



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

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Held at the Palais Wilson, Geneva, on Friday, 10 November 2017, at 10 a.m.

Chair: Mr. Modvig

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of Bosnia and Herzegovina (CAT/C/BIH/6; CAT/C/BIH/Q/6)

1. *At the invitation of the Chair, the delegation of Bosnia and Herzegovina took places at the Committee table.*
2. **Mr. Debevec** (Bosnia and Herzegovina), introducing the sixth periodic report of Bosnia and Herzegovina (CAT/C/BIH/6), said that the Government had informed the competent authorities at all levels of government, as well as non-governmental organizations (NGOs) and the general public, about the content of the Committee's previous concluding observations (CAT/C/BIH/CO/2-5) and had instructed the Council of Ministers to consistently implement the recommendations made therein. The Government had also submitted a follow-up report to the Committee on the steps taken to implement specific recommendations highlighted by the latter on such issues as the harmonization of the definition of sexual violence with international standards, the rapid and effective investigation of all war crimes and the independence of the Missing Persons Institute.
3. As part of measures taken during the reporting period to implement the basic principles of the Convention, the Parliamentary Assembly had in 2015 adopted a law amending the Criminal Code in order to bring the definition of torture into line with the Convention and the definition of sexual violence as a war crime into line with international standards. Furthermore, provisions of the Code had been amended to address problems that had arisen in the investigation and prosecution of human trafficking and related offences resulting from inconsistencies among the criminal codes in the country. The enactment of the Law on Asylum and of the Law on Foreigners indicated clearly the Government's readiness to harmonize domestic law on migration with European Union standards.
4. The ratification by Bosnia and Herzegovina in 2012 of the International Convention for the Protection of All Persons from Enforced Disappearance bore witness to the Government's strong commitment to addressing issues related to missing persons. However, even before ratification of that instrument, many steps had been taken in that connection, including the adoption of the Law on Missing Persons, the signing of an agreement between the Council of Ministers and the International Commission on Missing Persons on the establishment of the Missing Persons Institute, and the conclusion of cooperation agreements with other countries in the region on the search for missing persons.
5. Efforts were ongoing to bring the Office of the Human Rights Ombudsman into line with the Paris Principles and the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, in particular with regard to ensuring the Office's financial independence and clarifying its mandate. A legislative proposal to designate the Ombudsman as the national preventive mechanism under the Optional Protocol to the Convention had been approved by the Council of Ministers and submitted to Parliament.
6. In April 2017, the Council of Ministers had established a working group to draft amendments to the National War Crimes Strategy. The working group received expert advice from the Court of Bosnia and Herzegovina, the Prosecutor's Office, associations of judges and prosecutors from the Federation of Bosnia and Herzegovina and the Republika Srpska, and the Organization for Security and Cooperation in Europe (OSCE).
7. Regarding violence against children, in October 2016, the Children's Council had submitted a proposal to the authorities of the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brcko District to introduce an explicit ban on all corporal punishment of children in all settings. From 2014 to 2016, seminars had been held, in cooperation with the United Nations Children's Fund (UNICEF), for all professionals involved in the implementation of the Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings. Training in that topic had also been provided by the Ministry of Justice of the Republika Srpska to 450 police officers, staff of the guardianship authorities, lawyers and prison personnel.

8. Under an agreement on the payment of costs related to the execution of security measures imposed in criminal proceedings and involuntary placement in a medical institution, the Sokolac Institute for Forensic Psychiatry, which accommodated persons found to have been mentally incompetent at the time of commission of an offence, had been fully operational since December 2016. In May 2017, the Council of Europe, in cooperation with the Ministry of Justice of Bosnia and Herzegovina and its counterparts at the entity level, had launched a project on supporting the reintegration of violent and extremist prisoners. The aim of the project was to enable prison personnel to provide such prisoners with adequate treatment during and after imprisonment. The Law on the Enforcement of Criminal Sanctions of the Republika Srpska had been amended to mandate continuous in-service training for prison personnel. In that connection, over 100 prison staff in the Republika Srpska had participated in training under a joint project of the Ministry of Justice and the Council of Europe.

9. **The Chair** (Country Rapporteur) said that the Committee welcomed the State party's report, although it had been submitted more than a year late, and commended the State party on disseminating the previous concluding observations so widely.

