



Bosnia and Herzegovina
Ministry of Human Rights and Refugees

**THE SUPPLEMENT TO THE THIRD PERIODIC REPORT OF BIH ON THE IMPLEMENTATION OF
THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

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 ICCPR, BiH has recognized the mandate of the UN Human Rights Committee 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 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 ICCPR and on the basis of communications pending before the Human Rights Committee, the MHRR is responsible for submitting observations of relevant BiH institutions on behalf of BiH. The Human Rights Committee has adopted ten views and one opinion in communications filed with the Committee against BiH.

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 MHRR 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 views is put together. The information on the implementation of HRC views has been sent for each case individually.

According to the Constitutional Court statistics, in 88 case this Court adjudicated and rendered decisions in the period between 13 November 2012 and 25 July 2016, the applicants alleged human rights violations under the International Covenant on Civil and Political Rights (hereinafter: ICCPR). Violation of those rights was not found in any case. In these cases, it was the fact that the applicants did not specifically explain the human rights violation, did not submit any evidence corroborating the allegations of human rights violations or examination of the applicants' arguments was meaningless since certain provisions of the ICCPR are substantially the same as certain provisions of the European Convention on which the Constitutional Court had ruled.

In the 1 January 2009 – 30 June 2015 Report on the Implementation of the War Crimes Prosecution National Strategy, the monitoring body for the Strategy reached a conclusion that the decision of the European Court of Human Rights in *Maktouf and Damjanovic versus BiH* as well as the decisions of the Constitutional Court created prerequisites for harmonization of court practice in war crimes cases before the courts in BiH, i.e. that the aforementioned decisions resolved legal issue of retroactive application of criminal law and ensured uniform application of law and equality before the domestic courts in war crimes cases.

Due to the need of harmonization of court practice of criminal, civil and administrative authorities, since January 2014, the BiH HJPC coordinates meetings of the highest judicial authorities in BiH. The

harmonization is done following transparently established rules on the issues where unequal case law is evident and the legal framework is the same or similar, while in situations of different legal framework, initiatives are taken to harmonize the legislation, whereby conditions for consistent proceeding by courts are sought. In addition, training programs regularly include seminars on war crimes prosecution both for prosecutors and judges. Training sessions are conducted by practitioners and international experts and best practices, knowledge and experience are shared. In order to increase support to victims of crime during trial, especially in war crimes cases, the HJPC has applied for a TAIEX seminar where judges and prosecutors at all levels of BiH will take part. The topic will be "The practices of the European Union related to the compensation of material and non-material damage in criminal cases."

2. The Parliamentary Assembly passed the Law on Amendments to the Law on Prohibition of Discrimination. The Joint Human Rights Committee of the Parliamentary Assembly of BiH has taken the lead in drafting the Law on the Ombudsman in the part relating to financial independence and the establishment of a National Preventive Mechanism (NAP)

The amendments to Article 21 of the Law on Civil Procedure before the Court of BiH harmonized this Law with the provisions on the prohibition of discrimination, since it provides for a possibility of filing a lawsuit for a violation of personal rights, which opens a possibility of court's determining the fact that an act of discrimination was committed against a person, i.e. that some act has violated his rights (Annex of BIH MoJ).

In the reporting period from 14 November 2012 to 18 July 2016, the Court of BiH rendered 15 (fifteen) decisions in which the trial judge invoked provisions of the Covenant on Civil and Political Rights. The decisions are available on the website of the Court (Table 1 - Information on court decisions in which the Court invoked provisions of the Covenant on Civil and Political Rights).

3. The procedural legislation provides for a possibility and the manner of using legal remedies listed as ordinary (appeal) and extraordinary remedies.

Since 2004, for the purpose of training of personnel engaged in judicial positions and developing of expertise of judicial and prosecutorial office incumbents, the Judicial and Prosecutorial Training Centres have been operating at the level of Entities. Their programmes follow legislative and judicial developments nationally and internationally and regularly include human rights topics.

4. 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 (BiH CC). If these offenses were included in the BiH CC, we would have a conflict of jurisdiction between the State and Entity authorities over prosecution of these types of crimes.

BiH acceded to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by succession.

The Parliamentary Assembly of Bosnia and Herzegovina passed the Law on Amendments to the BiH CC ("BiH Official Gazette", 40/15). This law made the following amendments:

- Amendments to Article 190 harmonized the definition of this offense with the definition under the Convention. Given gravity of the offense, the penalties were increased at the same time (Annex of BIH MoJ legal text).

- Amendments to Article 172(3)(g) and Article 173(1)(e) brought the definition of war crimes of sexual violence in line with international standards by removing the condition "of force or threat of immediate attack" from the definition of this offense in accordance with the recommendation of the Committee (Annex of BIH MoJ legal text).

- There is new Article 190a. Introduced, which prescribes a new crime of "forced disappearance", in accordance with Article 4 of the International Convention for the Protection of All Persons from Enforced Disappearances, which provides for an obligation of prescribing enforced disappearance as a separate criminal offense, regardless of war (Annex of BIH MoJ legal text).

We note that the planned amendments to the BiH CC provide for the removal of a possibility of granting amnesty for crimes under international law.

The Federation Parliament adopted the Law on Amendments to the FBiH CC, which contains amendments to Article 210 (Soliciting for prostitution) and has new Articles: 210a (Trafficking in human beings) and 210b (Organized trafficking in human beings):

The RS Ministry of Justice established a working group to draft amendments to the RS CC.

Chapter XIX of BD CC defines criminal offenses against sexual freedom and morality, as follows: Art. 200 (Rape), Art. 201 (Sexual intercourse with a helpless person), Art. 202 (Sexual intercourse by abuse of position), Art. 203 (Forced sexual intercourse), Art. 204 (Sexual intercourse with a child), Art. 205 (Lewd acts), Art. 206 (Satisfaction of lust in front of child or minor), Art. 207 (Soliciting for prostitution), Art. 207a (Trafficking in human beings), Art. 207b (Organized trafficking in human beings), Art. 208 (Abuse of a child or a minor for pornographic purposes), Art. 209 (Introduction of a child to pornography), Art. 210 (Incest).

5. 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.

The 2016 Work Programme of the BiH Council of Ministers envisages drafting of the Law on the Rights of Victims of Torture of BiH, which would be a better way to resolve the issue of compensation for all victims of torture in BiH (camp inmates, victims of rape and families of missing persons). It is envisaged that the Law should be sent to the Parliament for adoption by the end of 2016.

In order to protect the victims of war torture, victims of wartime sexual violence in particular, the Work Program of the RS National Assembly envisages the adoption of the Law in this field and the Law is being drafted.

The Draft Law on the Provision of Legal Aid before the Authorities of BiH has been sent to the Parliament for passage.

Currently, the area of legal aid is regulated by the Entity and cantonal level laws on legal aid. In the Brcko District of BiH, legal aid is provided by the Legal Aid Office of BD in accordance with the Law on the Legal Aid Office of BD.

6. In mid-2014, the MHRR began work on the Law on Amendments to the Law on Ombudsman for Human Rights 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 Ombudsman for Human Rights, i.e. adjusting the Law on Ombudsman for Human Rights of BiH with the Paris principles and the recommendations of the Council of Europe.

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/57/9, which entered into force on 22 June 2006, and the proposed law entrusts the Ombudsman Human Rights with the function.

The Draft Law on Ombudsman for Human Rights was agreed on by the Council of Ministers in December 2015.

After proposing a number of amendments to the text of the draft law in the first half of 2016, the Law on Ombudsman for Human Rights did not receive approval by member of the BiH Parliamentary Assembly, so it was not passed in August 2016.

7. Relevant statistics for the reporting period are presented in Annex to the report (Table 2 - Statistics on reports, investigations, indictments and convictions by cases).

The Law on Amendments to the FBiH CC provides a definition of hate crimes, which reads: „*The crime of hate is any criminal offense committed because of race, skin colour, religious beliefs, national or ethnic origin, language, disability, gender, sexual orientation or gender identity of another person. Such actions will be taken as an aggravating circumstance if this Code does not expressly provide for harsher punishment for the qualified form of a criminal offense committed out of hatred.*”

When it comes to the regulation of audio-visual media, in the reporting period the Communications Regulatory Agency (CRA) received and processed a higher number of complaints relating to a potential "hate speech" in the programs of providers of audio-visual media services. A violation of the above provision was found only in one case and a fine in the amount of BAM 4,000.00 was imposed on the television station because of a perceived violation of "Hate Speech Article", while a television station received a written warning due to violation of provisions regarding discrimination. In the remaining cases there were no grounds for prosecution over a possible breach of the provisions relating to hate speech and they were closed in regular proceedings.

The BiH Council of Ministers adopted the Report of the BiH Ministry of Justice on the Freedom of Expression and Media Freedoms in BiH, which was submitted to the Parliamentary Assembly of BiH.

8. 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. Through their annual and long-term development planning, educational institutions at all levels make and implement programs to improve tolerance in public education. However, mechanisms which guarantee the full implementation of legal provisions are not fully in place and multi-ethnic learning environment in schools has not fully taken hold.

"Non-discrimination" chapter of the 2015 – 2018 BiH Action Plan for Children, which was adopted by the BiH 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 BiH MCA, and the institutions responsible for the implementation are the Ministries of Education and the Conference of Ministers of Education of BiH."*

Given the limited responsibilities and mandate in the area of education, the BiH MCA, as the coordinating institution at the state level in the field of education, work through the Conference of Ministers of Education of 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.

The MCA 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 BiH sit, continually examines the issue of ethnic segregation in some communities / schools in BiH. 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.

On the other hand, the phenomenon of "two schools under one roof" is still present in the Herzegovina-Neretva Canton and Middle Bosnia Canton and throughout the country there are still mono-ethnic schools.

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 MHRR 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".

In 2012 the Federation Government adopted a document entitled "Recommendations for the elimination of segregated and divided structure of educational institutions in the Federation", which, among other things, recommends to the cantonal educational authorities in the Federation where the "two schools under one roof" concept exists to eliminate the segregated and divided structures in schools in three steps:

1. The administrative and legal unification of the divided educational institutions
2. Establishing a unified approach to education and uniform conditions for all students and
3. Full integration of divided schools - the establishment of multi-ethnic classes.

In the reporting period, through its "Improving the working conditions of educational institutions" programme, the Federation Ministry of Education and Science encouraged the integration of schools which operate on the principle of "two schools under one roof" through the following criterion: "Encouragement to the expanding of school facilities in order to achieve administrative and legal unification of "two schools under one roof" and adaptation of school facilities for the implementation". In 2012, 2013 and 2014 this Ministry organized a literary work competition for primary and secondary schools and in 2013 it organized a fine art competition on the occasion of 25 November, the National Day of Bosnia and Herzegovina, on topics that promote a sense of belonging to the state of Bosnia and Herzegovina, as well as the values of peace, coexistence, tolerance and fostering pluralism and multiculturalism. This activity is aimed at, among other things, encouraging the integration of divided school facilities and structures.

Further, in 2014 a thematic session of the Coordinating Committee of Ministers of Education and Science was held in the Federation on the topic of eliminating all forms of discrimination and segregation in education, especially when it comes to areas with the "two schools under one roof" concept.

In 2014 the Supreme Court of the Federation of Bosnia and Herzegovina issued a judgment founding that the organization of schools on the ethnic principle, by adoption and implementation of curricula on ethnic principle, students in schools in Herzegovina-Neretva Canton were separated on the basis of their ethnicity, which made discrimination. The Ministry of Education, Science, Culture and Sports of Herzegovina-Neretva Canton was ordered to take necessary and legally prescribed steps and actions in line with the legitimate and specific objectives of education in accordance with the regulations of Bosnia and Herzegovina in order to continue abolishing further discrimination of students in Herzegovina Neretva canton based on ethnic belonging by establishing unique, integrated, multicultural educational

institutions/schools for identified catchment areas with a unique curriculum, with full respect for the rights of children to education in their mother tongue.

In the last four years, the Agency for Pre-school, Primary and Secondary Education, in cooperation with the competent educational authorities, developed the Common Core Curriculum based on learning outcomes for five out of eight educational areas in primary and secondary education and they are: language and communication area (CCC for the Bosnian, Croatian and Serbian languages and CCC for foreign language defined on learning outcomes), mathematics area, social sciences and humanities areas (CCC for history, CCC for civic education defined on learning outcomes), technical education and IT, cross-curricular and cross-subject areas (entrepreneurship, career guidance and anti-corruption), natural sciences.

The development of the Common Core Curricula defined on learning outcomes will enable the revision and improvement of existing curricula in Bosnia and Herzegovina. Constantly improving curricula and their implementing is intended to stop segregation in schools.

