



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Seventh periodic report submitted by Bosnia and
Herzegovina under article 19 of the Convention,
due in 2021* ** *****

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- * The present document is being issued without formal editing.
 - ** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CAT/C/BIH/QPR/7).
 - *** The annexes to the present document may be accessed from the web page of the Committee.



Abbreviations

BiH	Bosnia and Herzegovina
FBiH	Federation of Bosnia and Herzegovina
RS	Republic of Srpska
BD BiH	Brčko District of Bosnia and Herzegovina
MLJPI BiH	Ministry for Human Rights and Refugees of Bosnia and Herzegovina
MP BiH	Ministry of Justice of Bosnia and Herzegovina
MS BiH	Ministry of Security of Bosnia and Herzegovina
ARS BiH	The Agency for Gender Equality of Bosnia and Herzegovina
VM BiH	Council of Ministers of Bosnia and Herzegovina
HJPC BiH	High Judicial and Prosecutorial Council of Bosnia and Herzegovina
FMUP	Federal Ministry of the Interior
FUP	Federal Police Administration
MUP KS	Ministry of the Interior of Sarajevo Canton
MUP TK	Ministry of the Interior of Tuzla Canton
MUP BPK	Ministry of the Interior of Bosnian-Podrinje Canton
MUP ZDK	Ministry of the Interior of Zenica-Doboj Canton
ADS BiH	Civil Service Agency of Bosnia and Herzegovina
ZKP BiH	Code of Criminal Proceedings of Bosnia and Herzegovina DMS – Dayton Peace Agreement
NPM	National preventive mechanism
OP	Optional protocol
KZBiH	Criminal Law of Bosnia and Herzegovina
KM	convertible mark (currency)
SAD	United States of America VE – Council of Europe

Replies to the list of issues (CAT/C/BIH/QPR/7)

Reply to paragraph 1 of the list of issues

1. In institutions that are responsible for depriving persons of their liberty, there is a room for detaining those persons and talking with a lawyer. A police officer who takes over a person deprived of their liberty is obliged to inform their family, call a doctor if necessary and a lawyer, which is recorded in the books intended for that purpose. The police officer is subject to sanctions (disciplinary and criminal punishment) if he does not act according to the above, because in all cantonal ministries of internal affairs there is zero tolerance for abuse. Currently, work is underway to establish audio and video surveillance in the above-mentioned premises, in accordance with legal provisions, in order to conduct interviews and prevent abuse.

2. In the framework of the Bill on Amendments to the Law on the Ombudsman for Human Rights of Bosnia and Herzegovina, which is currently in the parliamentary procedure, it is foreseen that this institution, as financially independent, will be responsible for the national preventive mechanism for the prevention of torture and other cruel, inhumane and degrading acts or punishment. Representatives of the Department for Monitoring of Realization of the Rights of Persons Deprived of Liberty of this institution regularly visit numerous correctional institutions in BiH and monitor persons deprived of liberty in their current state. Observations are published periodically in special reports, and in accordance with the recommendations of the Committee.

Articles 1 and 4

Reply to paragraph 2 of the list of issues

3. In the FBiH, the new Criminal Law is currently being drafted by the Working Group formed by the Federal Minister of Justice, which foresees the aforementioned changes.

4. In the BD BiH, amendments and additions to the Criminal Law¹ within the criminal act "Torture and other forms of cruel and inhumane treatment" stipulate that an official in the institutions of the BD BiH or anyone else will be punished with imprisonment from 1 to 8 years who acts in the capacity of an official by order, at the instigation or with explicit or tacit consent, and who causes physical or mental pain or suffering to another, with the aim of obtaining information or confession from them or a third person, or to punish them for committing a criminal act.

5. In the RS, the new Criminal Code² was adopted on July 15, 2017. which in the article "Abuse, torture and other inhumane and degrading treatment" prescribes that anyone who abuses another person or insults their dignity will be fined or imprisoned for up to two years; shall be punished with imprisonment from 6 months to 5 years a person who, by the use of force, threats or in any other illegal way, causes great pain or severe suffering to another person with the aim of obtaining a confession, statement or notification, or to intimidate or illegally punish them or another person, or do so for any other reason based on any form of discrimination; and an official who commits the aforementioned acts in the performance of their duties shall be punished with imprisonment from 1 to 10 years.

6. Persons deprived of their liberty are treated in accordance with the Constitution, the Code of Criminal Proceedings, the Law on Misdemeanors and the Instructions on Dealing with Persons Deprived of their Liberty.

¹ "Official Gazette of the BD BiH" number 50/18.

² "Official Gazette of the RS" number 64/17.

Article 2

Reply to paragraph 3 of the list of issues

7. The Law on Execution of Criminal Sanctions, Detention and Other Measures in BiH³ guarantees that detainees in practice enjoy all rights from the moment they are deprived of their liberty, from access to a lawyer or legal aid, to an examination by a nurse upon admission, and a doctor within 24 hours. Officials are required to make a record with all relevant information about the deprivation of liberty, including the current state of health, whether force was used during the deprivation of liberty and for what reasons. The person is informed about the reasons for the deprivation of liberty, taught about the right to a defender, the right that the family and the consular officer be informed about the deprivation. They are also given the opportunity to speak with an inspector, the state ombudsman, the competent state and regional court, a lawyer of their choice, in the presence of the institution's official staff. They can write letters and seal them in envelopes that no official is allowed to open. A detained/imprisoned person has an open medical record in which all changes are entered.

8. The room for the accommodation of persons deprived of their liberty must be at least 6m², with adequate lighting, heating, ventilation, built-in beds for resting with covers and sanitary facilities, and food and drink available to everyone at appropriate intervals.

9. In the FBiH, the Federal Police Administration in its work, acts in accordance with the applicable regulations⁴ and implements the handbook manual "Human Rights of Persons Deprived of Liberty in Police Custody".

10. In the cantonal Ministries of the Interior, the aforementioned rules are consistently applied in accordance with the valid cantonal regulations, including the Ministry of the Interior of the Canton of Sarajevo.⁵

Reply to paragraph 4 of the list of issues

11. The measures taken in the reference period were implemented through the commissioning of the new State Prison, which expanded the capacities and created the conditions for raising the standards and quality of the execution of prison sentences and detention measures. The Ministry of Justice of BiH and the Sector for the Execution of Criminal Sanctions and the Work of the Penal Institution have in this sense ensured that the Institution of the Ombudsman for Human Rights of BiH acts in accordance with the principles related to the status of state institutions for the promotion and protection of human rights (Paris Principles), such as that the complaints of persons deprived of their liberty addressed to the Ombudsmen were considered in the most serious manner and that they fully complied with both the Law on the Ombudsman and other regulations in the area of enforcement of criminal sanctions.

12. In the FBiH, the Federal Ministry of Justice participated in the work of the Working Group formed by the MLJPI BiH, which is working on the Draft Law on Amendments to the Law on the Ombudsman of BiH. The information on the work of the Working Group was supported by the conclusion of the Government of FBiH.

³ "Official Gazette of BiH" number 22/16.

⁴ Code of Criminal Proceedings of FBiH and the Rulebook on the Procedures of Police Officers, towards Persons Deprived of Liberty No. 1154 dated September 16, 2015.

⁵ Code of Criminal Proceedings of FBiH, Law on Misdemeanors of FBiH, Law on Protection and Treatment of Children and Minors in Criminal Proceedings of FBiH, Law on Police Officers of the Canton of Sarajevo, by-laws of the Ministry of the Interior of Canton of Sarajevo namely: Instructions on the treatment of persons deprived of liberty, amendments to the Instructions on treatment of persons deprived of their liberty, Rulebook on the manner of conduct of police officers of the Police Administration of the Ministry of the Interior of the Canton of Sarajevo on the occasion of performing police duties and applying police powers, etc.

Reply to paragraph 5 of the list of issues

13. In the area of equality, i.e. protection of women's rights, the third Action Plan for the implementation of UNSCR 1325 "Women, peace, security" 2018–2022 in BiH was adopted in the past period.

14. Since 2017, ARS BiH has been implementing the project "Strengthening the capacity of institutions to address gender-based violence in BiH" which resulted in five sectoral analyzes (legal framework, healthcare, social welfare, specialized victim support services, field of data collection) on compliance with the Istanbul Convention. An analysis of the judicial sector's capacity has also been launched. From the project, at the end of 2018, BAM 160,000 was allocated to nine non-governmental organizations for more effective prevention and protection of victims of gender-based violence.

15. Since 2015, when the Framework Strategy for the Implementation of the Convention on the Prevention and Combating of Violence against Women and Domestic Violence in BiH 2015–2018 was adopted, numerous activities have been carried out, including promotional activities within the framework of the International Campaign "16 days of activism against gender-based violence" and the implementation of 9 projects funded by the US Agency for International Development ("USAID"), which are related to improving access to prevention and protection for victims of gender-based violence and analysis of the legal framework, standards of special support services for victims, healthcare and social welfare sector, and analysis of the possibility of establishing a system for collecting and analyzing data on gender-based violence.

16. Domestic violence is a criminal act in both entities and BD BiH, and as such is investigated and prosecuted by the judiciary of BiH, whose holders attend targeted training through the Programs of the Entity Centers for the Education of Judges and Prosecutors, with the aim of getting to know this complex issue.

17. In accordance with the available data, there was a decrease in the number of pending cases, which are conducted on the criminal act in question, by 5% compared to the number of such cases, resolved in 2015.

18. In FBiH, in 2018, the Government adopted the Action Plan for the Development of Women's Entrepreneurship 2018–2020 and the Action Plan for the implementation of the Strategy for the prevention and combating domestic violence for the period 2018–2020. As part of the implementation of the FBiH Strategy for the Prevention and Combating of Domestic Violence (2013–2017) and the Action Plan for the Implementation of the aforementioned Strategy for the period 2018–2020, employment and employment support programs for groups for which it is more difficult to find a job, including victims of domestic violence, are being implemented. Since 2015, the form and method of keeping records in the field of domestic violence through electronic data management has been established, and by the end of 2017, three cycles of education of police officers, employees of social work centres, and representatives of non-governmental organizations were conducted. The Ministry of the Interior of FBiH made changes to the Rulebook on the Method of Implementing Measures for Perpetrators of Domestic Violence under the jurisdiction of the police, which will enable further development of the electronic method of data collection.

19. The FBiH Parliament adopted the Law on Amendments to the Law on the Protection from Domestic Violence, which introduces the institution of a person of trust, which is of particular importance for improving the rights of victims. As part of the amendments to the FBiH Criminal Law, its alignment with the Istanbul and Lanzarote Conventions is foreseen.

20. The Federal Police Administration did not receive complaints/reports and did not conduct investigations in cases of gender-based violence. The reason for not reporting such cases to this Administration is the fact that the most common forms of gender-based violence are under the jurisdiction of cantonal police agencies.

21. The Law on Protection from Domestic Violence also applies.⁶ Healthcare institutions provide protection to victims and implement two protective measures in 28 mental health

⁶ "Official Newspaper of FBiH" No. 20/13 and 75/21.

centers: a) mandatory addiction treatment and b) mandatory psycho-social treatment of perpetrators of domestic violence. The training of professionals (so far 28 of them) to implement the second protective measure is organized by the Federal Ministry of Health, according to the document: “Psycho-social treatment of perpetrators of gender-based violence in the family”, which was prepared for BiH (includes standards, as well as the methodology of working with perpetrators of violence). The Federal Ministry of Health, in cooperation with the UN Population Fund (UNFPA) and with the support of the Embassy of Great Britain in BiH, in the past period developed a series of documents in the field of gender-based violence, which resulted in the publication “Resource package: “Strengthening the response of providers of health and psycho-social services on gender-based violence in peacetime and extraordinary circumstances, including sexual violence in conflict”, from February 2019. It consists of 12 special documents, intended for the treatment of health professionals with victims of gender-based violence, including victims of sexual violence and torture in war, and obligations of multi-sectoral cooperation to ensure adequate professional treatment of victims. Based on this document, 67 trainings were held with 1675 health professionals. A generic internal “Protocol on treatment of victims of gender-based violence, including victims of sexual violence and torture in war” was also developed, which contains standard operating procedures (SOP) for treatment of victims in different services within the community health centre. The protocol and SOP are intended for community health centres, and the standard operating procedures refer to the path of the service user (patient) within the health system, victim identification and examination, documentation of work with victims, coding and reporting of victims of gender-based violence. The internal coordination mechanism within the community health centre aims to strengthen the role of the health sector in the overall protection of victims. Protocols and SOPs have been accepted in several community health centres in the FBiH territory (Goražde, Odžak, Ključ, Sanski Most, etc.) – a total of about 80 participants have undergone training on the application of protocols and SOPs. In 2019, four more workshops were held for Tuzla Canton and Zenica-Doboj Canton community health centres, covering 13 community health centres (a total of 57 participants).

