



**International Covenant on
Civil and Political Rights**

Distr.: General
19 May 2016

Original: English
English, French and Spanish only

Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant pursuant
to the optional reporting procedure**

Third periodic report of States parties due in 2016

Bosnia and Herzegovina*

[Date received: 24 March 2016]

* The present document is being issued without formal editing.

GE.16-07653(E)



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Answers to questions by The UN Human Rights Committee respecting the Third Periodic Report of Bosnia and Herzegovina under the International Covenant on Civil and Political Rights

1)

1. Bosnia and Herzegovina (BiH) has become a full member of the Optional Protocol to the International Covenant on Civil and Political Rights by virtue of ratification on 1 March of 1995. In accordance with Article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights, BiH has recognized the mandate of the Committee on Human Rights to receive and consider communications from individuals who fall under jurisdiction of BiH, claiming that they are victims of Bosnia and Herzegovina violating any right under the Covenant. The requirement for an individual's filing a communication directly to the Committee is that s/he has exhausted all available remedies. In accordance with provisions of the Optional Protocol to the International Covenant and on the basis of communications pending before the Human Rights Committee, the Ministry of Human Rights and Refugees is responsible for submitting observations of relevant BiH institutions on behalf of BiH.

2. So far, the Human Rights Committee has adopted 10 views and 1 opinion in communications filed with the Committee against BiH. The information on the implementation of the previously issued views were submitted; the information on the implementation of views issued in the following cases: Mevlida Ičić, Sakiba and Dalisa Dovađžija are being compiled; the views in Emira and Dino Kadirić are being translated; answers to the Special Rapporteur Report and follow-up information in Selimović, Prutina and Kožljak cases will be submitted after collection of information from relevant BiH institutions.

3. On the issue of procedures for the implementation of the views of the Human Rights Committee, we can say that they are posted on the web site of the Ministry of Human Rights and Refugees and transmitted to the relevant institutions and authorities in BiH for information and action. Based on their responses, the complete information on the implementation of the view is put together. The information papers about the implementation of the Committee's Views in each individual case have been furnished to the Committee and, currently, information is being collected in Kadirić, Kožljak, Prutina et al. and Selimović et al.

2)

4. With regard to the BiH significant progress in terms of the legal framework, on a proposal by the Ministry for Human Rights and Refugees and by the European Commission's recommendations, the Council of Ministers have adopted the Draft Law on Amendments to the Law on Prohibition of Discrimination and the Draft Law on the Ombudsman to be sent to the Parliament for adoption (see more Paragraph 6).

3)

5. In Bosnia and Herzegovina, in terms of the availability of legal remedies to citizens who complain about the violation of the rights contained in the Covenant, the procedural legislation guarantee the legal remedies listed as ordinary (appeal) and extraordinary remedies, which are advised of as an integral part of decisions, judgments and rulings by authorities and courts.

6. Under supervision by the High Judicial and Prosecutorial Council of BiH, the entity Judicial and Prosecutorial Training Centres ensure that training programs for judges and prosecutors are designed and implemented to enhance openness, competences and

impartiality, which are an integral part of judicial and prosecutorial offices. Education and training in human rights for judges, prosecutors and lawyers are organized in the context of training plans that are implemented by Judicial and Prosecutorial Training Centres at the state and entity levels.

7. In the reporting period, the Judicial and Prosecutorial Training Centres held several seminars on various matters in the area of prosecution of criminal offenses that were somewhat related to torture, such as “International humanitarian law - sexual violence in war.”

4)

8. Given jurisdiction over criminal offenses is divided between the State, Entities and Brcko District, when crimes of rape or other forms of sexual violence are not committed as a crime against humanity or a war crime, they are prescribed in the criminal codes of the Entities and Brcko District and there is no need to prescribe them in the Criminal Code of BiH. If these offenses were included in the Criminal Code of Bosnia and Herzegovina, we would have a conflict of jurisdiction between the state and entity authorities over prosecution of these types of crimes.

9. Article 118(1) of the Criminal Code of BiH provides for amnesty, reading “(1) By an amnesty, to the persons covered by it, a release from criminal prosecution, complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, deletion of the conviction, or cancellation of legal consequences incident to conviction is given.” This does not specify people who can be amnestied or crimes for which amnesty can be given. This provision gives a definition of amnesty as a legal concept. Paragraph (2) determines how and in what way amnesty is given for criminal offenses under this Law, providing the following: “(2) An amnesty for the criminal offences prescribed under this Code, may be granted by the Parliamentary Assembly of Bosnia and Herzegovina by enacting a law.” Accordingly, the cited provision stipulates a possibility for the adoption of the law on amnesty for criminal offenses prescribed by the Criminal Code of BiH, which would contain inter alia provisions precluding a possibility of granting amnesty for crimes under international law, as was done in the Law on Pardon which was passed in 2005.

5)

10. The BiH 2013-2016 Transitional Justice Strategy and the Action Plan for its implementation and the 2013-2016 BiH Draft Programme for Women Victims of War Rape, Sexual Abuse and Torture and Their Families have not been adopted yet because they have not been endorsed by all levels of government in BiH.

11. In connection with the resolution of the issue of adequate compensation to families of missing persons, we are informing you that, on a proposal by the Ministry for Human Rights and Refugees, an initiative was taken by the Council of Ministers to start drafting the Law on the Rights of Victims of Torture of Bosnia and Herzegovina, which would be a better way to resolve the issue of compensation for all victims of torture in BiH. It is envisaged that the Law should be sent to the Parliament for adoption in mid-2016.

12. The Ministry of Justice appointed a working group to prepare a draft law on legal aid and it consists of representatives of the BiH Ministry of Justice, the BiH Ministry of Human Rights and Refugees, the Service for Foreigners’ Affairs, the Ministry of Justice of the Republika Srpska (RS), the Federation Ministry of Justice and Judicial Commission of Brcko District. The working group has prepared a draft law on the provision of legal aid before the authorities of Bosnia and Herzegovina, which, in accordance with the Rules of Procedure of the Council of Ministers, the Ministry of Justice submitted to the competent

authorities to give an opinion and then sent to the Council of Ministers to carry the Bill and send it to the Parliament for passage.

6)

13. In mid-2014, the Ministry of Human Rights and Refugees began work on the Law on Amendments to the Law on Human Rights Ombudsman of BiH in accordance with the recommendations of the UN Committee that were sent to the Member State in the meantime, which indicate the need to intensify efforts for the restructuring and strengthening of the Institution of Human Rights Ombudsman, i.e. adjusting the Law on Human Rights Ombudsman of BiH with the Paris principles and the recommendations of the Council of Europe.

14. In order to draft the Law, an expert group consisting of representatives of relevant ministries of BiH, entities and Brcko District of BiH was appointed and its work was observed by EU, OSCE and UNDP. It has recently drawn up the draft text of the law and proposed a change of more than 50% of the text of the law, and in accordance with this, the Ministry for Human Rights and Refugees prepared the Draft Law on Human Rights Ombudsman of BiH.

15. The institution currently enjoys the status “A” granted by the International Coordination Council of National Institutions for Human Rights (ICC), but a re-evaluation of that status was foreseen for 2015.

16. As indicated in the request letter,

“Recommendations of the ICC¹ and the Council of Europe bodies to the authorities of BiH indicate the necessity to intensify their efforts in reorganizing and strengthening the Institution of the Human Rights Ombudsman of BiH, in the manner that the Member State shall:

- a) Adopt an open, more consultative process for the selection and appointment of Ombudsmen, guaranteeing independence of the Ombudsmen in accordance with the Paris Principles;
- b) Ensure adequate human and material resources;
- c) Develop capacities of Institution of the Human Rights Ombudsman of BiH;
- d) Ensure that the Institution of the Human Rights Ombudsman of BiH enjoys financial independence, including adequate financial and human resources in proportion to the additional tasks assigned.

In addition to the Paris Principles, BiH has received recommendations given by the UN Committee on Economic, Cultural and Social Rights (CESCR)² and a number of recommendations under the Universal Periodic Review of the human rights situation in BiH outlining “concerns with regards to the lack of independence of the Institution of the Human Rights Ombudsman of BiH, which is managed by Ombudspersons appointed by the BiH Parliamentary Assembly, representing three constituent peoples of BiH and which does not express a unique, common approach to protection of human rights for the Member State.”

¹ International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

² UN Committee on Economic, Cultural and Social Rights.

17. Similar recommendations relating to the capacity building of the Institution of Ombudsman were given by other committees such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on Civil and Political Rights, which, as a whole, were the main reason for the enactment of this Law.

18. These recommendations cover *inter alia* provisions that define the operation of the Institution as a National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the UN General Assembly, 18 December 2002, Resolution A/RES/57/199, which entered into force on 22 June 2006, and the proposed law entrusts the Human Rights Ombudsman with the function.

19. The Law on the Human Rights Ombudsman of BiH governs the establishment of functions of the *National Preventive Mechanism* within the Institution of Human Rights Ombudsman.

20. The National Preventive Mechanism would perform the activities provided for in the Optional Protocol and pay visits to places / institutions where people are or may be deprived of their liberty, either by virtue of an order given by an authority or at its instigation or with its consent or acquiescence, with a view to protecting these people against torture and other cruel, inhuman or degrading treatment and punishment.

21. In accordance with the above, the Draft Law on Human Rights Ombudsman of BiH has been improved and brought in line with the recommendations of the Venice Commission and the relevant UN committees.

22. At the time of drafting answers to the list of issues prior to the submission of the third periodic report of Bosnia and Herzegovina to the Committee for Civil and Political Rights, a public consultation process regarding the Draft Law on the Human Rights Ombudsman was completed with the Joint Commission for Human Rights of the Parliamentary Assembly of BiH and the Council of Ministers of BiH carried the Bill and sent it to the Parliament for passage.

7)

23. In 2015, in BiH, according to the statistics on Article 145a of the BiH CC, Article 163 of the FBiH CC and Article 294a of the RS CC criminalizing the act of Provoking ethnic, racial and religious hatred, conflicts and intolerance, which were supplied by the HJPC of BiH, 24 cases were filed, 2 cases were not adjudicated, 12 investigations were ordered, orders to initiate investigation were given in 2 cases, orders not to initiate investigation were given in 10 cases, an indictment was raised and confirmed in 6 cases. Three cases resulted in a conviction where a suspended sentence was imposed.