10. During the dialogue, the Committee would address a number of long-standing issues that had also been raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in its reports on visits to Bosnia and Herzegovina. According to its 2012 report, the CPT delegation had received a considerable number of allegations of ill-treatment, including acts that were sufficiently serious to amount to torture, at the hands of law enforcement officials across the country. In its 2015 report, CPT had detailed further such allegations and had stated that ill-treatment by the police was a routine occurrence and almost considered as a normal practice. He wished to know why there had been no improvement in that situation and what the Government intended to do in that regard.

11. In order to prevent such abuses by the police, the Committee recommended that persons deprived of their liberty should be afforded, both in law and in practice, fundamental legal safeguards from the outset of their arrest, including the rights to legal counsel, to request and receive a confidential medical examination by an independent doctor and to inform a person of their choice of their arrest and whereabouts. In the light of reports that such safeguards were rarely applied or not provided for in law, he would like to know how the Government intended to ensure their application, in law and in practice, in accordance with international standards. Another measure to reduce abuse by the police was to ensure effective accountability through the establishment of an independent complaints mechanism — one that was not a subsidiary body of the police — responsible for conducting impartial and thorough investigations of complaints of ill-treatment and abuse. He would therefore like to know whether the Government had any plans to set up a genuinely independent body to process complaints against the police.

12. He wished to know the status of plans to introduce the video recording of police interrogations and to require that a record be kept documenting the presence of a lawyer throughout the interrogation period.

13. Noting that the definitions of torture in the Criminal Code of Bosnia and Herzegovina and the Criminal Code of the Republika Srpska were not fully in line with article 1 of the Convention or consistent among themselves and that Criminal Code of Brcko District and the Criminal Code of the Federation of Bosnia and Herzegovina contained no definition of torture, he asked whether any steps were being taken to adopt a definition where one was lacking and to harmonize existing provisions, including with regard to penalties for torture. While the Committee commended the State party for acting on its recommendation to remove the phrase "force or threat of immediate attack" from the criminal provisions on sexual violence, it remained concerned that the definition of sexual torture as a war crime differed across entities. He would therefore like to know whether any plans were in place to harmonize the definition across the various codes.

14. The Committee welcomed the fact that detainees and prisoners were examined by a qualified nurse immediately upon admission to a correctional facility and more thoroughly by a doctor within 24 hours of admission. However, in order to ensure proper reporting of

cases of abuse, it was important that the medical professionals concerned reported to health authorities outside the prison hierarchy. Therefore, he would appreciate information on the procedure followed by those professionals for reporting suspected cases of torture and ill-treatment, the number of cases reported during the period under review and their outcomes in terms of investigations, prosecutions and penalties.

15. Regarding the Office of the Human Rights Ombudsman, he asked what steps had been taken to address the concerns raised by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions in November 2016 regarding, among other things, the Office's mandate, its funding and financial autonomy, and the selection and appointment of Ombudsmen.

16. The Department for the Protection of Detained/Imprisoned Persons had been assigned an impressive list of responsibilities for the prevention of torture. It was unclear, however, how the Department's two employees could perform such a range of oversight tasks. He asked whether the State party believed that there was a reasonable relationship between the tasks assigned and the resources allocated to the Department.

17. He requested statistics on the total number of complaints received by the Human Rights Ombudsman, the number of complaints of torture and ill-treatment, and the outcome of those complaints.

18. The Committee commended the State party on its ratification of the Optional Protocol in 2008 but it wished to know why there had been a protracted delay in establishing the national preventive mechanism.

19. Noting that the Justice Reform Strategy had revealed the need for amendments to the Law on the High Judicial and Prosecutorial Council to improve the process of selection, appointment and dismissal of judges and prosecutors, he enquired about the steps taken by the State party to address those needs.

20. Noting that the Council of the European Union had reviewed the Law on Amendments to the Law on Movement and Stay of Aliens and Asylum, he asked whether the Council had made recommendations and, if so, whether they had been implemented.

21. The Committee was concerned at reports that none of the 125 applications for refugee status in 2015 and 2016 had been granted and that only 11 persons had been granted subsidiary protection. He requested an explanation for the very low acceptance rate and information on the number of persons who had been granted asylum or humanitarian protection and the number who had been returned, extradited or expelled since the State party's last periodic report.

