



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Additional information submitted by Bosnia and Herzegovina under article 29 (4) of the Convention*

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I. Introduction

1. With reference to the revised Common Core Document forming part of the report of the state party of Bosnia and Herzegovina, which was deposited with the competent UN bodies under no. HRI/CORE/BIH/2011.
2. The International Convention for the Protection of All Persons from Enforced Disappearance was adopted by the General Assembly of the United Nations on 20 December 2006. The Convention was opened for signature on 6 February 2007. Bosnia and Herzegovina ratified the International Convention for the Protection of All Persons from Enforced Disappearance in April 2012 (Official Gazette of Bosnia and Herzegovina, International Treaties, no. 3/12 of 15 March 2012). By ratifying the Convention, Bosnia and Herzegovina committed to implement the Convention and take appropriate measures to prevent and penalise enforced disappearances.
3. Pursuant to Article 29 of the Convention, Bosnia and Herzegovina committed, within two years from the entry into force of the Convention, through the Secretary-General of the United Nations, to submit to the Committee on Enforced Disappearances a report on the measures taken to implement the obligations under the Convention. The initial report on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance was prepared by the Inter-Departmental Working Group composed of representatives of the competent ministries and institutions in Bosnia and Herzegovina. The work of the Inter-Departmental Working Group was coordinated by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina.
4. The draft Initial Report was forwarded to the procedure of consultation and public discussion with representatives of associations of missing persons in Bosnia and Herzegovina, Advisory Committee of the Missing Persons Institute of Bosnia and Herzegovina, ICMP, International Red Cross, etc. with a view to assessing the situation in Bosnia and Herzegovina concerning the implementation of obligations of Bosnia and Herzegovina under the Convention.

II. Follow-up information on the concluding observations (CED/C/BIH/CO/1)

Information relating to paragraph 10

5. The Ministry of Justice of BiH provided the opinion that the Decision of the Minister of Justice of 19 September 2019 established the Working Group for finding adequate solutions to remedy the identified deficiencies and improve the current provisions of the Criminal Code of Bosnia and Herzegovina and the Criminal Procedure Code of Bosnia and Herzegovina. The solutions will be prepared by the Working Group in the form of draft laws on amendments to the current legislation. In addition to that, in order to harmonise the criminal legislation in Bosnia and Herzegovina, the Working Group will initiate possible amendments to criminal codes at the level of the entities and the Brčko District. The Working Group will propose provisions aimed at harmonising these codes with the obligations under the Convention for the Protection of All Persons from Enforced Disappearance. The Working Group has held 17 meetings, and at the 17th meeting, held on 12 February 2025, it discussed the provisions of the Criminal Code of BiH referring to the implementation of recommendations from the Report of the Committee on Enforced Disappearances.

Information relating to paragraph 12

6. The Ministry of Justice of BiH replied that explicit prohibition of enforced disappearance was not prescribed by any act at the level of Bosnia and Herzegovina, but Article II 3.a) of the Constitution of Bosnia and Herzegovina lays down the obligation to respect the right to life as one of the fundamental human rights for all persons in BiH, as well as the right to personal freedom and security (Article II 3.d).

Information relating to paragraph 13

7. Apart from the application of the provision of Article 190 (a) of the Criminal Code of BiH regarding the offence of enforced disappearance, the Special Department for War Crimes within the Prosecutor's Office of BiH applies the topic of enforced disappearance in many cases where indictments are filed for offences under the provision of Article 172 – Crimes against humanity.

Information relating to paragraph 14

8. In accordance with the reply of the Ministry of Justice of BiH, the working group from the reply for Recommendation 10 will establish the degree of harmonisation of the current legislation in BiH with the Convention, and it will propose appropriate amendments to the Criminal Code of BiH. The working group responsible for amendments to the Criminal Code of BiH has already discussed the recommendations and prepared provisions to harmonise the Code with the Convention.

