, 2005:16) These are circumstances that erode the economic picture and strengthen the citizens' economic depression and political pessimism. Increased poverty strengthens the impulse for young people to leave the country; however, due to the inability to emigrate legally (lack of E.U. passports<sup>6</sup>), there is a peril that young people from BiH will fall victim to organized trafficking cartels. According to Marxist insights, poverty is the result of the class division of society and a constant companion of capitalist society and can be abolished by the self-abolition of society's class structure. Weber proves that an individual's class situation depends on his market situation, and the amount of power he has affects the operation of the market in his favor. The award is the result of his skills and expertise that he achieves in the competitive market. We can conclude that the disparity between the employed and unemployed population, the war past, poverty, the feeling of insecurity, and the culture of corruption<sup>7</sup> are among the leading causes of economic immigration. From the somewhat objectified point of view of the citizens of countries in transition, the "social pyramid of corruption" consists of its massive broad base of petty, everyday corruption whose actors are lower officials and citizens, and the main reason is widespread poverty and insecurity on which the political elite draws power from "legal" spilling public resources. (Hadžić, 2020: 259) The actors are entrepreneurs who came to the position using political support and monopoly privilege and not through open market competition and party commissioners at the head of non-privatized companies and public funds whose privileged position is conditioned by the promotion of party interests within which it is possible to "embed" and own interests.

The difficulty of etiological explanations of crime generally increases for an economic crime for which the same definitions are uncertain. Positivist theories looking for a reason to explain such crimes seem outdated, both in terms of traditional crime and economic and organized crime. The simple use of Marxist theories remains, but today it is less and less convincing. According to Young (1981), economic crime is inherent in the economy itself, which tries in every way to encourage an increase in profits (the criminogenic value of capitalism). This perspective has its origins in Marxist reflection. Bonger (1969) considers some economic crimes and concludes that "many of these crimes would occur during periods of economic crisis, and specific individuals in such difficult situations maintain a previously achieved standard of living. Thus, economic crime is linked to structural causes that closely affect the development of the economy.

In addition to the above modalities and the reasons for the state's weakness, another phenomenon can be singled out - selectively weak state. It is weak only in specific segments. That is, the political elite, balancing between the pressures of the international community and the pressures of the public, seeks to weaken the state's functions in segments that are not important for the survival of the regime, while late action is expressed it comes to government interests. (Deudney, 2004) This declaration is supported by the fact that most ex-Yu countries have not reached the level of development since the late 1980s, with an increased risk of losing the equity in interaction with other countries. Most countries depend on stand-by arrangements with the International monetary fund (IMF), and some have an Extended Fund Facility (EFF), differing in the extended repayment period. While political elites are spreading panic from refugees and immigrants coming to BiH, the citizens of this country who fail to ensure a living wage - or do not want to accept the gloomy thought that their lives must be reduced to a mere struggle for existence - are also looking for ways to leave. Nationalist ideologies and identity politics affect socioeconomic stalemate; economic migrations from the ex-Yu are among the highest in the E.U. (Eurostat, 2017) It is unknown how many people leave BiH - according to some research, the number is around 40,000 a year. There is no systematic statistical approach in BiH, while Germany and Austria keep very accurate

records of immigration from BiH.<sup>8</sup> The increasingly complex political and security situation leaves no choice even for those who have relatively good employment, and the consciousness of citizens can best be seen in the example of V.T., one of the most promising sound recorders in a media house.<sup>9</sup>