24. In 2014, in BiH, according to the statistics on Article 145a of the BiH CC, Article 163 of the FBiH CC and Article 294a of the RS CC criminalizing the act of Provoking ethnic, racial and religious hatred, conflicts and intolerance, which were supplied by the HJPC of BiH, 12 cases were filed, 3 cases were not adjudicated, 7 investigations were ordered, orders not to initiate investigation were given in 4 cases, orders to discontinue investigation were given in 4 cases, an indictment was raised and confirmed in 3 cases. One case resulted in a conviction where a fine was imposed.

25. In 2013, according to the statistics on Article 166 FBiH CC criminalizing the act of murder and Article 172 criminalizing the act of inflicting serious bodily injury, which were supplied by the HJPC of BiH, there was 1 conviction for inflicting serious bodily injury.

26. In 2013, in BiH, according to the statistics on Article 145a of the BiH CC, Article 163 of the FBiH CC and Article 294a of the RS CC criminalizing the act of Provoking ethnic, racial and religious hatred, conflicts and intolerance, which were supplied by the

HJPC of BiH, 22 cases were filed, 3 cases were not adjudicated, 9 investigations were ordered, orders to initiate investigation were given in 12 cases, orders to discontinue investigation were given in 2 cases, an indictment was raised in 8 case and confirmed in 7 cases. One case resulted in 2 convictions where a prison sentence was imposed and 1 conviction where a suspended sentence was imposed.

8)

27. The laws at all levels of government and all levels of education guarantee every child equal access to and equal opportunity to participate in appropriate education and enjoyment of equal treatment without discrimination on any grounds and none of the laws contains discriminatory provisions. Therefore, the issue are not the laws, but the fact that mechanisms to guarantee the full implementation of the legal provisions have not been established yet, i.e. they simply do not exist, and the growing phenomenon of discrimination, segregation, assimilation and politicization of education in BiH.

28. Given the limited responsibilities and mandate in the area of education, the BiH Ministry of Civil Affairs, as the coordinating institution at the state level in the field of education, work through the Conference of Ministers of Education in BiH to suggest, invite and motivate competent education authorities to fulfil their obligations in the context of international commitments of BiH and, according to the constitutions, national laws, the Interim Agreement on Meeting Special Needs and Rights of Returnee Children, the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, to ensure every child equal access to and equal opportunity to participate in appropriate education, without discrimination on any grounds. The Conference of Ministers of Education in BiH was established with a mandate to provide advice, discuss and coordinate educational policy, with an obligation to issue all conclusions and recommendations, not decisions, by consensus.

29. The Ministry of Civil Affairs and the Conference of Ministers of Education in BiH, on which, along with the Minister of Civil Affairs of BiH, all ministers of education from the entities, cantons and the Department for Education of Brcko District of BiH sit, continually examines the issue of ethnic segregation in some areas / schools. On the one hand, this phenomenon is solved in a systematic and continuous way, though differently, such as by e.g. the introduction of the so-called national group of subjects in schools with returnee children or children of different ethnic origin.

30. On the other hand, the phenomenon of “two schools under one roof” is still present in the Herzegovina-Neeta Canton and Middle Bosnia Canton and throughout the country there are still mono-ethnic schools. A child who is a member of the constituent people, which is, so to speak, “minority” in a school, regardless of which part of BiH it occurs, does not always have the same rights as members of the majority constituent people in their communities.

31. Finally, we note that, at its first meeting held on 29 July 2015 in Sarajevo, the newly appointed Conference of Education Ministers unanimously adopted the following conclusions regarding the issues above:

(a) The educational authorities of BiH are invited to comply with statutory responsibilities and fully implement the 24 September 2013 conclusions of the Third Meeting of the Conference of Ministers of Education in BiH and, once again, the Conference condemns any form of discrimination, segregation, assimilation and politicization of education in BiH;

(b) The education authorities of BiH are urged to fully implement international instruments signed by BiH, fulfil international commitments and enforce the Framework

Law on Primary and Secondary Education of BiH and other relevant laws and regulations of the Entities, cantons and Brcko District of BiH;

(c) They appeal to the educational authorities of BiH to take action in the communities where they operate, in the shortest possible time, to contribute to creating an environment that respects human rights, fundamental freedoms and individuality of each student, his or her cultural and national identity, language and religion without discrimination in access to education or their participation in the educational process on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, or on any other basis, as required by the BiH Constitution and other international human rights instruments signed by BiH.

32. In accordance with the responsibilities set out in Article 12 of the Law on Ministries, including primarily reporting under human rights treaties such as the Convention on the Rights of the Child, CERD, ECRI and the like, the Ministry of Human Rights and Refugees of BiH, as part of the executive branch, may appeal to the competent authorities in BiH to implement the recommendations of UN bodies and of the Council of Europe, which relate, *inter alia*, to segregation and discrimination in education.

33. To this end, on 15 October 2013, complying with the conclusion issued by the Council of Ministers of BiH at 63rd meeting held on 11 September 2013, the Ministry of Human Rights and Refugees sent to the governments of the Entities and cantons the Concluding observations and recommendations of the Committee on the Rights of the Child for action and making an implementation plan for the recommendations. One of the recommendations of the Committee was: "Immediately terminate segregation of children in schools on ethnic grounds by stopping the policy of 'two schools under one roof' and mono-ethnic schools and thereby ensure appropriate support measures and properly trained personnel to facilitate ethnic diversity and integration in schools".

34. None of the government informed the Ministry of Human Rights on the implementation of the Concluding observations and recommendations of the UN Committee on the Rights of the Child, the above-cited in particular.

35. "Non-discrimination" title of the 2015-2018 Action Plan for Children, which was prepared within the Ministry for Human Rights and Refugees and adopted by the Council of Ministers in June 2015, foresees Measure 3 that reads "Take an initiative to ensure appropriate support measures and properly trained personnel to facilitate ethnic diversity and integration in schools in order to stop segregation of children in schools on the grounds of nationality (policy of "two schools under one roof" and mono-ethnic schools)". The lead authority for this measure is the Ministry of Civil Affairs, and the institutions responsible for the implementation are the Ministries of Education and the Conference of Ministers of Education of BiH.

36. Thus, the Ministry of Human Rights does not have mechanisms to sanction those who do not enforce the judgment in this matter.

9)

37. Discrimination based on sexual orientation and gender identity is prohibited by law.

38. Although the Constitution of BiH and international documents to which Bosnia and Herzegovina is a signatory to provide for prohibition of discrimination, once they were passed, the Law on Gender Equality of BiH and the Law on Prohibition of Discrimination of Bosnia and Herzegovina defined its forms, prohibition of discrimination in all areas of life and mechanisms for protection against discrimination. For the purpose of this Law, discrimination is any different treatment including every exclusion, limitation or preference based on real or assumed features towards any person or group of persons on grounds of

their sex, sexual expression or sexual orientation or any other circumstance with a purpose or a consequence to disable or endanger recognition, enjoyment or realization of rights and freedoms in all areas of public life.

39. The Law provides that any person or group of persons who consider to be discriminated shall be able to seek protection of his/ her rights in existing judicial and administrative proceedings.

40. The Ministry of Human Rights and Refugees of BiH is drafting amendments to the Law on Prohibition of Discrimination BiH with the aim of improving the position of LGBT persons in BiH. Family laws in FBiH, RS and BD describe marriage and common-law marriage as a union between a man and women and LGBT persons are not allowed to conclude marriage or adopt children.

41. The Bosnia and Herzegovina's legislation does not allow a possibility of sex reassignment surgery. However, after a sex reassignment surgery, the transgender persons may change name, single personal identifications number and identification documents.

42. The current legislation in BiH does not contain provisions that discriminate against lesbians, gays, transsexuals and bisexuals.

43. In BiH there are no official statistics on discrimination based on sexual orientation and gender identity. Despite the fact that the Law on Prohibition of Discrimination BiH established a framework for implementation of equal rights and opportunities for all persons in BiH, state structures for the protection of human rights and promotion of equality have not received any complaints of discrimination based on sexual orientation or gender identity.

44. The Gender Equality Agency, which carries out investigations of violations of the Law on Gender Equality of BiH at the request of individuals, groups of citizens or ex officio, has not received any sexual orientation-based discrimination cases.

45. The Ministry of Human Rights and Refugees of BiH has not received any sexual orientation-based discrimination cases.

46. The Constitutional Court has informed the Ministry of Human Rights and Refugees that, when it comes to discrimination against LGBT people, such actions have not been brought before the Constitutional Court of BiH.

47. The only mention was in Decision AP 1020/11 dated 25 September 2014 finding a violation of the right to freedom of assembly under Article 11 of the European Convention of the Association Q for promotion and protection of culture, identity and human rights of queer people in Sarajevo. Allegations of discrimination in the decision were not considered taking into account the conclusions of the Court in terms of Article 11 of ECHR.

48. Sarajevo Open Centre, a non-governmental organization that deals with the rights of LGBT people, identified the following cases of discrimination against LGBT persons in BiH:

49. From 1 October 2012 to 31 December 2014, Sarajevo Open Centre documented 30 cases of sexual orientation- and / or gender identity- based discrimination. Of that number, 1 case occurred in 2012 (violation of the right to freedom of assembly, sexual orientation-based discrimination).

50. In 2013, 10 cases (3 cases of discrimination when renting an apartment, they were not reported to the appropriate authorities; 2 cases of sexual orientation-based discrimination in the provision of services, they were not reported to the appropriate authorities; 2 cases of sexual orientation-based discrimination of voluntary blood donors who filed complaints to the Human Rights Ombudsman of BiH; 1 case of gender identity-

based discrimination when issuing identity documents, a complaint was filed to the Institution of Human Rights Ombudsman; 1 case of incitement to sexual orientation-based discrimination in an educational institution, reported to the Institution of Human Rights Ombudsman; 1 case of sexual orientation-based discrimination in the workplace, not reported to the competent authorities.

51. In 2014, 9 cases were documented (2 cases of incitement to sexual orientation-based discrimination in an educational institution, both were reported to the competent educational institution and the Institution of Human Rights Ombudsman; 1 case of incitement to sexual orientation- and disability-based discrimination in an educational institution, not reported to the competent authorities; 1 case of incitement to sexual orientation-based discrimination in a sport event, reported to the BiH Football Association; 1 case of incitement to discrimination in the media, reported to the Institution of Human Rights Ombudsman of BiH and the BiH Press Council; 1 case of incitement to sexual orientation-based discrimination of voluntary blood donors, reported to the Institution of Human Rights Ombudsman of BiH; 1 case of permanent incitement to sexual orientation- and gender identity-based discrimination of LGBT persons on a TV outlet, reported to the Communication Regulatory Agency; 1 case of incitement to sexual orientation-based discrimination when an administrative decision was issued, not reported to the competent authorities.