22. The Manual “Clinical treatment in cases of rape” of the Federal Ministry of Health and UNFPA was completed. It was created based on the recommendations of the World Health Organization, UNFPA and UNHCR on manner of treatment of rape victims in the healthcare system. The attachments also contain a proposal for a Standard Operating Procedure for clinical treatment in cases of rape. The procedure is intended for hospital health institutions (secondary and tertiary health care), and can be easily adapted according to the local context and organization of each individual health institution. Trainings for gynecologists and gynecological nurses based on the aforementioned Manual are planned, which could not be organized in 2021 due to the duration of the pandemic.

23. In December 2021, training was held for employees of Crisis Centers for the protection of victims of rape and other forms of sexual violence, with the support of ARS BiH. Lecturers with international expertise in this field have been provided, with the aim of presenting the key roles of the Crisis Center, its significance in the context of the aforementioned serious criminal acts, and the importance of providing timely and quality health care to victims. These are activities that are part of the Cooperation Agreement concluded between the Federal Ministry of Health and ARS BiH, according to which three crisis centers are established in the FBiH, namely at the University Clinical Centre in Tuzla, the University Clinical Hospital Mostar and the General Hospital “Dr. Abdullah Nakaš” Sarajevo. The formation of crisis centers is directly related to the fulfillment of the obligations taken over by Bosnia and Herzegovina under the Istanbul Convention.

24. In the RS, at the end of 2019, the Ministry of Health and Social Welfare adopted the Strategy for the Improvement of Sexual and Reproductive Health (2019–2029), one of the strategic goals of which is “equality and informing citizens regarding sexual and reproductive health and rights”, and “improved clinical management in cases of violence, with reference to rape, including emergency situations”. Measures implemented to achieve the set goal: developed and implemented Resource package for the response of health service providers to gender-based violence, unified Resource package for the response of health and psycho-social service providers, Instructions for organizing activities to preserve sexual and reproductive health, prevention of gender-based violence and response to it in emergency

situations in local communities and Action Plans for protection of sexual and reproductive health and prevention and response to gender-based violence in emergency situations for 5 local self-governments.

25. In BD BiH, measures against all forms of violence against women are prescribed by the Law on Protection from Violence⁷ in accordance with the competences of institutions and international standards. According to the memorandum of understanding between the Prosecutor's Office, the Police and UNDP BiH, as well as the Protocol on cooperation in the field of providing support to witnesses, between the Police of BD BiH and the Prosecutor's Office of BD since 2013, a psychologist-associate has been employed in the Police of BD BiH since 2021 to provide support to witnesses from the moment of being reported until the indictment is filed, especially to adults injured by more serious criminal acts and obligatory to children and minors in all cases, as well as at the personal request of the witness, if necessary. A multi-sectoral support approach is applied, which includes cooperation with all other relevant institutions in the BD BiH territory and beyond, which is also supported by another signed Protocol – "Institutional network for providing support to victims/witnesses in the BD BiH territory" in 2014, with non-governmental organizations "Gender" Brčko; "Viva žene Tuzla", "Udružene žene" Banja Luka, "Lara" Bijeljina and others, as well as with all associations in the territory of the BD BiH, which include surviving victims/witnesses of war actions 1992–1995 in the territory of BD BiH.

26. From January to October 2021, 15 cases of criminal acts of "Domestic Violence" were reported, 12 of which resulted in the submission of reports to the Prosecutor's Office of BD BiH against a total of 11 persons for committing the criminal act of "Domestic Violence". In addition, two reported cases were also solved, but a report was submitted to the Prosecutor's Office of BD BiH against two people due to the existence of grounds for suspicion that they committed the criminal act of "Minor bodily injury" and "Security threat". There were also three reports of incidents in which the existence of elements of the criminal act of "Domestic Violence" was established. 5 KTA cases were resolved, and a report was sent to the Prosecutor's Office of BD BiH against 5 people. All the perpetrators were men.

27. Cantonal Ministries of the Interior act on reports of victims and, if necessary, place victims of violence in safe houses and provide them with psychological assistance in the form of protective measures, in cooperation with cantonal centres for social work.

Reply to paragraph 6 of the list of issues

28. When it comes to the issue of human trafficking, by the Law on Amendments to the KZ BiH,⁸ efforts are being made to solve the problem of harmonization with international legal sources, especially with the Protocol from Palermo and the Convention of the Council of Europe on Action Against Human Trafficking, as well as the issue of eliminating conflicts of jurisdiction between the bodies of criminal prosecution and processing at the state level and at the level of both entities and BD BiH, which made it difficult to better process these criminal acts.

29. The Criminal Law of Bosnia and Herzegovina prescribes the criminal acts of "International human trafficking", "Establishment of a slave relationship and transportation of persons in a slave relationship", "Organized international human trafficking" and "International solicitation of prostitution". By amendments to the KZ BiH⁹ the article "International human trafficking" was amended due to the clear differentiation of jurisdiction between the KZ BiH and the criminal laws of the entities and BD BiH, which means that the criminal act of "human trafficking" which in itself contains elements of exploitation in a state where the victim does not have citizenship or residence, will remain in the KZ BiH, while other criminal acts of human trafficking will be covered by the criminal laws of the entities and BD BiH. The victims of this criminal act from KZ BiH are people without BiH

⁷ "Official Gazette of BD BiH" number 07/18.

⁸ "Official Gazette of BiH" number 40/15.

⁹ "Official Gazette of BiH" No. 3/03, 32/03, 37/03, 54/04, 61/04, 30/05, 53/06, 55/06, 32/07, 8/10, 47/14, 22/15 and 40/15.

citizenship or residence in BiH or citizens of BiH abroad. The amendment related to the residence or citizenship of the victim in the case of exploitation is precisely that key element of foreignness, which is hereby expressly defined due to the division of actual jurisdiction, considering that the Criminal Law of FBiH and BD BiH, i.e. the Criminal Code of the RS, also prescribe criminal acts of human trafficking.

30. In accordance with the EU Directive on suppressing and fighting human trafficking from 2011, the aforementioned amendment foresees stricter punishments for these criminal acts, so for the criminal act from paragraph 1 of Article 186 of the Criminal Law of BiH envisaged is a prison sentence of at least five instead of three years, while for the criminal act referred to in paragraph 2 envisaged is a prison sentence of at least ten years instead of the previous five years.

31. In accordance with the Convention of the Council of Europe on the Fight Against Human Trafficking, which prescribes that punishments shall not be imposed on victims for their participation in illegal activities to the extent that they were forced to do so, a new article was introduced that prescribes “Organized international human trafficking” as a separate criminal act. In this provision, the criminal framework is fully harmonized with international standards (EU Directive).

32. By the Law on Foreigners¹⁰ the protection of foreign victims of human trafficking is envisaged in such a way that they can be granted temporary residence for humanitarian reasons in order to: provide protection and assistance in recovery and return to the country of origin or the country of habitual residence or to the country that accepts them or to provide protection and assistance if their stay is necessary due to cooperation with competent authorities for the purpose of investigation in the detection and prosecution of the criminal act of human trafficking. It is also prescribed that a foreigner who has been granted temporary residence on the basis of humanitarian reasons as a victim of human trafficking has the right to: adequate and safe accommodation, access to emergency medical care, psychological assistance, information on legal status, legal assistance in the process of pursuing status issues, access to the labor market under the conditions that apply to foreigners, as well as access to professional training and education. A child who has an approved temporary residence as a victim of human trafficking has the right to access education.

33. On the basis of the Law on Foreigners, the Rulebook on the Protection of Foreign Victims of Human Trafficking was adopted¹¹ which regulates in more detail the rules and standards in treating, as well as other issues related to the reception, recovery and return of a foreigner who is a victim of human trafficking.

34. In order to prevent, suppress and fight against human trafficking, on January 23, 2020 at the 2nd session of VM BiH, the Strategy in the field of the fight against human trafficking in BiH 2020–2023 was adopted, which paid special attention to the planning of strategic goals and measures to prevent, suppress and fight against human trafficking. By the BiH strategy, as special objectives of the fight against human trafficking, processed are the following segments: 1. support system; 2. prevention; 3. criminal prosecution for criminal acts of human trafficking; 4. protection of victims of human trafficking and 5. partnership. In order to implement strategic measure A.1, which states, among other things, “adopt action plans for the implementation of the BiH Strategy for the institutions of BiH”, and the governments of entities, cantons and Brčko District of BiH for institutions under their jurisdiction, the Government of FBiH, on February 11, 2021, at the 255th session passed a Regulation on the establishment of the Coordination Team for the fight against human trafficking in order to establish and determine the scope and competences of the Coordination Team. The Team consists of representatives of competent institutions and civil society organizations, namely representatives of the Federal Ministry of the Interior – Federal Police Administration, Federal Prosecutor’s Office, Federal Ministry of Justice, Federal Ministry of Labor and Social Policy, Federal Ministry of Health, Federal Ministry of Education and Science, PI Center for Education of Judges and Prosecutors and the non-governmental organization “Međunarodni forum solidarnosti Emmaus”. The FBiH Government at its 270th

¹⁰ “Official Gazette of BiH”, No. 88/15 and 34/21.

¹¹ “Official Gazette of BiH”, number 79/16.

session held on June 16, 2021 adopted the Regulation on the amendment of the Regulation on the establishment of the Coordination Team V number 1020/2021, which supplements the previously adopted Regulation in such a way that the Coordination Team also includes a representative of the Red Cross Society of BiH – Red Cross of FBiH. By the strategy of combating human trafficking in BiH 2020–2023 as a special goal for its implementation, it was determined, among other things, that the FBiH entity has to adopt the Action Plan as an operational-strategic document based on the goals and measures from this Strategy within its jurisdiction. In accordance with strategic measure A.1 of the BiH Strategy, the FBiH Government, on the proposal of the FUP – Federal Police Administration, in cooperation and with the consent of the institutions and organizations that make up the Coordination Team, adopted the FBiH Action Plan for the implementation of the “Strategy to combat human trafficking in BiH 2020–2023” as an operational-strategic document based on the goals and measures derived from it.

35. In the Strategy in the area of migration and asylum and by the Action Plan for the period 2016–2020, which was adopted at the 50th session of the VM BiH on March 30, 2016, strategic goal 5 “To contribute to the reduction of human trafficking in Bosnia and Herzegovina” is envisaged, within which five measures are planned that were further elaborated through the Action Plan.

36. In June 2016, amendments to the KZ FBiH were adopted, introducing articles related to human trafficking and organized human trafficking. Envisaged sentences for the criminal act of human trafficking range from 6 months to long-term imprisonment. With the introduction of the aforementioned articles in the KZ FBiH, the process of amending all criminal laws in BiH has been completed, and now human trafficking is prescribed by state and entity laws as well as by the BD BiH law. It is important to note that now all laws in Bosnia and Herzegovina that deal with human trafficking are fully in line with international recommendations and standards.

37. In 2016, a new Rulebook on the Protection of Foreign Victims of Human Trafficking was adopted,¹² harmonized with the provisions of the Law on Foreigners as well as international documents: Directive 2004/81/EZ of the European Parliament and the Council dated April 29, 2004 on residence permits issued to citizens of third countries who are victims of human trafficking or who have been assisted to immigrate illegally, and cooperate with competent authorities, Directive 2011/36/EU of the European Parliament and the Council dated April 5, 2011 on the prevention and fight against human trafficking and the protection of victims and the Convention of the Council of Europe on action against human trafficking.

38. Victims of human trafficking have the right to effective legal remedies. These are the Rulebook on the Protection of Foreign Victims of Human Trafficking and the Rules on Victims and Witnesses of Victims of Human Trafficking Citizens of BiH. All victims of human trafficking have the right to free legal aid provided by centers for the provision of free legal aid, and they obtain it based on the actual status of the victim. Procedures in which free legal aid is provided are administrative procedure, administrative dispute, civil procedure, executive procedure and criminal procedure in accordance with the codes of criminal proceedings. Child victims of human trafficking before, during and after court proceedings enjoy special protection in accordance with the laws on the protection of minors, which regulate this matter, and this includes an interview with children in specially designated and adapted spaces, by experts trained to talk with children, and a limited number of child victim hearings. Prosecutors and judges who work on the type of cases where a child is a victim, undergo special specialized training, and only they can work on such cases.

39. The Ministry of Security and the Ministry for Human Rights and Refugees of Bosnia and Herzegovina have been providing grant funds for the protection of victims of human trafficking in the budget for a number of years based on public invitations to non-governmental organizations that provide direct support to victims of human trafficking. Cooperation takes place in accordance with the current regulations that regulate the field of fight against human trafficking. The police and the prosecutor’s office cooperate with NGO representatives while the victim stays in a safe house, as long as the court proceedings are

¹² “Official Gazette of BiH” number: 79/16.

underway. Placement of victims of trafficking in the Safe House is based on legal regulations or guidelines, depending on whether the victim of human trafficking is a domestic or foreign citizen. Regular communication with the competent police agencies that lead the investigation and the prosecution is necessary, and the staff of safe houses carry out regular communication with them in order to timely inform the competent agencies about the client's condition, but also to inform the client about the procedure and the stages of the investigation, and further steps, especially if they include the very involvement of the victim of human trafficking. During their stay in a safe house, victims of human trafficking have the right to medical and psychological assistance in accordance with the regulations that regulate this area.