Reports by independent researchers on human rights, reports by the U.S. Congress on International Relations, and the U.N. in 2002 indicate that forced prostitution has been tolerated and protected from powerful elements at various BiH administration levels. (Harrington, 2005: 9) Many reports support claims of direct involvement of specific government structures and employees of the Department of Foreigners. (Human rights watch, 2002: 27) Judging by the number of facilities where prostitution is organized and the number of women, then most women in these facilities are foreign nationals, that many of them entered BiH illegally, we can conclude that prostitution in BiH is, without a doubt, international organized crime. Raids by local police monitored by the IPTF showed, based on post-raid results, that 25% of women and children were forced into prostitution. (UNDP, 2003: 112) Meanwhile, macroeconomic indicators do not show improvement compared to the previous period (UNDP BiH, 2005: 86), indicating that the current economic and social instability, black economy, and smuggling are still a fertile ground for stimulating factors contributing to human trafficking. The analysis of the case (Human rights watch, 2002: 45) from Prijedor<sup>10</sup> through the narration of one victim of human trafficking from 2000 can serve as a framework analysis of the realized revenues from human trafficking. Based on girls' market prices<sup>11</sup> and the example of a "boss", we can conclude what amounts to the detriment of the state. It follows these facts that human trafficking in BiH is a multimillion-dollar business over which the authorities have no control. A large part of the income that goes with human trafficking is the smuggling of weapons and drugs, forgery of documents<sup>12</sup>, non-payment of taxes, and other parts representing a significant part of the earnings.

The Balkan countries are characterized by permeable borders and a porous security shield. It services facilitate the activities of organized crime. According to the international organizations' official information responsible for illegal Migration, the



organizers of human trafficking in 2000 earned about 320 million KM (BiH convertible Mark). By the beginning of 2000 (before 9/11, the Arab Spring, ISIL), about half a million migrants entered the E.U. through BiH, "and Iranians, Iraqis, Pakistanis, Turks, Algerians, Afghans, Ukrainians, Bengalis, Georgians, Romanians sought asylum in BiH." (Karup, 2018).

In the Balkans, thanks to initiatives of the United Research Institute nation (United Nations Interregional Crime and Justice Research Institute-UNICRI), more seriously first, in-depth and systematic research of the organized crime was started in 2007 at the Institute for Resistance in Serbia with the help of Faculty in Florence (Italy). Fight against trafficking in human beings and human organs is one of the most critical challenges in human rights with which the world faces. Organ smuggling and human trafficking represent the two most advanced cross-border organized crime activities, and the same the straps are the most cost-effective forms immediately after the narcotics trade has (UNODC, 2010). The Balkan area offers several advantages to all who want to deal with the war-torn Asian and Arab areas to reach Western European countries. Candidate country activities for full membership in The European Union (E.U.) due to this fact must be aimed at the detection and suppression of organized criminal networks for smuggling people.

### **Socio-Political Framework**

The Balkans' concept, metaphors of constant divisions, conflicts, and confusions, traditionally includes high antagonism and wars. The initial capsule of all these events was the growing political extremism of certain circles, aided by several other factors and outside influences. (Hadžić, 2020: 254) The study problematizes that BiH is politically characterized by ethnic-religious conflicts as a political past, ethnopolitics, systemic corruption, and international presence as a political present, both the E.U. and the NATO path political future. These three-time planes can be brought into interpreting the causes, situation, and social consequences of human trafficking in BiH. (UNDP BiH, 2005: 23) Ethnic conflicts affected social disintegration and the institutional vacuum in the first years of the war. The international presence still plays a crucial role in reconstructing BiH society and creating institutional

frameworks to combat trafficking. Moreover, the arrival of peacekeepers has led to an expansion of human trafficking, primarily due to increased demand for sexual services. One of the critical standards that BiH must meet to one day become a member of the E.U. in the fight against corruption and organized crime, inevitably including trafficking and exploitation of people. (Hadžić, 2020) After the Dayton Agreement signing, state institutions were weak, conflicts of interest and inter-ethnic mistrust of the recently warring parties were significant. Such circumstances have made the fragile political situation even more unstable. However, the international community has taken on the role of reconstructing the nationally polarized BiH society. (Chandler, 2010) Post-war social atrophy and the constant political, economic, and security crisis have inevitably led to the erosion of institutional structure and the creation of informal social relations, often based on nepotism, corruption, and kleptocracy. Such a historical legacy has primarily persisted to this day and harms institutional relations and the consolidation of democratic institutions.