10)

52. According to the Labour Force Survey, the total population of BiH was 2,982,000 (1,922,000 in FBiH, 1,001,000 in the RS and 59,000 in BD) in 2014, of which the work force makes 67.8% or 2,021,000 inhabitants of the total population (69% or 1.327 million in FBiH, 65.4% or 655,000 in the RS, 66.4% or 39,000 in BD).

53. The economically active population (labour force) in BiH comprised 1,120,000 persons. In the labour force in BiH, 812,000 persons were employed, while 308,000 people were unemployed. Compared to previous years the number of active population in BiH decreased (from 1,127,000 in 2011 to 1,120,000 in 2014). In 2014 the number of active persons decreased by 1.1% compared to 2013. The data shows that less than half of the working age population over 15 years of age in BiH is active with noticeable differences between the sexes. The activity rate had a downward trend in the period 2011-2014 (from 44.0% to 43.7%). According to 2014 LFS the activity rate was 43.7%, which showed a great difference between activities by sexes (55% for men and 33% for women) and was very high compared to international standards. The activity rate was the highest in the group of people aged 25-49 and has a tendency to increase (in 2011 it amounted to 70.6%, while in 2014 it amounted to 73.2%).

54. The laws governing labour and employment relations prohibits discrimination on any grounds, including on the grounds of gender. Labor laws in BiH provide for a fine for the employer that puts a person seeking employment or an employee at a disadvantage. It is very important that this legislation introduces provisions concerning the violation of gender equality since they make inter alia a framework for competent inspectors to act.

55. The issue of representation of women in the labour market has been identified as a priority area in the BiH Gender Action Plan (2013-2017). Strategic Objective 1 defines "Work, employment and access to economic resources" a priority area and sets forth measures for advancing the situation of women and achieving gender equality in this field.

56. The strategies relating to active employment policy (the BiH 2010-2014 Employment Strategy, the 2009-2013 FBiH Employment Strategy and the RS 2011- 2015 Employment Strategy) recognized women and multiply excluded categories of women as a vulnerable group and provided for measures for an increase in the employment rate of

women, gender segregated statistics, an introduction of indicators to monitor the impact of the implementation of strategic documents on both sexes, the prevention of illicit work and the like.

57. Further, in 2012 Bosnia and Herzegovina signed the International Labour Organization (ILO)-funded “2012-2015 Decent Work Country Programme for Bosnia and Herzegovina”.

58. In September 2014 the FBiH Government adopted a strategy to strengthen the function of mediation in public employment services in the FBiH that is expected to be implemented in the coming period, until 2020.

59. The Federation Employment Institute, in cooperation with the employment services, carried out active employment policy measures, with a focus on gender and social sensitivity, and thereby achieved the objectives of the 2010-2014 Employment Strategy of BiH.

60. According to a research by the Inter-Parliamentary Union (IPU) published in May 2014, which found the percentage of political participation of women in national parliaments, BiH was on the 69th place out of 189 countries surveyed.

61. BiH has about 20% of women in parliamentary bodies, which is the European average. Although the current percentage of women in legislative bodies in BiH is relatively low, an upward trend can be noticed in the number of women in the Parliamentary Assembly of BiH, the House of Representatives of the Parliamentary Assembly of BiH, the House of Representatives of the Parliament of FBiH and the RS National Assembly, where women make about 21% of all elected representatives on average.

62. The gender structure of elected MPs at the 2014 General Election in Bosnia and Herzegovina shows a certain increase in the number of women elected compared to the general election held in 2010. At the cantonal level, the increase was by 2.5% and amounted to an average of 19.4% and at the Federation level the increase was by 3.5% and amounted to an average 22.4%. The highest percentage of female MPs - 30.4% was elected in the Parliament of West Herzegovina Canton and the lowest percentage of female MPs - 6.7% was elected in Una-Sana Canton. However, an analysis shows that the number of elected women is still far from the statutory 40%.

63. Detailed data on the gender structure of elected high officials at the 2014 General Election:

- Presidency of Bosnia and Herzegovina: men (3) - 100%, women (0) - 0%
- House of Representatives of the Parliament of Bosnia and Herzegovina: men (32) - 76.2%, women (10) - 23.8%
- House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina: men (76) - 77.6%, women (22) - 22.4%
- National Assembly of the Republika Srpska: men (70) - 84.4%, women (13) - 15.6%
- Cantonal parliaments: men (233) - 80.6%, women (56) - 19.4%, as follows:
 - Una-Sana Canton: men (28) - 93.3%, women (2) - 6.7%
 - Posavina Canton: men (16) - 76.2%, women (5) - 23.8%
 - Tuzla Canton: men (26) - 74.2%, women (9) - 25.8%
 - Zenica-Doboj Canton: men (27) - 77.2%, women (8) - 22.8%
 - Bosnia- Drina Canton: men (21) - 84%, women (4) - 16%

- Middle Bosnia Canton: men (25) - 83.4%, women (5) - 16.7%
- Herzegovina-Neretva Canton: men (23) - 76.7%, women (7) - 23.3%
- Western Herzegovina Canton: men (16) - 69.6%, women (7) - 30.4%
- Canton Sarajevo: men (28) - 80%, women (7) - 20%
- Canton 10: men (25) - 92%, women (5) - 8%

64. According to the 2013 Amendments to the Election Law, equal representation exists when one of sexes that is less represented reaches a minimum of 40% of the total number of candidates on the list (before the quota was 33%). Although the Election Law defines this affirmative measure, the traditional understanding of gender roles in BiH manifests as a threat to a greater participation of women in decision-making processes in political, social and economic spheres of life. Currently, the percentage of women in legislative and executive authorities at all levels remains unsatisfactory and the quota of 40% has not been reached.

65. Key strategic documents on the basis of which the integration of domestic and international standards for gender equality is carried out are the Gender Action Plan, a strategic document on gender equality for the period 2013-2017, and the 2014-2017 Action Plan for the Implementation of UNSCR 1325 “Women, peace and security” in BiH which recognize increasing women’s participation in public life and decision-making as a priority area and define measures, activities, timelines and responsible authorities.

66. In a recommendation given by the UN CEDAW Committee on the fourth and fifth CEDAW Report of BiH, the Committee recommends that the State party should inter alia: develop effective mechanisms for the use of quotas to increase the political representation of women, putting women in positions that have a chance of winning and the establishment of benchmarks with a specific timetable and sanctions for non-compliance. In addition to other recommendations of CEDAW relating to the relevant authorities, this recommendation served as the basis for drafting the 2014-2017 Action Plan for the Implementation of UNSCR 1325 in Bosnia and Herzegovina.

67. In order to prepare candidates for the 2014 General Election, the Gender Equality Agency of Bosnia and Herzegovina, in cooperation with the OSCE Mission to BiH, implemented “Increasing the commitment of political parties to gender equality” project. This project promoted the representation of women in political and public life through: increased visibility of 137 candidates in the 2014 General Election through their political parties during election campaigns. In addition, the project was aimed at the provision of public support to the BiH parliamentarians, politicians and ambassadors for women’s participation in political and public life.

68. In order to increase the ability of women to participate in decision-making, gender institutional mechanisms and non-governmental organizations in BiH carried out a number of activities, such as workshops focused on preparing female candidate, analysis, research, conferences, seminars and round tables, as well as promotional campaigns with a view to increasing the number of women in decision-making. These activities are particularly intense in the pre-election period for general and local elections.

11)

69. Information about the prevalence of violence against women, including domestic violence, and measures to encourage the reporting of such cases.

70. Research on the prevalence and characteristics of violence against women in BiH is the first study of gender-based violence against women in BiH on a representative sample.

The survey was conducted in late 2012 on a representative sample of 3,300 households and adult women in BiH.

71. According to the findings almost half of the women in the sample (47.2%) experienced at least one form of violence after reaching age 15. In the 12 months preceding the survey 11.9% of women in BiH experienced some form of violence. The findings indicate that psychological violence is widespread, with a total prevalence rate of 41.9% in lifetime and 10.8% in the last year and it is followed by physical violence with a total prevalence rate of 24.3% in lifetime and 2.4% in the last year. 6% and 1.3% of adult women experienced sexual violence in their lifetime and in the last year, respectively. The most widespread violence against women is violence committed by their current or former partners, because they are the perpetrators in 71.5% of cases.

72. In order to encourage women to report domestic violence, institutions, non-governmental and international organizations have conducted numerous media campaigns aimed at drawing attention to gender-based violence. These campaigns are especially intensified in the period of “16 Days of Activism against Gender-Based Violence” between 25 November and 10 December. Some of the campaigns are: NisiSama, HerForShe, “Family Without Violence” and “The White Ribbon - Male NO to Violence against Women”, Nevidljiva... Further, there is a number of promotional activities (video clips, press releases, show guests, conferences and round tables) aimed at encouraging victims to report violence and promote services to combat violence.

73. Data on the number of complaints received in relation to violence against women: In 2014, 2,695 reports of domestic violence, of which 1,495 in FBiH and 1,236 in RS, were received.

74. Data on investigations conducted: According to the Cantonal Prosecutor’s Offices, 716 cases were reported and 484 indictments were brought under Article 222 of the Criminal Code of FBiH. Data of the cantonal courts show that there were 422 convictions under Article 222 of the Criminal Code of FBiH. In the Republika Srpska, 525 cases were reported to the competent prosecutor.

75. Data on types of penalties imposed: Republika Srpska: Data from the bulletin published by the Ministry of Family, Youth and Sports: “Data of entities under protection according to the Regulations on the content of the records and reports of domestic violence”

- Fines - 334
- Suspended sentences - 130
- Protective measures in RS:
 - Restraining order 11
 - Removal from apartment, house or other dwelling 16
 - Prohibition of harassment or stalking of a person exposed to violence 31
 - Mandatory psychosocial treatment 15
 - Treatment of addiction 3

76. Data on compensations granted to victims: No data

77. Data on types of comprehensive assistance to victims, including legal aid that has been provided in all jurisdictions of the State Party: In the territory of BiH there are nine safe houses with 173 available places. In the territory of FBiH there are six shelters with 126 places available to accommodate victims of domestic violence. They are operated by non-governmental organizations in the territory of the Federation and they are: Foundation

of Local Democracy of Sarajevo, Medica (Zenica), Viva žene (Tuzla), Žene s Une (Bihać), Žena BiH (Mostar) and Caritas-Mostar. In 2014, these shelters accommodated 373 persons, which was an increase compared to 2013, when they accommodated 323 victims of violence. In RS, three nongovernmental organizations operate and they are: Budućnost (Future) of Modriča, Udružene žene (Associated Women) of Banjaluka and Lara of Bijeljina. They can accommodate 52 people altogether.