40. According to the latest available information, the number of resolved cases of this type in 2018 is 66% more compared to the number of resolved cases in 2015.

41. The BiH Ministry of Security is responsible for collecting data on victims of human trafficking, and accordingly collects and consolidates data at least twice a year, and more often if necessary. Data on victims of human trafficking are collected using unique forms intended for this purpose. The data are classified according to sex, age of the victim, country of exploitation, type of exploitation, as well as the country of origin of the victims of human trafficking.

42. The establishment of a database on foreign victims of human trafficking was also envisaged by the measure 5.4. of the Strategy in the area of migration and asylum and the Action Plan for the period 2016–2020. In the period from 2013, VM BiH adopted 2 strategic documents for the fight against human trafficking, namely the Strategy for Combating Human Trafficking 2013–2015, and the Action Plan 2016–2019. These are strategic documents with concrete measures that authorities in BiH should undertake.

43. The action plan is strategically aimed at improving the support system for the fight against human trafficking in BiH, at effective criminal prosecution of human trafficking and related crimes, at preventing human trafficking by reducing risks and effective protection and assistance to victims of human trafficking, and at strengthening the partnership and cooperation between the actors involved in combating human trafficking.

44. It is important to state that, in accordance with the Convention on Police Cooperation, BiH established Joint Investigation Teams with the police authorities of the Republic of France and the Republic of Austria and the Kingdom of the Netherlands, which resulted in the implementation of operational action in the territory of BiH, Republic of Serbia, Republic of Austria and the Federal Republic of Germany, and BiH concluded the Operational Agreement with EUROPOL. The possibility of data exchange is provided through the cooperation of INTERPOL members.

45. Amendments to the KZ BiH, adopted in 2015, relating to human trafficking were made for the reason of consistent implementation of international conventions signed and ratified by BiH, namely the United Nations Convention Against Transnational Organized Crime, as well as the Protocol for the Prevention, Suppression and Punishment of Human Trafficking, especially women and children, which supplements this Convention and the Conventions of the Council of Europe on Combating Human Trafficking. By adopting the proposed amendments, the problem of conflict of jurisdiction, which arose in practice regarding the detection and prosecuting of these types of criminal acts, between entity and judicial authorities at the level of the state of BiH. These changes are directed in the direction that the Prosecutor's Office and the Court of Bosnia and Herzegovina retain jurisdiction in cases of human trafficking with an international element (international human trafficking), and that human trafficking that takes place within the state is under the jurisdiction of entities, so at the same time as these changes, changes were also proposed in the entity criminal laws, which were also adopted.

46. The efforts of the judiciary of BiH, aimed at suppressing and punishing human trafficking and sexual exploitation, are also reflected in the ongoing education of holders of judicial functions, which are carried out as part of the Education Program of the Entity Centers for the Education of Judges and Prosecutors, in connection with the fight against human trafficking and organized crime, all with the aim of strengthening the capacity of judges and prosecutors for more efficient processing of these cases, and improving the

ability of judges, prosecutors and the police to investigate and prosecute organized criminal groups that deal with human trafficking.

47. In BiH, a system for the protection of victims of human trafficking has been established by the “Rules for the Protection of Victims of Human Trafficking who are Citizens of BiH” and the “Rules for the Protection of Foreign Victims of Human Trafficking”, which represent a referral mechanism for the referral of victims of human trafficking. All identified victims are provided with safe accommodation, medical assistance, access to information and their rights, and legal assistance during criminal proceedings. For this purpose, financial resources are regularly provided from the budget of the Ministry of Security of BiH and the Ministry for Human Rights and Refugees of BiH.

48. The Law on Social Welfare stipulates that, among other things, the right in social welfare is also counseling, the purpose of which is to help an individual, family members or the family as a whole in developing, supplementing, preserving and improving their own social opportunities, and in case of illness, old age, disability, unemployment, death of loved ones, problems in raising children and in parent-child relations, problems with risky behavior of children and youth, problems in marital and extramarital relationships, conclusion of marriage, domestic violence, inclusion in everyday life after a long stay in institutions, realization of certain social rights, and in other unfavorable social circumstances and crisis situations.

49. The Law on Health Care of the Republic of Srpska stipulates that health care is provided by undertaking specific activities on health promotion, prevention and treatment of diseases and conditions, rehabilitation of the sick and injured, and other specific activities, which is achieved under equal conditions, that is, for all population and nosological groups.

50. A Coordinator for the fight against human trafficking has been appointed in the RS¹³ in charge of coordinating the activities of RS institutions related to human trafficking and cooperation with the State Coordinator of BiH and other relevant institutions and organizations at all levels of authority in BiH. Monitoring teams for the fight against human trafficking were also established¹⁴ Banja Luka, Prijedor, Dobo, Bijeljina, Istočno Sarajevo and Trebinje in order to improve functional links between public prosecutor’s offices, police, labor inspection, social welfare institutions and other competent authorities in this area. The Action Plan of the Government of the RS for combating human trafficking 2020–2023 was also adopted, as well as amendments to the Criminal Code of the RS in February 2021, in which the article “Human Trafficking” was supplemented with the forms of exploitation “Forcing begging”, “Serving” and “Other forms of sexual exploitation”. The punishment for the act of “Child Trafficking” has been increased from 8 to 10 years of prison, and in the case of serious bodily injury, serious damage to health or death of one or more people, the legal minimum has been increased from 10 to 12 years. The Law on Free Legal Aid¹⁵ prescribes that the right to free legal aid is also available to natural persons who are in the territory of the RS, under international protection in accordance with international standards, and in particular refugees, persons under temporary admission, victims of human trafficking, who are unable to pay the costs of legal aid. Help is provided by the Centre for Free Legal Aid of the Ministry of Justice of the RS, centres for social work, non-governmental organizations that have signed protocols with the Ministry of Security of Bosnia and Herzegovina, etc. Victims of the criminal act of human trafficking are entitled to compensation of damages through the institute of property-legal claims, according to the provisions of the Code of Criminal Proceedings.¹⁶

51. In BD BiH, when it comes to points a) and c) of the question, the Action Plan for the implementation of the strategy for the fight against human trafficking for the period 2020–2023 was adopted by the decision of the BD BiH Government No. 48-000876/20 dated April 19, 2021. The criminal act of human trafficking is also prescribed in the Criminal Law of BD BiH, with a prison sentence of up to five years. Also prescribed is the qualified form of

¹³ Decision of the Government of RS No. 04/1-012-2-2049/19 dated August 12, 2019.

¹⁴ Decision of Government of RS number 04/1-012-2-515/20 dated February 21, 2020.

¹⁵ “Official Gazette of Republic of Srpska” numbers 120/08, 89/13 and 63/14.

¹⁶ “Official Gazette of Republic of Srpska” numbers 53/12, 91/17 and 66/18.

“Organized human trafficking” with a prison sentence of at least ten years or long-term imprisonment.

52. So far, two cases (proceedings) related to this criminal act have been recorded in practice, and one case ended with an acquittal (in 2014), while in one case one person was sentenced to a prison sentence of 1 year (Roma nationality). In 2021, three cases were opened for the criminal act of “Human Trafficking”, and all three related to begging. The remaining 4 open cases relate to criminal acts of “Organizing a group or association to commit the criminal act of smuggling migrants”, “Human smuggling” and “Exploitation of a child or minor for pornography”.

53. When it comes to cases of human trafficking in cantonal Ministries of the Interior, in the reference period, the Ministry of the Interior of Canton Sarajevo recorded 2 cases, and the Ministry of Interior of Zenica – Dobo Canton recorded 1 criminal charge against one male person for the criminal act of “Organized human trafficking” for one female and one male.

Article 3

Reply to paragraph 7 of the list of issues

54. In BiH, the Law on the Provision of Free Legal Aid was adopted¹⁷ which prescribes in detail the possibility of obtaining free legal aid for every natural person in proceedings before the bodies and institutions of Bosnia and Herzegovina before which individual rights, obligations and interests are exercised or protected.

55. The office for free legal aid was established at the MP BiH, and currently employs 3 civil servants, and persons who meet the conditions for free legal aid can contact them orally or in writing, and through competent bodies when registering the status of a refugee, asylum seeker or other and which inform the said persons about their right to free legal aid. During 2020 and 2021, about 10 such requests were sent.

56. The Law on Asylum¹⁸ prescribes that a foreigner will not be forcibly removed or returned to a country where his life or freedom would be threatened because of his race, religion, nationality, belonging to a certain social group or because of their political opinion. A foreigner will not be forcibly removed or returned to a country where they are not protected from being sent to such territory. Exceptionally, a foreigner who, for justified reasons, is considered dangerous for the security of BiH or has been legally convicted of a serious criminal act and represents a danger to BiH may be forcibly removed or returned to another country, unless they would thereby be exposed to a real risk of being subjected to the death penalty or execution, torture, inhumane or degrading treatment or punishment.

57. The law also prescribes that subsidiary protection is granted to a foreigner who does not meet the conditions for granting refugee status if there are serious reasons to believe that by returning to the country of origin or the country of habitual place of residence, they will face a real risk of severe violation of human rights and fundamental freedoms (death penalty or execution, torture, inhumane or degrading treatment or punishment, serious and individual threat to the life or physical integrity of civilians due to general violence in situations of international or internal armed conflict).

58. Protection in case of rejection of an asylum request or cancellation of granted status prescribes that a foreigner whose asylum request has been effectively rejected or the granted refugee status is cancelled, i.e. the status of subsidiary protection, but for whom it is determined in the procedure that they cannot be removed from BiH, for the prescribed reasons by the principle of prohibition of return, they will be allowed to stay in BiH in accordance with the law regulating the area of movement and residence of foreigners. The

¹⁷ “Official Gazette of BiH” number 83/16.

¹⁸ “Official Gazette of BiH” number 11/16 and 16/16.

Rulebook on Asylum¹⁹ defines which foreigners/persons are protected by the principle of prohibition of return “non-refoulement”.

59. A foreigner can express their intention to submit an asylum request: to the Border Police of BiH, at the border crossing or to the organizational units of the Service. If a foreigner expresses their intention to submit a request for asylum at one of the border crossings, the Border Police of BiH immediately informs the competent local organizational unit of the Service, which is obliged to receive the foreigner. The Border Police of BiH or the organizational unit of the Service to which the foreigner has expressed their intention to submit a request for asylum informs the foreigner of the procedure for seeking asylum and their rights and obligations. To a foreigner who expresses their intention to submit a request for asylum, the organizational unit of the Service issues a certificate of expressed intention, which determines the direction of movement and the deadline required for arriving at the Ministry in order to personally submit a request for asylum. The certificate contains information about the person who expressed the intention to submit a request for asylum and accompanying family members. The certificate is considered a right to stay in BiH, during its duration.

60. The validity period of the certificate of stated intention to submit a request for asylum cannot be longer than eight days. Exceptionally, in the case of a large number of simultaneously expressed intentions to submit a request for asylum, the validity period of the certificate of expressed intention may be 14 days. The foreigner is obliged to submit a request for asylum to the Ministry within the period determined by the certificate. An adult foreigner submits a request for asylum in person, while for a minor foreigner, the request is submitted by a legal representative or guardian. A minor over the age of 16 can also submit a request for asylum in person, if they are married or cohabiting.

61. Exceptionally, if a foreigner does not submit a request for asylum without justifiable reasons, within the period determined by the certificate, it will be considered that they have given up their stated intention, and the Ministry will notify the Service about this. In further proceedings, the law regulating the area of movement and residence of foreigners is applied to them. After receiving the request for asylum, the foreigner is registered.

62. After registration, the Ministry conducts, individually, one or more interviews with all asylum seekers of legal age. The asylum seeker is allowed to present all the facts and circumstances relevant for making a decision on the asylum request. Upon request for asylum, the Ministry makes a decision by which the asylum seeker: is approved the request and recognized refugee status; is approved the request and recognized the subsidiary protection status; is rejected the request and a deadline is set for voluntary departure from BiH; is rejected the request and it is determined that they cannot be removed from BiH for the reasons prescribed by the principle of non-refoulement; suspended is the asylum request procedure and a deadline is set for voluntary departure from BiH or rejected is the asylum request and a deadline is set for voluntary departure from BiH.

63. The Ministry examines the validity of asylum requests in a unique procedure by first examining the conditions for granting refugee status, and if the conditions for granting refugee status are not met, it examines the conditions for granting subsidiary protection. Decisions are made in a regular or accelerated procedure. The Ministry will make a decision on the request for asylum, in the regular procedure, within six months from the date of submission of the request.