9. When they were passed, the Law on Gender Equality of BiH and the Law on Prohibition of Discrimination of Bosnia and Herzegovina defined forms and prohibition of discrimination in all areas of life and mechanisms for protection against discrimination. The Law provides that any person or group of persons who consider to be discriminated is able to seek protection of his/ her rights in existing judicial and administrative proceedings. Amendments to the Law on Prohibition of Discrimination BiH aiming at improving the position of LGBT persons in BiH were adopted in 2016. These amendments use correct terminology to define sexual orientation and gender identity as grounds on which discrimination is prohibited. In addition, "sexual characteristics" are listed as prohibited grounds for discrimination, which makes BiH the first country in Southeast Europe to have enacted a comprehensive anti-discrimination law and provide for the protection of intersexual persons from discrimination in all spheres of life. The law expressly and properly regulates the protection of lesbian, gay, bisexual, transgender and intersexual (LGBTI) people from discrimination.

Only Decision AP 1020/11 dated 25 September 2014 found 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 examined taking into account conclusions of the Court respecting Article 11 of ECHR.

The Law on Amendments to the RS CC has a paragraph concerning criminal offenses motivated by hatred (hate crimes) that includes gender, sexual orientation and gender identity of a person as qualifying circumstances for certain crimes.

Police agencies (RSMoI, FBiHMoI and cantonal MoIs) carry out continuous education of police personnel in connection with this matter through regular schooling at police academies and other forms of education and training of police personnel and cooperate with many non-governmental associations and organizations, such as Sarajevo Open Centre (SOC), the "CURE" Foundation etc., through joint meetings, putting up posters in all police administrations and stations with a view to raising trust of LGBT people in law enforcement officers and encouraging them to report all forms of violence and discrimination without fear etc.

BiH GEA received a request for examination of violations of the Law on Gender Equality in BiH, which was lodged by the Director of SOC. Acting in accordance with provisions of the Uniform Rules for receiving and processing requests for examining a violation of the Law on Gender Equality in BiH, BiH GEA requested from competent institutions clarifications and made recommendations for the elimination of discrimination based on sexual orientation

In the period from 14 November 2012 to 26 June 2016, the Police of ten cantons of the Federation of Bosnia and Herzegovina or the Police of BD did not record any cases of attacks on people based on their sexual orientation either by citizens or by police officers while in the RS MoI there are no analytical statistics on hate crimes for the time being, but there is a plan for 2016 to introduce collecting of these statistics.

In 2016, steps were taken which were designed to establish a dialogue that would bring together decision-makers and civil society, donors and other relevant stakeholders in the fight to reduce inequality and rejection faced by LGBTI people.

The annual operational plans for gender equality at the state and entity levels include also measures to improve the situation of LGBT persons and fight against homophobia.

10. The laws governing labour and employment relations prohibits discrimination on any grounds, including on the grounds of gender. Labour laws in BiH provide for a fine to be imposed on 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 a framework for competent inspectors to act.

Women make up 51.1% of the total population and 51.8% of the working age population in BiH while the estimated total percentage of female employees is only 36.9%. According to the 2015 Labour Force Survey for BiH, the employment rate for women was 23.2, which was almost 50% less than men (40.9), while the unemployment rate for women was 37.3, and 25.8 for men. Compared with 2014, the employment rate of women increased slightly, while, correspondingly, the unemployment rate was declining.

According to the preliminary 2016 Labour Force Survey, activity and employment rates are higher for men than for women and amount to 32.1% and 22.4%. Most women are in the age group 25-49 (73.2% and 54.4%). At the same time, statistics from the survey show lower educational structure of inactive persons older than 15: almost 54.2% of those are with primary education or lower, 40.9% are persons with secondary education and the remaining 4.9% are persons with university education.

State and Entity Employment Strategies envisage measures to increase female employment, to keep statistics on the basis of gender, to establish indicators to monitor the impact of the implementation of strategic documents for both sexes, to prevent work "off the books" and the like which partly overlaps with planned activities under the 2013-2017 Gender Action Plan.

The FBiH has sought to improve the situation of vulnerable groups and thereby of women with measures to strengthen the function of mediation in public employment through active labour market policies.

In 2015, the international conference entitled "New employment opportunities for youth and women in the Western Balkans" was held to give an insight into the current state of the situation of young people and women in society and in the labour market.

In May 2014, BiH GEA conducted the first comprehensive survey of the number of women and men in the management of companies in Bosnia and Herzegovina. The analysis showed that a share of women was 15.7% in the management of companies in BiH, although they excelled men in terms of educational achievement in the last 20 years.

The Amendments to the Election Law of BiH were passed and provide for an obligation of equal representation of one of the sexes that is less represented by reaching a minimum of 40% of the total number of candidates on the list, while they introduce a requirement that among the top three names on the list one must be from the less represented gender.

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. Two women has been appointed ministers in the BiH Council of Ministers, the Government of the Federation of Bosnia

and Herzegovina has recorded a significant increase in the number of women compared to the previous government and it is 25% of the ministers while the Government of RS and cantonal governments recorded a decrease in the representation of women in ministerial positions.

It is recorded that the minimum standard of 40% of elected women has not been reached at any level of government.

The electoral system of BiH is a so-called proportional system with multiple constituencies and lists with multiple candidates that voters directly elect. The candidates' lists are open, meaning that voters can cast their votes to a political party or individual candidate. Quotas on the lists oblige political parties or coalitions to have 40% of women on their candidates' lists, if in line with the Law on Gender Equality of BiH.

The electoral system of BiH applies a system in which the two first candidates must be of different sexes, among the five first candidates there must be two candidates of minority gender, among the eight first candidates there must be three candidates of less represented gender and so on. The number of minority gender candidates must be at least equal to the total number of candidates on the list divided by three and rounded up to the higher integer. A list of candidates for compensatory mandates is made up in the same way.

Programmes, activities and campaigns aimed at increasing the participation and influence of women in political and public decision-making are intensified in pre-election periods. In October 2014, general elections were held in BiH, and for the first time, the lists of candidates of political parties contained up to 42% of women.

After 2014 elections, "2014 General Election: (In)visible Women" report was put together under "Elect on an equal footing" campaign conducted by the RS Gender Centre. From this report it is clear that women are not equally represented in any authority and that the electorate, which is responsible for the selection of candidates to representative bodies, and political parties that did not carry out an adequate pre-election campaign bear the greatest responsibility for this situation.

In case of candidates' list not meeting statutory requirements in terms of the number of male and female candidates (equal representation of the sexes), the Central Election Commission will not verify such a list and will reject the candidates (Art. 4.21 (1) of the BiH Election Law).

As the pre-election campaign for 2016 local elections is on, here are statistics from verified candidates' lists:

Women	12.542	41,20%
Men	17.902	58,80%

The trend of more men than women being employed regardless of the level of education, except for women with university and college education, in which group a slightly higher employment rate of women than men is observed, still prevails.

A greater number of women among graduates in higher education institutions has been noticed for years. There is a higher proportion of women among unskilled labour, but also among employed masters of science/art. The most striking gender differences are at the PhD level, as well as at lower levels of

education, from skilled to high-skilled workers, where there is a disproportionately large share of employed men. In these cases it can be assumed that the cause was greater burden of family responsibilities of women, which, on the one hand, slow down women in achieving academic qualifications of Doctor of Science and, on the other hand, when it comes to lower levels of education, due to fewer job opportunities and earnings, it is reasonable to assume that women with lower education more often choose to focus on taking care of the family.

Women are slightly more numerous among civil servants, but leadership positions are more occupied by men than by women. Lower management positions are slightly more occupied by women than men. Positions of senior associates and positions of associates with secondary education are more occupied by women. This suggests that under-representation of women in management and decision-making positions is still prevailing and that the standard of 40% women in decision-making positions has not been attained.

The gender structure of the judiciary in BiH also shows a similar situation of "inverted pyramid of power" and points to under-representation of women in senior positions and in decision-making, while a larger number of women are employed as judges.

According to data from the 2014-2017 Action Plan for the Implementation of UNSCR 1325 in Bosnia and Herzegovina, of the total number of employees in the Ministry of Defence of BiH, women make up 35.6% of employees, while women make up 23.8% of the total number of civilian personnel in the Armed Forces. Female professional military personnel makes up 4.8% of the Armed Forces. Women in peacekeeping missions make up 3.5% of personnel. Women make up 6.5% of the total number of serviceman of the Armed Forces.

According to the 2014 statistics of the BiH Ministry of Foreign Affairs, women ambassadors made up 23.9%, a slight increase compared to 2011 when women were appointed as ambassador in 16% cases. Women were appointed to two of six positions of consular general. When it comes to diplomatic missions of Bosnia and Herzegovina in international organizations, it is important to mention that only one woman occupies a position of ambassador and it is in the United Nations in New York. These data also shows that the situation of women share in these bodies is below the statutory minimum of 40%.

Statistics on women's participation in the field of security shows that women are under-represented in the police forces.

In the reporting period, funds from FIGAP programme (Financial mechanism for implementation of the Gender Action Plan of BiH) were used to support programmes and projects of institutional and non-institutional partners aimed at strengthening the position of women in public and political life and the education of women members of political parties, as well as the promotion of women as leaders in various fields, in order to support women to engage more actively in public and political life. Further, a number of projects aimed at the economic empowerment of women, which is very important given the economic independence of women is one of the preconditions for their involvement in public and political life of their community, were supported.

In BiH, the development and adoption of local action plans for gender equality containing measures and programs for the advancement of women in public and political life at the local level are under way.

The Central Election Commission's records of candidates for elections are not segregated or presented by sex. The method of determining the gender statistics in this case is not sufficiently reliable, because it relies on manual counting, where sex of the candidate is ascertained on the basis of personal names. In the future it is necessary to insist on the consistent application of this legal obligation.

Non-governmental organizations with a focus on women's human rights, strengthening and affirmation of the role of women in society and improvement of their social status through achievement of gender

equality are an indispensable factor and one of the key segments in the planning, development and implementation of gender-responsive policies both at the local level and at higher levels of decision-making.

In this section, it is important to mention the role and contribution of the media in promoting gender equality in political and public decision-making. The media covers campaigns and activities of non-governmental organizations and other partners, giving lots free of charge for broadcasting promotional content, initiate and publish stories about successful women and implement thematic projects and programs for the promotion of gender equality. It may be noted that in comparison with the previous reporting period a progress was made in the approach of the media to this matter, although there is still ample room for improvement, especially when talking about pre-election campaigns.

Despite these activities aimed at increasing the turnout of women at elections, increasing the visibility and role of women in politics, increasing the number of elected representatives and their impact on decision-making processes, the marginalization of women and the neglect of the importance of gender issues in the various areas of economic, social and political life continues to be a very visible issue. In this connection, it should be noted that this process can never run from only one direction, that is depend only on the motivation or well-conceived strategy of non-governmental organizations. It is necessary, first of all, gain political support of decision-making body, a degree of understanding and sensibility towards gender equality, but also to change stereotypical attitudes about the roles of women in public and political life.

11. In accordance with the commitments undertaken by the adoption of the 2015 - 2018 Framework Implementation Strategy for the Convention on preventing and combating violence against women and domestic violence of BiH, all relevant BiH institutions are tasked to be actively involved in the implementation of planned activities. The main objectives are: ensuring comprehensive, effective and inclusive prevention of violence against women and domestic violence; establishing a multidisciplinary and coordinated system of protection for victims of violence against women in the family in accordance with the Council of Europe Convention, improving conditions for the punishment of perpetrators of violence against women and domestic violence and ensuring access to justice for victims, as well as improving the framework for the creation and monitoring of the implementation of integrated and gender-sensitive policies and to prevent and combat violence against women and domestic violence.

In the reporting period, the competent judicial institutions of Bosnia and Herzegovina issued a total of 1,785 convictions in domestic violence cases under Art. 218 of BD CC, Art. 208 of RS CC and Art. 222 of FBiH CC, in which females were victims. The structure of the sentences imposed were as follows: 1,457 or 82.5% were suspended prison sentences, 175 or 9% were prison sentences, 145 or 8.1% were fines and 8, or 0.4% were court admonitions.

According to the cantonal ministries of the Federation, in 2014, 1,459 cases of domestic violence were reported and 992 reports on committed criminal offenses were filed. In 94% cases, the perpetrators of domestic violence were male persons, while 82% victims were females. Overall, 1.3% perpetrators of domestic violence were minors, while 9.4% victims were minors. A similar trend was noticeable in the previous four years.

According to the comparative data for 2014 and 2012 of judicial authorities of the Federation, the number of domestic violence cases in 2012 and 2014 amounted to 409 and 299, comparatively, which does not mean that the total number of violent incidents was reduced because, according to data from the media, it

can be concluded that there was even an upward tendency and the scariest part is that consequences were fatal, so those were not considered cases of domestic violence but of murder or extremely brutal murder.