78. Another type of specialized support services for victims of violence in BiH are SOS phones – 1,264 in RS and 1,265 in FBiH. In BiH, there were 1,103 calls in 2014, which is close to the number of calls in preceding years.

79. There are intensive activities being implemented in BiH to establish referral mechanisms in order to provide protection to victims of domestic violence. In RS the General protocol was signed for dealing with cases of domestic violence whose a purpose of providing a coordinated, efficient and comprehensive work of the signatories for immediate assistance, support and protection of victims of domestic violence, combating and preventing the recurrence of violence. The Protocol was signed on 25 November 2013 and the signatories were: the Ministry of Justice, the Ministry of the Interior, the Ministry of Health and Social Welfare and the Ministry of Education and Culture. In FBiH 9 (there are 10 cantons) cantonal protocols were signed on mutual cooperation between cantonal institutions in providing certain forms of assistance to victims of domestic violence. The tenth canton is working for the protocol signing. Apart from these protocols, municipal protocols were signed in 85% municipalities in BiH.

80. Information about the measures taken to ensure the consistent application of the law at all levels: BiH has a high quality legal, international and domestic framework that creates the conditions for preventing and combating violence against women and domestic violence. With the adoption of the Law on Protection from Domestic Violence and the FBiH Law on Protection from Domestic Violence, a major step forward was made in ensuring the protection of victims of domestic violence. These laws set the basic prerequisites for providing protection and support to victims and provide for a multidisciplinary approach to the development of the system of protection.

81. In addition to the constitutional and legal framework, the institutions of Bosnia and Herzegovina and the entities have adopted a series of policies in the form of strategic documents which are directed exclusively or indirectly to the prevention of violence against women. At its 16th session held on 23 July 2015, the Council of Ministers adopted the Framework Strategy for the Implementation of the Convention of the Council of Europe on Preventing and Combating Violence against Women and Domestic Violence in BiH for the period 2015-2018 and the following entity strategies were adopted: the Strategy for Preventing and Combating Domestic Violence in FBiH (2014 -2017) and the Strategy for Combating Domestic Violence in RS (2014-2019), which define the course of action in preventing violence, protecting victims and prosecuting perpetrators.

82. In the previous period, a progress has been made in capacity building and training of all entities under protection, which is an important element in the fight against gender-based violence, for both the protection of victims and in the area of prevention. In the Judicial and Prosecutorial Training Centres of FBiH and RS, the training on gender equality, anti-discrimination and combating violence against women and domestic violence for judges and prosecutors has been included among topics relating to criminal law, family law and human rights. The Manual for the Review of Domestic Violence Cases in BiH was made in 2014 by a judicial panel of nine judges. Further, specific modules related to preventing and combating gender-based violence were developed as part of a police educational institution in the FBiH and RS. Programs of permanent professional development of health and social workers to be able to prevent and combat domestic

violence and training programs for teaching staff have been developed or are being developed.

12 and 13)

83. Answers to questions 12 and 13 will be left as outstanding obligation to be delivered later (until the third periodic report under the International Covenant on Civil and Political Rights has been submitted) as the competent authorities have not sent the information requested.

14)

84. So, compensation for civilian victims of war and their families is a responsibility of the Federation Ministry of Justice.

85. Further, since 2006 benefits to civilian victims of war have been paid uniformly in the cantons because the Federation committed to pay 70% of funds for the acquired rights and the cantons provide the remaining 30% of the necessary funds in their budgets. This goes only for benefits based on disability of 60-100% suffered by civilian war victims, while all other entitlements are an obligation of Cantons. When it comes to the equalization of amounts paid to civilians and militaries with disabilities, a draft law on uniform principles and framework of the material support for people with disabilities was prepared in the Federation of BiH, passed by the House of Representatives of the Federation of Bosnia and Herzegovina and submitted for consideration and passage to the House of Peoples of F BiH.

86. The Service for Foreigners' Affairs: In accordance with the concluding observations of the Committee (CCPR/C/BiH/CO/2, para. 14) and views of the Committee in letter No. 1955/2010 and the decisions of the European Court of Human Rights No. 3727/08, the Service for Foreigners' Affairs was asked to provide the information about concrete steps taken to revise the law which provides for the detention of persons that Member States detain for reasons of national security, in order to ensure and guarantee their full legal security, and that such persons are not held in custody indefinitely.

15)

87. Articles 21, 22 and 23 of the Law on Missing Persons provide for the establishment of the Central Records of Missing Persons of Bosnia and Herzegovina (hereinafter: BiH CEN). BiH CEN is a collection of individual records of missing persons from / in Bosnia and Herzegovina, which includes relevant information about the identity of any missing person, place and circumstances of disappearance and other information relevant to establishing the identity of a missing person. Further, due to delays in the fulfilment of this statutory obligation, which was to be implemented in accordance with the law until 31 August 2008, the Constitutional Court issued decisions to order the urgent establishment of the Central Records of Missing Persons. The Central Records of Missing Persons of Bosnia and Herzegovina were established, but the verification process has not been completed within the time line set in accordance with the Law on Missing Persons.

88. One of the prerequisites for any activities related to the establishment of BiH CEN and the start of verification was the adoption of the Rules on the Central Records of Missing Persons ("Official Gazette of BiH" No. 80/09), which was adopted with the approval of Council of Ministers of BiH in accordance with Article 23, paragraph 3 of the Law on Missing Persons.

89. The Rules govern the procedures of collecting and processing data, the manner of filing a missing person report and, what is especially important, the procedure of verification. All cases entered in BiH CEN are subject to verification/confirmation of the authenticity of the application and data kept for a missing person.

90. After fulfilling basic preconditions defined by laws and regulations (the Law on Missing Persons, the Rules on the Central Records of Missing Persons in BiH, the Guidelines for the Verification Commission), the verification process started in 2010 with the cases of missing persons that had been identified using DNA identification method.

91. To date, the Verification Commission has had 210 sessions during which 18 249 cases of missing persons have been verified. It should be noted that these include missing persons that have been identified using DNA identification method and missing persons who are still not accounted for, i.e. the cases having an active status.

92. At the beginning of 2013 the Missing Persons Institute of Bosnia and Herzegovina gained access to IDDEEA data bases providing data and verification of 1992 places of residence of missing person with the basic personal details (name, surname, father's name, single personal identification number, location and place of birth and residence) as well as with the bases of the current situation of issued identity cards or passports, which achieves a high degree of credibility and accuracy of the personal data as well as the detection of survivors of the conflict who are still listed as missing in our bases. The latter was an essential precondition for the start of the verification process and finding out people who still have the status of missing persons and still are not accounted for.

93. The number of verified missing person per year is as follows:

- 2010: 1800 missing persons were verified
- 2011: 7350 missing persons were verified
- 2012: 1521 missing persons were verified
- 2013: 3674 missing persons were verified
- 2014: 3248 missing persons were verified
- 2015, as of the date of writing this Information Paper: 656 missing persons were verified

94. A total of 18,249 cases of missing persons in BiH was verified.

95. For the last two and half years the Verification Commission has been focusing on verification of active cases.

96. 6,930 cases of missing persons was verified to have the status of "still missing at the time of verification" (these are people who are not accounted for). In 2014, out of the number, 413 people were identified.

97. The remaining 11,319 persons were verified to have the status of identified persons using DNA identification method.

98. Article 15 of the Law on Missing Persons provides for the establishment of a fund to support the families of missing persons of Bosnia and Herzegovina (hereinafter: the Fund), which was partially implemented by adopting the Decision on Establishing the Fund for Providing Assistance to Families of Missing Persons in Bosnia and Herzegovina ("Official Gazette BiH" No. 96/06). The Fund's headquarters, financing, management and other issues should have been addressed in the Agreement signed by the Council of Ministers, the entity governments and the Government of Brcko District of BiH. An understanding on this Agreement has not been reached yet by the Council of Ministers, the entity governments and the Government of Brcko District of BiH.

99. Deciding the applications filed by individual families of missing persons, the BiH Constitutional Court ordered the Council of Ministers of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Government of the Republika Srpska and Brcko District Government to ensure without delay the operation of the Fund in Support of Families of Missing Persons of BiH, which has not been done to date.

100. Activities for the harmonization of the Fund's Financing Agreement have been repeatedly initiated by the Ministry for Human Rights and Refugees, but the headquarters and the manner of financing of the Fund have not been agreed on by representatives of the entity governments. The key disagreement concerned the percentage of funds that the entities were supposed to provide to finance the Fund at the level of Bosnia and Herzegovina on the basis of the following criteria: the number of missing persons and the places where they went missing.

101. In the meantime, in connection with the enforcement of this legal obligation, the Constitutional Court of Bosnia and Herzegovina has issued a number of decisions. Conditions for the operation of the Fund in Support of Families of Missing Persons have not been created to date, nor has the Agreement on the Funding of the Fund in Support of Families of Missing Persons. Conditions for the operation of the Fund have not been created to date, as the Agreement on the Funding and the Seat has not been agreed on.

102. The BiH Constitutional Court issued a non-compliance decision finding that obligations under rendered judgments and its decision No. AP 228/04 in particular were not fulfilled and it ordered:

“(...) the Council of Ministers of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Government of the Republika Srpska and Brcko District Government, to ensure without delay the operation of the Fund in Support of Families of Missing Persons of BiH and the Central Records of Missing Persons in Bosnia and Herzegovina, which were established under the Law on Missing Persons of BiH.”

103. Since that decision was not enforced the BiH Prosecutor's Office initiated criminal proceedings against unknown perpetrators for non-compliance with the decision of the Constitutional Court of BiH.

104. Apart from this decisions, other decisions concerning the issues related to the process of tracing missing persons in BiH were issued. All decisions of the Constitutional Court were identical: AP - 129/04 dated 27 May 2006, AP -1226/05 dated 18 November 2006, AP- 228/04 dated 27 May 2006, AP - 159/06 dated 26 June 2007, AP -171/06 dated 13 September 2007, AP - 1143/06 dated 13 September 2007 and AP - 36/06 dated 16 July 2007 finding a violation of rights of families of missing persons.

105. Given the Fund in Support of Families of Missing Persons has not been established yet, work on this issue is expected to be intensified in the coming period.