64. The Ministry will make a decision on the request for asylum, within 30 days, if there is a basis for rejecting the request in the accelerated procedure, which is aligned with the grounds/reasons for the accelerated procedure for the request for asylum prescribed by Directive 2013/32/EU of the European Parliament and of the Council on joint procedures for recognition and withdrawal of international protection.

65. The Ministry recognizes an asylum seeker as a refugee when it determines in the asylum request procedure that the asylum seeker meets the conditions. Subsidiary protection in BiH is granted for a period of one year and can be extended at the request of the foreigner

¹⁹ “Official Gazette of BiH” number 69/16.

as long as the conditions for which the subsidiary protection was granted last. Subsidiary protection is extended for two years. Against all decisions of the Ministry, a foreigner has the right to initiate an administrative dispute before the Court of BiH within the deadlines prescribed by the Asylum Law.

66. The Act on Asylum defines guarantees in the procedure so that asylum seekers are guaranteed and provided at all stages of the procedure: a) to be informed about the conditions and procedure for granting refugee status or subsidiary protection status, rights and obligations, consequences of non-compliance with obligations or refusal to cooperate with the competent authority; b) presentation of all circumstances on which they base their request for asylum, access to evidence and proposing presentation of certain evidence; c) that the procedure is conducted in a language they understand or can reasonably be assumed to understand; d) access to free legal aid; e) that the asylum request procedure is conducted and that the translator or interpreter be a person of the same sex, if there are justified reasons for this, and f) communication with UNHCR.

67. It is a European standard that is incorporated into national legislation and provided to asylum seekers in each individual case (Directive 2013/32/EU and 2013/33 of the European Parliament and Council).

68. When it comes to persons facing expulsion, return or extradition, this issue is under the competence of the Service for Affairs with Foreigners and in this sense this area is defined by the provisions of the Law on Foreigners. The asylum procedure has a suspensive effect on these procedures (expulsion, return or deportation). Foreigners who have submitted a request for asylum will not be expelled from the territory of BiH before the decision on their request for asylum becomes final.

69. When a foreigner invokes the reasons covered by the principle of non-refoulement, the authority before which the statement was made refers the foreigner to the Service for Affairs with Foreigners, which is an organizational unit of the Ministry of Security, in order to express the intention of submitting a request for asylum. The Service for Affairs with Foreigners issues to the foreigner a certificate of the expressed intention to submit a request for asylum and determines the direction of movement and the deadline required for the foreigner to personally submit a request for asylum to the Ministry of Security at the head office. The certificate is considered a right to stay for the period specified by the certificate. The Service for Affairs with Foreigners shall, without delay, deliver to the body responsible for asylum affairs a copy of the certificate of the expressed intention to submit a request for asylum with the documentation prescribed by the law governing the area of asylum in BiH.

70. The expulsion decision can only be executed when the negative decision on the asylum request becomes enforceable. The decision, with a ban on entry and stay in BiH, is issued by the Service for Affairs with Foreigners according to official duty or on the explained proposal of another organizational unit of the Ministry of Security, law enforcement authority or other authority. An appeal against the expulsion decision can be submitted to the Ministry of Security. The appeal delays the execution of the decision.

71. When it comes to free legal aid and interpretation services, the asylum seeker in BiH is, among other things, enabled to conduct proceedings in a language they understand or can reasonably be assumed to understand, and is provided access to and use of free legal aid, equally and as prescribed by Directive 2013/32/EU and 2013/33 of the European Parliament and of the Council, as a European standard which is incorporated into national legislation and which is fully available to asylum seekers, in each individual case.

72. The law stipulates that the Ministry will deal with priority with asylum seekers whose movement is restricted and with priority and special attention it will deal with minors, unaccompanied minors, single parents with minor children, people who have been tortured, raped, subjected to other forms of physical or psychological violence, pregnant women, elderly people, people with illnesses and mental disorders and disabled people.

73. Competent authorities in BiH, in accordance with their capabilities, ensure humane and legal conditions for the accommodation of migrants with the help of donor funds for the reason that sufficient accommodation capacity should be provided for the increased influx of migrants. The Coordinating Body for Migration operates in BiH. The obligation of foreigners

to register their place of residence and change of residential address prescribed by the Asylum Act is harmonized with Directive 2013/33 of the European Parliament and the Council on establishing standards for the reception of applicants for international protection, as a European standard that is incorporated into national legislation, which prescribes the obligation of a foreigner who is in the asylum system to report residence, or change of residential address to the competent authority within the legally prescribed deadlines, in order to enable further contact with them in order to undertake legally prescribed actions.

74. The FBiH Parliament adopted the Law on Amendments to the Law on Non-litigation Proceedings,²⁰ which prescribes the procedure for determining the time and place of birth of persons who are not registered in the birth register. Considering that the determination of the place and time of birth and the blood relationship with the parents are the basis for registering a child in the birth register, and if the aforementioned cannot be proven even with a certificate from the birth register of a foreign authority, it is necessary to establish these facts in court proceedings, which is important for resolving the status issues of children residing on the territory of BiH, who are assumed to be children of BiH citizens and who came to BiH from an area that does not have international legal subjectivity (Syria). The law is fully harmonized with the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union.

Reply to paragraph 8 of the list of issues

75. This question is answered in Annex 2 of the Report.

Reply to paragraph 9 of the list of issues

76. Criminal acts from the article “Preventing the return of refugees and displaced persons” of the KZ BiH sanctioned is the prevention of the return of displaced persons and refugees. In BiH, the rights of refugees and the displaced population have been resolved in a good way for many years, especially in terms of property-legal issues, where property was returned almost one hundred percent. However, problems are expressed in the domain of sustainable return. This means that, in addition to returning to the place of former life, returnees should also be provided with the basic conditions for continuing a normal life.

77. In addition to the repair and construction of residential buildings that were devastated or demolished, it is necessary to provide returnees with work, school facilities, clinics, road network, electricity and other prerequisites for normal work and living. Unfortunately, BiH has still not managed to solve the problems of refugees and displaced population according to the established Revised Strategy of Annex VII of the DMS. It is assumed that with the help of the international community and donors, it would be possible to solve this problem more completely, concluded with 2022.

78. The implementation of the Revised strategy for the implementation of Annex VII of the DMS is ongoing. Every year, a report is prepared on the progress in the realization of the Revised Strategy for the Implementation of Annex VII of the DMS. The greatest progress was achieved in the renovation of housing units of displaced persons and returnees, as well as the renovation of public utilities and social infrastructure and the electrification of returnee settlements. In 2017, two thematic sessions were held on the topic of Closing collective centers and health care for displaced persons and returnees. The thematic sessions gave certain positive results both in the health care of the mentioned categories and in the closing of collective centers by implementing the project of closing collective centers and alternative accommodation – CEB 2 and initiated activities on the adoption of the law on social housing.

79. Regarding property restitution, the official data is that of about 225,000 temporarily occupied properties, more than 220,000 (over 99%) were returned to the pre-war owners and holders of occupancy rights. In the period from January 1, 2010. until December 31, 2019 259 cases against the final administrative act of the Commission for Displaced Persons and Refugees (CRPC) were conducted before the Court of BiH. There are still problems in this

²⁰ “Official newspaper of FBiH” number 11/21.

area in terms of the actual return of apartments in collective residential buildings, and there is a special problem with destroyed apartments, when the regulatory plans of local communities have been changed. Also, the right to a home is called into question due to the returnee's inability to pay compensation to the temporary user for work on the house performed during their temporary stay there, and settling of the court costs arising from such lawsuits (Zulčić case). Problems in the field of labor rights that returnees and displaced persons face, and which affect the process of return, relate to the state of general unemployment in BiH. In June 2020, the Institution of the Ombudsman in BiH published a Special Report on the representation of constituent peoples and others in the institutions, administrative organizations and regulatory bodies of BiH, FBiH, RS, BD BiH and cantons of FBiH (according to budget units), with the exception of police and security structures, and the data from it suggest that there is discrimination against returnees in employment in the public sector to which they are entitled in accordance with legal provisions.

80. In terms of social benefits, the obvious problem is that changing the place of residence to another entity leads to the loss of status and rights that are envisaged by the law of one entity, but not envisaged by the law of the other entity, that is, there is a significant difference in the scope and quality of the same. Since the planned progress was not achieved in the field of social welfare within the implementation of the Revised Strategy of BiH for the implementation of Annex VII of the DMS, the Consultative Working Group for the Implementation of the Revised Strategy proposed holding a thematic session in 2020 "Social welfare of refugees and displaced persons", at which, with the participation of representatives of entity bodies with departmental competence in the field of social welfare, the possibilities of implementing the planned measures would be considered. Due to the pandemic caused by the Covid19 virus in the previous year, and considering the need for the participation of a larger number of people, the said session did not take place, and the same can be expected when the necessary conditions are met. With the aim of realizing strategic goals, from the estimated amount of 1.21 billion BAM for the needs of the renovation of the housing fund and the accompanying infrastructure, from 2009 to 2018, funds in the amount of about 909 million BAM were provided from loan and donor funds, funds pooled in the Fund for Return to BiH and budget funds of entities and BD BiH. In terms of ensuring that returnees are not in a disadvantageous position in terms of access to their rights regardless of where they live in the territory of the state, more significant developments in this matter are expected after the holding of the thematic session "Social welfare of refugees and displaced persons", as stated in the previous answer.

Articles 5–9

Reply to paragraph 10 of the list of issues

81. The Law on International Legal Aid in Criminal Matters enables the provision of all forms of legal aid both on the basis of international agreements – conventions and on the basis of established factual reciprocity. Preparations are underway for appropriate amendments to this law in order to more clearly specify certain norms. At the same time, BiH has concluded bilateral agreements with the countries of the region, which allow the extradition of their own citizens, under certain conditions and for the most serious criminal acts, for which a prison sentence of four or more years is prescribed. In relation to foreign nationals, extradition is carried out according to the rules and standards of the European Convention on Extradition (to which BiH is a signatory), and all bilateral agreements concluded by BiH are based on the principles of this convention and its protocols and were concluded for easier implementation of the Convention in relation to States bound by the Convention. BiH is also a signatory to the European Convention on the Transfer of Criminal Proceedings, and all bilateral agreements related to the criminal area contain provisions on the assignment and transfer of criminal prosecution. Even without corresponding international agreements, the process of extradition and transfer of criminal proceedings proceeds smoothly in relation to many countries. For example, BiH has not signed any bilateral agreement with the USA that regulates the transfer and takeover of criminal prosecutions, but these procedures take place between the two countries without hindrance.

The principle *aut dedere aut judicare* is represented through the legislation of BiH, so that in every extradition procedure in which the wanted person cannot be extradited, along with the notification about it to the other country, the transfer of criminal prosecution or criminal files is also requested, in order to conduct criminal proceedings against that person in BiH. The same rule applies in cases when another country refuses extradition to Bosnia and Herzegovina. Cases in which legal aid was sought in connection with criminal acts related to torture and ill-treatment were not specifically recorded, but observations show that there were such cases and that the requested legal aid was provided in those cases.

82. Several police officers of the Federal Police Administration underwent training entitled “Strengthening the principles of treatment of persons deprived of liberty based on human rights, European standards and best practices in Bosnia and Herzegovina”. Members of the Federal Police Administration took part in the training entitled: “Evidence actions in criminal proceedings – search of an apartment, other premises and movable property, search of persons, with special reference to international and domestic regulations in the field of human rights of persons deprived of their liberty, in which they were informed about the provisions of the Convention and situations in practice in which the provisions of the Convention can be violated most often.

Article 10

Reply to paragraph 11 of the list of issues

83. Every year, the Ministry of Justice of BiH introduces a training program for prison police officers, through which a number of topics are elaborated, including the topic of prevention of torture and abuse, the protection of the rights of persons deprived of their liberty, assessment and rehabilitation of violent and extreme prisoners in BiH, classification and reclassification of prisoners in the Institute for the Execution of Penal Sanctions, Detention and Other Measures of BiH, special provisions on the security service and the way of performing the security service of weapons and equipment and the use of firearms and other means of coercion in the Institute for the Execution of Penal Sanctions, Detention and Other Measures of BiH. The Ministry of Justice of BiH and the Council of Europe have in the past period on several occasions conducted trainings for prison officials and other officials which work on the implementation of the law and who, to a comprehensive extent, promote the protection of human rights and freedoms.

84. Through the previous cooperation with Police Administrations throughout the country, it was concluded that most of them are familiar with the mandate and competences of the Committee, i.e. with the broad powers of residence and movement on the territory of the entire country as a signatory to the Convention, and in places where persons deprived of their liberty are located and within those premises, and access to all relevant information, to the actual persons deprived of their liberty and talking to them without the supervision of official persons.