Year	Number of domestic violence cases	Number of female victims	Suspected males	Suspended sentences	Number of Protective measures	Number of prohibitions of harassment or stalking
2012	409	377	385	322	189	79
2013	324	307	315	267	190	74
2014	299	277	289	201	293	144

According to the municipal courts in FBiH, suspended sentences were mostly imposed, while in 2014 much more protective measures were imposed in accordance with the Law on Protection from Domestic Violence of the Federation of Bosnia and Herzegovina, with prohibition of harassment or stalking of the victim of violence being most often imposed.

At the Entity level, the FBiH Caucus of Woman MPs was established in order to overcome political differences and work on improving lives of all citizens, especially women. Since the establishment in March 2013, this Caucus of Women MPs belonging to different political parties has made a significant effort in organizational development and influence in Parliament. The Caucus has worked with non-governmental organizations on the draft amendments to increase sanctions against the perpetrators of domestic violence and other crimes against women and girls.

A conference on the prevention and combating violence against women and domestic violence, which was entitled "The Istanbul Convention Implementation Monitoring - New Synergies" was held in 2015 in Sarajevo. Participants of the conference were members of the Council of Europe member states and representatives of human rights and gender equality national and regional institutions. Further, in 2016 a Regional Conference was held on cooperation of governmental institutions and organizations with women's NGOs on the implementation of the Convention of the Council Europe on preventing and combating violence against women and domestic violence (Istanbul Convention).

When it comes to the types of comprehensive assistance to victims of violence, including domestic violence, it is important that SOS telephones continue to operate in the FBiH and the Republika Srpska, and that nine shelters provides physical, emotional, psychological and economic protection to victims and witnesses of violence, including legal aid.

The Council to Combat Domestic Violence of RS reviewed and adopted the Action Plan for the Control and Prevention of Domestic Violence in 2016 in RS.

This document has been made available to non-governmental organizations dealing with the protection of domestic violence, which had an opportunity to give their proposals and suggestions for it.

In the Republika Srpska, in the period July-December 2015, 527 criminal charges were filed with relevant prosecutors, 153 fines and 108 conditional sentence as well as a number of injunction measures were imposed.

Number of criminal charges	527
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Fines	153
Suspended sentences	108
Restraining order	1
Removal from apartment, house or other dwelling	2
Prohibition of harassment or stalking of a person exposed to violence	39
Mandatory psychosocial treatment	4
Mandatory treatment of addiction	7

The collected data provided by the protection providers confirms that, also in 2015, the perpetrators were predominantly males (on average 90%) and that the victims are mostly females.

Also in 2015, domestic violence most often manifested as two kinds of violence: intimate partner violence, i.e. violence by marital / extra-marital spouse, and intergenerational violence (most often father against son and son against father). According to collected data, the largest number of perpetrators and victims of domestic violence in 2015 belonged to the age group between 31-50 years. The most common forms of domestic violence in 2015 were physical, psychological and combined violence, while other forms of violence, i.e. economic and sexual violence were less frequently recorded.

Prevalence of partner violence decreased with higher levels of education of women and their partners. Partner's dependence on alcohol or "difficult character" extremely increased a risks of violence against women. The basis of partner violence was unbalanced power manifested in dominant decision-making on money in the household by a partner and the material deprivation increased a risk of partners being violent against women in the sample.

Women subjected to violence rarely turned to authorities for help. When they did, they were mostly police, in cases of physical violence, or health institution in the event of injuries, while other institutions, such as centres for social work were under-represented in the list, while they turned less to non-governmental organizations and specialized support services, such as emergency phones and safe houses. However, even though there was a small number of the latter, no matter how imperfect and limited they were, they produced good effects.

Gender-based violence is defined in Article 6 of the Law on Gender Equality of BiH. A total of 13 proceedings, of which 12 were initiated by applicants and 1 ex-officio, involving gender-based violence were conducted before the Gender Centre of RS in the reporting period.

It should be noted that, during examination of violations of BiH CPC due to gender-based violence, it was almost always found, based on the evidence collected and provided information and data, that the case was more complex than it appeared in the application. Most often it came to the conclusion that conciliation proceedings are pending or finished before the competent social welfare centres and divorce proceedings started, while competent social work centres did not take into account the existence of violence nor did it initiate gender-based violence proceedings or impose protection measures and care for victims, even in cases where the parties pointed to violence. Further, a conclusion is drawn that, often in proceedings, the

victims of violence were minor children and that officers of the competent social work centres did not take it into account.

When it comes to monitoring the situation of violence against women and gender-based violence and the future monitoring of the implementation of the Convention in this sense, which is a special obligation under the Convention, it is important to specify that the RS established a system for collecting, monitoring and quantitative reporting on domestic violence. The systematic and consistent collection, monitoring and analysis of data on violence against women and gender-based violence in the RS are not fully compliant with the Convention, and in this regard it is important to emphasize that the Convention provides for the establishment of systematic database of all forms of violence against women and gender-based violence and various studies on the prevalence, causes, consequences and other social aspects of this violence.

The Ministry of the Interior of Sarajevo Canton, through the Community Policing, in cooperation with the International Criminal Investigative Training Assistance Programme - ICITAP conducted a project/campaign entitled "Community Policing / Combating Domestic Violence". In this project, police officers of Canton Sarajevo MoI informed citizens about when, how and where to report cases of domestic violence and explained the procedure after registration of a case. "Domestic Violence" is a separate thematic unit in the curriculum of permanent training for police officers of Canton Sarajevo MoI. The Police carry out injunction measures in the manner prescribed by the Rulebook on the Manner of Carrying out Injunction Measures within Competence of the Police, where we point to three most important ones, which are directly within competence of the police:

- removal from apartment, house or other dwelling and barring from returning to apartment, house or other dwelling,
- restraining order and
- prohibition of harassment or stalking of a person exposed to violence.

The police must send a report on the injunction measures carried out to the competent centres for social work which are, in turn, bound to send a comprehensive report to inform the court whether the orders are adequately executed and possibly make recommendations for a possible extension of the measure / replacement of the measure with another measure.

In the reporting period, in several towns in FBiH, in cooperation with ICITAP, police officers of the cantonal Police Administration conducted information campaigns and distributed promotional materials which helped the citizens and possible victims of domestic violence to get to know about consequences of violence and about the methods of reporting cases of domestic violence, specifically violence against women and children. On that occasion, the citizens were interviewed by ICITAP.

For example, in 2015 and 2016, police officers of TC MoI participated in the "Community Policing / Combating Domestic Violence" campaign in cooperation with the International Criminal Investigative Training Assistance Programme –ICITAP. In the context of this campaign in five locations in Tuzla Canton, info points were set, at which interested citizens could talk with police officers trained how to deal with domestic violence cases / to inform the public about the types of violence, protection, filing charges and, during the campaign, promotional materials were available to citizens. Officers of the TC Ministry of the Interior sit on the inter-departmental working group of Tuzla, which is responsible for the objectives under the "2013-2017 Strategy for Preventing and Combating Domestic Violence ", as well as the development of protocol of intervention in domestic violence cases at the local level, which was ceremoniously handed over on 27 December 2014 to representatives of all institutions involved in the implementation of these activities (education, health, centre for social work, police and judiciary). Every year the "Vive women" Citizens' Association of Tuzla organize a "16 Days of Activism" campaign in

Tuzla Canton which aims at raising awareness of women to report cases of domestic violence, in which police officers of MoI take an active part.

In the reporting period from 14 November 2012 to 14 July 2016, according to data collected by Cantonal Police Administrations in FBiH, there were 3,459 reports of domestic violence. After reports of these crimes criminal investigations were carried out and 5,440 reports on criminal acts were filed against the perpetrators to the competent Cantonal Prosecutor's Office. The statistics are shown in TABLE 4 – Domestic violence in FBiH.

Police Administrations in cantons of the Federation do not have information on the compensation awarded to victims of violence.

As for the measures taken to encourage reporting of these cases in the Ministry of the Interior of Middle Bosnia Canton, there were a lot of courses of training in schools for both children and parents. As part of the "Community Policing" officers in the Ministry of the Interior of Middle Bosnia Canton worked in the field on a daily basis to raise awareness/ motivate victims to report domestic violence by organizing forums and disseminating relevant flyers.

Victims of domestic violence are provided with legal aid in cooperation with the Institute for Legal Aid. The victims of violence are assisted by ordering and carrying out injunction measures against perpetrators of violence, by cooperating with other relevant institutions such as centres for social work, mental health centres, and safe houses.

12. Statistics on prosecution of war crimes and war crimes that include rape and sexual violence, as well as information on the penalties imposed in cases of war crimes involving acts of sexual violence are presented in Table 2. Statistics on reports, investigations, indictments and convictions by cases and Table 5. Statistics on penalties imposed in war crimes cases that include rape and sexual violence.

The National Strategy for War Crimes (hereinafter the "Strategy") has set an objective that the most complex cases will be processed within seven years' deadline and other war crimes cases over a period of 15 years from the adoption of the Strategy. In the opinion of the Supervisory Body¹ to monitor implementation of the National Strategy, the Prosecutor's Office of BiH has been sufficiently staffed to process the most complex war crimes cases only since 2013. Further, a functional mechanism of war crimes cases management and their distribution between the state judiciary and the judiciary of entities and BD was not timely established. In order to improve the efficiency of war crimes prosecution, it is necessary to review the criteria for the classification of complex and less complex cases. In the second half of 2016 the Supervisory Body will give to the Council of Ministers a proposal to change the strategy in terms of extending the deadline for the implementation of this strategic objective. The information about case law in war crimes cases is shown in the answer to Question 1.

13. Significant support in the implementation of the National Strategy and capacity building for war crimes prosecution on the basis of needs identified was given by the OSCE Mission in Bosnia and Herzegovina and the United Nations Development Programme (UNDP), which provided funds for supplies and personnel of prosecutors and courts by recruitment of a certain number of professional associates to work on war crimes cases and psychologists to provide support to witnesses and victims. Further, through the project implemented by HJPC and financed by the European Union, courtrooms in have been reconstructed in district and cantonal courts were reconstructed and the Municipal Court of BD and the necessary audio-visual equipment for witness protection measure was provided.

¹ The report of the Supervisory Body to Monitor Implementation of the National Strategy, on the implementation of the Strategy for the period 1 January 2009 – 30 June 2015.

According to the Rulebook on Internal Organization of the Prosecutor's Office, the Department of Investigation and Witness Support of the Prosecutor's Office has two positions to provide witness support and they are: Senior Associate for Witness Support and Officer Specialist for Witnesses Support who provide support and protection to witnesses, in cooperation with prosecutors and investigators, as required in cases assigned to the Prosecutor's Office.

The State Investigation and Protection Agency states that in the past there were cases relating to intimidation and threats against witnesses, but their separate organizational unit - the Witness Protection Department - do not have adequate human resources to provide psychological support to victims and witnesses who fear violence, re-victimization and intimidation after release of convicted persons.

14. The 2016 Work Programme of the BiH Council of Ministers envisages drafting of 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 (camp inmates, victims of rape and families of missing persons). It is envisaged that the Law should be sent to the Parliament for adoption by the end of 2016.

The Activity Programme of the RS National Assembly envisages the passage of a law to protect victims of war torture, in particular victims of sexual violence in war, and the law is being drafted.

The right to reparation has been affirmed in numerous provisions of international law, such as the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, the European Convention on Human Rights, Article 14 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Punishment and Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination. The international standards require that victims of human rights violations are provided with full and effective reparation measures, which include monetary compensation for pecuniary and non-pecuniary damages, as well as other measures aimed at facilitating the restitution, rehabilitation, satisfaction, restoration of dignity and reputation, and guarantees of non-repetition. The right of victims of war crimes under the valid Criminal Procedure Code of Bosnia and Herzegovina is the right to claims for compensation against the persons suspected or accused of having committed a criminal offense which violated victim's rights, i.e. caused harm to the victim.

Regarding access to justice, in June 2016, the BiH Council of Ministers agreed on a bill on the provision of legal aid before the authorities of BiH which has been sent to for passage through Parliament.

Providing compensation for civilian victims of war and their families is a responsibility of the Entity ministries. 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 appropriate 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 FBiH and submitted for consideration and passage to the House of Peoples of FBiH.

The basic rights of civil war victims and members of their families in the FBiH are defined in the Law on Social Protection, Protection of Civil War Victims and Families with Children. The latest amendments provide that a medical examination is excluded from the process of proving the status of victims of sexual abuse and rape and the process is conducted exclusively by competent administrative bodies, in cooperation with non-governmental organizations that gather and / or provide psychosocial support to this category group of beneficiaries. The benefit paid to these beneficiaries is 70% of the monthly amount of

personal disability allowance paid to a disabled veteran of the first category group, i.e. it is equal to the amount paid to the civilian victims of the war of the first category group.

The Federation Ministry of Labour and Social Affairs actively participated in the preparation of the 2013 – 2016 Programme for victims of rape, sexual abuse and torture and their families in BiH, which envisaged measures and activities for comprehensive psychosocial rehabilitation of victims and their families, but it was not approved by the RS and therefore it was not adopted by the Council of Ministers and the systemic implementation has never started.