Information relating to paragraph 16

9. In accordance with the reply of the Ministry of Justice of BiH, the working group from the reply for Recommendation 10 will also propose a provision laying down the aggravating and mitigating circumstances for the offences of enforced disappearance within the Criminal Code of BiH, pursuant to the Convention. The working group responsible for amendments to the Criminal Code of BiH has already discussed the recommendations and prepared provisions to harmonise the Code with the Convention.

Information relating to paragraph 18

10. The Missing Persons Institute of BiH (Institute) provided a reply in which it is stated that the Central Records of Missing Persons of Bosnia and Herzegovina (CEN BiH) were established by combining all the available databases on missing persons, the most important of which are the four primary databases: the database of the FBiH Missing Persons Commission, the database of the International Commission on Missing Persons (ICMP), the database of the International Committee of the Red Cross (ICRC), and the database of the Office for Search of Missing and Detained Soldiers and Civilians of the Republika Srpska. By combining all the available databases and their further consolidation, the Institute established the number of 34,965 different names that constitute the CEN BiH.

11. Pursuant to Article 2, point 5) of the Law on Missing Persons of BiH (Official Gazette of BiH, 50/04), each name in the CEN BiH must go through the verification process, which includes checking the authenticity of the submitted report on a missing person.

12. The Institute believes that this recommendation was successfully implemented, because the Sector of the Central Records of Missing Persons of the Missing Persons Institute of Bosnia and Herzegovina verified a total of 10,472 missing persons from 2016 to 31 December 2023 (Table I).

Table 1
Number of verified persons by year

Year	Number of verified persons
2016	2 141
2017	2 300
2018	2 000
2019	1 800
2020	1 000

<i>Year</i>	<i>Number of verified persons</i>
2021	850
2022	200
2023	181
Total	8 472

13. As at 31 December 2023, a total of 33,840 reports of missing persons were processed, of which a total of 29,831 reports of missing persons were verified. The Register of Unverified Reports contains a total of 1,907 reports, while the Register of Removed Reports contains a total of 2,102 reports.

14. The Register of Unverified Reports contains reports processed by the Commission for Verification of Data from the submitted reports of missing persons, but these reports have elements of disputability, and their number constantly varies, depending on the collection of new data and documents regarding the elements of disputability.

15. The Register of Removed Reports contains reports for which it is established that the person is alive, or that the person disappeared outside the time frame laid down by the Law on Missing Persons (between 30 April 1991 and 14 February 1996), or that the place of burial is determined from official records and documents.

16. Of the total number of 29,831 verified reports of missing persons (the persons who got the status of a missing person after the verification process), 7,630 reports refer to reports of persons who are still searched for.

17. Pursuant to the Law on Missing Persons, the process of reporting missing persons is still open. Members of the families of missing persons still report their family members to the Missing Persons Institute of BiH. The newly received reports of missing persons have a priority in the verification procedure. The Missing Persons Institute has received a total of 224 new reports for search of missing persons since 2016 (Table 2).

Table 2
Number of new reports for search by year

<i>Year</i>	<i>Number of new reports</i>
2016	31
2017	44
2018	29
2019	32
2020	14
2021	18
2022	29
2023	27
Total	224

18. In accordance with the foregoing, it is visible that enormous progress was made in the reporting period regarding the process of verification of reports of missing persons. This recommendation was fully implemented. Only complex cases have not been verified yet (a very small number in the verification process), where data and documents are requested from the neighbouring countries that emerged from the dissolution of the former Yugoslavia, because a number of missing persons lived in one and disappeared in another country, as well as new reports submitted by family members in a continuous manner. There is no delay in the verification process; on the contrary, it can be said that it is an everyday, continuous process.

Information relating to paragraph 20

19. The Missing Persons Institute of BiH states that it has been facing the shortage of human, technological and financial resources since it was established in 2008. A total of 7,630 missing persons are still searched for in Bosnia and Herzegovina. A total of 11,563 missing persons are still searched for in the territory of the former Yugoslavia (Bosnia and Herzegovina, Croatia, Serbia, Montenegro and Kosovo). Of that number, a total of 65.9% refers to Bosnia and Herzegovina, i.e. a total of 7,630 missing persons.