22. The Committee had been informed that legal aid for refugees and asylum seekers was inadequate and that interpretation services were of poor quality. As a result, 42 per cent of asylum seekers in 2016 had applied for asylum only after being placed in a migrant detention facility. He asked whether the State party planned to improve its implementation of the rights of refugees and asylum seekers. He also requested an explanation of the policy of detaining refugees and migrants.

23. The Committee had been informed that appeal proceedings before the Court of Bosnia and Herzegovina and the Constitutional Court did not have automatic suspensive effect on a deportation order. He requested statistics on the outcome of such appeals and asked whether there were plans to ensure that they had suspensive effect on deportation.

24. Referring to the expression of concern in the Committee's previous concluding observations regarding inadequate assessment by the authorities of the risk of refoulement, he enquired about legal aid for asylum seekers and training on refoulement for judges and asylum officials.

25. He asked whether steps had been taken to put an end to the practice of prolonged detention of individuals whose citizenship has been revoked by the State Commission for Revision of Decisions on the Naturalization of Foreign Nationals and requested information on the procedures in place to ensure that those individuals were guaranteed a fair and efficient asylum procedure.

26. He enquired about the diplomatic assurances provided for the Iranian citizen who had been returned to his country of origin during the reporting period from 2011 to 2013. Had the State party checked whether the assurances had been upheld? He asked whether any other cases of refoulement, extradition or expulsion had occurred since that reporting period and, if so, whether diplomatic assurances had been provided.

27. He requested an update on the status of two nationals of Iraq and the Syrian Arab Republic who had been placed in the Immigration Centre of Sarajevo in response to interim orders by the Human Rights Committee and the European Court of Human Rights prohibiting their expulsion.

28. **Ms. Racu** (Country Rapporteur) welcomed the introduction of a system of professional training for prison staff and mechanisms to assess the impact of training and educational programmes. She asked whether the staff were familiarized with recommendations issued by the Committee and CPT.

29. It was regrettable that the training curriculum for police personnel did not include the Istanbul Protocol and that there was no methodology in place for assessing the impact of training in areas covered by the Convention. According to the Ombudsman, there was no systematic human rights training for police and prison staff and there was overreliance on the support of donors and international organizations for capacity-building programmes. She enquired about the resources allocated by the State party for training on the prohibition of torture.

30. She also wished to know how many judges and prosecutors had received training in the jurisprudence of the European Court of Human Rights and the Committee's recommendations under the Judicial and Prosecutorial Training Programme since its establishment in 2015. She asked whether medical personnel dealing with detainees and patients in social care institutions received systematic training on the Istanbul Protocol and whether the effectiveness of the training was assessed.

31. She requested information on whether law enforcement agencies received proper training on how to perform their duties, including the use of force and crowd control. She also wished to know whether training on the prevention of torture and the use of force was provided for the military, intelligence officers and security guards.

32. The prison system was characterized by fragmentation both in terms of its organizational structure and the applicable legislative framework. Convicted prisoners were reportedly subjected to different rules depending on the court that had handed down the sentence. She asked whether any steps had been taken to address that issue. Physical and sanitary conditions in detention facilities allegedly also varied depending on the location, but were generally substandard and occasionally life-threatening. The Ombudsmen had referred in a report to the extremely poor conditions in Sarajevo Correctional Facility, which was designed to accommodate 88 detainees, but had been accommodating 135 detainees at the time of their visit. She enquired about steps taken by the State party to improve the quality of life of detainees.

33. The Federation of Bosnia and Herzegovina had a long-standing problem of overcrowding in its detention facilities. She enquired about steps taken by the Government to reduce overcrowding. She requested an update on the construction of the new prison in Vojkovići near Sarajevo.

34. CPT had reported that the material conditions in most police holding facilities were highly inadequate and had urged the authorities to align the facilities with its standards. Reconstruction work was reportedly under way in some police detention units. She requested information on such improvements, including recent budget allocations for that purpose. CPT had also reported low staffing levels in prisons in the Federation of Bosnia and Herzegovina, notably Zenica Prison. It had criticized the highly disciplined and martial approach adopted by the prison management at Banja Luka Prison in Republika Srpska and recommended that dynamic security should be developed as an alternative. According to CPT, the quality of the performance of prison guards differed significantly from prison to prison. Complaints ranged from rude and insulting behaviour towards prisoners to alleged

discriminatory treatment. She asked how many complaints of excessive use of force by prison officers had been filed by prisoners during the reporting period.