When it comes to compensation, including compensation for psychological damage, this issue needs to be addressed at the level of BiH.

Pursuant to the Programme for resolution of priority housing on the basis of the relevant law, a canton addresses priority housing for persons referred to in Article 54 of this Law (victims of rape and sexual abuse) and especially the people involved in court proceedings as victim witnesses.

As of 30 May 2016, in the database kept by the Federation Ministry of Labour and Social Policy, the following is entered: 1. 4,006 beneficiaries of personal disability allowance - civil war victims, 2. 873 beneficiaries of monthly personal benefit - victims of rape and sexual abuse and 3. 5,151 family disability allowances - families of the killed, missing and deceased civilian war victims.

In order to overcome discrimination in regard to the protection of persons with disabilities on the basis of the causes of disability, the Bill on Basic Principles and a Framework of the Monetary Protection of Persons with Disabilities was drafted and sent for passage through Parliament. The House of Representatives of the Federation Parliament passed the Bill in 2014 and it was sent for deliberation and passage to the House of Peoples of the Federation, which has never passed it.

Given the protection of civil war victims is under jurisdiction of the Entities, the RS regulated this matter in the Law on Protection of Civilian Victims of War. To some extent, this Law provides for the protection of victims of war crimes as civilian victims of war, where a civilian victim of war is any person who suffered damage to at least 60% of the body caused by abuse, rape or detention (prison, concentration camp, internment, forced labour) as well as a person who was killed, died or disappeared under such circumstances. In order to protect the special category of civilian war victims - victims of torture and in particular victims of wartime sexual violence, the Activity Programme of the RS National Assembly envisages that the Law on the Protection of Victims of Wartime Torture, which will prescribe more favourable requirements for the status and rights of these persons than the requirements defined by the applicable law, will be passed in the last quarter of 2016. Drafting the new law gives an opportunity for victims to primarily be provided with the right to compensation and rehabilitation as the most important aspects of reparations. Taking into account the different level of responsibility for the war veterans and civilian victims of war, which stems from the fact that war veterans were mobilized, the existing legislation respecting the protection of war veterans and the protection of civilian war victims maintains an approach inherited from the former Yugoslavia legislation according to which the war veterans receive higher benefits.

The Federation Government and both Houses of the Federation Parliament passed the "2011-2015 Strategy for the Equalization of Opportunities for Persons with Disabilities in FBiH".

The Federation Ministry for Veterans and Disabled Veterans of the Defensive and Liberation War continually takes care of war veterans by following the developed model, which primarily and predominantly includes money transfers in accordance with applicable laws and regulations. The funds for the advancement of disabled war veterans' position since 13 November 2012 were paid in accordance with statutory obligations in the form of the following transfers: 1. Current transfers to individuals - to help in

medical treatment of veterans, 2. Current transfers to individuals - transfers to help in hiring veterans by veterans' cooperatives, 3. Current transfers to non-profit organizations --to support the Foundation for Housing of Disabled Veterans and Veterans, 4. Current transfers to non-profit organizations – the organisations arising from the last Homeland Defensive and Liberation War, 5. Current transfers to non-profit organisations- transfer for marking important anniversaries, 6. Current transfer to non-profit organizations- transfer to co-fund the construction of memorials and cemeteries 7 Current transfers to non-profit organizations - transfer to co-fund costs of funerals of members of veteran population, 8. Current transfers to non-profit organisations- support to the Foundation for Providing Legal Aid to Veteran Population. With these transfers, the Ministry fully supports programmes that improve the situation of this population.

We note that every year this Ministry allocates cars to veterans with 100% disability of the first group category. In 2012, 2014 and 2015 each, 80 cars were allocated to veterans with 100% disability of the first group category. On 14 July 2016, an agreement was signed for the provision of 80 passenger cars to veterans with 100% disability of the first category. In addition, it has a database of disabled of beneficiaries who are granted the status of veterans and families of fallen soldiers segregated by sex, age, degree of disability and the amount of benefits. The data is used for payment of monthly allowances, as well as for analysis and information on the state of veterans and disabled veterans protection.

15. In the reporting period, according to the information of the Missing Persons Institute (MPI), no measures have been taken to provide adequate resources to ensure full independency and full capabilities to carry out its mandate. With regard to the financial situation of the Missing Persons Institute, there is a slight upward trend in the budget, so that the 2012 and 2016 budgets were BAM 3,066,000.00 and BAM 3,342,000.00, respectively, which is still insufficient considering that the Institute is still looking for 8,000 missing persons, which is not the case with the countries of the region. It is also important to point out that the Institute does not have its own premises, and that the headquarters of the Institute, 5 regional and 10 field offices lease business premises. Currently, the Institute has 49 employees, which is, as they say, not enough because of constantly changing laws and regulations. Increasing the number of employees would imply a budget increase.

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. In accordance with this legal framework, within the Missing Persons Institute, the Department of the Central Records of Missing Persons of Bosnia and Herzegovina was established and it is in the process of verification of data on missing persons. The establishment of the BiH CEN is finished, but the verification process has not been completed within the time line set in the Law on Missing Persons. BiH CEN contains data on the total of 34.964 persons who were reported as missing, whose status will be further verified through the process of data verification. To date, a total of 20,769 missing persons has been verified. All persons who are not verified will not be deleted from the CEN but their names will be transferred to the register of unverified missing persons and the process of their verification is a continuous process. A fund to support the families of missing persons has not been established yet and a decision on the establishment of the Fund is to be issued by the Council of Ministers.

At the beginning of 2013 the BiH MPI 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. 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.

The Missing Persons Institute, together with the Prosecutor's Office, the International Commission for Missing Persons and families of missing persons, has been working intensively on finding missing persons. The BiH Prosecutor's Office works on exhumations of missing persons in the territory of Bosnia and Herzegovina. With the aim of quickly finding missing persons the BiH Prosecutor's Office has put additional efforts by forming Operational Group consisting of representatives and investigators of the BiH Prosecutor's Office, representatives of the Missing Persons Institute, the International Commission for Missing Persons (ICMP), representatives of ICTY, representatives of the State Investigation and Protection Agency (SIPA) and representatives from regional offices searching for missing persons in BiH. In accordance with the instructions of the Chief Prosecutor of Bosnia and Herzegovina about the procedure of examination of unidentified human remains and a review of the state of mortuaries and ossuaries in BiH, the BiH Prosecutor's Office, together with the Missing Persons Institute, the International Commission for Missing Persons (ICMP), district and cantonal prosecutor's offices, by reviewing the state of ossuaries / mortuaries in Bosnia and Herzegovina successfully contributes to finding missing persons by identifying human remains in the ossuaries / mortuaries.

Article 15 of the Law on Missing Persons provides for the establishment of a fund to support the families of missing persons of BiH, which was partially implemented by adopting the Decision on Establishing the Fund for Providing Assistance to Families of Missing Persons in BiH. 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 BiH. An understanding on this Agreement has not been reached yet by the Council of Ministers, the entity governments and the Government of BiH.

Deciding the applications filed by individual families of missing persons, the BiH Constitutional Court ordered the Council of Ministers of BiH, the Federation of BiH, the RS Government 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.

Activities for the harmonization of the Fund's Financing Agreement have been repeatedly initiated by the MHRR, 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.

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.

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 BiH, the Federation of BiH, the RS Government 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 BiH, which were established under the Law on Missing Persons of BiH.”

As 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.

Apart from this decision, 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.

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

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 of ex- Yugoslavia. 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. When it comes to the question which refers to the number of complaints of torture or ill-treatment by police officers, the State Investigation and Protection Agency states that no complaints relating to torture or ill-treatment by police officers were found by examining the official records kept in the SIPA Internal Control Department.

The Federation Police Administration had no complaints about improper treatment and performance by police officers in respect of torture, including in places of detention.

According to the available records in the Professional Standards Units of the cantonal MoI, in the period from 14 November 2012 to 14 July 2016, a total of 93 communications/ complaints about police brutality, as follows:

Police Administration	Complaints filed	Founded	Unfounded	No evidence	Dismissed	Pending	Criminal action
Sarajevo Canton	47	4	10	20	10	3	/
Posavina Canton	9	1	7	/	/	1	1 pending
Zenica-Doboj Canton	17	/	8	9	/	/	/
Herzegovina-Neretvan Canton	20	3	5	/	1	11	/
Total	93	8	30	29	11	15	1

In the period from 14 November 2012 to 14 July 2016 in the Police of Una-Sana Canton, Bosnia-Podrinje Canton, Central Bosnia Canton, West Herzegovina Canton, Tuzla Canton and Canton 10 there were no

complaints of torture or ill-treatment by police officers, including in places of detention and no investigations were conducted against police officers in this connection.

As for awarded damages, in one case, the Municipal Court of Sarajevo rendered a judgment that the applicant (the injured party) was to be paid damages for fear.

In terms of the number of allegations of ill-treatment of inmates after mass demonstrations in February 2014, only in the Zenica-Doboj Canton, citizens filed two complaints about excessive use of means of force and causing bodily harm by police officers during deprivation of liberty procedure for evidence collection. After the completion of internal procedures by officials of the Internal Control Department, reports were made and submitted to the Office for Public Complaints for consideration and decision-making. The Office found one complaint to be "without sufficient evidence," while the other was "unfounded".

In the period from 1 January 2013 and 30 June 2016, internal complaint proceedings were conducted for 245 complaints by citizens, referring to certain torture and ill treatment by police officers of the RS MoI, as follows:

Year	Complaints filed	Founde d	Disciplinary proceedings initiated	Disciplinary measures imposed	Acquitted of disciplinary responsibility	Dismissed	Pen ding	Criminal action
2012	57	10	20	3	11	3	/	3 – prosecutor dismissed the case
2013	52	6	17	7	10	/	/	/
2014	46	10	28	1	7	20	/	
2015	54	13	27	12	5		10	
2016	36	6	8	/	/	/	8	/

We note that these were internal investigations and disciplinary proceedings against police officers. In the reporting period, when it comes to the number of complaints of torture or ill-treatment by police officers recorded in the period from 13 November 2012 to 26 July 2016, including in places of detention, information on investigations and criminal prosecutions as well as convictions, sentences and awarded damages, including in cases of allegations of abuse of prisoners after February 2014 demonstrations, the BD Police stated the following:

a) On 22 August 2013, the police received a report and a CD with the video saying "See whether any brutality occurred during the arrest of a man", referring to the conduct of the police officers of the Police on 20 August 2013 at about 12:45 a.m. In connection with the above, internal proceedings were conducted, a report on measures and actions taken was sent to the Prosecutor's Office of BD and five police officers of the Police received a disciplinary sanction for a serious breach of official duties - a fine in the amount of certain percentage of salary and an appropriate number of penalty points pursuant to the Law on Police

Officials of BD (Official Gazette of BiH BD, 41/07, 04/08, 36/09, 60/10, 37/14, 13/16). In addition, in connection with the above there are criminal proceedings pending against two police officers.

b) On 20 January 2014, one person of Brcko reported a police officer of the Police that, on 18 January 2014, he assaulted and slapped him. In connection with the above, internal proceedings were conducted but the case was closed without enough evidence against the police officer.

c) On 11 October 2015, one person of Rajevo Selo, Croatia, reported that on 15 September 2015, at about 22.30 p.m., a dozen masked riot police officers entered his friend's apartment in Brcko, where he was then, pointed their guns at them, ordered them to lie on the floor and punched and kicked them on the head and other parts of the body. In connection with the above, internal proceedings were conducted but the case was closed as unfounded.

On 1 August 2015, one person of Brcko reported that around 00.30 pm at Savska St. in Brcko, he was assaulted by a police officer who hit him and slapped, while another police officer tried to kick him. In connection with the above, internal proceedings were conducted but the case was closed as unfounded. A total of 4 (four) of these cases were recorded and damages were not awarded in either case.

17. 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 20 detainees

Detention Unit of the Brcko District of Bosnia and Herzegovina can admit 45 detainees

Accommodation capacities of correctional institutions in FBiH and RS are shown in Table 6 - Accommodation capacities of correctional institutions in FBiH and RS.

The new Correctional Institution of Bijeljina with capacity of 250 imprisoned and detained persons is being built from EU pre-accession funds.

Taking into account the above statistics, we can conclude the following:

Detention Unit at the state level with current capacity of some 20 detainees.

According to official statistics, prisons in the Federation of BiH can admit 1,948 persons: 1,593 prisoners and 302 detainees. According to the June 2016 report, there were 1,506 convicts and 301 detainees in prisons and 180 persons were in house arrest with electronic surveillance.

Prisons in the Republika Srpska can admit 938 prisoners and 285 detainees, which makes a total of 1,223 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 1,253 prisoners and detained persons.

