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BOSNIA AND HERZEGOVINA

[14 May 2004]

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I. LAND AND PEOPLE

1. Bosnia and Herzegovina is situated in the western part of the Balkan Peninsula. It is bordered by the State Union of Serbia and Montenegro to the east and south-east, and by the Republic of Croatia to the north, west and south. Bosnia and Herzegovina has a total area of 51,209.2 km² (land: 51,197 km², sea: 12.2 km²). Its climate is mainly continental, harsh continental in the mountains, and Mediterranean in the south.
2. According to the 1991 census, Bosnia and Herzegovina had 4,377,033 inhabitants, within its 1,537 kilometre-long borders. Fertile cultivable land covers 2,531,000 ha or 49.5 per cent of the overall territory, which creates various possibilities for agriculture and food production in favourable and various climatic conditions (from harsh continental to a mild Mediterranean climate). Various types of forest cover some 46 per cent of the territory. The country is well known for its hydro- and thermoelectric capacities, for its water potential and its coal reserves.
3. During 1991 Bosnia and Herzegovina reached a very favourable state of affairs in regard to household and housing unit numbers. As per the 1991 census, it had 1,207,693 housing units in 6,823 settlements. The average housing unit had 60.45 m² per household, or 16.68 m² per inhabitant. In 1991 Bosnia and Herzegovina was at the level of a middle-developed industrial country, with a gross national income of some US\$ 2,000 per capita and some 1.7 million inhabitants (39 per cent) living in urban areas.
4. Bosnia and Herzegovina is well known for its various ethnic groups and national minorities. As per the 1991 census, the population of Bosnia and Herzegovina consisted of Bosniaks (43.5 per cent), Serbs (31.2 per cent), Croats (17.4 per cent), Yugoslavs (5.5 per cent) and others (2.4 per cent). The category of "others" was composed of members of 17 national minorities, although notions of nationality and ethnic group were used during the census which were sanctioned by the recently adopted (1 April 2003) Law on the Protection of National Minorities. The following dominant monotheistic religious denominations coexist in Bosnia and Herzegovina: Islam, Orthodox Christianity, Catholicism and Judaism, as well as other religious groups and sects. According to the Constitution of Bosnia and Herzegovina, all its citizens have equal rights and freedoms concerning the demonstration of religion and other convictions.
5. The population breakdown by age group in the overall population of Bosnia and Herzegovina in 1991 was the following: 0-6 years of age - 11.1 per cent; 7-17 - 13 per cent; 15-19 - 8.4 per cent; 20-64 - 61.5 per cent; 65 and over - 6 per cent. The fertility rate was 52 per 1,000, while the mortality rate was 7.4 per 1,000 for males and 6.5 per 1,000 for females in 1990.

Table 1
Population of Bosnia and Herzegovina, 1879-1981 censuses

Census year	Area in km ²	No. households	Population			Population density - persons per 1 km ²
			Total	Male	Female	
1879	51 246	...	1 158 440	607 789	550 651	22.6
1885	51 246	226 699	1 336 091	705 025	631 066	26.1
1895	51 246	257 493	1 568 092	828 190	739 902	30.6
1910	51 200	310 339	1 898 044	994 852	903 192	37.1
1921	51 200	...	1 890 440	966 209	924 231	36.9
1931	51 564	398 238	2 323 555	1 185 040	1 138 515	45.1
1948	51 189	498 116	2 564 308	1 236 932	1 327 376	50.1
1953	51 221	565 212	2 847 459	1 385 559	1 461 900	55.6
1961	51 197	706 107	3 277 948	1 599 665	1 678 283	64.0
1971	51 197	848 545	3 746 111	1 834 600	1 911 511	73.2
1981	51 197	1 030 689	4 124 256	2 050 913	2 073 343	80.6

Table 2
Population of Bosnia and Herzegovina per the 1991 census

Area km ²	No. households	Population			Population density - persons per 1 km ²	No. persons per household	No. females per 1,000 males
		Total	Male	Female			
51 129	1 207 098	4 377 033	2 183 795	2 193 238	85.6	3.63	1 004

Table 3
Population of Bosnia and Herzegovina by age and sex, 1971-1991

	1971			1981			1991		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	3 746 111	1 834 600	1 911 511	4 124 256	2 050 913	2 073 343	4 377 033	2 183 795	2 219 328
Years									
0-4	405 505	207 129	198 376	365 332	186 494	178 838	332 422	170 535	161 887
5-9	442 665	225 726	216 939	375 765	192 284	183 481	347 379	177 988	169 391
10-14	442 199	225 066	217 133	393 024	201 313	191 711	347 590	177 932	169 658
15-19	411 387	209 215	202 172	433 304	222 406	210 898	360 008	185 292	174 716
20-24	319 317	162 073	157 244	404 751	211 100	193 651	359 991	188 724	171 267
25-29	225 727	109 724	116 003	357 773	184 730	173 043	371 776	194 041	177 735
30-34	289 810	140 952	148 858	294 502	150 178	144 324	361 854	186 643	175 211
35-39	280 482	139 035	141 447	216 718	107 411	109 307	334 569	172 024	162 545
40-44	243 016	118 781	124 235	280 137	138 850	141 287	276 412	139 433	136 979
45-49	166 241	70 017	96 224	267 657	133 616	134 041	201 165	98 993	102 172
50-54	101 840	41 069	60 771	230 515	112 499	118 016	257 382	125 380	132 002
55-59	114 629	48 828	65 801	157 374	63 861	90 513	241 011	116 919	124 092
60-64	112 727	53 087	59 640	90 131	35 365	54 766	198 647	92 924	105 723
65-69	79 808	37 590	42 218	92 274	37 922	54 325	124 752	48 102	76 650
70-74	53 549	23 136	30 413	77 597	34 744	42 853	62 922	22 893	40 029
75 and over	42 986	16 166	26 820	80 495	33 300	47 195	96 691	37 257	59 434
Unknown	14 223	7 006	7 217	9 907	4 840	5 067	102 462	48 715	53 747

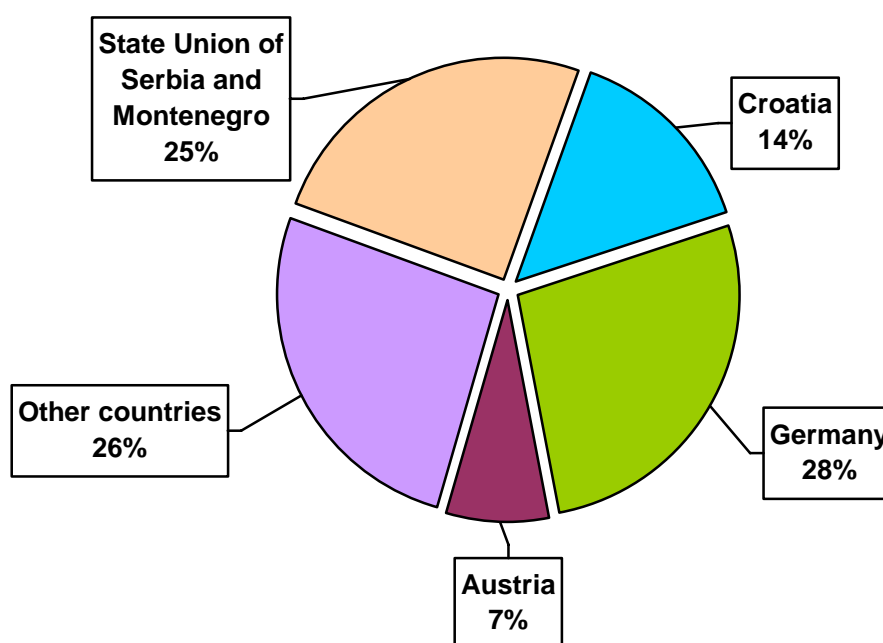
A. Bosnia and Herzegovina from 1992 to 1995

6. Bosnia and Herzegovina was internationally recognized on 6 April 1992. It continued its legal existence as an independent State within the administrative borders of the Republic of Bosnia and Herzegovina. The present administrative borders have been recognized internationally.

