

**CAT**  
**Geneva**  
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**Introductory address by**  
**Head of the Delegation of Bosnia and Herzegovina**

**Ladies and Gentlemen, honourable Chairperson of the Committee against Torture, your Excellencies, distinguished representatives of civil society,**

I have the pleasure and the honour of informing you about the activities undertaken over the past five years by the authorities of Bosnia and Herzegovina, as a member state of the United Nations and member of the UN Committee against Torture and Inhuman or Degrading Treatment.

Allow me to remind you that the UN Committee against Torture considered the Report submitted by Bosnia and Herzegovina at its 35<sup>th</sup> Session in 2005, and issued certain conclusions and recommendations to the state authorities in relation to that Report (CAT/C/BiH/Q/2 - December 2005).

The process of preparation of this periodic report based on the List of Questions forwarded to Bosnia and Herzegovina (hereinafter: BiH) involved representatives of the Ministry of Justice, Ministry of Security and Ministry for Human Rights and Refugees of Bosnia and Herzegovina, Office of the Prosecutor of BiH and prosecutors of the entities and the Brcko District BiH, entity ministries of justice, ministries of the interior and police authority of the Brcko District BiH.

As for the activities undertaken by BiH and activities conducted continuously in the process of application of the basic tenets of the UN Convention against Torture, we started from the recommendations forwarded by the Committee to the member state, on the basis of its Initial Report. We would like to underscore the following activities conducted during the past reporting period:

1. - Activities have been initiated in order to harmonise criminal legislation of Republika Srpska and the Brcko District BiH with the legal definition of torture contained in the Criminal Code and the Criminal Procedure Code of BiH.

Criminal legislation of Republika Srpska does not contain the definition of torture as set by the Convention. The Law on Enforcement of Criminal Sanctions of Republika Srpska states in Article 4: 'Any action submitting a person undergoing a criminal sanction or other measure to any form of torture or other forms of cruel, inhuman or degrading torture or experiment, shall be prohibited and punished by law'.

The process of harmonisation of entity criminal codes and the Criminal Code of the Brcko District BiH with criminal legislation of BiH is still ongoing, since parallel to this harmonisation there are proposals to change the legislation in relation to certain acts of corruption, war crimes, trafficking in human beings, etc.

- Improvement of witness protection in criminal cases and better cooperation with the International Criminal Tribunal in The Hague.

- In 2009, the Council of Ministers of BiH established a Working Groups to prepare the BiH Strategy for Transitional Justice, aimed at developing activities focused on establishing facts and conducting the processes of reconciliation an institutional reform and establishing a system of reparations (compensation for the victims), as well as a system of construction of memorials and commemoration of victims of the recent war in BiH.

A very complex process of preparation of the BiH Strategy for Transitional Justice was launched in collaboration with UNDP, aimed at submitting this important strategic document for adoption by the Council of Ministers of BiH during 2011.

2. Bosnia and Herzegovina adopted it Strategy for Dealing with War Crimes Cases, aware of the fact that this is a long and complex process and that efficient disposal of all the remaining war crimes cases in BiH depends on it.
3. In collaboration with UNFP, the Ministry for Human Rights and Refugees initiated activities to improve the position of women victims of wartime violence, aimed at securing a durable and sustainable mechanism for their protection in places where they decide to settle permanently.
4. A draft Law on Victims of Torture and Civilian Victims of War has been prepared, with the aim of establishing a mechanism for providing compensation and harmonising the rights of victims of war and victims of torture in BiH. Winning political support for the adoption of this Law is still a challenge, and efforts are under way to submit it for parliamentary procedure in this post-election period.

5. Following a decision by the Presidency of BiH and with agreement of the BiH Parliamentary Assembly, in June 2008 Bosnia and Herzegovina ratified the Optional Protocol to the UN Convention against Torture and other forms of Cruel, Inhuman or Degrading Treatment or Punishment. In collaboration with the Office of the State Ombudsman and with assistance from the OSCE Mission to BiH, the BiH authorities initiated the establishment of national prevention mechanisms.

In order to establish an independent monitoring mechanism in places of involuntary deprivation of liberty in BiH, with the aim of ensuring full protection of human rights and freedoms and in compliance with recommendations of the European Committee for Prevention of Torture and the CPT Report from 2007, the Ministry for Human Rights and Refugees initiated activities and procedures for appointing a Monitoring Committee for penal institutions (prisons, detention facilities and juvenile detention centres), police stations and psychiatric institutions, as well as a Monitoring Committee for residential facilities for placement of children, victims of violence, victims of trafficking in persons and asylum seekers, illegal migrants, refugees, the elderly, persons with disabilities, as well as other institutions as needed.

6. As for continuous education of judges, prosecutors, lawyers and other judicial personnel, the Centre for Education of Judges and Prosecutors provides continuous training activities.
7. Bosnia and Herzegovina has afforded particular attention to investigating violence in prisons and detention facilities, including forensic investigations in all the cases where this was required. There are also continuous efforts to improve the treatment regimen for prisoners, particularly in the area of their formal education and occupational activities.
8. In the past few years, there has been notable progress in the level of professionalism of persons conducting hearings with person deprived of liberty. These professionals attend regular training on the latest methods, techniques and rules of their work.
9. Bosnia and Herzegovina is close to establishing a permanent monitoring system, developed during 2009 and 2010, which provides for the possibility of unannounced visits to places of deprivation of liberty. In addition to this, members of the monitoring team may also communicate with persons deprived of liberty in total confidence. There are also regular activities to provide information and training for persons deprived of liberty in the process of exercising their right of appeal and full exercise of their rights.
10. Although there are certain difficulties in the work of the Institute for Missing Persons, the Institute is fully operational and fulfils its mission. In 2009 and

thus far in 2010, the Institute presented evidence that of some 28,000 persons still missing (27,794 persons still on the record), more than 20,000 have been found and more than 17,500 have been identified. This is 72% of all the registered missing persons.

11. In the field of trafficking in persons, BiH has continued its successful activities in suppressing trafficking in persons, peculiarly in building the capacities to give support to the victims of trafficking. A central database has been established, for managing data on persons identified as victims of trafficking.
12. As for other statistics and indicators, the Ministry for Human Rights and Refugees compiles annually all the data related to ethnically motivated crimes in BiH, which also contain a number of cases of inhuman and degrading treatments.
13. In the meantime, the Office of the State Ombudsman of BiH has been unified, and the mandate of the Ombudsman has been expanded significantly, particularly in relation to cases of discrimination.

In the recent period, Ministries of Justice of Republika Srpska and the Federation BiH have focused considerable capital investments on expanding their prison facilities and opening new ones.

Particular attention has been afforded to providing continuous on-the-job training for employees in the fields of justice and law enforcement. Detailed information on these activities will be provided by the representatives of the Ministries of Justice and of the Interior of both Entities and the Brcko District BiH.

Other members of the delegation, representing the Ministry of Justice, the Ministry of Security – Office of the State Coordinator for Combating Trafficking in Persons, and the Ministry for Human Rights and Refugees, as well as the Prosecutor of the Brcko District BiH, will be happy to provide the Committee with any additional information on activities conducted or planned in BiH in the future, in relation to the UN Convention against Torture.