20. It is also stated that the authorities in Bosnia and Herzegovina have not provided the necessary human, financial and technological resources to expedite the process of search for the missing persons and to resolve the case of disappearance of 7,630 citizens of Bosnia and Herzegovina in an efficient manner. A particular problem is the shortage of modern equipment for field work (ground-penetrating radars, probes, protective equipment, field vehicles, drones), as well as the shortage of financial resources for digitisation of the Central Records of Missing Persons of BiH.

21. The Institute also believes that the Council of Ministers of BiH does not resolve in a positive manner the requests submitted by the Institute management regarding increasing the funds for procurement of the equipment mentioned above; on the contrary, the funds for the Institute continuously decrease every year.

22. Another problem is the fact that the budget is not adopted in the period defined by the law, and the work of the Institute is financed through interim financing, which provides funds only for the essential (current) activities and tasks of the Institute.

Information relating to paragraph 22

23. The Ministry of Justice of BiH replied that the Council of Ministers of BiH established the Working Group for amending the National War Crimes Processing Strategy on 12 April 2017. The objective of the amendments to the Strategy was to provide for adequate mechanisms to improve the processing of war crimes cases in courts and prosecutor's offices in BiH through appropriate distribution of war crimes cases between the judiciary at the level of BiH and the entities and the Brčko District of BiH. The primary objective was to ensure more efficient processing of the most complex and the highest-priority war crimes cases within the set deadlines. The revised Strategy was adopted in September 2020. The main objective of the Strategy is to 'Process the most complex and the highest-priority war crimes cases before the Court of BiH and the Prosecutor's Office of BiH, and other cases before the judicial authorities of the entities and the Brčko District, until the end of 2023'. In order to provide for transferring a number of cases to the judiciary in the entities and in the Brčko District of BiH, it was necessary to amend the criteria for the assessment of complexity, i.e. to make them more flexible, thereby providing for transfer of most of the less complex cases, which would enable the Court and the Prosecutor's Office of BiH to dedicate to processing the most complex war crime cases. The Decision of the Council of Ministers of Bosnia and Herzegovina adopted on 30 March 2023 established the Supervisory Body for monitoring the implementation of the revised National War Crimes Processing Strategy. The Decision was published in the Official Gazette of BiH, no. 28/23, and the Supervisory Body started fulfilling the tasks foreseen by the Decision.

24. In its letter, the Prosecutor's Office of BiH states that, in the context of the Committee's recommendations concerning the efforts to implement the revised National War Crimes Processing Strategy (Revised National Strategy), it is necessary to mention that the primary actions taken with a view to implementing the strategic measures included detailed analyses of the complexity of the KTRZ I cases, and reclassification of individual KTRZ cases in order to transfer them for criminal proceedings to the entities' prosecutor's offices. The objective is to implement the strategic measure according to which the Prosecutor's Office of BiH is responsible for processing the most complex cases. By combining several KTRZ cases, the strategic objective to process the complete events is achieved. Furthermore, the Prosecutor's Office of BiH makes significant efforts to establish regional cooperation taking into account a number of cases in which some persons are unavailable to law

enforcement authorities in BiH, because they are in other countries in the region, etc. With a view to implementing the Revised National Strategy in cases of crimes against humanity and in the context of processing enforced disappearance, it is necessary to mention that a total of 24 indictments were filed for crimes against humanity in the period 2021-2023. In that regard, the Prosecutor's Office of BiH investigates thoroughly and impartially, without delay, the characteristics of the substance of the criminal offence referring to enforced disappearance of persons.

25. The RS Ministry of Justice replied that the Government of the Republika Srpska fulfilled all the obligations related to the Revised National War Crimes Processing Strategy, and that the Revised Strategy was adopted on 24 September 2020.