Detention Unit of the Brcko District of Bosnia and Herzegovina can admit 45 detainees.

Therefore, when one looks at the overall data, Bosnia and Herzegovina can admit 3,266 prisoners and detained person.

It is noticeable that in the reporting period, great efforts were made to reduce the number of convicted persons awaiting to be sent to serve the prison sentence because of the lack of accommodation in the correctional institutions in the Federation and to reduce prison overcrowding by the following activities:

-Wards in Zenica Prison and Orasje Prison were constructed and became operation, so accommodation capacities for convicted and detained persons increased by 97 persons.

- A ward in Busovača Prison with the capacity of 50 persons and the admission department in Bihac Prison with the capacity of 30 persons were constructed, but they are not fully operational due to lack of staff (ban on new recruitment).

-After starting the Orasje ward, there is a plan to increase the capacity for convicted female 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 confined 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.

Currently, BiH is building the State Prison of a total capacity of 350 persons, including 300 prisoners and 50 detainees, 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.

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.

The 2015 data regarding alternative criminal sanctions in BiH shows that the criminal sanction of community service was imposed on 96 individuals, imprisonment was replaced with a fine for 237 individuals, house arrest with electronic monitoring was applied to 421 people, which means that 754 persons received sentences of imprisonment through alternative sanctions, noting that 124 persons were ordered to be subject to compulsory psychiatric treatment or treatment for addiction, who were treated in medical institutions and not in prisons, which make 878 persons. Likewise, one person was granted pardon and 789 persons were earlier released from prison on the basis of granted parole, which had a considerable impact on the prison system in BiH, which was balanced in 2015.

In FBiH in 2012, the system of execution of criminal sanctions introduced an alternative criminal sanction called "house arrest with electronic surveillance" as a new way of serving a prison sentence for those who are sentenced to imprisonment for up to one year. Since the start of implementation of the sanction of house arrest with electronic surveillance, i.e. from 2012 to 2015, 1,128 people have been in the system and currently 160 convicts are placed under house arrest with electronic surveillance. According to the municipal courts, 83 alternative measures of community service were imposed in 2015. The aforementioned activities contributed to a significant reduction in the number of convicted persons awaiting to be sent to prison, which is confirmed by the data of municipal courts in the Federation. So, for example, 608 convicted persons were "on hold" in 2014, while at the end of 2015 the number dropped to 196 convicted persons.

In accordance with Article 23 of the Law on Enforcement of Criminal Sanctions, Detention and Other Measures of the Brcko District, sentences are served in Entity correctional institutions or other institutions that have been determined by regulations of Entities as the most suitable to achieve the purpose of prison sentences. In terms of alternative forms of punishment in BD, significant steps were made in the implementation of alternative criminal sanction of community service. In the period of 2014- 2016 the courts of BD imposed 18 final verdicts.

As an example of compliance with international standards by the Detention Unit of the State Prison, we point out that, in 2015, the Health Service of the Detention Unit rendered a total of 14821 health care service of which 2559 medical examinations on the bases of which 11505 therapies were administered, 313 laboratory tests were performed, 52 hygienic inspections of cells were carried out, 365 food inspections were carried out, detainees were referred for medical examinations and health care services outside of the State Prison on 18 and 20 respectively.

18. 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 a Member State detains for reasons of national security, in order to ensure and guarantee their full legal certainty in relation to the previous Law on Movement and Stay of Foreigners and Asylum. 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.“

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.“

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.“

Pursuant to the Law on Aliens, surveillance is ordered in administrative proceedings in a written document, stating the factual and legal facts. In making the decision on placing an alien under supervision, procedural steps that are suitable for determining the circumstances of each particular case are taken into account. A measure of placing an alien under supervision by restriction of movement to a particular area or place and a decision on placement under surveillance in the immigration centre can be appealed to the Ministry of Security. The decision of the Ministry of Security can be appealed by initiating an administrative dispute at the Court of BiH.

An alien may be placed under surveillance through placement in the immigration centre for 90 days at the longest. After the expiry of 90 days, if the reasons why the alien has been placed under surveillance still exist, the surveillance may be extended for up to 90 days, so that the total duration of surveillance in the immigration centre does not exceed 180 days. Notwithstanding the foregoing, in the event of alien's failure to cooperate in removal proceedings or delays in obtaining the necessary documents from the country in

which the foreigner returns, duration of control may be extended for a period longer than 180 days, provided that the total duration of supervision in the immigration centre cannot be longer than 18 months continuously.

If in a particular case, in the period of up to 18 months, an alien cannot be removed from BiH a more lenient measure may be ordered, i.e. according to the Law on Aliens, restriction of movement in a particular area or place. While staying under surveillance in a specialized institution - immigration centre, an alien is provided with: accommodation, food, primary health care, legal aid.

19. The concept of public security or security of property - Article 132 paragraph (1) item d), to which the question refers, was amended in 2008 with the Law on Amendments to the Law on Criminal Procedure, so that the aforementioned provision now reads: „, d) in exceptional circumstances, related to criminal offence for which a prison sentence of ten years or more severe punishment may be pronounced, which is of particular gravity taking into account the manner of perpetration or consequence of the criminal offense, if the release would result in an actual threat to disturbance of public order“

Article 13 paragraph 3 of BiH CPC provides that the duration of custody must be reduced to the shortest necessary time and Article 135 of BiH CPC provides for a limited period of detention during the investigation.

Conditions for custody, the duration of detention and the obligation that the minor is kept in custody separately from adults are expressly provided for in the following laws: the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in force since 2011, the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings of the Brcko District of BiH in force since 2012, the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings in force since 2015.

In the Kula Correctional Facility in Istocno Sarajevo, there is a juvenile ward, with 40 minors who have been convicted of various crimes of juvenile delinquency. In Zenica Prison, in 2012, a ward was renovated to house minors.

20. When it comes to the situation of persons under international protection, the procedure for dealing with international protection seekers in BiH is determined in the Law on Asylum, which was adopted in February 2016. An intention to seek international protection can be expressed at the border or within the country, regardless of whether the person is placed in the immigration centre or has an expulsion or is in custody or serving a prison sentence. An alien seeking international protection cannot be expelled from Bosnia and Herzegovina until the procedures has ended at the Court of BiH as a second instance body that renders a final judgment. In making its decision on the request for international protection, the MoS as a body of first instance takes into account all relevant information about the country of origin of the international protection seeker, all the facts presented in the interview by the applicant and offered evidence.

The Ministry of Security provides all persons who have the status of international protection seekers with the following: accommodation, food, health care, legal aid, psycho-social support, primary education and access to the labour market if the application is not decided within the statutory deadline. The BiH MHRR has responsibility for the exercise of rights by persons with granted status (refugee status or subsidiary protection).

In the reporting period, BiH MHRR enacted a series of bylaws governing the manner of exercise of rights by persons granted international protection (accommodation, health care, social protection, education,

employment, civil registration and integration facilitation) which are carried out in accordance with the Law on Movement and Stay of Aliens and Asylum. Refugees and persons under subsidiary protection in BiH exercise their rights on the basis of international protection in BiH in accordance with these regulations. A new Law on Asylum governing the rights of persons under international protection came into force in 2016.

In accordance with recent amendments to the Law on Citizenship of Bosnia and Herzegovina, a person who has the refugee status may acquire the citizenship of BiH, if the refugee has stayed in the territory of BiH for a continuous period of five years preceding the application (facilitated naturalization). In this regard, requirements for acquiring citizenship for a person with refugee status are: the age of 18; no valid security measure of expulsion of foreigners from the country or the protective measure of removing a foreigner from the territory of Bosnia and Herzegovina by the authority whose legitimacy is established by the Constitution; no conviction record in the period of eight years before the date of application for premeditated crimes carrying sentences of more than three years imprisonment; no pending criminal proceedings, unless the evidence of meeting this requirement cannot be reasonably required; and no security risk to BiH.

In terms of full integration in the BiH society of persons with recognized refugee status in BiH, we point out that this year 16 people, who enjoyed refugee status in BiH on the basis of a request in accordance with these requirements, were granted the citizenship of BiH.

21. In May 2015, the Parliamentary Assembly passed the Law on Amendments to the Criminal Code of BiH amending provisions relating to trafficking in human beings.

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 codes in BiH.

Article 186 respecting human trafficking was amended because of the need to define a clear scope division between the BiH CC 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 CC, while other criminal offenses of trafficking are covered by criminal laws of the entities and the Brcko District of BiH. Specifically, the BiH CC 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) carries 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 CC in line with the provisions on soliciting prostitution of the criminal codes of the Entities and BiH BD, 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 CC has the same wording as the criminal codes of the Entities. At the same time, the BiH CC has the above-mentioned foreign element.

Amendments to the Criminal Code, passed 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. With these amendments, BiH CC does not criminalise a crime of trafficking in human beings unless there is an international element.

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 had been passed earlier in RS and BD.

In 2015, in BiH, a total of 35 potential victims of human trafficking was identified, of which 18 adults and 17 minors, and 27 were females and 8 were males. All collected and analysed data refers to BiH citizens.

Of the total number of potential / identified victims of human trafficking, 6 are victims of sexual exploitation (art.198a of RS CC), 1 is victim of soliciting for prostitution (art.198a of FBiH CC), 24 are victims of begging and 4 are victims of sale for forced marriage / partnership with a minor.

In the reporting period, 129 people were assisted in day care centres. All cases of assistance were recorded as cases of begging and only one case was a case of forced marriage.

According to HJPC statistics, in 2015, the prosecutor's offices ordered 20 investigations against 30 people for the crime of trafficking in human beings and crimes involving human trafficking in 2015. In the reporting period, the prosecutor's offices issued 11 decisions terminating the investigation against 22 people and brought 9 indictments against 15 people. In 2015, the courts rendered 10 convictions against 14 persons, out of which 7 prison sentences were imposed on nine people and three suspended sentences were imposed on four persons. There was one acquittal involving 2 persons.

For the crime of trafficking in human beings under Article 186 of BiH CC, the Prosecutor's Office of BiH ordered 1 investigation against 2 persons, indicted one person and issued an order to terminate four investigations against 12 people. For the crime of international soliciting for prostitution under Article 187 of BiH CC, the Prosecutor's Office of BiH issued one order terminating the investigation against three persons. In the reporting period there were no prison sentences imposed by the Court of BiH. In accordance with Article 250 in conjunction with Article 186 of BiH CC, the Prosecutor's Office of BiH received a criminal charge against 3 persons and issued an order to conduct an investigation against 3 people. In accordance with Article 250 in conjunction with Article 186 of BiH CC, the Prosecutor's Office of BiH concluded a guilty plea agreement with 4 persons.

In the FBiH, for the crime of „Soliciting for prostitution“ under Article 210 of FBiH CC, the prosecutor's offices ordered 5 investigations against 8 persons, while 2 investigations against 2 persons were terminated. Three indictments were brought against 5 persons. For the crimes under Chapter XIX of the FBiH CC, six convictions against eight persons were rendered. Four investigations against 5 persons were ordered, 3

indictments were brought against four persons and 2 convictions against 3 persons were rendered under Article 211 of FBiH CC.

In the Republika Srpska, for the criminal offense under Articles 198a. and 198b. of RS CC, the Prosecutor's Office ordered two investigations against 5 persons. There were no orders to terminate investigations. One indictment was brought against 2 persons and one conviction was rendered against 2 persons. For the crime of abuse of children and minors for pornography under Article 199 of RS CC, one person was convicted, and one person was acquitted. For the crime of production, possessing and screening of child pornography under Article 200 of RS CC, 7 orders for investigation against 7 persons.

For the criminal offense of trafficking in human beings under Article 207a, the Prosecutor's Office of BD ordered an investigation against three persons and terminated an investigation against one person. One indictment was brought against two persons and one person was acquitted.

Statistics on the prosecution of human beings trafficking under Article 185 (Establishment of slavery and transport of slaves); 186 (International human trafficking); 186a (Organized international human trafficking); 187 (International soliciting for prostitution); 189 (Organizing a group or criminal association for the commission of the crime of migrant smuggling); 189a (Organizing a group or criminal association for the commission of the crimes of trafficking in human beings and migrant smuggling) of BiH CC, Article 207 (Soliciting for prostitution); 207a (Trafficking in human beings); 207b (Organized trafficking in human beings) of BiHBD CC, Article 198 (Soliciting for prostitution); 198a (Trafficking in human beings); 198b (Trafficking in minors); 198v (Organizing a group or criminal association for the commission of the crimes of trafficking in persons and trafficking in minors) of RS CC and Article 210 (Soliciting for prostitution) are in Table 2 - Information on reports, investigations, indictments and convictions by cases.

22. Corporal punishment is prohibited in schools, correctional and other institutions and the Family Law of Republika Srpska prohibits corporal punishment at home, while the Family Laws of FBiH and Brcko District of BiH do not explicitly prohibit it. We note that Article 222 of FBiH CC provides for prohibition of violence against children, including, inter alia, physical punishment of a child.