85. In the RS, the Framework plan and program of professional development and training of employees in institutions for the execution of criminal and misdemeanor sanctions was adopted,²¹ within which the curriculum and teaching units were determined, the issue of conducting training and professional development of all employees in correctional institutions of the RS was regulated. Also, bearing in mind the provisions and content of the Rulebook on the procedure and manner of evaluating the work of employees in institutions for the execution of criminal and misdemeanor sanctions,²² it can be stated that there is an established mechanism for evaluating the effects of training and educational programs.

86. In BD BiH, trainings of police officers are carried out in cooperation with the Police Academies in BiH, then in cooperation with the Training Centres for Judges and Prosecutors of the RS and FBiH, as well as international organizations ICITAP, UNDP, OSCE, IOM and others. Certain trainings for gender-based violence, human trafficking, war crimes cases

²¹ “Official Gazette of Republic of Srpska” number 64/19.

²² “Official Gazette of Republic of Srpska” number 78/19.

according to the signed Protocols, for police officers, are also organized by non-governmental organizations as part of their activities. Specifically, when it comes to cantonal Ministries of the Interior, each of them independently implements specialist training plans and programs for police officers from the target organizational units of the Police Administration. The aforementioned trainings include treatment of persons deprived of their liberty and preventing torture and inhumane treatment or punishment, following the guidelines and concluding observations of the Committee. Many trainings planned for 2020 and 2021 have been canceled due to the Corona Virus Covid 19 pandemic until further notice.

Article 11

Reply to paragraph 12 of the list of issues

87. At the end of 2020, the Institute for the Execution of Penal Sanctions, Detention and Other Measures of BiH was built and put into operation, with about 300 places, which resolved the problem of overcrowding in prisons in BiH to a great extent, given that in the earlier period prisoners convicted before the Court of BiH served prison sentences in entity prisons (13 of them), and by commissioning of the State prison that problem is solved. According to the information provided by the cantonal ministries of the interior, the majority of cantons, in accordance with the budget funds, in the previous two years secured the reconstruction and equipping of the premises for the detention of persons deprived of their liberty through investment in certain material and technical means, as follows: arrangement of the walls in the premises, replacement and installing of an adequate ventilation and air conditioning device, air and water systems (for cooling and heating of the premises), replacement of beds, rehabilitation of sanitary units, concrete washbasins and installation of new ones, replacement of existing light bulbs and installation of LED lighting, separation of toilet partitions in cells of rooms for the detention of persons deprived of their liberty, installation of new sanitary cabins in accordance with European standards, procurement of new mattresses, bedding and waterproof protective covers with rubber band for mattresses.

88. The Institute for the Execution of Penal Sanctions, Detention and Other Measures of BiH, with the prior appointment of management staff and employment of other personnel, was put into operation in 2020. The aforementioned activities towards detainees are carried out in accordance with the Code of Criminal Proceedings of the FBiH and by-laws of the institutions, while the arrangement of the external space is arranged in accordance with the planned budget, that is, available financial resources.

89. The detention facilities of the Mostar Corrective Institution and the Sarajevo Corrective Institution are quite limited when it comes to detention capacities, and an analysis of the situation will be carried out with the aim of improving activities according to the institutions' capabilities. Shelter from adverse weather and fitness equipment with rest benches will be installed in the Mostar Corrective Institution. The institutions will take measures to ensure that all detained persons are offered two hours of outdoor exercise every day, in accordance with the provisions of the Code of Criminal Proceedings of the FBiH. Analysis of activities for convicted persons in the Mostar Corrective Institution will be carried out, and the spectrum of treatment activities will be improved. Vacancies are filled in accordance with available annual budget funds. The Federal Ministry of Justice has applied for projects financed from the European Union's Pre-Accession Funds for the purpose of building new and improving existing detention and prison capacities. During 2021, a new pavilion for 236 prisoners was opened within the Zenica Corrective Institution, and the value of the co-financed works is 2.2 million euros. The funds for equipping and obtaining permits were provided by the Government of FBiH and the Canton. The construction of a special building with workshops and a sports hall has been completed in the Orašje Corrective Institution, which is of particular importance because juveniles reside in this prison. The value of the co-financed works is 0.8 million euros, while the funds for equipment and permits were provided by the Government of FBiH and the Canton.

90. In August 2021, works began on the construction of the new Sarajevo Corrective Institution complex at the Igman site. The value of the works financed from IPA funds

amounts to 4,6 million euros, while the funds for permits, accompanying infrastructure and equipment were provided by the Government of FBiH.

91. In parallel with the mentioned activities, from the FBiH Budget, the construction of the new detention unit building of the Sarajevo Corrective Institution at the Igman site and the construction of the new complex of the Mostar Corrective Institution, which will ensure the complete modernization of corrective institutions in the FBiH, are being carried out. At the same time, the Federal Ministry of Justice submitted applications for new projects financed from IPA funds. In the Tuzla Corrective Institution, which is the only prison where women reside, the construction of a new pavilion for women is planned at the Kozlovac site, while in the Zenica Corrective Institution, the construction of a special clinic is planned, where adequate treatment would be provided for convicts who are addicted to narcotics.

92. By inspecting the official records in the detention facilities of the Federal Police Administration, in the period 2019–2021, there were a total of 257 people deprived of liberty, of which 232 were male and 25 were female. According to their nationality, they declared themselves as follows: Bosniaks 211, Serbs 23, Croats 11 and Others 9. Annual statistical data: – in 2019, a total of 86 people stayed in the Federal Police Administration detention facilities, of which 80 were male, 6 were female, the average age of males was 41 years, females was 33 years, by nationality there were 72 male Bosniaks, 3 Serbs, 1 Croat and 4 others, and 6 female Bosniaks; – in 2020, a total of 103 persons stayed in Federal Police Administration detention facilities, of which 92 were male, 11 were female, the average age of males was 40 years, females was 31 years, by nationality there were male Bosniaks 54, Serbs 2, Croats 2 and Others 2, and 4 Bosniak women, 2 Serbian women and 2 Croatian women; – in 2021, a total of 68 persons stayed in the Federal Police Administration detention facilities, of which 60 were male, 8 were female, the average age of males was 40, females 31, according to the nationality there were male Bosniaks 54, Serbs 2, Croats 2 and Others 2, and female Bosniaks 4, Serbian women 2 and Croatian women 2.

93. In the RS, the Code of Criminal Proceedings of the Republic of Srpska and the Law on the Execution of Criminal Sanctions of the Republic of Srpska,²³ and accompanying by-laws in this area – Rulebook on house rules in institutions for the execution of detention measures²⁴ contain provisions that prescribe the treatment of persons under detention, namely the issues of reception and placement of detainees, health and hygiene measures and nutrition, work and behavior of detainees, maintenance of order and discipline, visits, correspondence, receiving shipments and press, procedures in case of escape or death of a detainee, escort and release, then issues of the rights of detained persons and the issue of supervision over the execution of the detention measure, as well as other issues related to the conditions and manner of execution of the detention measure in corrective institutions.

94. When it comes to overcrowding of prisons, this problem does not exist in the RS, because the capacity occupancy rate has been on a downward trajectory in the last 4 years, so that at the end of 2021 it was around 50%.

95. Statistical data on the number of detainees and prisoners in corrective institutions in the RS for the reference period, classified by sex, age and ethnic origin or nationality, can be found in Annex 2 of the Report.

96. A positive example at the cantonal level is the Police Administration of the Ministry of the Interior of the Sarajevo Canton, which, through its organizational units, and especially the Unit for the Security of Facilities and the Detention of Persons Deprived of Liberty, consistently applies and acts according to the Instructions on Handling Persons Deprived of Liberty of the Ministry of the Interior of the Sarajevo Canton and the Manual on working with persons detained in detention premises, in which it is prescribed that measures will be taken to ensure that the conditions of detention of persons deprived of liberty are in accordance with international and national legal standards, while respecting the rights of persons deprived of liberty in detention premises.²⁵

²³ “Official Gazette of the Republic of Srpska” number 63/18.

²⁴ “Official Gazette of the Republic of Srpska” number 58/20.

²⁵ The statistical data requested within question number 12 are submitted in tables by the Ministry of the Interior of the Sarajevo Canton, but due to their volume, they are not included in the text of the report.

97. The current conditions in the existing premises in terms of all elements are satisfactory, but certain activities are being carried out on the preparation of a project proposal for the construction of a new building of the Ministry of the Interior of the Sarajevo Canton, within which the Police Administration submitted a proposal for premises for the detention of persons deprived of their liberty in compliance with European standards.

Reply to paragraph 13 of the list of issues

98. BiH has prescribed in the laws on the execution of penal sanctions, detention and other measures, both entity and state, that minors will serve the sentence of juvenile prison separately from adults. In the entities, there are separate facilities (juvenile prisons) that are intended exclusively for minors. In 2020, a total of 29 minors served a juvenile prison sentence.

99. In the past period, the Federal Ministry of Justice has been actively working on analyzing the situation in order to improve respect for gender equality in detention. Also, all Institutions will be given clear guidelines for work with juveniles during their stay in detention units, in accordance with the Law on the Protection and Treatment of Minors in Criminal Proceedings of FBiH.

100. In the RS, treatment of minors in criminal proceedings is regulated by the Law on Protection and Treatment of Children and Minors in Criminal Proceedings.²⁶ Among other things, this law prescribes the issues of determining and duration of detention, whereby it is insisted that when proposing detention, the prosecutor always gives priority to measures of prohibition, and then measure of temporary accommodation, while detention as a measure of last resort is proposed only if the previous measures cannot ensure the presence of minors during trial. The law prescribes that minors in detention are placed separately from adults, as well as that all the time while they are in detention, minors are provided with conditions beneficial for education and occupation.

101. In BD BiH, the use of alternative measures for verdicts and prison sentences for minor perpetrators of criminal acts is regulated by the application of the provisions of the Law on the Protection and Treatment of Children and Minors in Criminal Proceedings,²⁷ Rulebook on the application of educational recommendations to juvenile offenders²⁸ and the Rulebook on the Application of Educational Measures of Special Obligations to Minor Perpetrators of Criminal Acts.²⁹

102. As an alternative measure to criminal proceedings and imprisonment, minors can be given a police warning and educational recommendations, the purpose of which is precisely to prevent criminal proceedings against the minor. It is prescribed that a juvenile deprived of liberty during the time they are in the competent organizational unit of the BD BiH Police and during detention at the prosecutor's office, is placed in a room so that they are not in contact with adults.

103. When it comes to Ministries of the Interior at the cantonal level, minors deprived of their liberty, who need to be placed in detention facilities, are placed separately from adults. investigation, it was determined that the report was unfounded in the part of torture and abuse. Records on minors deprived of their liberty, who are placed in detention premises, will not be available to the public. Male and female persons who are deprived of their liberty will be placed separately, in such a way as to prevent physical and visual contact between them. As a rule, one person is placed in each room-cell for detention, and exceptionally up to two people can be placed in one room-cell, unless it is a question of: facial disease; alcoholism; aggressiveness-violence; age; sex; persons who in any way create resistance or refuse to cooperate with the police officer on duty.

²⁶ "Official Gazette of the Republic of Srpska" numbers 12/10, 61/13 and 68/20.

²⁷ "Official Gazette of BD BiH" number 44/11.

²⁸ "Official Gazette of BD BiH" number 01/13.

²⁹ "Official Gazette of BD BiH" number 01/13.

104. The schedule of persons deprived of their liberty who are placed in detention premises is made by the police officer on duty, respecting the above mentioned and according to the available space.

Reply to paragraph 14 of the list of issues

105. According to the FBiH Law on Execution of Criminal Sanctions, the disciplinary penalty of being sent to a cell for solitary confinement is 20 days. The new law intends to change that provision, in the sense that the stay in a cell for solitary confinement will be limited to 10 days.

106. In RS, the Law on Execution of Criminal and Misdemeanor Sanctions defines that for disciplinary violations committed, disciplinary punishments can be imposed on prisoners, namely warning, written reprimand, deprivation of benefits outside the institution and in the institution, and being sent to a cell for solitary confinement for up to 20 days.

Reply to paragraph 15 of the list of issues

107. In FBiH, cases of violence among prisoners are very rare, and cases of possible negligence on the part of law enforcement officials have not been recorded. Verbal violence rarely happens between prisoners, but it is noticed in time and sanctioned in a legal manner. The two-year project aims to reduce the harmful effects that problematic prisoners can have on other prisoners and to reduce extremism and violence in prisons and has brought positive results on the ground. Numerous trainings and published manuals on the subject are of great help to all officers working in prisons.

108. In the RS, violence between prisoners is characterized as a serious disciplinary offence which is regulated by the Law on Execution of Criminal and Misdemeanor Sanctions. Preventive measures taken in this matter are carried out by the Security Service and the Treatment Service. In the observed period, 14 violations were recorded in Trebinje Corrective Institution, 26 in Bijeljina Corrective Institution and 21 in Foča Corrective Institution.