From the example of the post-Yugoslav space, one could learn a lesson about internal discord and destruction ideologies as inconvenient historical facts in this area: fear of the other (minority/majority discourse) is the greatest enemy human social communities. (Hadžić, 2020: 812) The armed conflict in BiH is one of the causes of social disintegration and thus indirectly influenced the observed phenomenon.<sup>13</sup> "In the conflict, it is not differentiated what is political and what is criminal, but there is an interaction of political interests and the interests of the crime itself." (Peter, 2007: 3) BiH's conflict fits into this concept in individual segments. Furthermore, organized crime is often intertwined with the Balkan countries' political structures, and some transitional effects become structural. Moreover, the assessment of these countries by the Freedom House organization (2018), Serbia, BiH, Kosovo, and North Macedonia are transitional, hybrid regimes; regimes that have elements of democracy but also authoritarianism, speaks enough about the fact that these countries face essential issues, which diminishes political, social, and economic opportunities in the modern world.<sup>14</sup> Within the context of BiH as a weak state, the effects of the war were institutionalized into

the social dislocation and legitimization of criminal organizations. (Balkan Forum, 2004: 3) War and post-war ethnopolitics have repeatedly affected the state of human trafficking: - through the mentioned social disintegration (which was reflected in the existence of a "fragmented" institutional framework to counter this phenomenon, a "weak state" that is not a member E.U.), - the criminalization of society, (creation of a criminal moral code and culture of corruption, nepotism, which strengthens organized criminal groups), - poverty and unemployment (as a resource for criminal exploitation of impoverished categories of the population - potential victims of human trafficking).

Dayton Accords has failed to fulfill its intention to reintegrate the BiH; ethnonationalism as a mobilizing political ideology has created an "explosive" (Kartsonaki, 2019) environment with a climate of socio-political exclusivity. (Sejdić-Finci-Pilav-Zornić)<sup>15</sup> BiH is home to the world's most complex<sup>16</sup> public administration and Constitution based on "ethnoreligious principles." In general, it causes the growth of inequality, blocking the formation of a plural civic space. Schneckener (2004) emphasizes that post-war societies face multidimensional problems, which is why "peacebuilding" as a process should aim to resolve the political, economic, social, and psychological consequences of war and dismantling the structural causes of conflict. In that case, the BiH society can serve as an example. Simultaneously, in BiH, the entities have increased the possibilities of monopoly and power over the territory. (International Commission on the Balkans, 2008: 12-19) While "social conflicts" with their sub-segments manifest the processes of democratic transformation through the counter-polarity of non-material categories of the overall economic and political life of BiH, the "normal" state characterized by things where our schools, our forests, our electricity, our universities exist (Serb, Croat, and Bosniak). In order for "ours" to exist, "they" cannot be in it. (Beridan, Turčalo & Smajić, 2010) Three ethnopolitics follow a restraining policy so that "hybrid wars" prevent their transition into three political communities without adopting an applicable rule of law. (Hadžić, 2020:250) It is a state of permanent crisis, the inability to create the minimum internal political cohesion needed to build a country's stable political identity. Instead of a developmental and social program, national

and religious glorification, interethnic accusations, opening up space for political elites to manipulate the fear of domination over one another. A society of ethnoreligious anxiety, systemic corruption, and rigidity has been created in which "kleptocracy" (Hedges, 2000) does not produce vibrations and resistance in society.

Social consciousness is the consciousness shared by individuals within society, human beings enter into certain productive or economic relationships, and these relationships lead to social consciousness. The total sum of these production relations is society's economic structure - the foundation on which the legal and political superstructure rises and which correspond to certain forms of social consciousness. In recent times, social consciousness is associated with collective self-awareness and a shared social identity, i.e., the awareness of an interconnected social community. Numerous political and social circumstances have also led to changes in the civil public structure, and these changes are most evident in the "passive" status of the "public". In the current context in which political elites still dominate all areas of "social." civic engagement quickly loses social responsibility and acquires a political dimension. (Mujkić, 2018: 4) It is primarily reflected in accepting the current state and impossibility of change being introduced from a politically dominant position. In general, civil society in BiH is characterized by a complete absence of social capital, citizens' trust in state institutions, and interest in volunteer activism among most citizens, which is one of the critical preconditions for developing a new pattern of collective behavior and organized crime prevention. (European Commission for Democracy through Law, 2014: 29) The fundamental mistake was that, conceptually, civil society was defined as the opposite of ethnonational identity, which in no way developed civil society's concepts in the specific conditions of BiH-multinational communities. The reasons for this are lack of tradition of civic activism, non-transparency of NGO work, and organizations' insufficient ability to participate in policymaking and politicization. (Papić, Slijepčević, 2011)