"Guidelines for handling cases of violence against children" were developed at the state level to give a clear overview of procedures and obligation of institution engaged with children who suffer some form of violence (physical, emotional, sexual, neglect and others). 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. 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 BiH BD.

In order to protect children from various forms of violence, abuse and neglect, at the initiative of the Ombudsman for Children of RS, a Protocol on the procedures in cases of violence, abuse and neglect was signed in the Republika Srpska.

The FBiH Family Law prohibits any form of violence against children, but it does not explicitly cite the prohibition of punishing a child at home.

23. The valid legislation of BiH expressly prohibits child marriages. The Family Laws (FBiH, RS and BD) provide that persons who have reached 18 years of age may enter marriage. Exceptionally, the court may allow in non-contentious proceedings a person who is 16 years old to marry when it finds that there are reasonable grounds that the persons is physically and mentally able to exercise the rights and meet the obligations arising from marriage and that marriage is in his/her interest.

According to the Criminal Code of Bosnia and Herzegovina, a child is considered a person under 14 and a juvenile is considered a person under 18.

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) is aware of this issue and has included this matter in "The Guidelines for Improving the Situation of Roma Children in BiH - Social Inclusion" (2013) under child trafficking. The most common and specific forms 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. In order to reduce this phenomenon, guidelines for dealing with these cases with concrete measures were developed.

24. 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. 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. The BiH MCA (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. 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.

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.

By the incorporation of preschool education as an integral part in the entire system of education, the development of children has been supported, but also opportunities for various forms of intervention at early age was opened. The Framework Law on Preschool Upbringing and Education in BiH ("Official Gazette", No. 88/07) points out that children with special needs are included in preschool education and pursue programs that are tailored to their individual needs. This means that they should be created for each child with a mandatory identified developmental status of the child.

BiH regular primary schools educate children with disabilities and they provide individual training programs, tailored to the needs of the child.

Article 19 of the Framework Law on Primary and Secondary Education of BiH (Official Gazette, No. 18/03) clearly provides that „Children and youth with special education needs shall acquire education at regular schools and according to curricula adapted to their individual needs. Individual programs, adapted to their abilities and skills, shall be developed for each pupil, with mandatory determine the disability status and pathology. Children and youth with serious disorders and problems in development may be partially or fully educated at special upbringing and education institutions, in cases when it is impossible to provide appropriate education at regular schools. Categories, identification process, planning and work method, profile, training and professional advancement of expert staff for work with children and youth with special needs and other issues shall be governed in more detailed in the regulations of the entities, cantons, and the Brcko District of Bosnia and Herzegovina, in line with the principles and standards determined in this law.“

Article 7 of the Framework Law on Higher Education of BiH (BiH Official Gazette, 59/97 and 59/09) determines that „Access to higher education within the scope of which the licensed higher education

institutions operate in Bosnia and Herzegovina shall not be restricted, either directly or indirectly, based on any realistic or assumed basis such as: sex, race, sexual orientation, physical or other disability, marital status, colour of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status“. Persons with special needs, whose percentage of physical disability is 70% or more, are eligible to enrol in colleges and their study will be funded from the budget, regardless of the approved number of students to enrol. There are offices to provide support to students with special needs at public universities.

The competent ministries of education at the level of the Republika Srpska and ten cantons and the Department of Education of the BiH BD Government have their own laws at all levels, which should be aligned with the framework laws at the level of BiH.

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.

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. Preconditions for the implementation of the inclusion process are created through adequate training and support to educators, teachers, lecturers and professors assisted by experts when developing individualized curricula. 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. A lot of initiatives were implemented to train school administration / management in the field of inclusive education.

According to the education authorities, children and the youth with special needs are included in mainstream education and pursue programs that are tailored to their individual needs.

According to the applicable laws and regulations of the Republika Srpska, education of children with special educational needs is an integral part of a unified educational system and takes place in regular primary and secondary schools in organizational forms that ensure their inclusion. Education of students with special educational needs takes place in mainstream schools or special schools.

Children and the youth with special education needs in BiH BD are included in regular preschools, elementary and secondary schools.

In 2013/2014 school year, in public and private pre-school institutions in BiH enrolled a total of 19,880 children, of which 469 children were with disabilities (164 girls). In 2014/2015 school year, the number of enrolled children with disabilities increased to 590 (215 girls). In primary and secondary education in BiH, there are specialized schools for children with disabilities. In 2013/2014 school year, 998 students attended primary schools for children with disabilities, of which 332 students were female, while in 2014/2015 school year, the number of children was slightly higher (1,036 students, of which 350 were girls). Children with disabilities are included in regular primary schools, and in 2013/2014 school year there were 3,028 such children, of which 1,148 were girls, while in 2014/2015 there were 3,364 such children, of which 1,267 were girls.

In 2013/2014, special secondary schools for children with disabilities were attended by 425 children, of which 150 were females, and, in 2014/2015, that number slightly decreased to 385 students (138 females).
Table 7 - Children with disabilities in preschool, primary and secondary education in BiH.

With the aim of reviewing the situation and the degree of inclusiveness of primary education in the FBiH, the FBiH Ministry of Education and Science prepared a document entitled "A Review of the Level of Inclusiveness of Primary Education in the FBiH", which, together with recommendations, was adopted by the FBiH Government at the 29th session held on 5 November 2015 and was sent with the Conclusion to cantonal governments for action.

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

Accordingly, 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 Policy net with a view to making recommendations at the regional level to promote inclusive educational policies, on which individual Action Plans for each beneficiary of the project were developed. These Action Plans provided the basis for future activities that should be recognized as a platform for policy designing in the field of inclusion. The Inclusive Education Action Plan for BiH, which is based on regional recommendations made on the basis of inclusive education in the region and experiences of EU countries, was presented at the final conference of the project, which was held on 5 and 6 November 2016 during the chairmanship of the Council of Europe's Committee of Ministers.

Article 3, paragraph 2 of the Law on Preschool Upbringing and Education of RS (RS Official Gazette, No. 79/15) provides that the program of preschool education is implemented in kindergartens, primary schools, special schools and institutions of health and social care which children of preschool age are taken care of and that pre-school education takes place in accordance with ratified international conventions as provided in paragraph 5 of the same article. Article 7 of the Law provides that preschools, special schools and institutions of health and social protection that take care of preschool children carry out activities to ensure equal access to education to every preschool child without discrimination and segregation of children on any grounds. Educational work with children with disabilities is carried out according to individualized educational programs, depending on the needs and abilities of children. Children with disabilities are children who have psychological, physical or social impairments or disorders such as: visual impairment, hearing impairment, speech and voice communication impairment, physical disabilities and chronic illnesses, intellectual impairment, mental disorders and diseases and multiple disabilities. The Minister enacts the Rulebook on the method and terms of implementation of preschool education programs for children with disabilities. The Law provides that an educational group attended by a child with disabilities can have an inclusion associate. The inclusion associate provides technical assistance to teachers and children with disabilities in areas indicated by a parent or guardian. The Law provides that, within the comprehensive development programs, the following programs are implemented: specialized development program, intervention, compensation and rehabilitation programs and programs for children before starting school.

The Rulebook on Programs in Preschool Institutions (94/14) was enacted. In addition to other programs that are used in institutions, there are rehabilitation programs, too. They are designed for work with children with difficulties in psychophysical development and are implemented in institutions or specialized

institutions that implement programs of preschool education to support optimal functioning of children with disabilities in educational activities and everyday life. This program also includes specific actions in the context of medical and psychosocial rehabilitation, such as by: speech therapist, surdopedagogue, oligophrenologist, tiflopedagogue and somatopedagogue and they are accomplished through rehabilitation treatments and games, on a group or individual basis, respecting the abilities and needs of each child.

Within the Preschool Education Centre of Banja Luka, there is a preschool institution for children with disabilities („Marija Mazar“).

Children with special needs are included in regular primary education (inclusion) in RS and teachers work with such students applying special, individual programs adapted to their abilities. Any school may contact Republic Pedagogical Institute of Republika Srpska, which is an integral part of the RS Ministry of Education and Culture, for advice and training of teachers and expert associates to assist in education of children with special needs. There are four centres in RS for education and upbringing of children with disabilities.

Chapter V of the Law on Primary Education (Official Gazette of RS 74/08, 71/09, 104/11 and 33/14) governs education of students with psychophysical disabilities in special classes and special schools. It provides *inter alia* that 'children with psychophysical disabilities acquire primary education in mainstream schools and are taught according to their curricula adjusted to their individual needs, in accordance with Article 19 of this Law.' The Minister enacted the Rulebook on Curriculum of Primary Education for Students with Mild and Modest Psychological Disabilities, for Blind and Visually Impaired Students and Students with Impaired Hearing (74/14). The Law on Primary and Secondary Education (RS Official Gazette, No. 74/08, 106/09, 104/11 and 33/14) provides that 'children with special educational needs have the right to secondary education'. Education of children and young people with special educational needs is an integral part of a unified educational system and that education of students with special educational needs takes place in mainstream schools or special schools. The Minister enacts curricula for students with special needs for each type and degree of disability.

The following special curricula have been enacted for students with special needs in primary schools:

- + for the blind and visually impaired students
- + for students with impaired hearing
- + for mildly retarded students
- + for moderately retarded students.

Secondary vocational schools have special curricula developed for students with special needs in some industries and occupations:

- mildly retarded students
- students with impaired hearing
- visually impaired students.

The Rulebook on the Curriculum for Secondary School Students with Special Educational Needs because of Impaired Sight determines the curriculum for the occupations of the third and fourth level of complexity in four industries and four occupations:

- a) agriculture and food processing – florist - gardener,
- b) textile and leather processing - a tailor - industrial sewer,
- v) economics, law and commerce - business and legal technician and
- g) health - physiotherapy technician.

The Rulebook on the Curriculum for Secondary School Students with Special Educational Needs because of Impaired Hearing determines the curriculum for the occupations of the third level of complexity in five industries and seven occupations:

- a) agriculture and food processing – baker,
- b) chemistry, non- metal and printing industries – chemical operator
- v) textile and leather processing – tailor – cobbler, tailor, and haberdasher
- v) geodesy and civil engineering – brick layer - painter and

g) other activities - hairdresser.

The Rulebook on the Curriculum for Secondary School Students with Special Educational Needs because of Moderate Retardation determines the curriculum for the occupations of the third level of complexity in six industries and seven occupations:

- a) agriculture and food processing – baker, florist - gardener,
- b) mechanical engineering and metal processing - locksmith,
- v) textile and leather processing – tailor – industrial sewer,
- g) geodesy and civil engineering – brick layer - painter,
- d) food and beverage and tourism industries– chef and
- đ) other activities - hairdresser.

The Pedagogical Institute employs an inspector/educational consultant for special classes in educational institutions for education of children with mental and physical disabilities.

"The Inclusive Education in the Republika Srpska" Project was implemented to cover 23 and 26 primary schools in 2013 and 2012, respectively. Using the methodology of Index for Inclusion, which aims to reduce and eliminate barriers to learning, 29 projects were implemented. The Pedagogical Institute, in cooperation with the Ministry of Education and Culture and the OSCE Mission to Bosnia and Herzegovina, organizes training for primary and secondary schools in using the methodology of Index for Inclusion.

This methodology is aimed at supporting positive changes in the school that are in accordance with modern pedagogical knowledge and achievements. It allows schools to make self-evaluation and, based on the set priorities, designing of school development plan.

A round table titled "Inclusive Education in RS - the Situation and Prospects" was held in Banja Luka in August 2012.

In December 2015, the Ministry of Education and Culture, the Community of Special Education Teachers in Primary and Secondary Schools of the Republika Srpska and the Pedagogical Institute organized a one-day seminar for teachers and special education teachers employed in regular schools of the Republika Srpska on "The Knowledge and Skills Required by a Teacher to Adjust Teaching Content to Students with Disabilities'."

The aim of the seminar is development of competencies of pedagogues and special education teachers for direct work with students with disabilities, as well as the improvement of advisory-instructional work with teachers.

Scholarships are provided to students with disabilities studying in any of the three cycles of higher education that are entitled to attendance allowance."

25. MHRR of BiH is implementing BAM 208 million worth "The Closing of Collective Centres and Alternative Accommodation by Providing Public Housing Solutions - CEB2". The purpose of the project is to close at least 121 collective centres / alternative accommodation or 76% of all collective centres in BiH, by enabling internally displaced persons and other vulnerable persons, who are living in collective centres/ alternative accommodation and hired housing units in BiH, to finally enjoy their right to adequate housing.

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.

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 project is implemented by respective entity ministries and the Department for Displaced Persons, Refugees and Housing of BD Government, which have responsibility for the project within their competence in terms of the selection of targeted collective centres and alternative accommodation, verification of users who meet the criteria set for selection, organization of procurement, design services, control of services and works on rehabilitation, reconstruction and construction of facilities, organization and supervision over works on rehabilitation, reconstruction and construction of facilities, organization of handover of contracted works and reporting in accordance with the format and schedule that will be determined by the Project Implementation Team.