35. She asked whether the Government of the Federation of Bosnia and Herzegovina had acted on the recommendation of its Ministry of Justice for the recruitment of new security service officers and professional staff for detention facilities. She enquired about other steps taken by the State party to improve detention facility staffing and management, including for the new prison in Vojkovići.

36. A strong message should be delivered to penitentiary staff that ill-treatment of prisoners was unacceptable, and additional training modules on manual control techniques and interpersonal skills should be offered to custodial staff. Inmates who might be vulnerable to physical abuse required special protection. All prison staff should be trained to protect detainees from other inmates who wished to cause them harm. In May 2016, the Ombudsman had issued a report on human rights violations in the Zenica correctional facility and had recommended that the perpetrators should be sanctioned and that the effectiveness of mechanisms for the prevention of inter-prisoner violence should be reviewed. A disciplinary procedure had reportedly been initiated. She enquired about its effectiveness and asked whether it could be replicated in other prisons.

37. The situation with respect to inter-prisoner violence differed greatly between “closed” and “semi-open” institutions. As closed institutions tended to operate above their maximum capacity and to be understaffed, the prison staff frequently failed to take the necessary action to prevent and manage physical violence. She requested statistics on the incidence of inter-prisoner violence and efforts to address the phenomenon, including preventive measures, implementation of a drug strategy and the system for recording violent incidents.

38. The Committee was particularly concerned about the special regime applied in the Republica Srpska, pursuant to which prisoners who violated rules of conduct, jeopardized the safety of other persons and the institution, or behaved aggressively or without respect for the integrity and dignity of prisoners and officials were placed in a department with enhanced supervision for up to three months, or placed in solitary confinement for up to two months. The Committee considered that the regime could lead to administrative abuse if prisoners were unable to appeal against arbitrary measures imposed by the prison management. Inmates should be informed in writing about the reasons for such measures and should be guaranteed the right of appeal to an independent authority. She asked how many prisoners had been placed in the department with enhanced supervision in the previous two years and how many had been placed there repeatedly. She also requested a description of the applicable regime and asked whether prisoners benefited from rehabilitation or treatment programmes and vocational activities.

39. According to the Ombudsmen, not all penitentiary institutions had permanently employed physicians and there had been no significant improvement in coordination between the Ministry of Health and the Ministry of Justice. The lack of a consistent approach to managing communicable diseases, the failure to adopt a policy for combating drug use in prisons and the lack of uniform standards for the training of health workers had a negative impact on health care for detainees. CPT had recommended that the Ministries should jointly improve health-care services by increasing staff and ensuring that medical assessments and recording of prisoners’ injuries were conducted in line with relevant international recommendations. She asked whether any improvements had been recorded.

40. The Bosnia and Herzegovina Law and the Republika Srpska Law on the Execution of Criminal Sanctions contained provisions regulating the use of restraints in prisons. Physicians exercised exclusive control over whether an individual was restrained to prevent self-harm, attacks on other persons or destruction of property. She asked how frequently restraint orders were issued and whether records were maintained. She requested data on the number of prisoners who had been restrained, disaggregated by prison and entity.

41. The Committee wished to know what plans the Government had to ensure an adequate level of staffing, provide sufficient medication and improve record-keeping in prisons. Welcoming the fact that the Sokolac Institute for Forensic Psychiatry had become operational in 2016, which meant that persons in need of medical assistance no longer had

to be detained in prisons and that the State party could begin to comply with the obligations imposed by the European Court of Human Rights in that regard, she asked how many persons the Institute could accommodate and what activities and programme were available for them. She was also pleased to note the progress made at the East Sarajevo and Tuzla correctional facilities in terms of accommodating women.