7. The tragic conflict in the region, which the Constitution of Bosnia and Herzegovina defines as war destruction, from 1992 to 1995 had enormous direct consequences on the demographic picture of Bosnia and Herzegovina. Some 250,000 people were killed, while some 17,000 persons were officially reported as missing. From the beginning of the war to the signing of the Dayton Peace Accord (DPA), some 2.2 million persons - over 50 per cent of the pre-war population - were moved from their homes. Of that number, some 1.2 million persons sought protection in over 100 countries around the world, while in the same period close to 1 million persons were displaced within Bosnia and Herzegovina.

8. The State Union of Serbia and Montenegro and the Republic of Croatia have sheltered almost 40 per cent of the refugees from Bosnia and Herzegovina, while Germany and Austria offered asylum to a majority of the refugees outside the region. These four countries sheltered almost 80 per cent of the refugees from Bosnia and Herzegovina who fled the country.

The most important countries of reception of refugees from Bosnia and Herzegovina from 1992 to 1995



9. As a consequence of the 1992-1995 conflict, close to 1 million persons were displaced in Bosnia and Herzegovina. Almost one third of the displaced persons are displaced within their municipalities of domicile

10. A huge number of refugees, upon returning from abroad, have not returned to their pre-war homes. In this way they basically changed their status from refugee into internally displaced person (IDP). This refers, first of all, to persons forcibly returned to Bosnia and Herzegovina, as well as to a huge number of persons who had returned to Bosnia and Herzegovina following the withdrawal of hospitality by host countries. In this way, some 60-65 per cent of returnees from Germany have been relocated.

11. As per data from the paper "Strategy of Urban Planning of the Federation of Bosnia and Herzegovina, Phase 1", economic damage, including lost incomes, has been assessed at US\$ 50-70 billion. According to the World Bank assessments, the economic damage has been evaluated at US\$ 15-20 billion. Industrial production during the war years reached only 5 per cent of pre-war production.

12. The country suffered from massive destruction of urban and rural housing structures, memorial and religious sites and buildings, infrastructure and other facilities. Some 80 per cent of the population subsisted on humanitarian aid. More than one third of the housing stock in Bosnia and Herzegovina was destroyed, of which 18 per cent was completely destroyed. The forest resources of Bosnia and Herzegovina were heavily damaged by illegal felling of trees, fires and illegal seizing of forest areas. A total of 24 per cent of pre-war medical facilities were entirely destroyed and 40 per cent damaged. One of the worst war consequences for Bosnia and Herzegovina is the 2 million or more remaining mines and the 3 million other pieces of unexploded ordnance (UXO) which have not yet been removed.

13. The demographic changes in Bosnia and Herzegovina compared to data of the 1991 census are the results of war, ethnic cleansing and the consequent mass exodus of the civilian population. The decrease in the birth rate and the negative trends of population growth are due to the killings, extrajudicial executions, enforced disappearances, displacements of population and other consequences of the war.

B. Bosnia and Herzegovina after 1996

14. As a result of the efforts of the international community to bring the war in Bosnia and Herzegovina to an end, the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) signed the DPA in Paris on 14 December 1995. Besides ending the war, the DPA precisely defines the obligations of the States parties to the Agreement - the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) - in ending the conflict in the region and promoting enduring peace and stability. According to article 1 of annex 4 of the DPA (Constitution of Bosnia and Herzegovina), the Republic of Bosnia and Herzegovina, the official name of which was henceforth to be "Bosnia and Herzegovina", would continue its legal existence under international law as a State, with its internal structure modified as provided therein and with its (at that time) internationally recognized borders. Bosnia and Herzegovina consists of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. The capital of Bosnia and Herzegovina is Sarajevo. The official languages are Bosnian, Croatian

and Serbian. The Brčko District has been established as a single administrative unit of local self-government existing under the sovereignty of Bosnia and Herzegovina, in accordance with the Final Award of the Arbitral Tribunal for Dispute over Inter-Entity Boundary in Brčko Area of 5 March 1999.

C. Population of Bosnia and Herzegovina after 1996

15. There was no census carried out in Bosnia and Herzegovina in the last 10 years, so there are no official data on population figures. The following text presents available data published in "Study on Human Development of Bosnia and Herzegovina", which are based on research and available data of the Bureaux of Statistics of the Entities.

Table 4
Demographic changes per Entity, 31 March 1991-31 March 2001

	Bosnia and Herzegovina	Federation of Bosnia and Herzegovina	Republika Srpska
Population as of 31 March 1991	4 377 033	2 783 711	1 593 322
Rate population growth (+)	144 202	117 910	26 292
Return of refugees (+)	373 400	346 140	27 260
Killed, missing persons (-)	269 810	149 860	119 950
Refugees from Bosnia and Herzegovina (-)	1 168 000	735 000	433 000
Post-Dayton emigration	92 000	64 400	27 600
Population as of 31 March 2001	3 364 825	2 298 501	1 066 324
Composition:			
1991	100	63.6	36.4
2001	100	68.3	31.7

Table 5
Demographic changes per ethnic group

	Total	Bosniaks	Croats	Serbs	Others
Population as of 31 March 1991	4 377 033	2 012 718	805 892	1 447 384	111 000
Rate population growth (+)	144 202	96 538	20 307	26 765	592
Return of refugees (+)	373 400	261 960	70 970	37 200	3 270
Killed, missing persons (-)	269 810	157 313	31 831	73 921	6 745
Refugees from Bosnia and Herzegovina (-)	1 168 000	539 000	333 000	264 000	32 000
Post-Dayton emigration	92 000	48 060	12 860	30 480	600
Population as of 31 March 2001	3 364 825	1 626 843	519 478	1 142 948	75 556
Composition:					
1991	100	46.0	18.4	33.1	2.4
2001	100	48.3	15.4	34.0	2.3

D. Refugees and displaced persons

16. The return of refugees and internally displaced persons to Bosnia and Herzegovina started immediately after the signing of the DPA. A total of 985,003 persons returned to Bosnia and Herzegovina were registered since the signing of the DPA to 31 December 2003, of whom 438,415 were refugees and 546,588 were displaced persons.