Reply to paragraph 16 of the list of issues

109. The total number of death cases in FBiH prisons in 2020 was 23. Of these, 2 were suicides, 1 was an accident, and 20 cases were natural deaths. Every death is treated in accordance with current laws.

110. There were no cases of deaths in the wards where detention measures were carried out in corrective institutions in the RS.

Reply to paragraph 17 of the list of issues

111. The Law on Asylum prescribes the reasons and method of temporarily restricting the movement of asylum seekers, which are in line with the reasons prescribed by Directive 2013/33 of the European Parliament and the Council on establishing standards for the acceptance of applicants for international protection, so that in this case it is also a European standard that is incorporated into national legislation.

112. Therefore, the Law clearly prescribes that it is a matter of temporary restriction of the movement of asylum seekers, which is resorted to as a last resort, for reasons prescribed by law, after the Ministry determines that other measures cannot be applied. Such restriction lasts as short as possible.

113. The law also defines decisions made by the Ministry of Security of BiH, which is a decision on the temporary restriction of the movement of asylum seekers, which states the reasons, method and duration of the imposed measure of restriction of movement, as well as the legal remedy that allows the asylum seeker to challenge his restriction of movement by

filing a lawsuit to the Court of BiH. The lawsuit is submitted within eight days from the date of receipt of the decision, and does not delay the execution of the decision.

114. The movement of an asylum seeker can be temporarily restricted for a period of up to 90 days. If the circumstances for which the restriction measure was imposed still persist, the movement restriction measure can be extended for a period of up to 90 days. An asylum seeker's movement may be temporarily restricted for a total of 180 days.

115. The Ministry will make a decision on the restriction of movement by assessing the individual circumstances of each individual case and taking into account the necessities and proportionalities of the imposed measure and the reason for the restriction.

116. If the asylum seeker's movement is temporarily restricted, the Ministry informs the Service. An asylum seeker whose movement is restricted by a ban on movement outside a certain place is obliged to report to the competent organizational unit of the Service or to the police administration/station, in the manner determined by the Ministry, during the imposed measure. A minor asylum seeker's movement is restricted by a ban on movement outside the immigration centre only as a last resort and after the Ministry determines that other measures cannot be applied. Such restriction lasts as short as possible and the Ministry will accommodate the minor in an adequate manner as soon as possible.

Reply to paragraph 18 of the list of issues

117. Persons sentenced by the courts to compulsory psychiatric treatment shall be placed in an appropriate psychiatric institution in accordance with the laws. Alternative forms of outpatient treatment are also possible for milder forms of prisoners, who are in prison and their condition is not so severe as to require hospitalization, which is taken care of by the institution's health services.

118. The Rulebook on standards for work and provision of services in social protection institutions in the Federation of Bosnia and Herzegovina³⁰ common minimum standards for work and provision of services, as well as other separate minimum standards for the performance of activities, i.e. social welfare affairs in social welfare institutions in the FBiH, are prescribed. For the overall treatment and provision of services to persons with disabilities, the institution is obliged to provide the necessary number of professional workers for adults with moderate, severe and more severe disabilities: 1 defectologist per 80 users; 1 social worker per 150 users; 1 psychologist per 250 users; a neurologist or a psychiatrist psychiatrist, a psychiatrist once a month for 8 hours per 150 users; 1 full-time nurse or related occupation in a ward with up to 80 users; 1 caregiver/education from the field of care per 10 users with complete dependence; 1 physiotherapist in a ward for up to 200 users, 1 occupational therapist/education from the field of occupational therapy per 250 users; 1 occupational instructor per 20 users and 1 music therapist per 300 users. The Rulebook for Psychiatric Patients prescribes the following standard in terms of professional staff: 1 social worker per 50 users; 1 psychologist per 150 users; 1 doctor psychiatrist 3 times a month for 8 hours per 150 users; 1 nurse or related occupation per 20 users; 1 physiotherapist per 150 users; 1 caregiver/education from the field of care per 5 users; 1 occupational therapist/education from the field of occupational therapy per 200 users; 1 occupational instructor per 15 users; 1 music therapist per 200 users and 1 educator-rehabilitator per 100 users. The current situation regarding employment is such that new staff are employed in accordance with the financial resources available to the Institution.

119. The Rulebook on Standards for Work and Service Provision in Social Welfare Institutions in the FBiH prescribes that restrictive procedures and measures against users who, by their behavior, endanger themselves, other users, staff, visitors or property, are applied exclusively on the basis of planned, supervised and limited by time interventions. To restrict movement, isolate or control user behavior, the service provider is obliged to prescribe procedures, designate a person responsible for approving restrictive measures and procedures and keep records of their application.

³⁰ "Official newspaper of the Federation of BiH", numbers 15/13 and 44/16.

120. Forced placement of persons in a health institution is regulated by the Law on the Protection of Persons with Mental Disorders.³¹ In accordance with the European Convention on Human Rights and Fundamental Freedoms. The law establishes that any forced placement of adults with mental disorders without their consent, i.e. children and minors with mental disorders and persons deprived of business capacity without the consent of their legal representatives – is decided by the court. Proceedings under the provisions of this Law are urgent. The health institution must inform the commission for the protection of persons with mental disorders about any case of deprivation of liberty in accordance with this Law. The procedure of forced placement is regulated in detail by the Law. Treatment of persons with mental disorders without expressed consent to the necessary medical measures implies mandatory compliance with the requirements of the European Convention on Human Rights and Fundamental Freedoms. It is a system that has long been a common practice in health institutions. According to the data for 2021, the number of people who were forcibly placed in three clinical centres is 23. The clinical centers state that this is a number that does not vary much from year to year, and that it can be observed as average.

121. Amendments to the Law from 2013 established the Commission for Monitoring the Protection of the Rights of Persons with Mental Disorders of FBiH, in accordance with the Convention on the Rights of Persons with Disabilities. The Rulebook on the selection, organization and work of the Commission for monitoring the protection of the rights of persons with mental disorders of FBiH was adopted,³² which more closely regulates the selection, organization and work of this Commission (hereinafter: Federal Commission). This commission is defined as a professional, independent, advisory body of the Federal Ministry of Health, which monitors the implementation of the protection of the rights of persons with mental disorders in health institutions of primary, secondary and tertiary health protection, as well as in social welfare institutions established in accordance with the Act on the takeover of rights and obligations of founders over social welfare institutions established in accordance with the Law on the takeover of rights and obligations of founders over social welfare institutions in the FBiH.³³ The Federal Commission has six members, with each member having a deputy from the same profession and a technical secretary appointed by the Federal Minister of Health. The Federal Commission consists of: a doctor of medicine a specialist neuropsychiatrist/psychiatrist, a bachelor of psychology, a bachelor of nursing, a bachelor of laws, a bachelor of social work and a representative of the association of users. The tasks of the Federal Commission are prescribed in detail by the Rulebook, the way of working, as well as the deadlines for submitting work reports to the Federal Ministry of Health. The Federal Commission was appointed in two convocations, with a mandate of 4 years each. Currently, the selection of members for the new convocation of the Federal Commission is ongoing. It is important to point out that the Rulebook also contains a Standardized questionnaire for monitoring the protection of the rights of persons with mental disorders, which directly refers to the following provisions of the Convention on the Protection of the Rights of Persons with Disabilities: 1. The right to an appropriate standard of living and social protection; 2. The right to enjoy the highest possible standard of physical and mental health; 3. The right to enjoy business capacity and the right to freedom and security of a person; 4. Freedom from torture or cruel, inhumane or degrading treatment or punishment and freedom from exploitation, violence and abuse and 5. The right to live independently and be included in the community.

122. The contribution of the work of the Federal Commission to the monitoring of the rights of persons with mental disorders, i.e. the supervision carried out in accordance with the Law and the Rulebook, is exceptional. According to reports on the work of the Federal Commission, there were no recorded cases of torture in health institutions.

123. As part of the Mental Health Project in BiH, the document “Model of Joint Planning of the Discharge of a Patient with Mental Disorders from a Hospital in FBiH” was prepared. The model was piloted in FBiH in seven local areas, and it showed functionality in practice. After that, the application of the Model was extended to a number of other municipalities.

³¹ “Official newspaper of the FBiH” numbers 37/01, 40/02, 52/11 and 14/13.

³² “Official newspaper of FBiH” number 44/13.

³³ “Official newspaper of FBiH” number 31/08 and 27/12.

The goal of discharge planning is to identify the patient's plans and the support that the patient and family/caregiver will need after hospital treatment. Discharge is a complex process that tries to determine the appropriate level of necessary services for each patient, an adequate place and service where the patient can receive post-hospital care and treatment.

124. In the RS, there are 124 persons at the Public Health Institution Institute for Forensic Psychiatry Sokolac, who have been sentenced by the competent court to mandatory psychiatric treatment and custody in a health institution, as well as four persons who have the status of detainees, and are placed in the expert department of the said institution. For each patient, reports on health condition are submitted to the competent Court, where the mental and social status of the patient is presented to the court, and in accordance with that a decision is made on further detention of the patient in the institution or possible discharge into the community from which they come from with the continuation of further outpatient treatment.

125. In BD BiH, the situation regarding rehabilitation services in the community and other forms of alternative treatment is not regulated by a special protocol, and the realization itself is still in accordance with the dynamics of the Covid-19 pandemic.

Articles 12–13

Reply to paragraph 19 of the list of issues

126. In the previous period, no cases of torture or complaints about it were recorded. There were a few cases of objections to the excessive use of force, but it was determined that, for example, the bruise on hands was caused when a person was being brought to trial, and that was due to their deliberate action.

127. In the Federal Police Administration, investigations into complaints about police work and possible allegations of police abuse are conducted by the Unit for Professional Standards per official duty, upon petitions and complaints of citizens, upon request of the FBiH Citizens' Complaints Committee, upon requests/suggestions of superior managers and heads of basic organizational units that is, the employees themselves and the request of the head of the authority. The unit also acts in internal procedures initiated against the Federal Police Administration police officers in order to verify allegations from petitions, reports, findings or information indicating illegal actions or inappropriate behavior of police officers. The internal investigation for a minor violation of official duty must be completed within 30 days from the date of the report to the Unit, and for more serious violations within three months from the date of the report to the Unit, and may be extended for another two months depending on the complexity of the case. If it is determined that there are elements of a violation of official duty, the Unit submits a Request to initiate disciplinary proceedings to the Disciplinary Commission. If it is determined that there are elements of a criminal act, all documents containing such knowledge are immediately submitted to the competent organizational unit of the criminal police of the Federal Police Administration for the possible initiation of a criminal investigation, which is obliged to inform the Unit on the measures taken within its jurisdiction, i.e. on familiarization of the competent prosecutor. The prosecutor, in accordance with their own assessment of the received document, will possibly send appropriate requests to the competent organizational unit of the criminal police of the Federal Police Administration.

128. In the RS, in the Service for the Protection of Integrity and Legality in Work, Unit for Professional Standards, in the period from January 1, 2017 to October 31, 2021, 118 petitions from citizens and 6 reports were submitted by org. units of the Ministry of the Interior of the RS, which refer to abuse and inhumane treatment by police officers. The unit also conducted internal procedures based on 115 citizen petitions and 6 reports. In the period from January 1–December 31, 2017, 29 petitions were received, and an internal procedure was carried out based on 23 citizen petitions. In the period January 1–December 31, 2018, 32 petitions and 2 reports were received, and an internal procedure was conducted based on 22 citizens'

petitions. In the period from January 1 to December 31, 2019, 21 petitions from citizens were received and an internal procedure was conducted based on 34 petitions from citizens. In the period January 1–December 31, 2020, 23 citizens' petitions and 3 reports were received, and conducted were 22.

129. Internal procedures based on 17 petitions and 5 reports from citizens. From January 1 to October 31, 2021, 13 petitions from citizens and 1 report were received, and 20 internal procedures were conducted based on 19 petitions from citizens and 1 report. All petitions and reports that relate to abuse and inhumane treatment by police officers of the Ministry of the Interior of the RS are submitted to the competent prosecutor's offices in order to take measures and actions from their jurisdiction.

130. In BD BiH, in the period from January 1–October 31, 2021, the Unit for Professional Standards conducted cases in which police officers were reported, in relation to excessive use of force and physical abuse. After the internal procedure was conducted, it was determined that in three cases the allegations were unfounded, while one case was closed without sufficient evidence. In the same period, the Unit for Professional Standards issued 24 opinions on the use of force, in which police officers used physical force and restraints on 24 people, as a result of which five people and three police officers suffered minor physical injuries. In all cases, the use of force was assessed as proper and legal.

131. When it comes to the cantonal Ministries of the Interior, in the reference period a total of 41 petitions – complaints were registered in the Police Administration of the Ministry of the Interior of the Sarajevo Canton, which have characteristics of physical abuse, humiliation or torture, and which were acted upon according to prescribed procedures by the inspectors of the Department for internal control and conducted internal investigations.