106. In this connection, we note:

(a) It is known that no measures have been taken to ensure that the Missing Persons Institute of Bosnia and Herzegovina is provided with adequate resources to ensure its full independence and capabilities to carry out its mandate;

(b) Central Records on Missing Persons (BiH) were established in January 2011 and was formed from the data collected in thirteen (13) different national and international databases, of which the following four were primary databases: the International Commission on Missing Persons (ICMP), the International Committee of the Red Cross (ICRC), the Federation Commission for Missing Persons and RS Office for Missing Persons. BiH CEN contains details of the total of 34.964 reported missing persons, whose

status will be further verified through a process of data verification. As of today the Verification Commission has verified 19 159 missing persons. The Fund in Support of Families of Missing Persons has not been established yet and it is the BiH Council of Ministers that is to issue a decision on the establishment of the Fund;

(c) As regards the measures taken to regularly inform families about the process of exhumation and identification of mortal remains, the Missing Persons Institute regularly contacts the families, associations of families of missing persons, then unions at the state level and the Regional Coordination of Families of Missing People. It also organizes meetings with the associations at the local, national and regional level through the Advisory Committee. The families are informed about the process of tracing missing persons also through regular reports of the Missing Persons Institute. When it comes to psychological support to the families the Institute has no obligation or possibility of providing such a type of assistance.

16) and 17)

107. When it comes to the issue of freedom and security and treatment of prisoners, the current capacities of penitentiaries in Bosnia and Herzegovina are:

- Detention Unit at the state level with current capacity of some 20 detainees.
- Correctional Institution of Zenica is a high security prison with current capacity of about 677 people, of which number 633 are prisoners and 44 are detainees, as well as an additional department for 40 people in need of health care, which is altogether 717 people.
- Correctional Institution of Mostar with earlier capacity of 154 persons: 74 prisoners and 80 detainees, but in the meantime the capacity has increased by 25 prisoners, so that currently it can admit 99 prisoners, i.e. its total capacity is currently 189 inmates.
- Correctional Institution of Orašje with capacity of 85 prisoners and 31 detainees, which makes a total of 116 people.
- Correctional Institution of Busovaca with capacity of 84 prisoners and 20 detainees, which makes a total of 104 persons deprived of their liberty.
- Correctional Institution of Tuzla with Kozlovac facility can admit 282 prisoners and 48 detainees, which makes a total of 330 persons.

108. In the meantime, the Women's Ward in the Correctional Institution of Tuzla has been built to admit female persons to serve their prison sentence and the Ward can take a maximum of 30 females.

- Correctional Institution of Bihac with capacity of 80 prisoners and 38 detainees, which makes a total of 118 people, either prisoners or detainees.
- Correctional Institution of Sarajevo with the Ustikolina Ward with overall capacity of 179 prisoners and 120 detainees, which makes a total of 299 people that can be admitted to the Correctional Institution of Sarajevo, including both the satellite Ward in Igman Mountain and Ustikolina Ward.
- Correctional Institution of Banja Luka, a high security prison, with capacity of 244 prisoners and 80 detainees, which makes a total of 324 persons, where, in the meantime, a new ward within the Correctional Institution of Banja Luka for additional 60 people has been opened, which means that overall capacity is 384 persons.

- Correctional Institution of Foca with capacity of 270 prisoners, where the new ward to admit high risk persons was opened, with the capacity of 60 people, which means that this prison has overall capacity for 330 prisoners.
- Correctional Institution of Istočno Sarajevo with capacity of 120 prisoners and 80 detainees, which makes a total of 200 imprisoned or detained persons, where the Juvenile Ward has been opened for the execution of juvenile imprisonment with capacity for about 40 minor offenders and the Women's Ward with capacity of 30-40 women.
- Correctional Institution of Bijeljina with capacity of 69 prisoners and 50 detainees, which makes a total of 119 imprisoned and detained persons.
- Correctional Institution of Doboj with capacity of 65 prisoners and 43 detainees, which makes a total of 108 persons, where renovation and reconstruction is under way to increase the capacity by 55 prisoners and 25 detainees, so in the future the prison will have capacity of 120 prisoners and 68 detainees, which makes a total of 188 people.
- Correctional Institution of Trebinje with capacity of 40 prisoners and 32 detainees, which makes a total of 72 persons.
- The Detention Unit of the Brcko District of BiH with capacity of 45 detainees.

109. Looking at and adding up the figures above, one can conclude the following:

- Detention Unit at the state level with a current capacity of some 20 detainees.
- Prisons in the Federation of BiH can admit 1,512 prisoners and 381 detainees, which makes a total of 1,893 imprisoned and detained persons.
- Prisons in the Republika Srpska can admit 928 prisoners and 285 detainees, which makes a total of 1,213 people, which should be augmented by the number of possible 30 convicted female persons, which means that overall capacity of the RS prison system is 1243 prisoners and detained persons.
- Detention Unit of the Brcko District of Bosnia and Herzegovina can admit 45 detainees.

110. Therefore, when you look at the overall data, Bosnia and Herzegovina can admit 2,470 prisoners and 731 detained person in its prison system, which makes a total of 3,201 persons. According to the most recent data obtained from all prisons in Bosnia and Herzegovina, when a report was presented to the Parliamentary Assembly of Bosnia and Herzegovina on the state of execution of sentence in Bosnia and Herzegovina and overcoming problems of delayed referral of convicted persons to serve their sentence due to insufficient prison capacity, the overall prison population of Bosnia and Herzegovina is about 3,700 people, consisting of prisoners and detainees. The issue of overcrowding was present in the territory of the Federation, when in the initial period, the number of convicted persons in the territory of the Federation was about 1,200 and they could not be sent to serve their prison sentences in a timely fashion because of the lack of capacity. In the meantime, additional efforts and additional funds were put to increase the prisons' capacities in the territory of the Federation of Bosnia and Herzegovina, so that the Federation is currently lacking capacity for 500 prisoners, which is an improvement compared to the situation in 2008 and 2009. Currently, Bosnia and Herzegovina is building the State Prison of a total capacity of 350 persons, including 300 prisoners and 50 detainees, which is expected to become operational in 2015, which will bring about a significant relief on prison facilities in the Federation of Bosnia and Herzegovina and the Republika Srpska, considering that at the end of 2012, on the basis of decisions of the Court of BiH, penitentiaries in the Entities admitted 114 detainees and 217 persons serving prison

sentences, totalling to 331 persons, which indicates that once the State Prison has started operating it will significantly contribute to relieving prison facilities in the Entities and reduce overcrowding in prisons. Further, the Federation of Bosnia and Herzegovina has started constructing the new Correctional Institution of Mostar with capacity of more than 400 imprisoned and detained persons and, further, the Republika Srpska has started constructing the new Correctional Institution of Bijeljina with capacity of 250 imprisoned and detained persons. Successful completion of the above-mentioned activities would lead to overcoming the issues of prison overcrowding. We note that in 2013 the Sokolac Institute of Forensic Psychiatry with total capacity of 200 persons, where the measures of compulsory psychiatric treatment or compulsory addiction treatment will be executed, is expected to become operational, which will have favourable effects on the entire prison system of BiH.

111. With a view to increasing living standard of the prison population, tender proceedings were completed in August 2014 and the contractor was inducted to build a state prison capacity of 350 people, whose completion is expected in late 2016 and the first prisoners are expected at the beginning of 2017. State prison is being built in accordance with the latest European standards in the field of construction of a high security prison, with all modern facilities, supporting facilities as well as the application of modern methods of treatment and correction.

18)

112. The new Law on Foreigners ("BiH Official Gazette" No. 88/15) entered into force on 25 November 2015 with the revised provisions respecting detention of persons that the Member State detains for reasons of national security, in order to ensure and to guarantee their full legal certainty in relation to the previous Law on Movement and Stay of Foreigners and Asylum (BiH Official Gazette" Nos. 36/08, 87/12). Namely, Article 102 of the previous Law on Movement and Stay of Foreigners and Asylum provides that "The measure of placing an alien under supervision shall be carried out by restriction of movement to a particular area or place with the obligation of reporting to an organizational unit of the Service or the police, or by placement of an alien in an institution specialized for receipt of aliens (Immigration Centre). The total duration of supervision in the immigration centre cannot be longer than 18 months continuously, except in cases where the alien for whom it was found to poses a threat the security of Bosnia and Herzegovina, when the period of supervision may be longer."

113. However, with the entry into force of the new Law on Foreigners, which complies with Directive 2008/115/EC of the European Parliament and of the Council, provisions relating to the detention of persons for reasons of national security were revised and Article 118 of the Law provides that "An alien shall be placed under surveillance through placement in the immigration centre if there are reasonable grounds to believe that, after a decisions on expulsion is rendered, free and unrestricted movement of an alien may endanger public order and peace or security or international relations of BiH or pose a threat to public health in BiH, that is if it is determined that he/she poses a threat to public order, public order and peace or security of BiH." "In addition, Article 119 (6) provides" the total duration of supervision in the immigration centre cannot be longer than 18 months continuously." Further, Article 119(11) provides that "The Service shall undertake all necessary measures in order to reduce the duration of detention to as short a time as possible."

114. With regard to queries pertaining to other supervision methods instead of indefinite detention, we emphasize that Article 118(1)(a) of the Law on Foreigners provides "Until leaving BiH, an alien may be placed under supervision by restricted movement to a

specified area or place with the obligation of reporting to an organizational unit of the Service or to the police, i.e., a more lenient measure may be imposed on him.”

19)

115. BiH adopted specific laws governing juvenile justice and they are:

- The Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings (“Official Gazette of RS” No. 13/10, 61/13), in force since January 2011;
- The Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings of the Brcko District of BiH (“Official Gazette of BD BiH”, No. 44/11), in force since December 2012;
- The Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings (“Official Gazette of BiH” No. 7/14), in force since February 2015.

116. All the laws contain provisions aimed at improving the well-being of minors and the protection of their interests, with a prominent educational and protective character in accordance with international standards. All legal solutions include humane treatment and protection of the rights of minors, such as provisions on cautious treatment, mandatory defence, duty of prompt action, detention only in exceptional cases and in the shortest time possible, the possibility of applying the principle of opportunity, the possibility of diversion given to the prosecutor and judge in a possibility of imposing correctional recommendations for certain types of offenses and a number of other provisions that set this matter aside in specific juvenile legislation.

20)

117. Regarding issues related to the position of international protection seekers in BiH, we are informing the following.

118. The procedure for dealing with international protection seekers in BiH is determined in the 2008 Law on Movement and Stay of Aliens and Asylum. The Law provides that the application for international protection can also be filed when a foreigner is in detention or in penal institution. The same opportunity is afforded to foreigners under expulsion order who awaits its execution in the Immigration Centre. Measures imposed when adjudicating an application for international protection have suspensive effect, so these decisions cannot be enforced until the Court of BiH, which is a review authority of decisions on international protection issued by the authority of first instance, the Ministry of Security, has issued a final judgment. Only then provisions of the Law on Foreigners governing the expulsion of foreigners can be applied, if such a measure was imposed.