E. Employment

17. In the middle of 1990, as per the 1991 *Statistical Yearbook of Bosnia and Herzegovina*, 1,054,000 persons were registered as employed. A total of 85 per cent were employed in industry, while 15 per cent were employed in the public sector.

Table 6

Economically active population, by sex

	1971	1981	1991
Total	2 205 536	2 675 096	2 857 092
Male (15-64 years)	1 092 781	1 360 016	1 500 378
Female (15-59 years)	1 112 755	1 315 080	1 356 719
Participation of active population in overall population in %	58.9	64.9	65.3

18. A total of 633,860 employed persons were registered at the end of 2001 - 75 per cent in the industrial and 25 per cent in the public sector.

Table 7

Unemployment in Bosnia and Herzegovina at the end of 2002

Description	Federation of Bosnia and Herzegovina	Republika Srpska	Bosnia and Herzegovina
Population assessment	2 400 000	1 450 000	3 850 000
Assessment of active population per age (15-64)	1 650 000	970 000	2 620 000
Overall manpower	940 000	560 000	1 500 000
Official employment	412 805	228 834	641 639
Registered unemployment	267 934	153 264	421 198
Narrow unemployment rate (5/3 x 100)	28.5%	27.4%	28.1%
Unemployment rate	42.9%	44.7%	43.6%

Table 8
Unemployment, by age structure

Age	Unemployment in %
19-24	34.8
25-49	13.4
50-60	9.7
Total	16.1

Source: Living Standard Measurement Study (LSMS May 2002) and Report on Human Development of Bosnia and Herzegovina.

19. In 1996 in the Federation of Bosnia and Herzegovina, 34.68 per cent of women were unemployed while 37 per cent were unemployed in the Republika Srpska. It is estimated that about 36 per cent of women were unemployed in Bosnia and Herzegovina in 1996. Taking into consideration the increase in overall unemployment and in female unemployment from 1996 to 2002, it is estimated that the female unemployment rate has reached about 50 per cent.

20. The economic recovery of Bosnia and Herzegovina started after the end of the war. The introduction of a uniform currency on the whole territory of Bosnia and Herzegovina has encouraged stable functioning of the Central Bank of Bosnia and Herzegovina and its monetary policy. Overall gross domestic product (GDP) in 1996 was US\$ 830 per capita, while GDP in 2001 was US\$ 1,255. However, the economic recovery of Bosnia and Herzegovina in the transition period has not been at a satisfactory level.

21. An assessment of living standards in Bosnia and Herzegovina has demonstrated that 19-25 per cent of the population live in poverty, while approximately 40 per cent live in insecure economic and almost unbearable living conditions.

Table 9
Percentage of the population in Bosnia and Herzegovina living below the poverty line, by area

Area	Urban	Mixed	Rural	Average
Bosnia and Herzegovina	14.5	22.4	19.4	19.1
Federation of Bosnia and Herzegovina	15.3	13.5	16.9	15.6
Republika Srpska	12.3	30.5	24.3	24.8

Source: LSMS 2001 - Poverty, May 2002.

II. GENERAL POLITICAL STRUCTURE

22. Pursuant to article 1 of the Constitution of Bosnia and Herzegovina, it shall remain a Member State of the United Nations and may, as Bosnia and Herzegovina, maintain or apply for membership in organizations within the United Nations system and other international organizations.

23. The Constitution of Bosnia and Herzegovina stipulates that Bosnia and Herzegovina “shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska”. The Federation of Bosnia and Herzegovina covers 51 per cent and the Republika Srpska 49 per cent of Bosnia and Herzegovina’s territory. The Federation of Bosnia and Herzegovina is administratively subdivided into 10 cantons. Cantons are divided into 84 municipalities. The Republika Srpska is administratively organized into 63 municipalities. The Brčko District (the town of Brčko and its pre-war municipal territory) has been governed by the International Supervisor of Bosnia and Herzegovina in accordance with its Statute. The capital of Bosnia and Herzegovina is Sarajevo. Bosnia and Herzegovina has its coat of arms, flag and anthem.

24. According to article IV of the Constitution, the Parliamentary Assembly of Bosnia and Herzegovina has two chambers: the House of Peoples and the House of Representatives. The House of Peoples is comprised of 15 delegates, two thirds from the Federation (including five Croats and five Bosniaks) and one third from the Republika Srpska (five Serbs). The House of Representatives is comprised of 42 Members, two thirds elected from the territory of the Federation, one third from the territory of the Republika Srpska.

25. The Presidency of Bosnia and Herzegovina (art. V) consists of three Members: one Bosniak and one Croat, each elected directly from the territory of the Federation, and one Serb directly elected from the territory of the Republika Srpska. Each Member of the Presidency has a civilian command authority over the armed forces. The Members of the Presidency select a Standing Committee on Military Matters to coordinate the activities of the armed forces in Bosnia and Herzegovina. The Members of the Presidency are members of the Standing Committee. According to the recently adopted Decision of the Presidency of Bosnia and Herzegovina, the Standing Committee on Military Matters consists of nine members: three members of the Presidency, the Chair of the Council of Ministers of Bosnia and Herzegovina, the Minister for Foreign Affairs, the Minister of Defence, the Minister of Security, the President or Vice-President of the Republika Srpska, and the President or Vice-President of the Federation of Bosnia and Herzegovina.

26. According to article VI of the Constitution, the Constitutional Court of Bosnia and Herzegovina has nine members - four selected by the House of Representatives of the Federation and two selected by the Assembly of the Republika Srpska. The three members are selected by the President of the European Court of Human Rights and are not citizens of Bosnia and Herzegovina or of any neighbouring State.

27. The Court of Bosnia and Herzegovina has been established in accordance with the Law on the Court of Bosnia and Herzegovina.

28. According to article V (4), the Presidency nominates the Chair of the Council of Ministers, and the Chair nominates the Ministers. Together they constitute the Council of Ministers. Their nominations are approved by the House of Representatives of Bosnia and Herzegovina. According to the Law on the Council of Ministers of Bosnia and Herzegovina, the Council of Ministers consists of eight ministries: Foreign Affairs, Communications and Transport, Civil Affairs, Human Rights and Refugees, Finance and Treasury, Foreign Trade and Economic Relations, Justice, and Security. Each Minister has a Deputy Minister, who replaces the Minister in case of absence. Each Ministry also has a Secretary who performs his/her duties and tasks in accordance with the Law on Civil Service in the Institutions of Bosnia and Herzegovina. The Council of Ministers carries out the policies and decisions of Bosnia and Herzegovina in accordance with article III of the Constitution. The Council of Ministers may take decisions if more than half of the members are present, including at least two representatives of each of the three constituent peoples.

29. Other institutions and organs of Bosnia and Herzegovina are: the Ombudsman for Human Rights of Bosnia and Herzegovina, the Directorate of European Integration and Independent Administrative Organizations, the Office for Auditing of Financial Operations of the Institutions of Bosnia and Herzegovina, the Central Bank of Bosnia and Herzegovina, the Permanent Election Commission of Bosnia and Herzegovina, the Agency for the Promotion of Foreign Investment in Bosnia and Herzegovina, the Institute for Standards, Metrology and Intellectual Property, the Institute for Statistics of Bosnia and Herzegovina. Bosnia and Herzegovina is in the process of establishing the Ministry of Defence of Bosnia and Herzegovina, according to the Law on Defence of Bosnia and Herzegovina adopted by the Parliament of Bosnia and Herzegovina in December 2003.