42. There had been a number of positive developments concerning juveniles in detention, most notably the adoption of a new law on the protection and treatment of minors in conflict with the law and the construction of a new educational and correctional facility in Orašje. However, the Committee was concerned about the insufficient number of alternative measures to detention and forms of rehabilitation for minors in conflict with the law; the fact that minors could be held in pretrial detention, sometimes for extended periods, and that access to education was not assured; the lack of regular and independent monitoring of juveniles deprived of their liberty; the absence of specific training on children's rights for professionals who worked with children in conflict with the law; and the lack of comprehensive data with which to assess the situation at the national level. She would appreciate an update on the number of juveniles in prison and pretrial detention, and asked what alternative and non-custodial penalties were applicable to minors. She would also be grateful if the delegation could provide further information on the measures in place to encourage good behaviour among juvenile detainees and on the educational or vocational programmes open to them. Were there sports or artistic activities or rehabilitation programmes to reduce recidivism and foster pro-social attitudes?

43. According to the State party, there had been no complaints of torture or ill-treatment in correctional facilities in the Republika Srpska during the reporting period (CAT/C/BIH/6, para. 180) and the number of complaints against police officers had decreased in recent years. All of the six complaints that had been received had been dismissed as unfounded. However, the Ombudsman had reported a steady increase in the number of complaints. Furthermore, reports had revealed a failure by the police and the judicial authorities to conduct prompt, thorough and independent investigations into alleged acts of ill-treatment. The State party had also claimed that 150 of the 269 complaints of torture or inhumane treatment by law enforcement officials received between 2010 and 2013 were "unresolvable" (CAT/C/BIH/6, para. 182). She wished to know what legal criteria were used in determining that a case was "unresolvable" and how long it took to resolve cases that had been initially classified as such. She would also appreciate updated information on those unresolvable cases.

44. Noting that, according to CPT, the arrangements for investigating allegations of ill-treatment in the Canton of Sarajevo were inadequate, given that the Police Complaints Unit was considered part of the police force, she asked what steps the authorities had taken to establish fully independent complaints bodies that had sufficient resources to ensure that such allegations were investigated effectively. She would also like the delegation to elaborate on the State party's acknowledgement, following the visit by CPT, that the system for handling complaints was not unified and that persons deprived of their liberty perceived it to be ineffective and unfair, and what progress had been made in rectifying the situation.

45. Noting the importance of immediate action by the relevant authorities in domestic violence cases, she was concerned about reports that domestic violence was a persistent and underreported problem, that data collection was insufficient, that the police response was inadequate and that there were not enough local shelters. She wished to know what had been done to tackle those issues.

46. Although the statistics provided to the Committee on human trafficking-related investigations, prosecutions and punishments between the years 2011 and 2013 were welcome, she would appreciate updated information for the period 2014-2017 and an explanation as to why there had been no convictions in 2014 and 2015. It would be helpful to have an update on the remedies and reparations available to victims of trafficking, as requested in the list of issues prior to reporting (CAT/C/BIH/Q/6, para. 7 (b)), together with an update on the number of shelters and an overview of the psychosocial assistance offered. Further details on the 2016-2019 national action plan to combat human trafficking, including the budget allocated, would also be of use. In addition, she wished to know

whether the State party had signed any agreements on police cooperation to help prevent human trafficking since its last report.

47. She would like the delegation to comment on the Government's plans to revive the draft National Strategy for Transitional Justice to ensure reparations for civilian victims of war, which the State party had failed to adopt in 2012. Concerns had been raised with regard to the processing of war crimes given that, despite the progress made over the previous decade, 1,200 cases concerning war crimes remained pending, mostly due to the prosecutor's lack of experience in that field and poor management of the cases. The Committee regretted that the State party's witness protection programme, which had been in place since 2014, applied only to witnesses testifying before the Court of Bosnia and Herzegovina.

48. The Committee welcomed the State party's ratification of the International Convention for the Protection of All Persons from Enforced Disappearance in March 2012 and its signature of the Declaration on the Role of the State in Addressing the Issue of Persons Missing as a Consequence of Armed Conflict and Human Rights Abuses, as well as the progress made towards establishing a central register of missing persons. Nevertheless, she would appreciate clarification as to why the Government had decreased the budget of the Missing Persons Institute in recent years, and she wished to know whether the Institute was adequately funded to fulfil its mandate and resolve the outstanding cases. Commending the State party's endeavours to keep the families concerned informed of efforts to find missing persons, she asked what measures were being taken to ensure that rehabilitation services were provided to those families and that those efforts were consistently applied throughout the country.