119. When making decisions on international protection, subjective elements (determined based on interviews with the applicant), objective elements (information about the situation in the country of origin) are taken into account. Only on the basis of these parameters, a decision of the first instance authority, i.e. the Ministry of Security, is issued and, in case of appeal, the above-mentioned judicial procedure is followed.

120. All persons who are international protection seekers and whose movement is not limited and have to stay in custody, detention or retention in the Immigration Centre have the right to housing, primary health care, food, basic education and social assistance. The entitlements to be enjoyed after receiving one of the forms of international protection are responsibilities of the Ministry of Human Rights and Refugees.

21)

121. In May 2015, the Parliamentary Assembly of BiH passed the Law and Amendments to the Criminal Code of BiH (“BiH Official Gazette” No. 40/15), which amended the provisions relating to trafficking.

122. Amendments to Article 186, 187 and 189 and adding a new Article 186.a were proposed by the National Coordinator for Fight against Human Trafficking and Illegal Immigration as a result of finding solutions to difficulties that occurred in investigations and prosecution of crimes of human trafficking and related offenses because of inconsistency among the criminal laws in BiH.

123. Article 186 relating to human trafficking was changed because of the need to define a clear scope between the BiH Criminal Code and the criminal codes of the Entities and Brcko District, which means that the crime of “trafficking” with elements of exploitation in the State where the injured party (victim of trafficking) does not have nationality or residence is covered by the BiH Criminal Code, while other criminal offenses of trafficking are covered by criminal laws of the entities and the Brcko District of BiH. Specifically, the Criminal Code of Bosnia and Herzegovina is applied to victims of a criminal offense when they do not have BiH citizenship or permanent residence in BiH and to BiH citizens abroad. Therefore, paragraph (1) restructured the elements of the criminal offense, which will help in interpreting the elements of the essence of a criminal offense and retain all of the elements prescribed by the international standards, the Palermo Protocol and the CoE Convention on Action against Trafficking in Human Beings. The amendment relating to the residence or nationality of the victim exploited is the foreign element, which is hereby expressly defined to divide matter jurisdiction between the Criminal Code and other criminal laws in BiH. These amendments have dealt with the issue of a conflict of interest regarding jurisdiction, which used to occur in practice when prosecuting these types of crimes, due to the fact that the criminal laws of the entities and the Brcko District prescribe elements of the crime of human trafficking in the context of a criminal offense of “Soliciting for prostitution”/ “Trafficking in human beings for the purpose of prostitution”. In addition, the foreign element is included in paragraph (2), which provides for a crime of trafficking in persons under 18. These amendments provide for stricter penalties for these crimes; so, a criminal offense under Article 186(1) is punishable by imprisonment of at least five years instead of three, while a criminal offense under paragraph (2) provides for a prison sentence of at least ten instead of five years. The new paragraph (10) of Article 186 is aligned with the Council of Europe Convention on Action against Trafficking in Human Beings to provide that penalties are not imposed on victims for their involvement in unlawful activities to the extent that they have been compelled to do so. New Article 186.a lays down a separate criminal offense of organized international trade and defines elements of this crime. Amendments to Article 187 bring about changes with a view to bringing the Law in line with the provisions on soliciting prostitution of the criminal laws of the entities and Brcko District of BiH, since, different interpretations of the legal qualification occurred in practice and thereby a conflict of jurisdiction occurred. In this way, this provision of the BiH Criminal Code has the same wording as the criminal laws of the entities. At the same time, the BiH Criminal Code has the above-mentioned foreign element.

124. In 2013, the part of criminal legislation of Bosnia and Herzegovina relating to trafficking was partly harmonized at the entity level and Brcko District. The Criminal Code of RS and the Criminal Code of Brcko District of BiH adopted amendments that criminalize trafficking in human beings, as follows:

- RS Criminal Code – Article 198.a (Trafficking), Article 198.b (Trafficking in minors), Article 198.v (Organizing a group or criminal association for the commission of crimes of trafficking in persons and trafficking in minors);

- Criminal Code of BD – Article 207.a (Trafficking in human beings), Article 207.b (Organised trafficking).

125. Amendments to the Criminal Code, adopted in May 2015, introduced the following crimes: International human trafficking - Article 186, Organized international human trafficking - Article 186a and International soliciting for prostitution - Article 187. After these amendments, the BiH Criminal Code does not criminalize human trafficking unless an international element is present.

126. The procedure involving minors is prescribed separately. The FBiH passed the Law on Protection and Treatment of Children and Juveniles in the Criminal Proceedings, as *lex specialis*, while these laws were had been passed earlier in RS and Brcko District.

127. Every year the Ministry of Human Rights and Refugees earmarks in its budget funds to support victims of trafficking. On the basis of public calls, these funds are allocated to non-governmental organizations that provide direct assistance to victims of trafficking who are citizens of BiH. The non-governmental organizations that win the highest number of points in the public invitation are selected to sign the Agreement on Cooperation and awarded a grant intended for the reintegration and re-socialization of victims of trafficking. The non-governmental organizations have an obligation to accept and care of every victim who needs sheltered housing and care in all cases where such an order is given by the prosecutor's office and/or police or other institutions in consultation with the Ministry for Human Rights and Refugees or in cases of self-identification by a person as a victim, provided that the victim's stay cannot be longer than six months. Victims of trafficking who are accommodated in safe houses are provided with medical care, legal aid, counselling and information. The Ministry of Security of BiH earmarks in its budget funds for foreign victims of trafficking and give them to non-governmental organizations. The Ministries have signed agreements with the Vasa Prava NVO on providing legal aid to victims of trafficking.

128. Please note that the data relating to the number of (a) reported cases; (b) investigations and prosecutions initiated and verdicts in 2015 are unavailable now because we are in the process of collecting them and they will be available in the regular annual report on the human trafficking situation in 2015.

22)

129. The Family Law of the Republika Srpska prohibits corporal punishment in the home, while the Family Laws of FBiH and Brcko District of BiH is not explicitly prohibited. Corporal punishment is prohibited in schools, correctional and other institutions.

130. Measure 6 of the 2015-2018 Action Plan for Children envisages taking an initiative for the adoption of laws that prohibit all corporal punishment of children in all settings, including punishment at home.

131. The Council for Children BiH will submit the initiative to the BiH Ministry of Justice, the Ministries of Justice of Entities and the Judicial Commission of Brcko District of BiH.

23)

132. For the time being, the Ministry of Human Rights and Refugees of BiH has no accurate data on the prevalence of marriages with children, especially among members of the Roma minority.

133. BiH, as a signatory to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol, which was ratified in 2002 -

came into force on 27 March 2002 – “Official Gazette of BiH - International Agreements”, No. 3/02), is aware of the existence of this problem and has included this matter in “The Guidelines for Improving the Situation of Roma Children in BiH - Social Inclusion” (2013) under child trafficking.

134. Unlike adult victims of trafficking, the child does not need to be forced, coerced, abducted, deceived or deluded, to be considered a victim of trafficking. E.g. If parents bring their child in a situation where he/she is forced to work (e.g. begging - economic exploitation), this can be considered child trafficking, even if the child does it voluntarily. However, in BiH the national legislation of Entities and Brcko District of BiH is not brought in line with international standards established in this protocol. So, cases of economic exploitation - organized begging, contracted marriages of minors - especially among Roma children are not considered child trafficking which is why this is widespread and is commonly considered by prosecutor’s offices and centres for social work as child neglect. In addition, there are prejudices against these categories in these institutions, as this is often seen as part of their customs and traditions.

135. The most common and specific form of trafficking is the exploitation of children for early marriage or partnership. The right to “free and full” consent to a marriage is recognized by the Universal Declaration of Human Rights, which states that consent cannot be “free and full” when one of the parties is not mature enough to be able to make an informed decision about life partner. Marriage of minors is a violation of human rights, it can threaten the health of girls, results in social isolation and ultimately increases gender-based nature of poverty.

136. There are many reasons why women and girls are trafficked for the purpose of forced marriages. In very poor communities, a girl or a young woman can be considered a burden to the family and marriage to an older man is seen as a survival strategy. Further, immigrants want to marry girls from their country of origin, thus contributing to child trafficking with the aim of concluding forced marriages.

137. In order to reduce this phenomenon, The Guidelines for dealing with these cases and concrete measures were developed.

24)

138. The Framework Law on Primary and Secondary Education in BiH, adopted in 2003 (“Official Gazette of BiH”, No. 18/03), determines and concretizes the course of change in primary and secondary general education and upbringing and the Entity, cantonal laws and the law of Brcko District of BiH, which are aligned with it, provide a legal basis for the change in primary and secondary education and upbringing and the implementation of these changes through the joint efforts by relevant education authorities.

139. This Law regulates principles of pre-school, primary and secondary general education and training, adult education and establishment and functioning of institutions for the provision of education in BiH.

140. Prohibition of all forms of discrimination on any basis at all levels of education is guaranteed in the legal framework and provisions contained in the framework laws respecting BiH education, which also represent the main factors that facilitate inclusive education.

141. Article 19 of the Framework Law on Primary and Secondary Education in BiH clearly states that “Children and youth with special needs shall be educated in regular schools and according to their individual needs. An individual program adapted to their possibilities and abilities shall be made for each student and shall determine the status of each student in relation to special education and speech pathology. Children and youth with

serious disorders and difficulties in the development may be educated in part or wholly at special educational facilities, where it is impossible to provide appropriate education in regular schools. Categories, identification procedures, planning and working methods, profile, training, professional development of personnel working with children and youth with special needs, as well as other issues, shall be regulated more closely by entity, canton and Brčko District of Bosnia and Herzegovina legislation, in accordance with the principles and standards defined by this Law.”

142. In BiH the concept of inclusive education seeks to eliminate and permanently remove barriers to equal lifelong learning and participation of all individuals in the education system, which means there are no discarded or segregated individuals but all have the right of education in mainstream and other forms of education.

143. Various project teams work hard on raising public awareness and knowledge about the nature of various difficulties and disabilities, in order to prevent exposure of persons with disabilities and members of minorities in BiH to inappropriate treatment by society, local communities, peers, school.

144. The concept of inclusion in BiH implies differentiation and individualization of instruction. It is providing quality education for all students, both for those with developmental disabilities and gifted students and others at all educational levels, that is one of the most pressing issues when it comes to inclusion in BiH.

145. BiH is creating the preconditions for the implementation of inclusion through appropriate training and support of educators, teachers, lecturers and professors by assistance of experts when developing individualized curricula.