Reply to paragraph 20 of the list of issues

132. In the RS, the Law on Health Protection defines the rights and obligations of citizens and patients in the realization of health protection, in the sense that the patient has the right to the confidentiality of personal information that they have communicated to the competent doctor, including those related to their health condition and potential diagnostic and therapeutic procedures. It is forbidden for the competent doctor, without the written consent of the patient, to communicate personal data about the patient to other persons, except when they are obliged to do so by a special law. If the patient has given consent, the competent doctor can communicate information about the patient's health condition to an adult member of the patient's family. The competent doctor must communicate information about the patient's health condition to an adult family member, even in the case when the patient has not given consent for the disclosure of information about their health condition, and this is necessary in order to avoid the health risk of a family member. The patient has the right to the protection of their privacy during diagnostic tests, specialists visits and medical-surgical treatment as a whole. The examination of the patient can be attended by health workers who undertake medical treatment, medical students, medical school students, and for persons up to 15 years of age, commercially incapacitated persons, a parent, a legal representative or guardian. The patient can give written consent for the presence of other persons during the examination.

133. In BD BiH, in order for medical examinations of complainants or victims of abuse and/or torture to be carried out confidentially and whenever it is allowed, out of the sight of the officers conducting supervision, no special protocol measures were taken, except for acting in accordance with the dynamics of the Corona virus pandemic, i.e. the measure according to which the number of people in one room must be limited (most often it is a maximum of 2).

134. During criminal proceedings, witnesses and victims are provided with special treatment, if necessary, such as support by a court psychologist, testimony through audio-video technology, and a separate entrance for the witness or victim from the perpetrator of the criminal act.

Reply to paragraph 21 of the list of issues

135. The revised state strategy for working on war crimes cases was adopted at an extraordinary session of the BiH Council of Ministers at the session held on September 24, 2020, including annexes A and B, which are integral parts thereof. The first strategic goal is “Prosecuting the most complex and priority cases of war crimes before the Court of Bosnia and Herzegovina and the Prosecutor’s Office of Bosnia and Herzegovina, and the other cases before the judicial bodies of the entities and the BD BiH by the end of 2023”. One of the strategic goals envisages that it is necessary to “Ensure efficient management of war crimes cases, i.e. their distribution between the state judiciary and the judiciary of the entities and the Brčko District, which will enable prosecution in the given time period.” Annex A of the revised strategy consists of “criteria for the review of war crimes cases”, which enable the transfer of a larger number of war crimes cases from the state-level judiciary to the entity level, and the level of BD BiH. These criteria establish clearly defined and harmonized guidelines that will guide the Prosecutor’s Office and the Court of BiH during the re-examination and new categorization of war crimes cases, with the aim of making a decision by the Court of BiH on whether, given the degree of complexity, the case will be prosecuted before the Prosecutor’s Office of BiH and the Court of BiH or before the courts and prosecutor’s offices of the entities and the BD BiH. The application of these criteria, however, does not exclude the possibility that certain cases, if there are exceptional circumstances (public or official duty of the perpetrator, the need to ensure witness protection measures, etc.) are prosecuted before the Prosecutor’s Office of BiH and the Court of BiH, although due to the degree of complexity, those cases would be prosecuted before other courts and prosecutor’s offices. The severity of the criminal act is reflected in the following: a) legal qualification; b) systematic murders; c) more serious forms of rape; d) more serious forms of illegal detention or other serious deprivation of physical freedom; e) severe forms of inflicting suffering on the civilian population; f) connection of the case with other cases.

136. One of the ways to ensure an adequate control mechanism on the implementation of the Strategy is to strengthen the role and status of the Supervisory Body, which is why the Proposal for a Decision on the Formation of a Supervisory Body to Monitor the Implementation of the Revised State Strategy for Work on War Crimes Cases has been prepared and is awaiting adoption by the Council of Ministers of BiH. Progress in elucidating cases of forced disappearances committed in the past is slow, the Institute for Missing Persons has not been reformed and the Central Registry of Missing Persons has not been established in accordance with the Law on Missing Persons. In order for holders of judicial functions to regularly improve the knowledge necessary for working on war crimes cases and working with victims, the Centers for the Education of Judges and Prosecutors (CEST FBiH, CEST RS and the Judicial Commission of BD) regularly conduct trainings on the aforementioned topics. Cooperation was achieved with the OSCE Mission to BiH and the TRIAL organization, and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is implementing the project “Improvements of work on war crimes cases in BiH”.

137. As of 2018, in all judicial institutions that deal with the investigation and processing of war crimes cases, there are a total of 21 witness support departments in courts and prosecutor’s offices in BiH, namely: 2 at the level of BiH, 10 in FBiH; 7 in RS, and 2 departments in BD BiH. Laws on the protection of witnesses under the threat of threatened witnesses were adopted at the level of BiH, entities and BD BiH, while the Law on the Witness Protection Program in BiH was also adopted at the level of BiH. The Law on Amendments to the Criminal Law introduced the criminal act of torture and other forms of cruel and inhumane treatment, and thus the definition of this criminal act was harmonized with the definition of the act from Article 1 of the Convention. The provisions of the Criminal Law of Bosnia and Herzegovina have been harmonized with international standards regarding the criminal act of war crime of sexual abuse, so that in Article 172, paragraph (1) item g) and Article 173, paragraph (1) item e) the condition of “coercion or threat of imminent attack” was deleted.

138. The Code of Criminal Proceedings of BiH contains provisions concerning the realization of a property claim related to compensation for damages, return of property or

annulment of a certain legal transaction. The settlement of a property claim in a criminal proceeding represents the settlement of a civil matter at the same time as a criminal matter.

139. At the BiH level, the Law on the Rights of Torture Victims, which was supposed to regulate the realization of the right to adequate compensation, has not yet been harmonized.

140. The right to compensation is regulated in the Code of Criminal Proceedings (Subject of the Property Claim), which prescribes that a property claim arising from the committing of a criminal act will be discussed at the proposal of an authorized person in criminal proceedings, if this procedure would not be significantly delayed. A property claim can refer to compensation of damages, return of property or cancellation of a certain legal transaction. A property claim can only be awarded with a verdict in which the accused declares to be guilty, otherwise the injured party is referred to litigation.

141. In the Federation of Bosnia and Herzegovina, the material protection of civilian victims of war is ensured by the Law on the Basics of Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children which has determined the “Special category of civilian victims of war”, which includes victims of wartime sexual violence. The same law prescribes the material right to a “Monthly personal monetary income” in the amount achieved by a civilian victim of war with 100% physical damage, as well as the right to help with the costs of treatment and the purchase of orthopedic aids, training for work (professional rehabilitation, retraining and upgrading); priority residential care; psychological assistance and free legal aid, which are provided by the competent authorities of the canton.

142. Regarding compensation for relatives of missing persons, in the FBiH this issue is fully resolved by the laws in the field of veterans’ and disability protection for persons who have disappeared in the status of members of the RBiH Army or the HVO, and for persons who have disappeared as civilians, this issue is resolved within the framework of the Law on Basics of Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children.³⁴ The rights defined by this regulation are exercised by the families of the missing civilians under the same conditions and to the same extent as the families of the dead civilian victims of the war, and are financed from the budgets of the FBiH and cantons in a ratio of 70–30%. According to this regulation, civilian victims of war as well as their families have the right to: assistance in the costs of treatment and the procurement of orthopedic aids; training for work (professional rehabilitation, retraining and upgrading); priority employment; priority residential care; and psychological and legal aid. These rights are exercised in accordance with the regulations on health insurance, health protection and employment and social welfare, and are under the jurisdiction of the cantons. A canton can establish other rights and expand the scope of rights established by this law, in accordance with its capabilities and the needs of civilian victims of war. Most often, extended rights are realized through subsidies in utility costs and one-time financial assistance.

143. In BD BiH, the War Crimes Investigation Unit of the BD BiH Police, in accordance with the Rulebook on Internal Organization and Job Systematization in the BD BiH Police and the State Strategy for Work on War Crimes Cases, including amendments to the Revised Strategy, continuously undertakes operational and other measures and actions for the detection, investigation and documentation of criminal acts committed during the war in BiH, which are prescribed in the Criminal Law of BiH or taken over from the Criminal Law of the SFRY. Currently, this Unit is working on 145 cases, which include rape and other sexual crimes of violence. Of that number, 64 are under the supervision of the Prosecutor’s Office of BD BiH, and 81 under the Prosecutor’s Office of BiH. Furthermore, the search is currently underway for the remains of 87 persons, 61 of whom are Bosniaks, 15 Serbs and 11 Croats.

144. When it comes to the implementation of the Revised State Strategy for working on war crimes cases, in 2011 the BD BiH Police changed its organizational structure by forming a special unit for prosecuting war crimes and searching for missing persons.

³⁴ “Official newspaper of FBiH” numbers 36/99, 54/04, 39/06, 14/09, 45/16 and 40/18.

145. Certain Ministries of the Interior at the cantonal level, such as the Ministry of the Interior of the Tuzla Canton, have War Crimes Departments, which also act according to the Revised Strategy for Working on War Crimes Cases.

Article 14

Reply to paragraph 22 of the list of issues

146. When it comes to reparation programs for victims of torture, the Law on Basics of Social Welfare, Protection of Civilian Victims of War and Protection of Families with Children establishes that a special category of civilian victims of war are considered to be persons who have survived sexual abuse and rape. This group of victims is entitled to material compensation called “monthly personal monetary income” and it amounts to 70% of the monthly amount of the personal disability allowance of a disabled war veteran of the first group, that is, it is equal to the amount that belongs to a civilian victim of war of the first group.

147. The monthly amount of this income is 607.25 BAM. The number of persons who achieved the status of a special category of civilian victims of war in the FBiH is slightly decreasing from year to year, due to the death of the victims, but the process of introducing the right of victims who decide to request that right is continuously carried out and there is no legal limit for submitting requests to achieve status. According to data from the Federal Ministry of Labor and Social Policy, the number of users of the rights of the special category of civilian victims of war as of September 31, 2021, in the database there were 932 beneficiaries of the rights of the special category of civilian victims of war. At the annual level, approximately 7,000,000.00 BAM is allocated from the budget of the FBiH and cantons, in the ratio of 70–30%, for the rights of this group of users. The special category of civilian victims of war also includes other rights established for civilian victims of war in the cited federal law, which were listed in the previous answer. There are no precise statistical indicators, but a number from the special category of civilian victims of war have achieved the right to incentives and assistance in employment through the Fund for Professional Rehabilitation and Employment of Persons with Disabilities in the FBiH. Some cantons, that is, municipalities, have provided a residential solution for a special category of civilian victims of war in their local community.

148. Respecting the constitutional powers, and in accordance with the relevant international documents on torture, as well as the relevant EU directives, the RS has legally standardized the status and rights of victims of war torture, including victims of sexual violence as a special category of torture victims, and passed a special law – the Law on the Protection of Victims of War Torture³⁵ which envisaged certain forms of reparation, namely: the right to a monthly monetary income as a form of compensation that can be exercised by victims of sexual violence as the most severe form of torture, and under certain conditions this right can also be exercised by persons who were minors at the time of the experienced torture, for which in the Budget of the Republic of Srpska provides a special budget item; the right to health insurance and the right to participation, i.e. exemption from the costs of personal participation in the use of health protection, are provided; employment and self-employment as a form of restitution because the recognition of their status enables them to enter the labor market more easily through the use of special programs for employment and spa rehabilitation organized according to a special program.

149. The law also envisages rights that are exercised in accordance with regulations from other legal areas: the right to rehabilitation, which is ensured through the protection of mental and physical health in accordance with the regulation from the field of health protection, rights from social welfare, the right to free legal aid, the right to exemption from payment of stamp duty and court fees.

³⁵ “Official Gazette of the Republic of Srpska” number: 90/18.

150. In BD BiH, no reparations system has been established in order to provide all forms of compensation to victims of war crimes, including sexual violence. In practice, victims seek judicial compensation in civil procedure.

Article 15

Reply to paragraph 23 of the list of issues

151. In BD BiH, in judicial practice, there have been no cases of rejection of evidence, due to the fact that it was obtained through torture or abuse.

152. Police officers in the Police Administration of the Ministry of the Interior at the cantonal level act according to the provisions of Article 11 of the Code of Criminal Proceedings of the FBiH/Legality of Evidence/. There have been no recorded cases of the court rejecting evidence based on torture and abuse, i.e. violations of the aforementioned provision of the Code of Criminal Proceedings of the FBiH.

Article 16

Reply to paragraph 24 of the list of issues

153. In the RS, the Ministry of the Interior, within its database Analytical Reports – Prevention and Detection of Criminality, keeps records that contain data related to the criminal acts of “Endangering security” and “Public incitement and encouragement of violence and hatred”, which are directed towards LGBT people, i.e. where hatred towards these people based on their sexual orientation is expressed as a motive. During 2020 and 2021, there were no recorded cases that could be linked to hatred towards LGBTI persons.