There are around 10-11000 NGOs in BiH, and the vast majority have been primarily divided and act mainly in their respective entities. Instead of being a significant integrative factor pushing multi-ethnic

cooperation, civil society has contributed to the ethnonationalism project. For instance, only a small number have offices in both Entities, and most employ workers predominantly from one ethnic group. Since Dayton divided BiH into two entities along ethnic-religious lines, genuine civic initiatives remain nearly blocked. However, within the trafficking and exploitation of human beings, the Network of BiH NGOs are productive. During 2019, the Lara Foundation, in cooperation with members of the RING<sup>17</sup> Network, was active in the field of education, monitoring, and analysis of the situation in the field of human trafficking, prevention and informing citizens about trafficking risks and providing assistance to victims and potential victims of human trafficking.

The long-term absence of political will manifested itself through an institutional vacuum, contributes to the strengthening of criminal groups, and weakens social institutions' role. The crisis of political governance and disagreements in the relations between the ruling group and the group of opposition parties is not happening as in all states of parliamentary democracy - it is a matter of disagreements that arise concerning the development of the state of BiH as a whole. (Pejanović, 2011) The author suggests a lack of will and inability of ethnic parties to establish a consensus on state development's main issues, the fight against organized crime, and social and economic development.

At the same time, BiH is in immediate danger from the latest "migrant crisis" due to the influx of thousands of migrants. The author argues that it protects the security and stability of the E.U. borders and faces itself the greatest migrations and security, financial, social, and any other danger. Migration is a centuries-old survival strategy for both men and women. The influx of women from Eastern Europe and the former Soviet Union during the early 1990s contributed to the growing interest in human trafficking. The Europol report, The EU law enforcement agency, (2018) stated that during the current migrant crisis, juvenile migrants who become victims of family criminal clans, and children from families with low social status become victims of family criminal clans of particular concern is the fact presented in the report that there are family clans in BiH engaged in trafficking in

unaccompanied and adequately protected minors. Thus, particularly vulnerable group is children who travel unaccompanied by adults. The dominant form of exploitation in BiH is labor exploitation, and 89% of victims are children. The problem is the small number of organizations and institutions that deal with monitoring and improving victims' position. The establishment of a mechanism to monitor the situation in combating trafficking in human beings is seen by Bosnian NGOs dealing with this problem as a significant step forward in this area. (ASTRA Anti-trafficking Action, 2018).

The cooperation of relevant actors in the fight against human trafficking largely depends on what is happening on the political scene and the current government's political will. As a result, there is a lack of adequate mechanisms for identifying and providing legal assistance to victims of trafficking, disrespect for fundamental human rights, and insufficiently developed assistance programs that are not tailor-made to victims' specific needs and in which the state does not participate. (Adžajlić, Dedović, 2003) As a final result, victims are not correctly identified, the same persons are dragged into the trafficking chain several times, court proceedings last for several years, and traffickers are at large for years after the final verdict. A crucial problem in BiH is the lack of systemic solutions to the social reintegration of victims of trafficking. "There is a strategy, there are laws that provide for it in practice, but very little interest in realization, and with the lack of adequate systemic support, there is a danger of becoming victims of human trafficking again." (Badžić, 2019) More broadly, the international community has been the driving force behind all the region's activities, exerting political pressure on local authorities, from assisting victims, supporting NGOs dealing with trafficking, and supporting the media. (U.N. Security Council, 2017: 2) In the long run, this balance must be changed in favor of domestic institutions. Political instability and limited funds caused by the government's inability to establish control over illegal trade and tax collection are an essential limiting factor in implementing these activities. Therefore, the stability of institutions depends significantly on the economic stability of society. Trafficking in human beings in BiH can have extremely damaging implications for the country's international position and cause more serious political consequences.