146. The education system organizes further training of teachers to create individualized curricula and teach in heterogeneous groups and classes and the relevant educational authorities seek to provide additional ways of funding teachers’ training.

147. A lot of initiatives to educate school administration / management in the field of inclusive education were materialized.

148. In accordance with the constitutional framework of Bosnia and Herzegovina, education is under full and undivided jurisdiction of the Republika Srpska, ten cantons in the Federation of BiH and the Brcko District BiH.

149. Each of the twelve listed administrative units has its own Ministry of Education, the law in the field of education and budget for education, determines educational policy and has all other rights and obligations arising from the mandate of the relevant educational authorities responsible for the organization and functioning of education in their areas of responsibility.

150. The Ministry of Civil Affairs of BiH (established in 2003) coordinates and monitors education at the state level and the Federation Ministry of Education and Science does it at the level of the Federation and coordinates the cantonal ministries of education.

151. The Conference of Ministers of Education of BiH and the Council for General Education of BiH are advisory and coordinating bodies in the field of education.

152. From the above it is evident that the Ministry of Human Rights and Refugees of BiH is not responsible for education in BiH.

153. E.g. BiH participated in the Joint Project of the European Union and the Council of Europe titled “Regional Support for Inclusive Education” (implemented in Albania, Bosnia and Herzegovina, Croatia, Montenegro, Serbia, “the former Yugoslav Republic of Macedonia” and Kosovo). The project started in January 2013, lasted until October 2015 and was piloted in 7 BiH schools (3 primary and 4 secondary schools). As a result of this

project, the Polici net (which consists of a representative of the MCP, representatives of the Entity ministries of education and the academic community and a representative of the Ministry of Human Rights and Refugees of BiH) made a draft Action Plan for BiH, which is based on regional recommendations made on the basis of inclusion in the region. The draft Action Plan for BiH is owned by the Ministry of Civil Affairs, which will decide on the next steps and ways in which it will be implemented.

154. The process of inclusion is a complex process, a process that lasts and is constantly improving.

25)

155. The Ministry of Human Rights and Refugees of BiH is implementing “The Closing of Collective Centres and Alternative Accommodation by Providing Public Housing Solutions.” CEB2 PROJECT (loan with the Development Bank of the Council of Europe). The value of the project is BAM 208, while the loan is BAM 120 million.

156. The purpose of the project is to provide internally displaced persons, who were displaced during the 1992-1995 war, and other vulnerable residents of collective centres and alternative forms of accommodation, with specific housing solutions - in particular, social housing and, where appropriate, institutional care tailored to the specific characteristics of their vulnerability. The purpose of the project is to enable internally displaced persons and other vulnerable persons to move out of crowded, damaged and allegedly “temporary” accommodation in collective centres and alternative accommodation, where they have been living for many years, and to finally enjoy their right to adequate housing. In doing so, the project is also aimed to provide support to the Government of BiH in fulfilling the obligation of “priority closing of collective centres”. This project will enable the closure of at least 121 collective centres / alternative accommodation or 76% of all collective centres in BiH starting from November 2011.

157. The project beneficiaries will be the people who currently live in collective centres and alternative forms of accommodation, who are displaced persons, returnees and other vulnerable people.

158. The project will include at least 7,247 people, who will get adequate housing. Given the cost of the project may include the proposed reserve funds (EUR 2.5 million) for any possible additional work planned in the future, the final number of beneficiaries could be higher.

159. The planned works will include repairs, reconstruction, construction or purchase of at least 2,611 housing units in 82 buildings. It is estimated that the total average cost per housing unit will amount to EUR 18,500. The implementation is in progress.

26)

160. “The independence of the Communications Regulatory Agency remains vulnerable due to the non-appointment of Director General. In fact, this issue has not been solved since May 2014. Although the Agency’s Council has completed the procedure of appointment of the Agency’s Director General, the Council of Ministers has not given final approval yet. There are indications that the appointment of Director General has become the subject of political agreement, which directly undermines the independence of the Agency.”

27)

161. According to the conclusion of the Council of Ministers, the information about pressure exerted on and intimidation of the media in BiH, with proposed measures, which will enhance the profession of journalists in BiH.

162. The proposed measures are:

- Organise joint training of journalists, lawyers, judges and civil servants related to the implementation of the World Programme for Human Rights Education
- Take an initiative to amend the Criminal Code relating to the protection of journalists from physical attacks while performing their duties
- Revise CMS database, which is kept by the High Judicial and Prosecutorial Council of BiH in accordance with the amendments to the Criminal Code of BiH and
- Consider the possibility of the establishment of the Media Department in the Institution of Ombudsman for Human Rights

163. Further, in accordance with the Guidelines of the World Programme for Human Rights Education, the Ministry of Human Rights and Refugees will make an action plan for human rights education of journalists and media workers in BiH within the time frame.

164. Due to the complex structure of BiH, we do not have comparative information for the spending on advertisements and announcements in programs and media publications because every level of government in BiH: Entities, Brcko District and cantons in the Federation has its own budget.

28)

165. Amendments to the Constitution and the Election Law are considered by working groups established by the Council of Ministers and the Parliamentary Assembly of BiH.

29)

166. The position of national minorities in BiH has been improving on a daily basis through political, administrative and social changes that are happening in BiH over the past few years. The 2003 Law on the Protection of National Minorities is being implemented in all its aspects. The improvements are achieved in the new legal and political conditions also by placing greater responsibility for their own position on the minorities themselves. In this sense, besides the appropriate activities to improve some pieces of legislation as well as the implementation of laws regulating the position of national minorities, which the state authorities and bodies of local and regional self-government were tasked with, it is necessary to define the common foundation for social actions of national minority councils, representatives of national minorities and minority associations strengthening the position of national minorities in the future. Designing of "the Strategic Platform to Address the Issue of National Minorities in BiH" is at the final stage.

167. It is essential and important to note that in BiH most of the obligations arising from legislation regulating the issue of national minorities has already been fulfilled and that a measurable and visible progress has been achieved especially in the improvement of the position of the largest and most vulnerable minority, the Roma national minority, in BiH in the field of housing, Roma civil and other registration, education, health and employment.

168. Further, it is worth noting that in 2016 the development of new BiH Action Plan for Roma in the areas of employment, housing and health care is planned, given the preliminary revised action plan ceases to be in force at the end of 2016.

169. In this area a significant progress was made in the past, with the aim of making Roma people legally visible and thereby able to exercise the same rights as other citizens in BiH. In FBiH, subsequent registration in birth records is free. Local administrations do not charge fees and provide legal aid and assistance by employees, ex officio. In BiH legal aid is organized to provide services to Roma particularly when it comes to registration in birth records. It is important to note the activity of the network of Roma mediators whose task is

to provide basic education and information to those in need in order to exercise basic human rights. Great contribution in this area is made by NGOs such as Vaša Prava.

170. The key barriers that remain to restrict opportunities and access to high quality education for Roma are: extreme poverty, change of residence, lack of understanding of the importance of education for their children and so on. Financial resources at the state level were not sufficient to implement all the measures planned in the Action Plan on Roma education.

171. The state level authorities do not appropriate funds to support the implementation of the measures of the Revised Action Plan of BiH on the Educational Needs of Roma. However, the competent Ministries of Education appropriate budgetary funds, but they are still insufficient to support the enrolment, attendance and completion of school by all Roma children. The result of the measures of the Revised Action Plan for Education of Roma is that in recent years there has been an increased enrolment of Roma children in primary, secondary or higher education. A much smaller number of dropouts in primary and secondary education is evident, too.

172. Positive developments and results are visible every year.

173. Every year the Ministry of Human Rights and Refugees appropriates certain financial resources as an incentive to health authorities to implement certain activities which will enhance the achievement of better access to health care of the Roma minority in BiH.

174. A particularly significant progress was made in raising awareness about the importance of health care of the Roma minority, immunization of Roma children, reproductive health and maternity care, in training of Roma civil society in local communities in health care, as well as the introduction of many Roma families into the mainstream health care system in BiH.

175. BiH has made the best results in addressing Roma housing and a total of 740 housing units were constructed or reconstructed and over 1,000 Roma families were beneficiaries of infrastructure projects. The housing projects were implemented in 60 municipalities or locations and the total funds invested amounted to around BAM 21 million, including the IPA funds.

176. The Ministry of Human Rights and Refugees of Bosnia and Herzegovina regularly applies for IPA funds and in 2012 EUR 5 million were granted to be spent in two stages. The implementation of the EUR 2.5 million first stage began in 2013, where 80%, will be directly put in Roma housing. This IPA project envisages construction or reconstruction of additional 150 housing units. In 2016 the second stage of the IPA project will begin.

177. Good examples of good practice in addressing housing for homeless Roma families, i.e. social housing, were in Zenica, Bihac, Mostar, Teslic, Srbac, Bugojno etc. The municipalities allocated building sites for homeless Roma and the housing units were built from appropriated budgetary funds.

178. In the field of employment, a positive shift has been recorded in employment; 475 Roma underwent employment programs for Roma. This was a positive activity with achievements although the identified needs were much greater.

179. Difficulties in the implementation of previous employment programs, which the Institutes / services for employment faced, are still present, and the following difficulties are prominent in particular: low qualification structure, a lack of knowledge and skills for running a business as self-employed, little interest of employers to hire Roma, a lack of good communication and coordination etc.

180. More work is needed in the future on an integrated approach, i.e. linking housing and employment.

181. There are efforts to enhance political participation of Roma in policy-making and achieve better participation of Roma in political life and the pursuit of equality of Roma women in all aspects of life.