Information relating to paragraph 24

26. The Prosecutor's Office of BiH actively works on processing the threats and intimidation of victims and witnesses in judicial proceedings related to war crimes. In 2020, the Prosecutor's Office filed an indictment against three members of 'Ravna Gora Movement', who are accused of publicly provoking and inciting national and religious hatred, strife and intolerance among the constituent peoples in Bosnia and Herzegovina by their actions and behaviour in and around Višegrad in March 2019. The final conviction was rendered in the case against the members of 'Ravna Gora Movement'.

27. In addition, the Prosecutor's Office of BiH actively conducts several cases in this field. One of them is related to the criminal offence referred to in Article 240 of the Criminal Code of BiH, disclosure of identity of a protected witness, while the other two cases are related to threatening a witness or a protected witness, in war crimes cases. Several decisions were adopted in relation to threatening witnesses in war crimes cases, as well as a conviction for disclosure of identity of a protected witness in the procedure of organisation of a terrorist group in terrorism cases.

28. The Prosecutor's Office of BiH also ensures efficient protective measures for witnesses who were provided with particular protective measures during the testimony before the ICTY and the IRMCT, if they testify as witnesses again before the Court of BiH. In the context of the foregoing, the Prosecutor's Office of BiH acts in accordance with the Instruction on the procedure for amendment of protective measures based on the rule (86) H of the Rulebook on the procedure and evidence of the Mechanism. In such a manner, the Prosecutor's Office of BiH ensures efficient implementation of protective measures within the meaning of Article 12 (1) of the Convention.

29. Regarding the recommendations of the Committee in this field, it is necessary to mention that the Prosecutor's Office of BiH possesses mechanisms that ensure adequate and continuous psychological support to victims and witnesses during and after the trial through the Department of Investigation and Witness Support. This Department acts in accordance with the Instruction on the conduct of officials for the witness support of the Department of Investigation and Witness Support of the Prosecutor's Office of BiH.

Information relating to paragraph 26

30. In 2017, the Ministry of Justice of BiH submitted to the Council of Ministers the draft Law on Amendments to the Criminal Code of BiH. Apart from other provisions, the draft Law foresees amending Article 118 to exclude the possibility of granting amnesty for perpetrators of criminal offences against humanity and the values protected by the international law. However, the draft Law was not adopted and it was returned for review. The working group will review the provision and prepare the proposal for adoption.

31. The Council of Ministers of BiH did not adopt the Law on Amendments to the Law on Pardon of Bosnia and Herzegovina. On 14 February 2020, the Ministry of Justice of BiH was notified thereof, and this Law is not in the procedure any more.

Information relating to paragraph 28

32. According to the Ministry of Justice of BiH: a) The laws regulating employment relations at the level of Bosnia and Herzegovina do not provide for explicit suspension for any particular type of criminal offence. Article 66 of the Law on Labour in the Institutions of Bosnia and Herzegovina (Official Gazette of BiH, 26/04 ... and 93/17) provides that the employer may suspend the employee from duty if criminal proceedings have been brought against the employee for an offence for which a custodial sentence of five years or more is prescribed.

33. Article 58 of the Law on Civil Service in the Institutions of Bosnia and Herzegovina (Official Gazette of BiH, 19/02 ... and 40/12) also provides that the institution in which the civil servant is employed will suspend the person from duty if criminal proceedings have been brought against them for an offence for which a custodial sentence of five years or more is prescribed.

34. The Criminal Code of Bosnia and Herzegovina provides that the perpetrator of an offence of enforced disappearance in wartime may be punished by a custodial sentence of ten years or more or by a long prison sentence. In the event of an offence of enforced disappearance not related to wartime, the Criminal Code prescribes a custodial sentence of eight years or more.

35. Taking into account the length of the punishments for such offences, the institution may suspend the employee, and the civil servant will have to be suspended, if criminal proceedings have been brought against them.