26. At 53rd meeting held on 26 April 2016, the Council of Ministers Decision confirmed the appointment of the Director General of Communications Regulatory Agency. The decision was published in the Official Gazette 38/16 dated 24 May 2016.

27. 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.

The proposed measures are:

- Organising joint training of journalists, lawyers, judges and civil servants related to the implementation of the World Programme for Human Rights Education,
- Taking an initiative to amend the Criminal Code relating to the protection of journalists from physical attacks while performing their duties,
- Revising 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
- Considering the possibility of the establishment of the Media Department in the Institution of Ombudsman for Human Rights.

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.

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.

See answer to question 7.

28. 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.

Article 13.14. of the BiH Election Law provides that members of national minorities are entitled to representation in municipal assembly/municipal council and city assembly/city council in proportion to their percentage share in the population according to the last census which took place in Bosnia and Herzegovina (paragraph 1). This means that the number of members of minorities who are directly elected in the municipal assembly/municipal council and city assembly/city council is determined in the charter of the municipality/city, members of any national minority that account for more than 3% in the total population according to the last census being guaranteed at least one seat (paragraph 2).

Article 42v, paragraph 2 of the RS Election Law provides that members of national minorities who are directly elected in municipal/city councils are determined in the charter of the municipality/city in accordance with the BiH Election Law.

BiH CEC issued the Decision on calling and holding 2016 local elections, which determined the number of seats guaranteed to members of national minorities.

Within its competence BiH CEC proposed in the 2012 Report on the implementation of laws relevant to BiH CEC to the BiH Parliamentary Assembly to adopt recommendations on amendments to the electoral legislation towards the enforcement of the judgment of the European Court of Human Rights.

In this year, in the period from 12 May to 30 November 2016, BiH CEC has been implementing "The Pre-Election Assistance to 2016 Local Elections in Bosnia and Herzegovina Programme" funded by the Council of Europe. The programme includes the field of preparation and conduct of information campaigns intended for women, older persons and ethnic minorities. In September 2016, within this project, BiH CEC will conduct an information campaign aimed at: -increased awareness of voters about the participation of women in public and political life and their participation in the elections in Bosnia and -promotion of participation of Roma, as the largest ethnic minority in BiH in the upcoming local elections.

29. The position of national minorities in BiH has been continuously and measurably improving. The 2003 Law on the Protection of National Minorities is implemented in all its aspects. Improvements has been made in a greater responsibility of national minorities themselves for their own position. A draft of the Strategic Platform to Address the Issue of National Minorities in BiH has been prepared and expected to be adopted.

It is 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, civil and other registration, education, health and employment. Given the Revised Action Plan is expiring this year, a new BiH Action Plan for Roma in the areas of employment, housing and health care will be adopted by the end of 2016.

In BiH, subsequent registration in birth records is free of charge. Local administrations do not charge fees and provide legal aid and assistance by employees, ex officio. Legal aid is organized to provide services to Roma particularly when it comes to registration in birth records.

The key barriers remaining and restricting 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.

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.

Every year the MHRR 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.

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.

In the field of employment, a positive shift has been recorded in employment; 475 Roma underwent employment programmes for Roma.

Difficulties in the implementation of previous employment programmes, 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.

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

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

BiH presided over the 2005-2015 Decade of Roma Inclusion in a period of one year (2014 - 2015). According to the education authorities, various incentives that would advance the regular attendance of Roma children have been introduced and they are the following:

Federation of BiH

Talks with parents and students, free snacks, assistance in purchasing textbooks and school supplies, free transportation, humanitarian aid in clothing, foodstuffs, hygienic items, firewood, help and support in learning, increased cooperation with the centre for social work in helping the family, educational workshops for parents, pedagogical and psychological work with students, cultural affirmation, involvement in project activities: special work programmes, counselling interviews, visits to families by an expert team, winter ski school, professional orientation programmes, inclusion of Roma mediators in education, inclusion in extracurricular projects and activities.

Republika Srpska

Meetings of students and parents, continuous activities with relevant institutions outside the school, individual work with Roma students, continuous activities with classes attended by Roma students in terms of support, organized collection of textbooks and school supplies, and free textbooks for all Roma children (for I and II class are provided by the Ministry of Education and Culture and for III to IX class are provided by the municipality), supplementary classes, involvement in extracurricular activities, workshops with children.

Within their project activities, NGOs organized remedial classes to help children in learning (examples: "Leda Association for Development" in Zenica-Doboj Canton and Central Bosnia Canton and „Be My Friend" Citizens' Association in Sarajevo Canton - both NGOs were supported by Caritas of Switzerland, "Otaharin" Citizens' Association in Bijeljina and „Children's Land in BiH" in Tuzla Canton).

Projects supported by Caritas of Switzerland provided 10 Roma teacher assistants (RTA) in Zenica-Doboj and Sarajevo Cantons, who help children in learning and visit their families.

In order to strengthen the abilities and skills of teachers to work with Roma children, 136 teachers and 5 Roma teaching assistants (RTAs were engaged through projects) were trained by 9 trainers in 8 courses of training.

As for the linguistic rights, Article 6 of the Framework Law on Primary and Secondary Education provides that rights of any major minority living in BiH "The language and culture of any major minority living in

Bosnia and Herzegovina shall be respected and shall fit into schools to the largest extent viable, in line with the Framework Convention on Protection of Rights of Ethnic Minorities." Article 36 reads: "Schools shall promote equal opportunities for all of their students, teachers and other employees, at the same time recognizing and promoting the right to diversity among them. To this goal, the competent education authorities and schools shall identify and implement their proper programs supporting and fostering diverse cultures, languages and faiths of their students and employees." Accordingly, schools plan in their annual curricula various activities (workshops, projects, exhibitions, events) that support and nurture cultures of national minorities in Bosnia and Herzegovina, languages and religions of students and employees.

There are examples where the school tried to organize teaching in the Roma language, but they failed due to a lack of teachers. Thus, the major difficulties in teaching in the Roma language are a lack of teachers who speak the Romani language and a lack of funds for RTAs.

(a) When it comes to updating the registers of births and improving the issuance of birth certificates in Roma communities, the registers are updated at the registry offices of municipalities and cities in the FBiH and all birth certificates are issued timely and smoothly.

A large number of decisions on the registration of the fact of birth with the statement of citizenship of Bosnia and Herzegovina and the Federation of Bosnia and Herzegovina were issued to Roma people born abroad. In direct contact with this population, the administration of cities and municipalities in the Federation is making great efforts trying to raise awareness about the importance of children's registration in the birth register, especially from the point of acquiring certain rights by children (social security, health insurance, school enrolment and the like); facilitating in a timely fashion the involvement of the Centres for Social Work in cases where the parents have not given name to the child within the statutory deadline; and issuing decisions on the name and thereby on the registration of the child in the birth register. In this regard, we can point out that, since the entry into force of the Law on Registers (May 2012), there has been a small number of Roma and other children who have not been given name or who have not been entered in the birth register. In most municipalities and cities in the FBiH, Roma are regularly entered in the registers and have personal documents.

Here we want to single out the City of Tuzla and the "Your Rights of BiH- Vaša prava", which worked together on the registration of Roma population in the birth registers, so that, in the period from 14 November 2012 to 14 July 2016, the total of 216 children was registered. We also point out that on 2 October 2014, the City of Tuzla, together with UNHCR and the "Your Rights of BiH- Vaša prava", organized "A Registration Day" and on this occasion, 18 Roma children were presented with birth certificates.

After entry into force of the new Law on Registers, there is a possibility of entering the nationality only on the basis of written statement by parents who want to enter child's nationality at birth, but they also can refuse to enter the nationality of which an official note is made. In addition, the above-mentioned provision imposes an obligation of municipalities, cities, cantons and the Federation to release the persons from the obligation to pay statutory costs and fees for entering in the birth register. In accordance with this provision, all cities and municipalities in the Federation have released in their regulations ethnic minorities and Roma population from administrative fees.

Registration of births in the Republika Srpska is carried out in accordance with the Law on Registers. All persons regardless of whether they belong to the constituent peoples or minority groups can be entered in the birth register in the Republika Srpska under the same conditions in accordance with the Law, which means that the children of Roma and migrants as well as all citizens enjoy the same rights with regard to entering into the registers and issuing certificates from registers.

We emphasize that the Republika Srpska has passed the Law on Citizenship, which has created conditions for refugees to acquire citizenship by naturalization under the conditions laid down in Article 16 of this Law. On these grounds, a number of Roma living in the territory of the RS having the refugee status, who met the statutory requirements, have acquired citizenship of BiH - RS.

(b) The revised Action Plan for Bosnia and Herzegovina on Educational Needs of Roma was adopted by the Council of Ministers of Bosnia and Herzegovina at the 128th meeting held on 14 July 2010. This document defines four goals and 47 measures so that Roma children could have equal access to high-quality education as a pre-condition for their later better integration into society. High-quality education for Roma is the only way out of the circle of marginalization and social exclusion.

The Revised Action Plan on the Educational Needs of Roma of BiH has, among the objectives, Objective 3: Preservation and promotion of the Romani language, culture and history.

Believing that the preservation of tradition and culture is one of key elements for the survival of a nation and that the language has an irreplaceable role in the process, this objective foresees 7 measures the implementation of which will bring about achievement of this objective (*1. Standardization of the Romani language through regional initiatives; 2. Development of literature on history, culture and language of Roma; 3. Introduction of the Romani language as an optional subject in schools where Roma children are in greater numbers; 4. Provision of alternative solutions to study the Romany language under existing legislation; 5. Provision of reading material (from neighbouring countries) for the study of the Romany language in schools where Roma children are in greater numbers; 6. Professional training of trainers for the Roma language and 7. Establishment of cooperation with university departments in the region through regional initiatives*).

An expert team was appointed at the state level to be in charge of monitoring the implementation of the Revised Action Plan for Educational Needs of Roma and so far they have prepared four reports on its implementation in 2011/2012, 2012/2013, 2013/2014 and 2014/2015 school years.

Reviewing the information related to the implementation of the Revised Action Plan of BiH on the Educational Needs of Roma, i.e. achievement of Objective 3, given in the reports, the following conclusion has been reached:

The right to use mother tongue, one of the basic human rights, is not effectively enjoyed by the Roma population. The Romani language is not taught in primary or secondary schools, either as mother tongue or as an optional subject. The key reason is that in BiH there is no teaching staff who is trained to teach the Romani language.

Measure 1 envisaged in RAP Objective 1 has been carried out, i.e. the standardization of the Romani language in BiH has been done and it is a significant step forward for the implementation of other measures.

In 2013, MHRR sent an initiative to the University of Sarajevo to introduce of language, culture and literature of Roma as an optional subject, in order to train teachers of the Romani language to work with Roma children. This initiative has not borne fruit yet, but according to available information, the University is taking some steps to implement this initiative.

Very little is known About Roma culture, history / history of language and, Get Acquainted - National Minorities in BiH Manuel is used for the purpose of promotion. The recommendations made in previous reports have not been implemented and they referred to the necessity of developing the manual on the Romani language for teachers and students from the first to ninth grade and professional literature about

literature, history, culture and traditions of the Roma. BiHMHRR will continue to strive to get competent educational authorities in BiH consistently follow with these recommendations.

Education is under full and undivided jurisdiction of the Republika Srpska, ten cantons in the Federation of BiH and the Brcko District BiH.

In accordance with the Constitution of the Republika Srpska, everyone has the right to education under equal conditions.

In 2005, the Republika Srpska passed the Law on the Protection of National Minorities (RS Official Gazette, No. 2/05).

The Republika Srpska recognizes 17 national minorities that speak 14 languages (German, Italian, Russian, Ukrainian, Ruthenian, Hungarian, Slovak, Polish, Ladino – Hebrew, Romani, Montenegrin, Slovenian, Czech and Macedonian).

The Law on Preschool Upbringing and Education of RS (RS Official Gazette, No. 79/15) provides that the system of preschool education provides the same conditions and opportunities for the exercise of children's right to education for the benefit of their physical and mental health and safety, regardless of gender, ability, socio-economic status and lifestyle of the family, cultural, ethnic, national or religious background, as well as for the programme implementation depending on the needs and interests of children of preschool age. Pre-schools, special schools and institutions of health and social care taking care of preschool children carry out the activities to ensure, among other things, equal access to education to every preschool child without discrimination and segregation of children on any grounds, in accordance with the law. Children belonging to national minorities may have educational activities in their native language or bilingually. The Minister of Education and Culture issued the Rulebook on Educational Work Bilingually and in the Languages of National Minorities This Rulebook was adopted in 2013. Teaching in the languages of national minorities has not been organized yet because of the small number of children. Pre-school children learn the language in their families or in associations (Slovenian, Italian, Ukrainian, and German).