The phenomenon can have extremely harmful implications for the country's international position and cause more serious political consequences. The consequences of adverse reports<sup>18</sup> can have harmful consequences for European integration and result in the denial of BiH institutions' assistance.

Greater attention to victims' social construction is necessary because of the effects of such representation in judicial institutions and community on the perpetuation of sexist and racist stereotypes that harm the victim's human rights and otherwise marginalized people. Furthermore, the victims in BiH are most often women who are systematically raped daily through prostitution, and the society to which they return after captivity is full of prejudices, the most present of which is that they not only deserved abuse and beatings but also sought them. The judiciary often finds extraordinary mitigating circumstances to relativize the guilt of criminals and practically find victims guilty." (Limanowska, 2005). At the same time, BiH society limits the legal protection and reintegration of victims by stigmatization. In the case of a minor N.N. who was a victim of trafficking and later tried to commit suicide, a psychologist's court statement could be heard that the victim tried to commit suicide because she was a manipulative person who tried to benefit during the criminal proceedings. (NGO Lara, 2014) Apart from the disproportionate punishment of procurers and prostitutes, the problem is prostitution through the media in the region. There is no significant explanation for why the Western Balkan states do not implement the law it has passed. "It is double standards and inconsistent attitude of the states towards prostitution, but also beyond that. It is the discriminatory treatment of women because provisions of the law that punish women in prostitution are used effectively, and the provisions of the law that are intended to suppress prostitution are not used." (Bezbradica, 2015). Victims of trafficking are subjected to conditions that devalue and degrade their dignity and humanity, and societal beliefs about the types of slavery they are forced into often participate in the shadow of human rights violations. The unique focus on trafficking in women for sexual exploitation is partly due to media sensationalism. Frihman and Reich point to media sensationalism and public fascination with female sexual exploitation (Frihman, Reich, 2007). Today's

media in the Balkan region are overwhelmed with sexist messages that sell certain products well and women's associations that "fight" for the rights of the marginalized (not just women); they silently approve of such a state. Pre-election campaigns in the ex-Yu, various political speeches (such as, for example, the speech of Croatian Zagreb mayor M. Bandić that women like "bad guys and thugs") abound in misogynistic messages in which women and everyone else are oppressed in the ruling culture, "second-order beings." Thus, existing constructions of human trafficking rely on gender stereotypes that lower women's agency.

In the second case, the judge took the juvenile's recklessness as a mitigating circumstance, because the victim stopped the car with the criminals who took her and sexually exploited her." (Carol, 2011) Thus, the victim is portrayed negatively to reverse the procedure by judging the victim's life, past, and present, thus future. Even the complaint of the Gender Equality Ombudsperson regarding one tourist agency in Croatia was closed. The leaflet read: "The enchanting prostitute Margarita will show the participants where the most famous brothels and baths were located, voice, stature, and even dance."<sup>19</sup> The agency did not respond to the warning that the romantic depiction of women's suffering in prostitution is insulting, humiliating, and demeaning and the "tour" is available to this date.

However, what is the relationship between criminality (reduction) and misdemeanor charges (prostitution) in practice? If we took an example from Croatia in 2014,<sup>55</sup> reported criminal offenses of organized crime - prostitution, and 170 misdemeanor charges for prostitution (of which 100% were women). CZZR (Center for women victims of war Rosa, 2013) research published in the form of a brochure *Legal and Media Perspectives on Trafficking in Women and Prostitution* showed that between 2004 and 2008, there were 797 misdemeanor proceedings against persons who "committed prostitution" (almost all women) and only 50 against procurers (mostly men). On the legislative basis, the public in the local communities' is not sensitive to this problem in all aspects of the phenomenon.