154. In the BD BiH, in court practice, there are no cases of criminal acts against lesbians, gays, bisexuals and transgender persons, nor in the Police Administrations of Ministries of the Interior at the cantonal level.

Reply to paragraph 25 of the list of issues

155. The definition of the term “criminal act out of hatred” was included in the Criminal Laws of both entities and the BD BiH, and qualified forms of certain criminal acts committed out of hatred were introduced. All criminal laws in BiH contain a special provision prohibiting in a broad sense the incitement of racial, national and religious hatred, as well as hatred based on other grounds such as skin color, sex, sexual orientation, disability, gender identity, origin or any other characteristics. The Criminal Law of FBiH includes a provision that foresees punishment for public denial or justification of genocide, crimes against humanity or war crimes committed determined by a final decision of the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia or a domestic court. Data on hate speech and criminal acts out of hatred in a broader sense is collected by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina through the SIPO system.

156. Cases of committing criminal acts of hate crimes are rare in BD BiH. As an example, the case from 2007 can be cited, when four people were accused of writing graffiti on several public and private buildings in Brčko. However, in court practice, there are no cases of criminal acts committed out of hatred.

157. At the cantonal level, the Police Administration of the Ministry of the Interior of the Sarajevo Canton also did not record cases in which it was necessary to take measures to protect journalists and media workers who expose acts of torture or abuse or punishment.

158. Data for RS are given in the table in Annex 2 to the Report.

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159. In February 2018, the Council of Ministers of BiH adopted the Action Plan on the human rights education of journalists and media professionals based on the UN Guidelines for Human Rights Education from December 2015, based on which ADS BiH conducts training for information officers. The Ministry for Human Rights and Refugees of BiH, in cooperation with the Ministry of Justice of BiH and the Ministry of Security of BiH, prepared a Report on freedom of speech and the state of media freedoms in BiH, which was adopted by the Council of Ministers of BiH in October 2016, and in which a measure was proposed to incorporate the criminal act of attacking journalists into the criminal legislation.

160. According to the available data, there was a decrease in the number of unresolved cases that are being processed related to the criminal act of endangering security by 10%, compared to the number of such cases resolved in 2015.

161. In the RS, freedom of opinion and expression and freedom of information, including the protection of journalists, is regulated by the Law on Public Information – revised text,³⁶ The Law on Freedom of Access to Information³⁷ and the Law on Protection from Defamation,³⁸ while the protection of journalists is achieved through criminal and misdemeanor proceedings. So, for example, The Criminal Code of the RS³⁹ among other things, prescribes as a special criminal act, Violation of freedom of expression.

162. If a person who is a journalist by occupation reports an event that, according to the valid legislation, qualifies as a criminal act or a misdemeanor, members of the Ministry act in accordance with the provisions of the Criminal Code of the RS, the Code of Criminal Proceedings of the RS,⁴⁰ The Law on Misdemeanors of the RS⁴¹ and the Law on Public Order.⁴² The aforementioned legislation is based on the Constitution of the Republic of Srpska and generally recognized principles and norms of international law, and its basic function is the protection of basic human rights and freedoms and other basic individual and general values established by the constitution and international law.

163. The Ministry of the Interior of the RS keeps a Register of attacks and other incidents related to attacks on journalists and media workers.

164. Work was also done on sensitization and strengthening the professionalism of police officers in their relations towards journalists, from behavior on the ground to receiving the report itself, and that process will also be continued in the coming period.

165. In BD BiH, in the practice of the court, so far, there have been no cases recorded of criminal acts against journalists who expose acts of torture or abuse or punishment.

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166. In BD BiH, in the process of drafting the text of the Law on Amendments to the Family Law of BD BiH,⁴³ the recommendations of the Institution of Ombudsman for Human Rights of BiH, which refer to the adoption of legal provisions which, where this has not been done so far, will expressly prohibit physical punishment of children in all environments, including the family, are included as a proposal in the further procedure. Criminal Law of BD BiH⁴⁴ prescribes the criminal act of “Domestic Violence” where a criminal act committed against a child or minor is defined as a qualified form.

³⁶ “Official Gazette of the Republic of Srpska” number 10/97.

³⁷ “Official Gazette of the Republic of Srpska” number 20/01.

³⁸ “Official Gazette of the Republic of Srpska” number 37/01.

³⁹ “Official Gazette of the Republic of Srpska” numbers 64/17, 104/18, 15/21 and 89/21.

⁴⁰ “Official Gazette of the Republic of Srpska” numbers 53/12, 91/17, 66/18 and 15/21.

⁴¹ “Official Gazette of the Republic of Srpska” numbers 63/14, 110/16 and 100/17.

⁴² “Official Gazette of the Republic of Srpska” number 11/15.

⁴³ “Official Gazette of Brčko District of BiH” number 23/07.

⁴⁴ “Official Gazette of BD BiH” number 19/20.

167. The Criminal Law of BD BiH also prescribes other criminal acts as a qualified form if they were committed against children, for example “Inducing suicide and assisting suicide”, “Kidnapping”, “Acts of indecency”, “Introducing a child to pornography”, “Facilitating the consumption of narcotic drugs”, etc.

Other issues

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168. Criminal acts related to terrorism are prescribed by the Criminal Law of BiH. The fight against terrorism is within the competence of the Federal Police Administration prescribed by the Law on Internal Affairs of the FBiH. The Federal Police Administration police officers continuously collect operational knowledge related to persons or groups that can be linked to terrorism or violent extremism, which is notified to the competent prosecutor’s office and an investigation is conducted under its supervision. Members of this Administration act according to the approved Action Plan for the prevention and fight against terrorism. Federal Police Administration is a member of several groups or state bodies, such as: the Operational Group for the Fight Against Terrorism, the Strike Group for the Fight Against Terrorism, the Working Group for Assessing the Risk of Money Laundering and Financing Terrorism, etc., the Working Group for Developing a Strategy for Prevention and the Fight Against Terrorism BiH (2021–2026) and others.

169. In the RS, the Ministry of Health and Social Welfare, acting in accordance with the competences and responsibilities from the Action Plan of the Government of the RS for the prevention and fight against terrorism 2016–2020, adopted the Operational Plan for the prevention and fight against terrorism, the implementation of which is reported by the Ministry of the Interior of the RS.

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170. Regarding the measures taken in the prison system of BiH, regarding the COVID-19 pandemic, decisions were made by the Ministry of Justice of BiH in accordance with domestic regulations and the recommendations of the Council of Europe and the World Health Organization regarding measures during the pandemic. In order to successfully overcome the pandemic, opinions and instructions were issued from February to June 2020, with the aim of applying special measures regarding visits, outings, internal activities and movement while respecting the human rights of the highest international standards and decisions of the Constitutional Court of BiH, as well as positive legal regulations from the Law of Bosnia and Herzegovina on the execution of criminal detention sanctions and other measures, which regulate the issue of health protection and treatment of persons deprived of liberty during the pandemic, especially bearing in mind infectious diseases.

171. In the RS, the activities during the COVID-19 pandemic are targeted as provided by the RS Vaccination Plan for: users and employees of institutions for accommodation of the elderly and other institutions for accommodation and long-term care, as well as health workers, including auxiliary staff who in the course of performing their work in a health institution come into contact with patients. The vaccination plan in the RS defines these groups as priority groups for vaccination. The mentioned plan envisages that in view of the high risk of the spread of the virus in closed environments such as homes for the elderly and the high incidence of illness, the high incidence of severe forms of illness and the death rate among the users of these institutions, due to their old age and frequent chronic diseases, at the beginning of the vaccination campaign, when the first quantities of vaccines were available, they were directed to the users of the mentioned institutions. Because of the high exposure, as well as the possibility of transmitting the infection to the susceptible population of patients in health institutions, health workers were also a priority for vaccination.

172. In BD BiH, in relation to the Corona virus pandemic, the measures taken in relation to people who are in nursing homes, hospitals or institutions for people with mental and psycho-social.

173. disabilities are: limited or prohibited access to visits due to preventing the spread of infection; regular examinations in accordance with epidemiological measures, testing of potential infected residents/patients; isolating them in separate rooms within the institution.

174. The Police Administration of the Ministry of the Interior at the cantonal level respects the submitted recommendations of the competent health, epidemiological, sanitary and other authorities in the context of the Corona virus pandemic, as well as the principles regarding the treatment of persons deprived of liberty in the context of the pandemic.

General information on other measures and development of events related to the implementation of the Convention in the signatory state

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175. On behalf of the Police Administration of the Ministry of the Interior of the Sarajevo Canton, we state that since 2016, in continuity through instructive dispatches of the police commissioner, all police officers are ordered to take concrete measures and actions indicated in the recommendations of the Committee, to, through the competent organizational units, monitor the application and implementation of legal regulations and by-laws that regulate the work of police officers, and in particular the Law on Police Officers, the Rulebook on Disciplinary Responsibility of Police Officers of the Police Administration of the Ministry of the Interior of the Sarajevo Canton, the Rulebook on the Work of the Unit for Professional Standards, the Police Code of Ethics, as well as the application of the provisions of the Criminal Law and the Code of Criminal Proceedings of the FBiH, the Law on protection from domestic violence, the Law on protection and treatment of children and minors in criminal proceedings of FBiH, and other laws and by-laws that define prohibited and illegal actions and for which sanctions are prescribed. In accordance with the current material and personnel capacities, the Police Administration of the Ministry of the Interior of the Sarajevo Canton is making maximum efforts to organize and conduct adequate forms of education for all police officers with the aim of implementing the provisions of the Convention and the recommendations of the Committee.

Conclusion

176. The proposal of the text of the Seventh Periodic Report of Bosnia and Herzegovina on the Application of the UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatments or Punishments was prepared by the Interdepartmental Working Group composed of appointed expert representatives from the following institutions, according to the Decision of the Ministry for Human Rights and Refugees of BiH on formation of the Interdepartmental working group for the preparation of the above mentined report number: 01-37-1-1161-22/21 dated October 28, 2021, as follows:

- Amela Hasić, coordinator of the Interdepartmental Working Group, Ministry for Human Rights and Refugees of Bosnia and Herzegovina;
- Ajla Nanić, member, Ministry for Human Rights and Refugees of Bosnia and Herzegovina;
- Dino Borovina, member, Ministry for Human Rights and Refugees of Bosnia and Herzegovina;
- Vanja Vujadin, member, Ministry for Human Rights and Refugees of Bosnia and Herzegovina;
- Lejla Čopelj, member, Ministry of Security of Bosnia and Herzegovina;
- Sanela Latić, member, Ministry of Justice of Bosnia and Herzegovina;

- Lejla Hadžić, member, High Judicial and Prosecutorial Council of Bosnia and Herzegovina;
- Radoslav Ćorović, member, Agency for Statistics of Bosnia and Herzegovina;
- Damir Sapina, member, Federal Ministry of Justice;
- Nenad Mirkonj, member, Ministry of Justice of the Republic of Srpska;
- Nermin Softić, member, Federal Ministry of the Interior;
- Adisa Mehić, member, Federal Ministry of Health;
- Milka Dančević, member, Federal Ministry of Health;
- Esma Palić, member, Federal Ministry of Labor and Social Policy;
- Gordana Bjelajac, member, Ministry of Labor, War Veterans and Disabled Persons' Protection of the Republic of Srpska;
- Mišel Krajišnik, member, Ministry of the Interior of the RS;
- Sanja Skenderija, member, Ministry of Health and Social Welfare of the Republic of Srpska;
- Nada Pejnović, member, Ministry for European Integration and International Cooperation of the Republic of Srpska;
- Senka Petković, member, Department for Health and Other Services of the Brčko District;
- Dejan Đurović, member, Judicial Commission of the Brčko District;
- Zlatko Pejić, member, Police of the Brčko District;
- Dubravka Lukač, member, Police of the Brčko District.

177. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina, in order to fulfill the obligations of Bosnia and Herzegovina as an international entity that submits a report on the application of the UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatments or Punishments, proposes that the Council of Ministers of Bosnia and Herzegovina, after consideration of the proposal of the aforementioned Report, make the following conclusions:

- The Seventh Periodic Report of Bosnia and Herzegovina on the Application of the UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatments or Punishments with accompanying Annexes 1 and 2, for the reference period January 2017–December 2021, is adopted;
- The Ministry for Human Rights and Refugees is tasked to submit the Seventh Periodic Report of Bosnia and Herzegovina on the Application of the UN Convention Against Torture and Other Cruel, Inhumane or Degrading Treatments or Punishments, for the reference period January 2017–December 2021, through the Ministry of Foreign Affairs of Bosnia and Herzegovina, to the UN Committee Against Torture and Other Cruel, Inhumane or Degrading Treatments or Punishments, upon its adoption at the session of the Council of Ministers of Bosnia and Herzegovina.