



HAUT-  
COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CMW/FollowUp/35/ik

30 September 2022

Excellency,

In my capacity as Chairperson of the Committee on Migrant Workers (CMW), I have the honour to refer to the examination of the third periodic report of Bosnia and Herzegovina at the Committee's thirty-first session, held in September 2019. At the end of that session, the Committee issued its concluding observations (CMW/C/BIH/CO/3). You may recall that in the concluding observations the Committee requested Bosnia and Herzegovina to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 34, on due process, detention and equality before the courts; paragraph 36, on expulsion; paragraph 46, on birth registration and nationality; and paragraph 62, on trafficking in persons, smuggling of migrants and irregular migration, of the concluding observations (paragraph 65).

At its thirty-fifth session, held in September 2022 in Geneva, the Committee examined the follow-up report of the State party (CMW/C/BIH/FCO/3). The Committee welcomes the follow-up report received in September 2021 under the CMW follow-up procedure and commends the State party for furthering implementation of the Convention. With respect to the follow-up report, the Committee notes the following:

Regarding the recommendation made in **paragraph 34** of the concluding observations, the Committee encourages the State party to continue to take the necessary steps to ensure (i) that administrative detention in immigration centres is used only as a measure of last resort, including for migrant workers and members of their families in an irregular situation; and (ii) that all immigration facilities, including the Immigration Centre, provide adequate basic services, including food, health care, hygiene and access to outdoor areas. It also invites the State party to provide information in its next periodic report, if the State party opts for the traditional reporting procedure for it, or in its replies to the list of issues prior to reporting, on the effectiveness of the measures taken, including on the number of cases and the maximum period of immigration detention imposed in practice concerning migrant workers and members of their families awaiting expulsion. **The Committee considers that the recommendation contained in paragraph 34 has been partially implemented.**

Her Excellency  
Ms. Nermina Kapetanovic  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Bosnia and Herzegovina  
to the United Nations Office  
Geneva, Switzerland

Email: [mis.zeneva@mvp.gov.ba](mailto:mis.zeneva@mvp.gov.ba)



In regard to the recommendation made in **paragraph 36** of the concluding observations, the Committee regrets the absence of information from the State party concerning an automatic suspensive effect of appeals to the courts against expulsion orders and encourages the State party to (i) consider further extending the time limit for lodging administrative appeals against expulsion orders, in particular with respect to the time limit of 24 hours for an administrative appeal against expulsion decisions issued on grounds of international agreements on readmission of persons in an irregular situation; (ii) allow for subsequent appeals to the courts with automatic suspensive effect without the appellant having to provide specific reasons; and (iii) strengthen the measures necessary to ensure that migrant workers who are subject to an expulsion order are aware of and able to exercise their right to appeal such an order. **The Committee considers that with respect to paragraph 36 (a) and (c) of its concluding observations, the recommendation has not been implemented. As regards paragraph 36 (b), the Committee considers that the State party has not provided sufficient information to assess whether the recommendation has been implemented.**

Regarding the recommendation made in **paragraph 46** of the concluding observations, the Committee regrets the absence of information from the State party on measures taken, specifically with respect to amendments to the laws on free legal aid at the municipal level, to ensure that the children of migrant workers and members of their families, including Roma children and children born to migrant workers in an irregular situation, are registered at birth and issued with personal identity documents; or on awareness-raising activities in this regard among the Roma community and migrant workers and members of their families. It encourages the State party to strengthen its legislative and practical measures in this regard, including by seeking technical assistance from the Office of the United Nations High Commissioner for Refugees. **The Committee considers that the recommendation made in paragraph 46 has not been implemented.**

Regarding the recommendation made in **paragraph 62** of the concluding observations, the Committee regrets the absence of information from the State party concerning measures to detect, prevent and curtail irregular flows of migrant workers, and to investigate, prosecute and punish criminal groups responsible for the smuggling of migrants and other related offences. It encourages the State party to (i) continue to fully apply its national criminal law framework for the offence of trafficking; (ii) enhance measures to prevent and combat trafficking in persons and allocate sufficient human, technical and financial resources for the implementation of anti-trafficking measures. It also invites the State party to provide information in its next periodic report, if the State party opts for the traditional reporting procedure for it, or in its replies to the list of issues prior to reporting, detailed data on trafficking and smuggling of migrants, including for the purposes of sexual exploitation and forced labour, the number of prosecutions and convictions, and the sentences imposed. **The Committee considers that with respect to paragraph 62 (b) – (d) of its concluding observations, the recommendation has been partially implemented. As regards paragraph 62 (a), the Committee considers that the State party has not provided sufficient information to assess whether the recommendation has been implemented.**

The Committee looks forward to continuing its constructive dialogue with the authorities of Bosnia and Herzegovina on the implementation of the Convention and welcomes the authorities to share information pertinent to the above in its next periodic report and request any assistance it may need.

Please accept, Excellency, the assurances of my highest consideration.

Edgar Corzo Sosa  
Chair

Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families