The researchers found that clients, family members, and community members labeled the victims as

sexually active, promiscuous, prostitutes, and whores. (Sallmann, 2010) The term "prostitute" means a woman labeled a "whore," who sets a permanent social status that hardly changes regardless of behavior. In transitional societies, especially in crisis times, there is often a (re) traditionalization and depatriarchalization of society, strengthening gender stereotypes. As in the case of war crimes (Yugoslavia), society is very pliable and easily stigmatizes victims, "convinced that their behavior and social status are practical if anything, then at least significantly contributed to becoming victims of trafficking." (Bednar, 2019). It seems that, paradoxically, women in prostitution are less perceived as victims and more as immoral persons who rarely confess in the media because of what they went through. Victimization thus becomes even more in-depth, and women are denied the opportunity to remove the stigma (which is one of the most severe obstacles to reintegration) even after they manage to get out of prostitution. The reintegration of victims of exploitation and trafficking defined as the process of recovery and socio-economic inclusion after trafficking, "usually addressed by placing identified victims in shelters where women are offered medical examination and psychological counseling services." (Vijayarasa, 2010) People in prostitution also often suffer from neurobiological severe, and personality disorders that interfere with establishing a cooperative relationship. Given the pervasive impact of prostitution, it would be advisable for clinicians to learn to incorporate such experience into routine experience discussions. Clinicians working with the traumatized population should pay special attention to this possibility, given the susceptibility of childhood abuse survivors to re-victimization in general and recruitment in pornography and prostitution. Besides, the model according to which women in, for example, Croatia are punished "is outdated and based on patriarchal norms of sexuality, and that today no developed European country criminalizes the mere act of providing sexual services." (Radačić, 2015)

The current situation was not only influenced by politics from the end of the last century, nor by the events that marked it, but in a broader context, we should look at historical, ideological, and religious concepts that have always created gender relations in South Slavs. (Gromaca, 2004) Based on how

patriarchy is defined, i.e., what makes radical and "what makes liberal", we can claim that in the area of the South Slavic community, we have never had a radical patriarchal culture or policy that would a priori exclude all the rights of others. However, gender discrimination against women and minority groups concerning social norms exists (World Bank, 2010) and creates a favorable climate for developing this problem, which serves men to maintain their traditional role of privilege and power. However, nationalism does not distinguish between genders but knows only the difference between those who support or resist it. It seems that in such an atmosphere, the last period of patriarchy is doubly coded in the sense that the seemingly complete triumph of all those misogynistic patterns of O. Weininger (1903) in the "Sex and Character: An Investigation of Fundamental Principles," with the proviso that not even some kind of individual resistance has wholly disappeared.

Furthermore, victims face extreme obstacles as they try to reintegrate into society. While the feminist cultural function within the nation's symbolic construction as a natural order has received much attention from the feminist side, both women's complicity and the role of masculinity in establishing an ethnonational political community based on conservative values remain insufficiently explored. For example, the question of the extent to which gender relations also have a restrictive effect on male subjectivization - especially compared to socialist constructions of masculinity - has rarely been asked. In today's emerging cultures, misogyny is strengthened by religious discourse, although different from that of the Middle Ages<sup>20</sup> and Ottoman rule, yet influential enough to keep patriarchal concepts stable and collectively acceptable.

### Conclusion

Given the modest research in these phenomena so far, this study highlights the potential of future research that could lead to more insights into the importance of the correspondence between transnational human trafficking and socio-political, economic, and stigmatization dynamics in feminist-weak, patriarchal societies for the harmonization, systemic transformation, and improvement of the normative solutions.