Responsibilities and relations between the institutions of Bosnia and Herzegovina and the Entities (article III of the Constitution of Bosnia and Herzegovina)

30. The institutions of Bosnia and Herzegovina are responsible for foreign policy, foreign trade policy, customs policy, monetary policy, the finances of the institutions and for the international obligations of Bosnia and Herzegovina, immigration, refugee and asylum policy and regulation, international and inter-Entity criminal law enforcement, including relations with Interpol, the establishment and operation of common and international facilities, the regulation of inter-Entity transportation and air traffic control. All responsibilities that are not the responsibility of the institutions of Bosnia and Herzegovina are the responsibility of the Entities.

31. The Presidency of Bosnia and Herzegovina may decide to facilitate inter-Entity coordination on matters within the responsibilities of Bosnia and Herzegovina, unless an Entity objects in any particular case. Bosnia and Herzegovina assumes responsibility for other matters as agreed by the Entities or are necessary to preserve the sovereignty, territorial integrity, political independence and international personality of Bosnia and Herzegovina.

32. The international standards for the protection of human rights and fundamental freedoms, notably, the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols, apply directly in Bosnia and Herzegovina. These have priority over all other law.

33. According to the Partial Decision of the Constitutional Court of Bosnia and Herzegovina on Constituency of All Three Peoples in the Whole Territory of Bosnia, the Entities have to harmonize their constitutions with the Constitution of Bosnia and Herzegovina and to change the organization of the legislative and executive organs providing for the participation of all constituent peoples and Others in public life.

34. **The Federation of Bosnia and Herzegovina** is one of two Entities of Bosnia and Herzegovina. It has 10 cantons and has its own constitution.

35. The legislative authority in the Federation of Bosnia and Herzegovina is the House of Representatives and the House of Peoples. The House of Representatives has 98 representatives, with at least four members from each constituent people represented in the House. The House of Peoples has parity representation, every constituent people having the same number of representatives. The House is composed of 58 representatives, each constituent people having 17 representatives, while “Others”, elected among the representatives of national minorities, have 7 representatives. In this way, the representation and political and civil rights of “Others” are legally guaranteed. Representatives of the House of Peoples are selected among the cantonal assembly representatives, proportionate to the structure of the national population.

36. The Federation has a President and two Vice-Presidents appointed by the President and confirmed by the House of Peoples of the Parliamentary Assembly of the Federation of Bosnia and Herzegovina, one representative of each constituent people.

37. The Prime Minister of the Federation is appointed by the President and two Vice-Presidents of the Federation, and is confirmed by the Parliamentary Assembly of the Federation of Bosnia and Herzegovina.

38. The judicial authorities of the Federation of Bosnia and Herzegovina are the Constitutional Court, the Supreme Court, and the Misdemeanour Council.

39. The Federation of Bosnia and Herzegovina has a government composed of the Prime Minister and 16 ministers.

40. The cantons of the Federation of Bosnia and Herzegovina have their own constitutions, as well as Assemblies as the highest legislative organ. The executive organ of the canton is the government of the canton, composed of ministries. The judicial authority of the cantons is organized in 10 cantonal courts. The cantons are organized in municipalities with municipal courts and magistrates’ courts.

41. The Federation of Bosnia and Herzegovina has 84 municipalities as the lowest level of administrative organization. All municipalities have their councils and municipal administrative services, run by the mayor.

42. **The Republika Srpska** has a President and two Vice-Presidents, one from each constituent people. They represent the Republika Srpska in expressing unity of power.

43. The National Assembly of the Republika Srpska is the highest legislative organ, composed of 83 members. The Council of Peoples of the Republika Srpska is selected by the parliamentary groups of the National Assembly. The Council has 28 members - 8 members representing each of the 3 constituent peoples and 4 members representing national minorities and others.
44. The judicial organs of the Republika Srpska are the Constitutional Court of the Republika Srpska, the Supreme Court of the Republika Srpska, first instance courts and magistrates' courts.
45. The government of the Republika Srpska has a Prime Minister and 16 ministers. The Republika Srpska is organized in 63 municipalities, which have their municipal assemblies and municipal administrative services, run by mayors.
46. **The Brčko District of Bosnia and Herzegovina** was established on 9 March 1999 according to the Final Award of the Arbitral Tribunal of Dispute over Inter-Entity Boundary in Brčko on 5 March 1999. The Brčko District extends along the Sava River and has an area of 493 km². As per recent assessments, the District has some 85,000 inhabitants, of whom 40,000 live in town. The Brčko District has its Statute; the highest legislative authority is the Assembly, composed of 29 representatives. The Mayor leads the government of the District. The judicial authority of the District consists of the First Instance Court and the Appellate Court. The impartiality of the courts is assured through the work of the Judicial Commission.
47. **Independence of the judicial authorities of Bosnia and Herzegovina.** Judicial organs are independent. Their independence has been reinforced by the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and high judicial councils of the Federation of Bosnia and Herzegovina and the Republika Srpska. The High Representative has temporary authority to appoint the members of the councils. The essential aim of giving this temporary authority to the High Representative has been to improve the implementation of the international and European standards by establishing a legal framework for restructuring the courts and prosecutor's offices. Furthermore, it should ensure impartiality in the selection of judges at this stage of the restructuring process. The same principle has been applied in the process of the appointment of prosecutors at the level of Bosnia and Herzegovina, its Entities and cantons.
48. **Participation of national minorities in legislative and executive organs.** According to the amendments to the Entity and cantonal constitutions, minorities have rights to be represented in legislative and executive organs. The Electoral Law of Bosnia and Herzegovina guarantees representatives of national minorities the right to take part in the conduct of public affairs, to vote and to be elected in the legislative and executive organs of Bosnia and Herzegovina at all levels. The Law on the Protection of National Minorities, adopted by the Parliament of Bosnia and Herzegovina on 1 April 2003, determines the obligation for the Entities, cantons, municipalities and towns in Bosnia and Herzegovina to fully harmonize their legislation with the provisions of the Law and to provide for more effective inclusion of members of national minorities in legislative and executive organs at all levels. According to the Law, and with the understanding that the Romas are the largest national minority in Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina has established the Roma Committee.

49. **Function of the Office of the High Representative.** DPA, annex 10 (Agreement on Civilian Implementation), article V, stipulates that the High Representative is the final authority in Bosnia and Herzegovina regarding interpretation of the implementation of the civilian aspects of the peace settlement. The High Representative facilitates, as he judges necessary, the resolution of any difficulties arising in connection with civilian implementation.

50. Under the Conclusion of the Conference on Peace Implementation, held in Bonn on 9 and 10 December 1997, the High Representative could use his authority in Bosnia and Herzegovina for the resolution of any problem, by issuing binding decisions, as he judges necessary. This authority includes passing the laws and decisions that are the competence of executive bodies, as well as specific regulations on the appointment and dismissal of public servants. The High Representative also has authority to undertake necessary measures for the implementation of the Peace Agreement in the whole territory of Bosnia and Herzegovina and its Entities.

III. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

51. Article II (1) of the Constitution of Bosnia and Herzegovina specifies that Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. Furthermore, paragraph 2 stipulates that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Bosnia and Herzegovina. These international human rights instruments have priority over all other laws.

52. Article II (3) of the Constitution of Bosnia and Herzegovina enumerates the following human rights:

- (a) The right to life;
- (b) The right not to be subjected to torture or to inhuman or degrading treatment or punishment;
- (c) The right not to be held in slavery or servitude or to perform forced or compulsory labour;
- (d) The rights to liberty and security of person;
- (e) The right to a fair hearing in civil and criminal matters, and other rights relating to criminal proceedings;
- (f) The right to private and family life, home, and correspondence;
- (g) Freedom of thought, conscience, and religion;
- (h) Freedom of expression;

- (i) Freedom of peaceful assembly and freedom of association with others;
- (j) The right to marry and to found a family;
- (k) The right to property;
- (l) The right to education;
- (m) The right to liberty of movement and residence.

53. Bosnia and Herzegovina and both its Entities have committed themselves to ensuring the highest level of protection of the economic, social and cultural rights through the implementation of domestic and international regulations.

54. The Constitutions of Bosnia and Herzegovina and both Entities prohibit discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status (the Constitution of Bosnia and Herzegovina, article II, paragraph 4).

55. **Civil and political rights and the freedoms of citizens - serving a military obligation.** The laws under which all adult male citizens of Bosnia and Herzegovina are subject to military service regulate restrictions of the civil and political rights and freedoms to protect national security and public order, public health and morals, or the rights and freedoms of others. All persons aged 18 to 60 are subject to military conscription. Military service lasts six months. The Entities' Laws on Military Service provide the possibility for civilian service by males and voluntary military service by females. Persons subject to military conscription can be mobilized only when a competent body declares a state of war, threat of a state of war or a state of emergency, and in case of natural disaster. Males are exempted from military service in case of incapacity to serve a military obligation, while females are not subject to military conscription and can be mobilized only for compulsory work in case of a threat of war, a state of emergency or a natural disaster. Females and single parents (male or female) with children under 7 years old are exempted from this obligation.

56. **The right to liberty and security of person** is assured by the police forces within the State, the Entities and the cantonal ministries of the interior. Police should transfer anyone who is deprived of his liberty by arrest or detention on a criminal charge to the competent prosecutor's office within 24 hours.

57. These rights and freedoms cannot be subjected to any restrictions except those which are provided by the Law on the Execution of Criminal Sanctions, notably on the basis of a decision of the competent court. The liberty of ill persons can be restricted if they pose a risk to their own or someone else's life. Referral to health-care institutions is exclusively carried out on the basis of a diagnosis made by the competent medical board, that is a health-care institution, which is competent to issue such medical findings. The work of such commissions is regulated by special regulations.

58. **Freedom of movement.** There is no restriction regarding the right of citizens of Bosnia and Herzegovina to liberty of movement and freedom to choose their residence within the territory of the State, and they can also freely choose the place of their permanent residence. Lawful stay in Bosnia and Herzegovina requires appropriate identification documents indicating the permanent address.

59. **Economic, social and cultural rights** are also guaranteed by the Constitution of Bosnia and Herzegovina and both Entities, and are regulated by individual laws. Because of the consequences of the war in Bosnia and Herzegovina and in accordance with the DPA, particular attention has been given to legal regulations concerning the right to repossess pre-war property, the right to return to pre-war places of residence, as well as the right to education, the right to work, and the right to have access to health care and social welfare.

60. **Free and equal access to the labour market.** Since Bosnia and Herzegovina is a country in transition, a market economy has been introduced and, consequently, a new legal framework has been adopted at the Entity level. The State Labour Law is currently before the Parliament. Bosnia and Herzegovina ratified several international conventions relating to labour issues. Some of the instruments are currently under consideration and will shortly be signed and ratified. According to article I of the Constitution, Bosnia and Herzegovina has maintained the membership of the Republic of Bosnia and Herzegovina in all international organizations including the International Labour Organization (ILO). Bosnia and Herzegovina signed and ratified 65 ILO conventions, including the ILO 10 fundamental conventions. Since labour, employment, health and social welfare policies are the competence of the Entities, these issues are regulated by Entity laws. However, some of them have not yet been harmonized in line with provisions of the relevant ILO conventions signed and ratified by Bosnia and Herzegovina.

61. **Freedom of choice of profession,** right to equal remuneration for work of equal value without distinction of any kind, in particular sex. The laws regulating labour rights in Bosnia and Herzegovina and in the Entities and cantons do not make any distinction between males and females in regard to the highest possible realization of the right to work and the workers' rights deriving from it. The only exceptions are the legal privileges granted to mothers during and after childbirth. The present economic situation in Bosnia and Herzegovina has had a negative impact on the full realization of workers' rights deriving from just and favourable conditions of work. Owing to high unemployment rates and a slow economic recovery, there is an outstanding problem with regard to the realization of workers' rights.

62. **The right of anyone to the enjoyment of the highest attainable standard of physical and mental health** in Bosnia and Herzegovina is realized at the Entity and canton level. The social welfare and health-care legislation is regulated by Entity and cantonal laws. Realization of these rights is difficult owing to lack of resources in the budgets of the Entities and cantons, which are obliged to secure resources for this purpose. Laws regulating this field are still not harmonized with the conventions Bosnia and Herzegovina is obliged to apply.

63. **The right to freedom of assembly and association** is determined by the Constitution of Bosnia and Herzegovina which in article II (3), determines that citizens of Bosnia and Herzegovina have the right to freedom of peaceful assembly and association with others. These freedoms are regulated by numerous laws at the State and Entity levels. According to the laws,

the organizer of an assembly has to announce the intention to hold the assembly to the competent authority. Practice, however, shows that there are situations in which there are attempts to prevent assemblies of citizens, or restrict them in another way. On the other hand, organizers of assemblies misuse their right to freedom of peaceful assembly for the purpose of carrying out some other aims, not reported in the explanation of the reasons for the assembly.

64. **Education.** Bosnia and Herzegovina has committed itself to carrying out necessary reforms of the educational system, in accordance with the fundamental principles and shared values of the common social and cultural space of the European countries laid down in the Joint Declaration of European Ministers of Education adopted in Bologna, Italy, in June 1999. The basic condition for achieving these objectives is the adoption and harmonization of legislation on primary, secondary and higher education, which will prevent any kind of discrimination. Bosnia and Herzegovina committed itself to finalizing these reforms by the end of 2003. Since the education policy is at this point the competence of the Entities and cantons, relevant legislation has been passed at the Entity and canton levels but it is not fully harmonized with the principles set forth in the international conventions signed and ratified by Bosnia and Herzegovina. However, on 30 June 2003, the Framework Law on Primary and Secondary Education in Bosnia and Herzegovina was adopted at the State level and the process of harmonization of Entity and cantonal laws is under way.