182. Further, BiH presided over the 2005-2015 Decade of Roma Inclusion in a period of 1 year (2014-2015).

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Appendix

Table 1
Trafficking in people – by cases, 2013

<i>Crime & Criminal Code</i>	<i>unadjudicated as of 01/01/2013</i>	<i>reports filed</i>	<i>unsolved cases as of 01/01/2013</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>
Crimes against sexual freedom and moral (Article 207a of BD BiH CC) Trafficking in people		1		1			1	1	
Crimes against humanity and values protected by international law (Article 186 of BiH CC) Trafficking in people	5	2	1	1	1	2			
Total	5	3	1	2	1	2	1	1	

Table 2
Trafficking in people – by cases, 2014

<i>Crime & Criminal Code</i>	<i>unadjudicated as of 01/01/2014</i>	<i>reports filed</i>	<i>unsolved cases as of 01/01/2014</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>
Crimes against sexual freedom and moral (Article 207a of BD BiH CC) Trafficking in people		1		1		1			
Crimes against humanity and values protected by international law (Article 186 of BiH CC) Trafficking in people	5	1			1				
Crimes against sexual integrity (Article 198b. of RS CC) Trafficking in children		1		1			1	1	1
Total	5	3		2	1	1	1	1	1

Table 3
Trafficking in people – by cases, 2015

<i>Crime & Criminal Code</i>	<i>unadjudicated as of 01/01/2015</i>	<i>reports filed</i>	<i>unsolved cases as of 01/01/2015</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>
Crimes against sexual freedom and moral (Article 207a of BD BiH CC) Trafficking in people		1		1			1	1	

<i>Crime & Criminal Code</i>	<i>unadjudicated as of 01/01/2015</i>	<i>unsolved cases reports as of filed 01/01/2015</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>
Crimes against humanity and values protected by international law (Article 186 of BiH CC) Trafficking in people	4			1				
Crimes against sexual integrity (Article 198b.) RS CC Trafficking in people		2	1	1		1	1	1
(Article 198b.) Trafficking in children		2		1				
Total	4	5	2	3		2	2	1

Table 4
Trafficking in people – by perpetrators, 2013

<i>Crime & Criminal Code</i>	<i>unadjudicated as of 01/01/2013</i>	<i>unsolved cases reports as of filed 01/01/2013</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>
Crimes against sexual freedom and moral - (Article 207a. of BD BiH CC) Trafficking in people		2	2			2	2	
Crimes against humanity and values protected by international law - BiH CC		4	1	3	2	4		
Article 186 - Trafficking in people	10	4	1	3	2	4		
Article 189 a - Organising a group or an association for perpetration of the criminal offences of trafficking in persons and smuggling of migrants		2						
Total	10	8	1	5	2	4	2	2

Table 5
Trafficking in people – by perpetrators, 2014

<i>Crime & Criminal Code</i>	<i>unadjudicated as of 01/01/2014</i>	<i>unsolved cases reports as of filed 01/01/2014</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>
Crimes against sexual freedom and moral (Article 207a of BD BiH CC) Trafficking in people		6		6		5		

<i>Crime & Criminal Code</i>		<i>unadjudicated as of 01/01/2014</i>	<i>reports filed</i>	<i>unsolved cases as of 01/01/2014</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>
Crimes against humanity and values protected by international law BiH CC	(Article 186) Trafficking in people	9	4			4				
	(Article 189a) Organising a group or an association for perpetration of the criminal offences of trafficking in persons and smuggling of migrants	2	2		4			4		
Crimes against sexual integrity	(Article 198b of RS CC) Trafficking in children		1		1			1	1	1
Total		11	13		11	4	5	5	1	1

Table 6
Trafficking in people – by perpetrators, 2015

<i>Crime & Criminal Code</i>		<i>unadjudicated reports as of 01/01/2015</i>	<i>unsolved cases as of 01/01/2015</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>acquittals</i>	<i>convictions, prison sentences</i>	<i>convic- tions, fines</i>
Crimes against sexual freedom and moral	(Article 207a of BD BiH CC) Trafficking in people		3		3		1	2	2	1	
Crimes against humanity and values protected by international law BiH CC	(Article 186) Trafficking in people	7			1						
	(Article 189a) Organising a group or an association for perpetration of the criminal offences of trafficking in persons and smuggling of migrants							4			4
Crimes against sexual integrity	(Article 198b) Trafficking in people		5		2	3		2	2		2
RS CC	(Article 198b) Trafficking in children		5			1					
Total		7	13		5	5	1	4	8	1	2

Table 7
Hate crimes – by perpetrators, 2013

<i>Crime & Criminal Code</i>	<i>unadjudicated reports as of 01/01/2013</i>	<i>unsolved cases as of filed 01/01/2013</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indictments brought</i>	<i>indictments confirmed</i>	<i>convictions, prison sentences</i>	<i>convic- tions, fines</i>	<i>conditional sentences</i>
Crimes against freedom and rights of individuals and citizens (Article 145a. BiH CC) Provoking ethnic, racial and religious hatred, conflicts and intolerance	1	14	2	4	10	3	2		1	
Crimes against the constitutional order of the Federation (Article 163) FBiH CC Provoking ethnic, racial and religious hatred, conflicts and intolerance	14	8	3	4	8	2	4	8		5
Crimes against life and limb (Article 166) murder FBiH CC (Article 172) aggravated bodily injury	2								1	
Crimes against the constitutional order of RS (294a, RS CC) Provoking ethnic, racial and religious hatred, conflicts	1	11		3	1	1	2	2	2	
Total	18	33	5	11	19	3	9	12	3	1 5

Table 8
Hate crimes – by perpetrators, 2014

<i>Crime & Criminal Code</i>	<i>unadjudicated reports as of 01/01/2014</i>	<i>unsolved cases as of filed 01/01/2014</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indict- ments brought</i>	<i>indict- ments confirmed</i>	<i>ac-convictions, quit- prison sentences</i>	<i>convic- tions, fines</i>	<i>conditional sentences</i>
Crimes against the State (Article 160 of BD BiH CC) Provoking ethnic, racial and religious hatred, conflicts		3		3						
Crimes against freedom and rights of individuals and citizens (Article 145a of BiH CC) Provoking ethnic, racial and religious hatred, conflicts and intolerance	1	5	3	3		2	1	1		3
Crimes against the constitutional order of the Federation (Article 163) FBiH CC Provoking ethnic, racial and religious hatred, conflicts and intolerance	10	6	1	1	4	1	1	1	2	3
Crimes against life and limb (Article 166) FBiH CC murder	2									
Crimes against the constitutional order of RS (294a, RS CC) Provoking ethnic, racial and religious hatred, conflicts	7	8		7	1	3	4	1		1
Total	20	22	4	14	5	6	6	3	2	1 6

Table 9
Hate crimes – by perpetrators, 2015

<i>Crime & Criminal Code</i>	<i>unadjudicated reports as of 01/01/2015</i>	<i>unsolved cases as of 01/01/2015</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indict-ments brought confirmed</i>	<i>indict-ments confirmed</i>	<i>ac-convictions, quit-prison sentences</i>	<i>convic-tions, fines</i>	<i>conditional sentences</i>
Crimes against the State (Article 160 of BD BiH CC) Provoking ethnic, racial and religious hatred, conflicts		1	3		1	3				
Crimes against freedom and rights of individuals and citizens (Article 145a of BiH CC) Provoking ethnic, racial and religious hatred, conflicts and intolerance	3	9	3	6	1	1	1	2	1	1
Crimes against the constitutional order of the Federation (Article 163) FBiH CC Provoking ethnic, racial and religious hatred, conflicts and intolerance	11	29		14	10	2	9	9		2
Crimes against life and limb (Article 166) murder FBiH CC	2									
(Article 172) aggravated bodily injury		1		1		1	1			
Crimes against the constitutional order of RS (294a. RS CC) Provoking ethnic, racial and religious hatred, conflicts	1	13		8	3	5	3	6		1
Total	17	53	6	29	15	11	14	18	1	3

Table 10
Hate crimes – by cases, 2013

<i>Crime & Criminal Code</i>	<i>unadjudicated reports as of 01/01/2013</i>	<i>unsolved cases as of 01/01/2013</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigation</i>	<i>indict-ments brought confirmed</i>	<i>indict-ments confirmed</i>	<i>ac-convictions, quit-prison sentences</i>	<i>convic-tions, fines</i>	<i>conditional sentences</i>
Crimes against freedom and rights of individuals and citizens (Article 145a of BiH CC) Provoking ethnic, racial and religious hatred, conflicts and intolerance	1	9	1	2	7	1	1			1
Crimes against the constitutional order of the Federation (Article 163) FBiH CC Provoking ethnic, racial and religious hatred, conflicts and intolerance	12	5	2	4	4	1	4	5		2
Crimes against life and limb (Article 166) murder FBiH CC	1									
(Article 172) aggravated bodily injury									1	
Crimes against the constitutional order of RS (294a, RS CC) Provoking ethnic, racial and religious hatred, conflicts	1	8		3	1	1	2	2	1	
Total	15	22	3	9	12	2	7	8	2	1

Table 11
Hate crimes – by cases, 2014

<i>Crime & Criminal Code</i>	<i>unadjudicated reports as of 01/01/2014</i>	<i>unsolved cases as of filed 01/01/2014</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigations brought confirmed</i>	<i>indict-ments</i>	<i>indict-ments acquitted</i>	<i>ac-convictions, prison sentences</i>	<i>convictions, convictions, fines</i>	<i>convictions, conditional sentences</i>
Crimes against the State (Article 160 BD BiH CC) Provoking ethnic, racial and religious hatred, conflicts		1		1						
Crimes against freedom and rights of individuals and citizens (Article 145a of BiH CC) Provoking ethnic, racial and religious hatred, conflicts and intolerance	1	3	2	2		2		1		2
Crimes against the constitutional order of the Federation (Article 163) FBiH CC Provoking ethnic, racial and religious hatred, conflicts and intolerance	9	4	1	1	3	1		1	2	3
Crimes against life and limb (Article 166) FBiH CC murder	1									
Crimes against the constitutional order of RS (294a, RS CC) Provoking ethnic, racial and religious hatred, conflicts	4	4		3	1	1		1		1
Total	15	12	3	7	4	4		3	2	1

Table 12
Hate crimes – by cases, 2015

<i>Crime & Criminal Code</i>	<i>unadjudicated reports as of 01/01/2015</i>	<i>unsolved cases as of filed 01/01/2015</i>	<i>orders for investigation</i>	<i>orders not to initiate investigation</i>	<i>orders to discontinue investigations brought confirmed</i>	<i>indict-ments</i>	<i>indict-ments acquitted</i>	<i>convictions, prison sentences</i>	<i>convictions, convictions, fines</i>	<i>convictions, conditional sentences</i>
Crimes against the State (Article 160 of BD BiH CC) Provoking ethnic, racial and religious hatred, conflicts		1	1		1	1				
Crimes against freedom and rights of individuals and citizens (Article 145a of BiH CC) Provoking ethnic, racial and religious hatred, conflicts and intolerance	2	4	1	2	1	1				
Crimes against the constitutional order of the Federation (Article 163) FBiH CC Provoking ethnic, racial and religious hatred, conflicts and intolerance	9	10		5	6	2	2	2		2
Crimes against life and limb (Article 166) murder FBiH CC (Article 172) aggravated bodily injury	1									
Crimes against the constitutional order of RS (294a, RS CC) Provoking ethnic, racial and religious hatred, conflicts	1	8		4	2	2	2	3		1
Total	13	24	2	12	10	6	5	6		3