There is a marked discrepancy between the public space attached to this phenomenon, socio-political, economic, and legislative framing, and what specific institutional capacities are undertaking to combat this problem. Human trafficking and exploitation is a global problem and a significant obstacle to the development of BiH's market economy and a growing threat to EU integration. The task of police structures should be "to discover connections," persons who have enabled or organized the arrival of foreign nationals to engage in prostitution, to discover how the organizers of prostitution launder money, "grey economy." Therefore, it is necessary to organize regional working groups that share experiences regarding new forms of human trafficking and then adopt guidelines and independently take specific actions and strategies without the international community's dominant influence. It is a social phenomenon that requires a comprehensive (legal and social) approach to the problem, i.e., the application of effective measures in terms of prevention, suppression, the punishment of perpetrators, and protection of victims, with mandatory "regional " "cooperation. International peacebuilding efforts need to pay more attention to the "implementation gap" that has allowed crime and corruption to flourish. All the actors analyzed in this paper, which contribute to human trafficking, should be transformed into protective factors by introducing systemic solutions that ensure that various institutions cooperate with the NGO sector and citizens individually develop and use effective anti-trafficking mechanisms; mutual complementarities. Ethnopolitics are necessarily warred politics, contributing to a culture of fear, violence, and crime. Overcoming ethnopolitics' consequences by accelerating BiH'sBiH's integration into the EU and NATO is a strategic goal. Human trafficking has exceptionally harmful consequences on the process of BiH'sBiH's integration into European political structures. Political, economic, and cultural agony continues, and society reacts with a mass exodus from the country, with a real danger of becoming victims of human trafficking. If the continuous pace of economic migration continues, more citizens will live outside the Western Balkans in a few decades. Because of the involvement of the UN peacekeeping mission in BiH in human trafficking (although justice is unserved), a code of conduct for staff was adopted, declaring a policy of

zero tolerance towards personnel who are in any way involved in this illegal activity.

Passive social awareness and a lack of participatory democracy are also a significant generator of organized crime maintenance. Simultaneously, although an excellent example of socio-psychological assistance to victims and documentation, the NGO sector became part of the "project industry," losing its civic character and not adhering to its practice for civil society's values. From a sociological, legal, and psychological point of view, it is quite clear that human trafficking is a phenomenon that requires a systematic and multidisciplinary institutional response that will provide the victim with the highest standard of legal protection - the quality of services in the processes of rehabilitation, resocialization, repatriation, and reintegration. In addition to applying all operational and tactical measures and actions to prevent human trafficking, a significant factor in preventive work and information is education and raising public awareness of the problem. BiH, according to the latest research, is not superior.

We need to work more on the effects of victims' social constructions, reinforcing the weakness of feminist consciousness, and the sexist representation of the female gender and body in judicial and media. More critical insight should be recognized as the significant contributions of feminist theorists in studying the phenomenon. The Western-Balkan states' double standards towards prostitution are discriminatory because the punishment-law provisions are used effectively; those intended to suppress are not. Besides, the formal and informal social control system must be adequately developed because there is no control of this negative phenomenon without these forms of control. Implementing adequate programs to reduce stigmatization while increasing institutional and general public exposure to victims who have made successful reintegration could be a productive aspect of the systemic transformation.

Social status and stigma in social and judicial frameworks have significant effects on victimization dynamics, and due to the intertwined cultural, legal, and Balkan mentality patterns, exploitation, and structural violence continue. Western-Balkan gender-discriminatory climate and masculinity's

role in establishing an ethnonational political community based on conservative values remain insufficiently explored. Considerable attention to victims' victims' social construction in judicial and social capital is critical due to the effects of destructive representation of misogyny elements on perpetuating sexist stereotypes that harm victims and further exploiting. Moreover, poverty and the lack of work and social skills needed to participate in the usual non-exploitative relationships affect the cycle. I maintain that the role of free choice or free will or coercion in the Balkans is weak, by the creation from above, by the party's will, its activists' political propaganda, and the violent coercion to collectivism.

The migrant crisis has brought new challenges in the fight against human trafficking, and this problem has significantly affected Serbia, Macedonia, and BiH, which are recording large influxes of migrants. This situation requires adjusting the entire anti-

trafficking mechanism, establishing unique indicators for identifying victims of trafficking among migrants, and a whole new system of services that were not considered before and necessary to assist victims of trafficking. Given the challenges of migration that are coming, the political level can ensure a coherent and coordinated EU and Western Balkans strategy in harmonizing and improving the existing normative solutions. The remedy for the post-Dayton institutionalized "frozen conflict," the "human rights and security stalemate," not to continue with catastrophic consequences.

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