65. **National minorities.** The Law on the Protection of National Minorities of Bosnia and Herzegovina has created an obligation for Entities, cantons, municipalities and towns in Bosnia and Herzegovina to adopt adequate legislation and regulate legal obligations at all levels to protect and promote minority rights stemming from this Law. Moreover, the Electoral Law of Bosnia and Herzegovina has provided for the possibility of participation by representatives of national minorities in legislative bodies of Bosnia and Herzegovina at all levels. These legal requirements and regulations have enabled Bosnia and Herzegovina to move towards better protection of its national minorities.

66. **Freedom of religion.** The Constitution of Bosnia and Herzegovina and the constitutions of the Entities prohibit any kind of discrimination on the ground of religious belief. The Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina is before Parliament. This law has been prepared in accordance with the provisions of the international human rights instruments signed and ratified by Bosnia and Herzegovina. High-ranking religious clerics representing different religious communities in Bosnia and Herzegovina are members of the Interreligious Council of Bosnia and Herzegovina, which work on preventing discrimination on the ground of religion or belief. This Council fully cooperates with the authorities of Bosnia and Herzegovina and international institutions and organizations in Bosnia and Herzegovina. In close cooperation with the authorities of Bosnia and Herzegovina, the Council carries out activities aiming at better protection and promotion of the right to freedom of religion, as well as improvement of the legal position of Churches and religious communities in Bosnia and Herzegovina.

67. **Rights of women and the child.** The Law on Gender Equality in Bosnia and Herzegovina prohibits all discrimination against women on any grounds. Accordingly, the State Plan of Action to Combat Discrimination against Women will soon be adopted and the Gender Equality Agency of Bosnia and Herzegovina will be established. Adoption of the Law, as well

as the State Plan of Action, and establishing the Agency will enable the authorities of Bosnia and Herzegovina to prevent all forms of discrimination against women. The rights of the child in Bosnia and Herzegovina are guaranteed by the Constitution of Bosnia and Herzegovina and the constitutions of the Entities, as well as by the laws adopted at the level of Entities, the Brčko District and cantons in Bosnia and Herzegovina. Laws protecting the rights of the child are related to a number of measures in the area of social welfare, family and child protection, education and health care. The Council of Ministers of Bosnia and Herzegovina has adopted the Action Plan for Children 2002-2010, and has established the Council for Children of Bosnia and Herzegovina, as an advisory body to the Council of Ministers. The Council for Children is responsible for the implementation of the Action Plan, and its activities are directed towards prevention of discrimination against children.

68. **Stabilization and association process.** The comprehensive process of harmonization of laws in Bosnia and Herzegovina is under way. There are three reasons for this: harmonization with determined principles in international documents, the inclusion of Bosnia and Herzegovina in the European integration processes, and the preparation of a feasibility study for the Stabilization and Association Process towards the European Union.

69. Effective protection of human rights requires more efficient State functioning, as well as appropriate means for its implementation. There are legal instruments which act to build in Bosnia and Herzegovina a democratic society with the rule of law and the enjoyment of human rights and freedoms by all its citizens. This presents a challenge that has been accepted by Bosnia and Herzegovina. However, considering the economic situation and the level of mechanisms developed in Bosnia and Herzegovina, further assistance in the efficient development of the State and the continuation of the processes that have been undertaken is required.

70. Bosnia and Herzegovina has ratified the following international human rights instruments:

(a) Convention on the Prevention and Punishment of the Crime of Genocide - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 29 December 1992;

(b) Convention on Non-Applicability of Statutory Restrictions to War Crimes and Crimes against Humanity - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;

(c) International Convention on the Prevention and Punishment of the Crime of Apartheid - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;

(d) International Convention against Apartheid in Sports - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;

- (e) International Covenant on Economic, Social and Cultural Rights - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;
- (f) International Covenant on Civil and Political Rights - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;
- (g) Optional Protocol to the International Covenant on Civil and Political Rights - ratification on 1 March 1995;
- (h) Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty - signed on 7 September 2000, ratified on 16 March 2001;
- (i) International Convention on the Elimination of All Forms of Racial Discrimination - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 16 July 1993;
- (j) Convention on the Elimination of All Forms of Discrimination against Women - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;
- (k) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women - signed on 7 September 2000, ratified on 4 September 2002;
- (l) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;
- (m) Convention on the Rights of the Child - *Official Gazette of the Republic of Bosnia and Herzegovina 25/93*, succession on 1 September 1993;
- (n) Optional Protocol to the Convention on the Rights of the Child on children in armed conflict - signed on 7 September 2000, ratified on 10 October 2003;
- (o) Optional Protocol to the Convention on the Rights of the Child on the sale of the children, child prostitution and child pornography - signed on 7 September 2000, ratified on 4 September 2002;
- (p) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families - accession on 13 December 1996;
- (q) 1951 Convention relating to the Status of Refugees - succession on 1 September 1993;
- (r) 1967 Protocol relating to the Status of Refugees - succession on 1 September 1993;

(s) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime - *Official Gazette of the Republic of Bosnia and Herzegovina* 3/02, ratification on 27 March 2002;

(t) Protocol Against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime - *Official Gazette of the Republic of Bosnia and Herzegovina*, No. 3/02, ratification on 27 March 2002.

71. ILO human rights instruments signed and ratified by Bosnia and Herzegovina:

(a) Forced Labour Convention, 1930 (No. 29);

(b) Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);

(c) Right to Organize and Collective Bargaining Convention, 1949 (No. 98);

(d) Equal Remuneration Convention, 1951 (No. 100);

(e) Social Security (Minimum Standards) Convention, 1952 (No. 102);

(f) Discrimination (Employment and Occupation) Convention, 1958 (No. 111);

(g) Employment Policy Convention, 1964 (No. 122);

(h) Minimum Age Convention, 1973 (No. 138);

(i) Worst Forms of Child Labour Convention, 1999 (No. 182) and others.

72. International human rights instruments of the Council of Europe, signed and ratified by Bosnia and Herzegovina:

(a) Convention on the Protection of Human Rights and Fundamental Freedoms - signed on 24 April 2002, ratified on 12 July 2002 - entered into force on 12 July 2002;

(b) Protocols Nos. 1-8 and 11 to the Convention on the Protection of Human Rights and Fundamental Freedoms, signed on 24 April 2002, ratified on 12 July 2002 - entered into force on 12 July 2002;

(c) European Convention on Protection against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, signed on 12 July 2002, ratified on 12 July 2002, entered into force on 1 November 2002;

(d) Framework Convention on the Protection of National Minorities, ratified on 24 February 2000, entered into force on 1 June 2000.

73. International human rights instruments of the Council of Europe signed by Bosnia and Herzegovina:

(a) Protocol No. 12 to the Convention on the Protection of Human Rights and Fundamental Freedoms, signed on 24 April 2002;

(b) Protocol No. 13 to the Convention on the Protection of Human Rights and Fundamental Freedoms, signed on 3 May 2002.

Institutions in Bosnia and Herzegovina for the protection of human rights

74. Under State and Entity laws, at the moment there are seven institutions with a mandate for the promotion and protection of human rights at the State and Entity level.