36. The RS Ministry of Justice replied that the RS Ministry of Internal Affairs applies the provisions of the Law on the Police and Internal Affairs, which prescribes in Article 122 that the police official will have to be suspended if they are placed in custody starting with the first day of custody.

37. The same Article provides that a police official may be suspended if an indictment has been filed or confirmed for an offence or if disciplinary proceedings have been brought against them due to serious violation of duty, and if their presence at work may harm the interests and reputation of the Ministry. The suspension may last until the completion of the internal, disciplinary or criminal proceedings.

38. The decision on suspension and the decision on the cessation of the grounds for suspension are adopted by the head of the basic organisational unit. During the period of suspension, the person surrenders the official weapon, the badge and the official card, and they are not allowed to wear the official uniform. Pursuant to the provisions of the Rulebook on disciplinary proceedings and the Instruction on the conduct of internal procedures at the Ministry of Internal Affairs, the head of the unit for professional standards may suggest to the head of the basic organisational unit to suspend a police official if they assess that their presence at work may hinder the conduct of the internal procedure.

39. According to the Prosecutor's Office of the Brčko District of BiH (27), the criminal legislation of the Brčko District of BiH prescribes in the law the existence of the offence – Enforced disappearance – in Article 179b, which reads as follows:

(1) An official in the institutions of the Brčko District of Bosnia and Herzegovina or any other person acting in the capacity of an official in the institutions of the Brčko District of Bosnia and Herzegovina or upon an order or the instigation or with the explicit or implicit consent of an official in the institutions of the Brčko District of Bosnia and Herzegovina, who detains another person, holds them detained or otherwise deprives them of the freedom of movement, and who refuses to admit that they have deprived the person of liberty or conceals the information on the fate or whereabouts of that person, thereby putting the person outside the protection of the law, shall be punished by imprisonment for a term between one and ten years.

(2) The punishment referred to in paragraph (1) of this Article shall also apply to the official in the institutions of the Brčko District of Bosnia and Herzegovina

who ordered or instigated or gave explicit or implicit consent to the offence referred to in paragraph (1) of this Article.

(3) The superior who was aware or who knowingly ignored the information that a person subordinate to them committed the offence referred to in paragraph (1) of this Article, or that they are likely to commit the offence, and they were responsible and they had control over the procedures relating to commitment of the criminal offence referred to in paragraph (1) of this Article, but they did not take all the necessary and reasonable measures under their responsibility to prevent the offence referred to in paragraph (1) of this Article, or to surrender the issue to the state authorities for investigation and prosecution, shall be punished by imprisonment for a term between one and ten years.

(4) The fact that a person acted upon the order of the government or a person superior to them shall not exonerate them, but it may affect the leniency.

40. In addition, regarding the Brčko District of BiH, there are no procedural mechanisms for excluding the security forces or law enforcement authorities from the investigation of enforced disappearance when one or more of their officials are accused of committing or of being involved in the commission of such an offence.

41. According to the Prosecutor's Office of the Brčko District of BiH, (28,a), Article 100 of the Law on Civil Service in the Public Administration Authorities of the Brčko District of BiH provides as follows:

(Suspension cases)

(1) In accordance with the decision of the head of the public administration authority, a civil servant or a non-civil-service staff member shall be suspended if:

- (a) an indictment for a criminal offence committed while performing an official duty or other responsible duty has been confirmed against them;
- (b) an indictment for a criminal offence for which a custodial sentence of three years or more may be imposed has been confirmed against them;
- (c) disciplinary proceedings have been commenced against them for serious violation of official duty, and the violation is of such nature that staying in service during the proceedings could harm the interests of the duty;
- (d) they are placed in custody in the investigation in the criminal proceedings;
- (e) the measure of prohibition of work has been imposed until the completion of the criminal proceedings, and they have not been placed in custody.