The Law on Primary Upbringing and Education of RS (RS Official Gazette, No. 74/08, 71/09, 104/11 and 33/14) provides that every child has an equal right and equal opportunities in primary education without discrimination on any grounds. The language and culture of national minorities in the Republika Srpska will be respected and spoken in school as much as possible in accordance with the Framework Convention for the Protection of National Minorities and the Law on the Protection of National Minorities. Primary schools teach only two national minority languages - Ukrainian and Italian.

The Rulebook on Education of Children of National Minorities was adopted in 2004. This Rulebook provides, among other things, that the Ministry of Education and Culture will deliver an instruction to schools that Roma children can enrol in primary school even without personal documents, and that the Ministry, in coordination with other relevant ministries, will strive to provide means for needs of Roma children, such as textbooks, school utensils and school meal.

The Law on Primary Upbringing and Education of the Republika Srpska (RS Official Gazette, No. 74/08, 106/09, 104/11 and 33/14) provides that secondary education is accessible to all on equal footing, in accordance with the law and the ability of individuals. The language and culture of national minorities in the Republika Srpska will be respected in secondary school in accordance with the Framework Convention for the Protection of National Minorities and the Law on the Protection of National Minorities (RS Official Gazette, No. 2/05).

The Law on Higher Education (RS Official Gazette, No. 73/10, 104/11, 84/12, 108/13 and 44/15) provides that all persons who have completed four years of secondary school in the Republika Srpska and BiH, as well as students who have completed secondary school abroad, will have access to higher education.

It is not known what the actual number of Roma living in BiH and, consequently, the number of Roma children are. According to analyses of the 2011 recording of Roma needs, in BiH there are recorded 16,771 Roma living in a total of 4,308 households. In the Republika Srpska there are 2,969 Roma and they are the largest national minority in the Republika Srpska. Although there are no accurate data on the number of Roma children, the fact is that their number in school has been increasing.

A lot has been done to improve education of national minorities. Among other things: promoting the importance of compulsory primary education in Roma communities, inform the parents of Roma children about the need of inclusion of children in preschool education, additional training staff to work with children from socially and economically disadvantaged communities and Roma assistants (employees - Roma who completed secondary school and assist teachers). In 2014/15 school year, 42 teachers had the training.

In the Republika Srpska, various measures are taken to encourage the attendance of Roma students: supportive meetings for students and parents, continuous cooperation with institutions outside school, individual work with Roma students, visiting families, provision of school supplies, clothing, shoes, textbooks and student kitchens etc. In some communities (Banja Luka), a seminar on 'The Application of the Revised Action Plan of BiH on the Educational Needs of Roma' was held. In Bijeljina, mobile teams occasionally visit Roma settlements and appeal to parents to send children to attend classes regularly. In Modrica, individual meetings were held with parents of students prone to absenteeism, where they were informed about the importance of regular attendance and consequences of non-attendance. The Centre for Social work was involved in order to jointly work with the parents and visit families in the settlements. Otherwise, the school drop-out rate of Roma students or other students in the Republika Srpska is not high and is not a major problem, as is the case in some EU countries.

Since 2008 the Ministry of Education and Culture of Republika Srpska has been providing free textbooks for all students of the first and second grades. Funds appropriated for the purchase of textbooks in 2014/2015 school year amounted to BAM 918,000. The free textbooks are provided to Roma children of primary school age by local communities. In some communities (Banja Luka), the schools purchase textbooks and school supplies by themselves.

The Ministry of Education and Culture of Republika Srpska provides free fares to all students of primary schools in the Republika Srpska whose schools are four or more kilometres far away from their residence. Funds appropriated in 2014/2015 school year amounted to BAM 4,550,000 and, in the period 2010 – 2014, BAM 25,285,200 for this. Mostly, children do not need to be transported to school."

(c) As for housing, the majority of Roma live in their own houses, a smaller number live in houses that are owned by municipalities or occupy collective or alternative accommodation. In terms of housing conditions and utility infrastructure, Roma are mostly integrated with the non-Roma population and efforts are made to improve housing conditions.

Since 2009, BiH has made the most progress in tackling Roma housing and has so far built or reconstructed nearly 800 residential units (800 X 5 = 4,000 Roma people with housing), more than 1,200 Roma families were beneficiaries of infrastructure projects. The projects were implemented in 60 municipalities / locations and the total funds invested were around 21 million, including the IPA funds.

BiH MHRP regularly applies for IPA funds and, in 2012, an amount of EUR 5 million, which was implemented in two phases, was approved. The first phase of the IPA project, in the amount of EUR 2.5 million started in 2013 and 80% of the funds will be directly invested in housing for Roma. This IPA project envisages construction or reconstruction of another 150 housing units. The second phase of the IPA project started in 2016.

Good examples of good practice in tackling housing for homeless Roma families, i.e. social housing, are in Zenica, Bihac, Mostar, Teslic, Srbac, Bugojno etc. The municipalities allocated building plots for homeless Roma and the housing units were constructed from budgetary funds.

With regard to health care, the fact is that a number of Roma have no health insurance, a small number of Roma is employed. Depending on the status, if they are not otherwise insured, Roma are entitled to health care as the unemployed, displaced persons or through the Centre for Social Work. Thus, for example, in the Municipality of Banovići, Roma population is provided with health care services through premium

"stickers" for health insurance with funds provided by the Municipality of Banovići from its budget and implemented by the Centre for Social Work PI of Banovići.

With regard to employment of Roma, there is a very positive example in Breza where the Komunalno plc. employs 17 Roma. Also, in the Municipality of Gornji Vakuf-Uskoplje in 2015, the "Radovina" PUC employed six Roma people for a specified period of one year and the project was co-funded by the Employment Service in the amount of BAM 6,000.00 per person (one person got a permanent job). The Health Centre of Bosanska Krupa employed a Roma nurse, who is a member of the "Carnation" Roma Association and makes significant efforts in cooperation with the doctors of the Health Centre on disease prevention and education about the health among Roma. Since 2010, in the Municipality of Zavidovići, one Roma has been employed in the Civil Protection Department (firefighter) and this year he is on the candidates' list for the Zavidovići Municipal Council.

The Federation Employment Institute published public calls for projects of employment and self-employment of Roma but after the expiry of the project (typically 1-2 years) in most cases, the beneficiaries would de-register the job/self-employment activity and return to the records of the Employment Institute.

With regard to social policy and assistance to groups in need, the majority of them are Roma, municipalities and cities provide financial assistance in the form of one-time cash benefit, so we have an example in the Municipality of Ilidža where approximately 200 Roma children were granted child benefit. The major issue for Roma is unemployment, because very few Roma have job and the only source of income are social benefits (one-time benefit, child benefit, meals in soup kitchens, subsidies etc.). They mostly deal with the collection of secondary raw materials, green market trade, small trades etc.

29. (d) When it comes to raising awareness about Roma participation in political life, the greatest role is played by political parties, civil society and Roma NGOs. Although we believe that the participation of national minorities, and thus of Roma, too, is not enough, we point out that Roma participate in municipal councils in the following municipalities: Banovici - one councillor, Bihac - one Roma woman, Bosanska Krupa, Kakanj and Kiseljak have had a Roma councillor for many years now.

Roma are allowed to participate in public consultations organized by local government units. The President of Roma association is invited to public consultations on important documents for citizens of the municipality and Roma also sit on working groups for some issues.

BiH, Entities and BD, as well as local communities, provide support in the celebration of important dates of national minorities, maintaining cultural events are organizing meetings with representatives of national minorities, as well as participation in meetings and workshops dedicated to national minorities organized by different institutions and NGOs. In 2016, MHRR has allocated BAM 70,000.00 for these purposes.

Finally, we specially emphasise that, in order to improve the status of the Roma minority, awareness among Roma about the importance of education and training that awareness should be raised of importance of establishing associations, making a legal framework for improvement of the situation of this group, encouraging members of this group to be initiators in solving economic, social and subsistence issues in a way that they would actively participate in the implementation of various projects, express their needs, make proposals and suggestions, participate in strategic documents development, as well as increased activity in the preservation of the Romani language and tradition.

ANNEXES:

Table 1: Information on decisions in which the Court of BiH invoked the Covenant on Civil and Political Rights

Table 2: Data on reports, investigations, indictments and convictions by cases

Table 3: Basic characteristics of the population by activity and sex,

Table 4: Domestic violence in FBiH

Table 5: Information on penalties imposed in war crimes cases involving rape and sexual violence

Table 6: Accommodation facilities of correctional facilities in FBiH and RS

Table 7: Children with disabilities in preschool, primary and secondary education in BiH

Appendix 4: LEGAL TEXT by the Ministry of Justice of Bosnia and Herzegovina

ACRONYMS:

Bosnia and Herzegovina - Bosnia and Herzegovina

FBiH – Federation of Bosnia and Herzegovina

RS - Republika Srpska

BD - Brcko District

MPI (INO) - Missing Persons Institute

HRC – UN Human Rights Committee

ICCPR - International Covenant on Civil and Political Rights

MHRR- Ministry of Human Rights and Refugees of Bosnia and Herzegovina

BiHMCA - Ministry of Civil Affairs of Bosnia and Herzegovina

BiH MoJ - Ministry of Justice of Bosnia and Herzegovina

CRA (RAK) - Communications Regulatory Agency

HJPC (VSTV) - High Judicial and Prosecutorial Council

BiHGGA (ARS) - Gender Equality Agency

OSCE - Organization for Security and Cooperation in Europe

UNDP - United Nations Development Programme

NAP - National Preventive Mechanism

BiH CC - Criminal Code of Bosnia and Herzegovina

FBiHCC - Criminal Code of the Federation of Bosnia and Herzegovina

RS CC- Criminal Code of the Republika Srpska

BiH CPC - Criminal Procedure Code

(KPZ) - Correctional Facility

CEC (CIK) - Central Election Commission

CEN - Central Records of Missing

LGBTI - Lesbian, gay, bisexual, transgender and intersex persons

According to the Decision on the Establishment of Inter-agency Working Group for Preparation of the Third Periodic Report on the Implementation of the International Covenant on Civil and Political Rights in Bosnia and Herzegovina issued by the Minister of Human Rights and Refugees, the proposal for the Third Periodic Report on the Implementation of the International Covenant on Civil and Political Rights in Bosnia and Herzegovina was put together by the Working Group made up of representatives appointed by the following institutions:

1. Amela Hasić, Chair, BiH Ministry of Human Rights and Refugees;
2. Ljiljana Šantić, member, BiH Ministry of Human Rights and Refugees;
3. Sanela Latić, member, BiH Ministry of Justice;
4. Emina Halilović, member, BiH Institution of Ombudsman for Human Rights;
5. Momčilo Novaković, member, Constitutional Commission of the House of Representatives of BiH Parliamentary Assembly;
6. Emina Jahić - Joint Commission on Human Rights of BiH Parliamentary Assembly;
7. Branislava Crnčević Ćulić, member, BiH Gender Equality Agency;
8. Aida Eskić Pihljak, member, BiH Agency for Statistics;
9. Emir Powlakić, member, BiH Communications Regulatory Agency;

10. Rusmir Šabeta, member, BiH High Judicial and Prosecutorial Council;
11. Ajša Softić, member, FBiH Ministry of Justice;
12. Medina Đapo, member, FBiH Ministry of the Interior;
13. Miroslav Mauhar, member, FBiH Ministry of Labour and Social Policy;
14. Samira Demirović, member, FBiH Ministry of Education and Science;
15. Milan Bajić, member, Republika Srpska Ministry of Justice;
16. Dario Hršum, member, Republika Srpska Ministry of the Interior;
17. Mira Vasić, member, Republika Srpska Ministry of Labour, Veterans and Persons with Disabilities;
18. Blanka Gaćanović, member, Republika Srpska Ministry of Health and Social Welfare;
19. Zorica Garača, member, Republika Srpska Ministry of Education and Culture;
20. Slobadan Ristić, member, Department for Education of the Brčko District of BiH.

In order to fulfil obligations of BiH as international entity that provides reports on implementation of the International Covenant on Civil and Political Rights in Bosnia and Herzegovina, the Ministry for Human Rights and Refugees of BiH proposes to the BiH Council of Ministers to adopt the following

C O N C L U S I O N S

- 1) The Third Periodic Report of Bosnia and Herzegovina on the Implementation of the International Covenant on Civil and Political Rights is adopted in order to fulfil obligations of BiH.
- 2) The Ministry for Human Rights and Refugees is tasked to deliver the Third Periodic Report of Bosnia and Herzegovina on the Implementation of the International Covenant on Civil and Political Rights in a timely manner, through the BiH Ministry of Foreign Affairs, to the Mission to the UN Office in Geneva and the UN Human Rights Council in Geneva.