(a) At the State level:

(i) The Constitutional Court of Bosnia and Herzegovina;

(ii) The Court of Bosnia and Herzegovina;

(iii) The Commission on Human Rights, consisting of the Human Rights Chamber and the Office of the Human Rights Ombudsman of Bosnia and Herzegovina established in accordance with annex 6 to the DPA;

(iv) The Ministry for Human Rights and Refugees of Bosnia and Herzegovina;

(b) At the Entity level:

(i) The Office of the Human Rights Ombudsman of the Federation of Bosnia and Herzegovina;

(ii) The Office of the Human Rights Ombudsman of the Republika Srpska.

75. **The Constitutional Court of Bosnia and Herzegovina** has an exclusive jurisdiction to decide any dispute arising under the Constitution of Bosnia and Herzegovina between two Entities, or between Bosnia and Herzegovina and one or both Entities, or between institutions of Bosnia and Herzegovina. The Constitutional Court of Bosnia and Herzegovina has appellate jurisdiction over issues under the Constitution arising out of a judgement of any other court in Bosnia and Herzegovina. Furthermore, the Court has jurisdiction over issues referred by any court in Bosnia and Herzegovina concerning whether a law, on whose validity its decision depends, is compatible with the Constitution, with the European Convention on Human Rights and its Protocols, or with the laws of Bosnia and Herzegovina; or the existence or the scope of a general rule of public international law pertinent to the Court's decision (article 6 of the Constitution). Decisions of the Constitutional Court are final and binding. The Constitutional Court has nine members - four selected by the House of Representatives of the Federation of Bosnia and Herzegovina, two by the National Assembly of the Republika Srpska and three, by

the President of the European Court of Human Rights after consultation with the Presidency. Initially appointed judges serve for a period of five years and are not eligible for reappointment. Judges subsequently appointed serve until age 70, unless they resign or are removed for cause by consensus of the other judges.

76. **The Court of Bosnia and Herzegovina** ensures better protection and respect of human rights, as well as the rule of law. The Court of Bosnia and Herzegovina was established according to the provisions of the Law on the Court of Bosnia and Herzegovina, which entered into force in July 2002. The court has 15 judges. Impartiality in the selection of judges is assured by the Commission for the Nomination of the Judges, while the independence of the judges is assured by incompatibility of their function with any political function. The Court should comprise three chambers: Penalty Chamber, Administrative Chamber and Appeal Chamber. The Court has appellate jurisdiction over issues relating to the implementation of State laws and international agreements upon the appeal of any Entity court or any court of the Brčko District entrusted with application of State laws; over issues relating to a conflict of jurisdiction between Entity courts; to resume criminal proceedings; over the issues arising out of the final administrative decisions/acts of the institutions of Bosnia and Herzegovina; over issues arising out of a judgement on the legality of individual and general acts passed on the basis of State laws; over property disputes between the State and the Entities and the Brčko District, etc. The decisions of the Court are final and binding.

77. **The Commission on Human Rights** has been established in accordance with annex 6 to the DPA (Human Rights). It consists of two parts, the Office of the Ombudsman and the Human Rights Chamber, which are entrusted to consider alleged or apparent violations of human rights as provided in the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; or alleged or apparent discrimination on any grounds or other status arising in the enjoyment of any of the rights and freedoms provided for in the international agreements listed in the appendix to annex 6, where such violation is alleged or appears to have been committed by the State and/or the Entities, including by any official or organ of the State, Entities, cantons, municipalities, or any individual acting under the authority of such official or organ.

78. **The Human Rights Chamber** is composed of 14 members. The Chamber receives by referral, from the Ombudsman on behalf of an applicant, or directly from the State or the Entity, or a person, non-governmental organization, or group of individuals claiming to be the victim of a violation by the State or Entity or acting on behalf of alleged victims who are deceased, for resolution or decision, applications concerning alleged or apparent violations of human rights within its mandate. Decisions of the Chamber are final and binding. Article XIV of annex 6 to the DPA foresees the transfer of competence of the Chamber to the Bosnia and Herzegovina authorities. Since the competencies of the Human Rights Chamber and the Constitutional Court of Bosnia and Herzegovina overlap, the proposal on modalities of merging these two institutions is still under consideration, though the mandate of the Chamber expired on 31 December 2003. It should be recalled that the Human Rights Chamber had been established under annex 6 of the DPA at a time when Bosnia and Herzegovina was not a member of the Council of Europe and its judiciary was incapable of handling human rights cases. Given that Bosnia and Herzegovina ratified the European Convention on Human Rights and Protocols thereto on 12 July 2002, and accordingly accepted the jurisdiction of the European Court of Human Rights, the future existence and work of the Human Rights Chamber should be reconsidered.

79. There are still diverging legal positions on the transfer of competence from the Human Rights Chamber to the Constitutional Court of Bosnia and Herzegovina. Nevertheless, a final decision on this issue should be taken by the Parliament of Bosnia and Herzegovina, upon the proposal by the Council of Ministers of Bosnia and Herzegovina. The Human Rights Chamber has already stopped receiving cases. Therefore, a decision on the transfer of its mandate could affect the final decision on its status and could have an impact on the length of the process of transfer of its competence. While modalities of the transfer require more discussion and time, the transfer plan must provide effective protection of human rights in Bosnia and Herzegovina. Accomplishment of this task requires the full engagement of domestic and international institutions.

80. **The Office of the Human Rights Ombudsman for Bosnia and Herzegovina** has authority to investigate alleged violations of human rights and to issue findings and conclusions promptly after concluding an investigation. The Office of the Ombudsman may investigate, either on its own initiative or in response to an allegation, while its efforts are directed at peaceful settlement of disputes. The Ombudsman investigates claims of human rights violations, immediately announces findings and conclusions, and informs the competent official or institution of its findings and conclusions. The Ombudsman can initiate proceedings before the Human Rights Chamber at any stage. Furthermore, he is authorized to forward his conclusions and recommendations to the High Representative in case of non-compliance of the competent government organ or official. He has access to and may examine all official documents. According to article IV of annex 6, the Ombudsman was appointed by the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) and could not be a citizen of Bosnia and Herzegovina or of any neighbouring State. On 12 December 2000, the High Representative imposed the Law on the Human Rights Ombudsman for Bosnia and Herzegovina, enabling transfer of responsibilities to the authorities of Bosnia and Herzegovina. Later on, the Law was approved by the Parliamentary Assembly of Bosnia and Herzegovina, thereby fulfilling the first important condition for the transfer of competence. The term of the Ombudsman appointed by the Chairman-in-Office of the OSCE expired on 31 December 2003. The Presidency of Bosnia and Herzegovina has appointed new State Ombudsmen - one Bosniak, one Croat and one Serb. They took up their responsibilities on 6 January 2004.