49. NGO reports had brought to light a series of issues with the investigation of crimes of wartime sexual violence, which included inconsistent classifications of such crimes, delays in prosecution, failure to enact a national victim support programme, reduced sentences for the perpetrators and discrepancies in legislation on the rights of victims. Furthermore, legislation on reparations for victims existed only at regional level and mostly provided social benefits rather than compensation, leaving many victims without an enforceable right to a remedy. She wished to know what steps the State party had taken to harmonize legislation and policies to ensure that victims' rights to compensation were recognized; whether there was any initiative to reconsider the Constitutional Court's opinion that claims filed against the State for damages resulting from war crimes were subject to a statute of limitations; and whether victims participating in judicial proceedings were entitled to free legal, psychosocial and health services and economic empowerment programmes.

50. It was unfortunate that provisions on hate crime were exclusively limited to prohibiting hatred on grounds of nationality, ethnicity and religion, and that no information was systematically gathered on similar crimes committed on the grounds of gender, sexual orientation or gender identity. The Sarajevo Open Centre had found 45 cases of hate speech and 24 criminal offences motivated by sexual orientation between January and October 2017. She would welcome relevant statistics on similar offences and violent incidents against lesbian, gay, bisexual, transgender or intersex (LGBTI) activists, as well as information on the number of investigations and prosecutions in cases documented by the Sarajevo Open Centre. She asked what action had been taken to protect the rights of the LGBTI community, and how LGBTI persons deprived of their liberty were treated.

51. **Mr. Bruni** said that in 2015 CPT had found very poor detention conditions in Sarajevo prison. The level of overcrowding was alarming, with three or four prisoners in cells with an area of 8 square metres in some cases. However, a new prison was due to be opened near Sarajevo, which complied with international standards. He wondered whether the Government had made any improvements to the old prison, whether the new prison was operational and, if so, how many prisoners were held there. CPT had also found that the conditions at Tuzla, Mostar and Zenica prisons were also substandard, and he wished to know what concrete measures had been taken to improve the detention conditions there.

52. According to the State party's report, the Citizens' Complaint Board was responsible for receiving and assessing complaints against police officers. However, according to an

article published in May 2017, the national Parliament had not yet appointed the members of the Board. There had therefore been no oversight of the country's police for more than two years. He would like the delegation to specify whether the information in the article was accurate, and to clarify the present situation concerning police oversight. Furthermore, CPT had recommended that police complaints bodies should be established, and until that time prosecutors should seek assistance from internal control units when investigating ill-treatment by the police. He wished to know whether those recommendations had been implemented by the authorities.

53. **Ms. Gaer** said that she welcomed the extensive information provided in the annexes to the State party's report but would appreciate clarification as to why disaggregated data were not available in many cases. Such information often proved useful in targeting problems and shaping policy to protect people against torture. Referring to the Programme for the Improvement of the Status of Women Victims of Rape, Sexual Violence and Torture in Bosnia and Herzegovina (CAT/C/BIH/6, paras. 221-228), she said that she would like to know whether the position of the Republika Srpska was satisfactory from the point of view of the government of the Federation. More specifically, was the protocol on the treatment of victims and witnesses of war crimes, sexual assault and other crimes of gender-based violence, signed in the Republika Srpska in 2013, considered an attempt to broaden or to reduce assistance to victims, and had the situation changed since its adoption?

54. Commending the State party on the accelerated pace in the prosecution of crimes of sexual violence committed during and since the war, she said that it would be interesting to hear more about the experience of the State party since the introduction of a number of progressive measures in legal proceedings, including new evidentiary rules in the courts. She would also like to know whether the Republika Srpska continued to have the same reservations regarding those rules.

55. She would appreciate the delegation's comments regarding reports that some two thirds of persons found guilty of perpetrating wartime sexual violence routinely received reduced sentences, not necessarily on the basis of mitigating circumstances but in exchange for the payment of fines. If that were the case, such actions would encourage impunity and be clearly in violation of the Convention.

56. An update on the status of the legislation on violence against women and gender-based violence would be appreciated. While it was a positive development that laws on domestic violence had been adopted in both the Federation and the Republika Srpska, their actual impact was unclear, as there continued to be claims of widespread violence against women. The delegation was invited to comment on such claims.

57. **Ms. Belmir** said that, while some progress had been observed in adopting legislation relating to civilian victims of war, transitional justice and internally displaced persons, there were still concerns about impunity. Further measures were also clearly needed to deal with hate speech, which was widespread in demonstrations and in political discourse.

58. She would like to know whether the State party had stopped the practice of placing persons deprived of their liberty in psychiatric hospitals. It would also be useful to know whether persons whose citizenship had been revoked could appeal against an expulsion order. In addition, the delegation was invited to provide more information on the reforms regarding the High Judicial and Prosecutorial Council. She would welcome, specifically, details about the status and functions of the judges and prosecutors referred to in paragraph 40 of the State party's report and clarification on how the establishment of separate judicial and prosecutorial departments within a single council ensured respect for the principle of judicial independence.

59. **Mr. Hani** said that he welcomed the State party's in-depth report and annexes thereto, which demonstrated the seriousness with which it took its obligations under the Convention. Regarding war crimes, it had been well documented by the United Nations that collective rape had been used as a weapon of war against thousands of women in the State party in the early 1990s. It was not clear, therefore, why there was such a discrepancy between the number of reported victims and the number of cases brought before the courts; he would appreciate the delegation's comments on the matter.

60. With regard to the War Crimes Chamber of the Court of Bosnia and Herzegovina, which had been set up in 2005 and since hailed as a successful hybrid court in which international and national judges served together, he would like to know how many cases of collective rape and torture had been considered by the Chamber during the reporting period. An update of the statistics on cases of war crimes provided in annex 4 to the State party's report, specifically any sanctions or convictions, would also be appreciated. In addition, it would be useful to receive data relating to the investigative mechanism on the illegal actions of police officers and its effectiveness, including how many cases it had processed and how many had been referred to the courts.

61. He would be interested in hearing an update on the adoption of the status of civilian victims of war, especially with regard to women victims of sexual abuse and of collective rape and on the process and strategy that concerned both entities of transitional justice. Lastly, it would be useful to learn how decisions were made, and by whom, regarding which courts ultimately heard which cases.

The meeting was suspended at 12.30 p.m. and resumed at 12.45 p.m.

62. **Ms. Bašić** (Bosnia and Herzegovina) said that the definition of torture in the Criminal Code of Bosnia and Herzegovina was now in line with the definition under article 1 of the Convention. Under the Criminal Code of the Republika Srpska, the wording, although almost identical, differed owing to the fact that that entity had jurisdiction over different matters and was a lower-level authority. The Criminal Codes of Brcko District and the Federation of Bosnia and Herzegovina had retained provisions on misconduct and mistreatment, which had been inherited from the pre-war Criminal Code. Since 2010, there had been several initiatives for harmonizing the definitions and, although both those Criminal Codes had been amended, the definition of torture had not been revised because it had been unintentionally omitted from the long list of amendments to the Criminal Codes in question. The State party would endeavour to have it revised in the near future. In any case, the definition of war crimes and crimes against humanity included sexual violence and were well-defined in the Criminal Code of Bosnia and Herzegovina.

63. Regarding redress for victims of war crimes, victims were considered witnesses who could give evidence before the courts. The National War Crimes Prosecution Strategy set out several goals, the main one being that the most complex and top-priority cases would be processed within 7 years and all others within 15 years. The sheer number of cases had made it impossible to meet the first of those deadlines. The government authorities were aware of the need to revise the Strategy in order to comply with future deadlines. To that end, the Council of Ministers had appointed a working group to review the Strategy, to provide regularly updated statistics on the number of cases being considered and to find the most efficient way of processing all the cases of war crimes. The working group comprised ministers of justice from all levels; members of the High Judicial and Prosecutorial Council; representatives of judges' and prosecutors' associations; and observers from the Organization for Security and Cooperation in Europe and other international and domestic organizations. Criteria were being developed for the transfer of certain less complex or lower-priority cases from higher courts to entity courts, the latter of which tended to have less of a backlog. The goal was to complete all proceedings relating to war crimes cases within the 15-year deadline. Most of the objectives of the original Strategy had been met, including the publication of statistics, the adoption of legislative amendments, the introduction of a witness protection programme; and the adoption of protocols on cooperation with neighbouring countries regarding evidence. The working group would set new goals in line with the current situation in order to complete execution of the Strategy by 2023.

The meeting rose at 1 p.m.