81. **The Ministry for Human Rights and Refugees** was established in 2000, in accordance with the Law on the Council of Ministers of Bosnia and Herzegovina then in force. In accordance with the Law on Ministries and Other Organs of Administration of Bosnia and Herzegovina, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina is responsible for: monitoring and implementation of international conventions and other human rights instruments; promotion and protection of individual and collective human rights and freedoms; coordinating the preparation of reports on the obligations of Bosnia and Herzegovina under international human rights instruments, as well as coordinating reports to the competent domestic bodies and institutions; development and implementation of activities in fulfilment of Bosnia and Herzegovina's obligations with respect to the accession of Bosnia and Herzegovina to Euroatlantic institutions, in particular the activities enabling implementation of the European Convention on Human Rights and Protocols thereto; monitoring, preparation and dissemination of information on human rights standards, achievements and activities; cooperation with religious communities, national minorities and their associations; cooperation with institutions and organizations in charge of activities relating to the tracing of missing persons in Bosnia and Herzegovina; cooperation with the Red Cross of Bosnia and Herzegovina and the International

Committee of the Red Cross and humanitarian organizations; questions related to asylum and the rights of refugees in Bosnia and Herzegovina, implementation of annex 7 to the DPA, as well as supervision over its implementation; creation and implementation of national policy in the field of return of refugees and displaced persons in/to Bosnia and Herzegovina, reconstruction projects and providing for other conditions needed for sustainable return; coordination, management and supervision of the Entities' activities and those of other relevant institutions of Bosnia and Herzegovina within the Commission for Refugees and Displaced Persons; all other activities regulated by law or those resulting from the implementation of annexes 6 and 7 of the DPA; collecting, processing and storing of all data relevant for the Ministry, in accordance with all legal standards on data protection; coordination with the non-governmental sector on issues under the competence of the Ministry; creation of asylum and immigration policies in Bosnia and Herzegovina; creation of Bosnia and Herzegovina's emigration policy; collection, classification, publishing and distribution of all data within the Ministry's competence.

82. **The Office of the Human Rights Ombudsman of the Federation of Bosnia and Herzegovina** is composed of three persons: a Bosniak, a Croat and a Serb. The Office operates through its Head Office in Sarajevo and 11 local offices. The Ombudsman can investigate any institution in the Federation of Bosnia and Herzegovina, the cantons or the municipalities. The Ombudsman of the Federation of Bosnia and Herzegovina is authorized to protect the human rights and interests of all persons, as the Constitutions of Bosnia and Herzegovina and the Constitution of the Federation of Bosnia and Herzegovina explicitly guarantee. The Ombudsman may not interfere with the functions of the courts in matters related to the resolution of legal issues before them.

83. **The Office of the Ombudsman of the Republika Srpska** was established by the Law on the Office of the Ombudsman of the Republika Srpska adapted by the National Assembly on 9 February 2000. The Office is composed of three members: a Croat, a Bosniak and a Serb. The Office of the Ombudsman of the Republika Srpska has its Head Office in Banja Luka and four field offices. The Ombudsman of the Republika Srpska is authorized to protect the human rights and interests of all persons, as explicitly guaranteed by the Constitution of Bosnia and Herzegovina and by the Constitution of the Republika Srpska. The main competence of the Office of the Ombudsman of the Republika Srpska is monitoring the work of the government administration in terms of its impartiality and legality. The Ombudsman may not interfere with the functions of the courts in matters related to the resolution of legal issues before them.

84. All citizens of Bosnia and Herzegovina can freely request the assistance of all the above-mentioned institutions for the protection and promotion of human rights and fundamental freedoms. Although many problems and unsettled cases are still pending before these organs, the overall situation of human rights in Bosnia and Herzegovina has significantly improved, bearing in mind the gravity of the human rights violations during the war and the difficulties that Bosnia and Herzegovina faced in first post-war years.

85. Once a case has been concluded before the competent organ or court, a citizen can appeal to the Human Rights Chamber of Bosnia and Herzegovina. As Bosnia and Herzegovina ratified the European Convention, citizens can lodge a complaint with the European Court of Human Rights. Citizens of Bosnia and Herzegovina also have the possibility of extraordinary review of a decision, in accordance with the Constitution of Bosnia and Herzegovina and the international conventions that Bosnia and Herzegovina is obliged to apply.

86. The State guarantees the right of all citizens to submit a request, petition or complaint to all institutions for the protection of human rights. All the above-mentioned institutions have to issue recommendations or binding decisions within their jurisdiction. Unfortunately, instruments for the execution of the recommendations and decisions are not yet fully efficient.

IV. INFORMATION AND PUBLICITY

87. A wide range of activities has been undertaken by the Council of Ministers of Bosnia and Herzegovina to provide necessary conditions for the rule of law and fulfil the international obligations of Bosnia and Herzegovina through better work and functioning of the authorities in Bosnia and Herzegovina, in particular the Entity ones. The priorities of the work of the Council of Ministers of Bosnia and Herzegovina in the last few years were the return of refugees and displaced persons, property repossession by refugees and displaced persons, implementation of property laws, carrying out necessary reform and harmonization of legislation aiming at full compliance with international standards set up in international human rights treaties, protection of children, prevention of trafficking in human beings from Bosnia and Herzegovina, protection of national minorities and gender equality.

88. Several significant projects and activities have been realized in the framework of the mentioned activities.

Annex

LIST OF LAWS OF BOSNIA AND HERZEGOVINA

A. Constitutional documents of Bosnia and Herzegovina

1. The Constitution of Bosnia and Herzegovina.
2. The Constitution of the Federation of Bosnia and Herzegovina.
3. The Constitution of the Republika Srpska.
4. The Constitution of the Brčko District of Bosnia and Herzegovina.
5. The Constitution of the Federation of Bosnia and Herzegovina, Amendments.
6. The Constitution of the Republika Srpska, Amendments.

B. Laws at the level of Bosnia and Herzegovina

1. The Election Law of Bosnia and Herzegovina.
2. Rulebook of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina.
3. Rulebook of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina.
4. Law on Filling Vacancy for a Member of the Presidency of Bosnia and Herzegovina.
5. Law on the Council of Ministers of Bosnia and Herzegovina.
6. Law on Ministries and Other Organs of Administration of Bosnia and Herzegovina.
7. Law on Civil Service in the Institutions of Authority of Bosnia and Herzegovina.
8. Law on the Court of Bosnia and Herzegovina.
9. Law on Prosecutor's Office of Bosnia and Herzegovina.
10. Law on Court Police.
11. Decision on Court Observers.
12. Decision on Establishment of Independent Judiciary Commission and Decision on New Mandate of the Independent Judiciary Commission.
13. Penal Code of Bosnia and Herzegovina.
14. Criminal Procedure Act of Bosnia and Herzegovina.

15. Law on Witness Protection.
16. Law on Attorney's Office of Bosnia and Herzegovina.
17. Law on Administrative Procedure.
18. Law on Administrative Dispute.
19. Law on Statistics of Bosnia and Herzegovina.
20. Law on Human Rights Ombudsman for Bosnia and Herzegovina.
21. Law on Conflict of Interests in the Institutions of Authority in Bosnia and Herzegovina.
22. Law on Ministerial, Council of Ministers and Other Appointments.
23. Freedom of Access to Information Act.
24. Law on Associations and Foundations.
25. Law on Protection of Consumers.
26. Law on Protection of Members of National Minorities.
27. Law on Gender Equality in Bosnia and Herzegovina.
28. Law on Immigration and Asylum.
29. Law on Displaced Persons in Bosnia and Herzegovina and Refugees from Bosnia and Herzegovina.