(2) Suspension from duty shall last until the final judgment is given in the criminal proceedings, until the final judgment is given in the disciplinary proceedings due to serious violation of official duty, or until the expiration of custody or the termination of the measure of prohibition of work.

42. Article 134 of the Law on Police Officials of the Brčko District of BiH provides as follows:

Grounds for suspension

(1) A police official may be temporarily suspended from tasks and duties that they perform or from the Police if criminal or disciplinary proceedings have been initiated against them.

(2) By way of derogation from paragraph (1) of this Article, at the proposal of the head of the organisational unit of which the police official is a member or the head of the organisational unit responsible for internal control, the police official may be temporarily suspended from tasks and duties that they perform or from the Police prior to the initiation of the criminal or disciplinary proceedings, if there are reasonable grounds for believing that they have committed the offence or seriously violated official duty, and if considering the

nature of the criminal offence or the nature of serious violation of official duty as well as the circumstances under which a criminal offence or a violation was committed, there are reasonable grounds for believing that the continuation of their work would be damaging to the interest of the service or internal proceedings.

43. Until now, no criminal offence of Enforced Disappearance has been committed in the territory of the Brčko District of BiH, and the mechanisms that ensure that law enforcement or security forces whose members are suspected of having committed the criminal offence are not in a position to influence or hinder the course of an investigation, directly or indirectly, are unknown.

Information relating to paragraph 30

44. According to the reply provided by the Ministry of Justice of BiH, in Article 109 of the Law on Aliens (Official Gazette of BiH, 88/15), Bosnia and Herzegovina prescribed explicit prohibition against carrying out an expulsion, return, surrender or extradition when there are serious grounds for believing that the person will be exposed to a real risk of being subjected to the death penalty or execution, torture, inhuman or degrading treatment or punishment. An alien will not be forcibly removed or returned to a country where they are not protected from being sent to such a territory.

Information relating to paragraph 32

45. The Parliamentary Assembly of Bosnia and Herzegovina adopted the Law on Amendments to the Law on the Human Rights Ombudsman of Bosnia and Herzegovina (Official Gazette of BiH, 61/23). This Law provides for establishing the Preventive Mechanism to be introduced within the Institution of the Human Rights Ombudsman of BiH.

Information relating to paragraph 34

46. According to the Ministry of Justice of BiH, with a view to training the civil servants and non-civil-service staff at the institutes for the execution of criminal penalties, the Ministry of Justice of Bosnia and Herzegovina participated in several projects related to training, supported by the international community. The projects resulted in the preparation of 18 handbooks and other training materials with a total of 2,056 pages. For example, within the joint programme of the European Union and the Council of Europe entitled 'Strengthening the mechanisms of protection of human rights of detainees in BiH – HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TÜRKIYE', three handbooks were prepared for treating persons deprived of liberty in a closed environment, intended for the staff at the institutes. The handbooks emphasise the most recent recommendations of international bodies and the international standards to be implemented in terms of respecting human rights.

47. The RS Ministry of Justice replied that the entity ministries of justice and the institutions for the execution of criminal penalties participated in the training programmes mentioned above.

Information relating to paragraph 36

48. According to the Ministry of Justice of BiH, within the amendments to the Criminal Procedure Code which are being prepared by the Working Group, the definition of victim will be incorporated in the law in accordance with the Convention, as well as any other matters related to the definition of this term. The definition of victim has been incorporated in the draft Criminal Procedure Code, prepared by the working group. In addition, the special rights of victims have also been incorporated in this law, but the law has not been adopted yet.

Information relating to paragraph 38

49. In its reply, the Prosecutor's Office of BiH states that it adopted the Mandatory instruction of the main prosecutor of the Prosecutor's Office of BiH no. A-21/23 of 13 January 2023 on the prosecutors' actions in relation to the property requests of the injured parties in war crimes cases – rapes and sexual violence – and criminal offences of human trafficking, with a view to acting proactively to ensure the right to reparation. The Mandatory instruction lays down the obligation of all prosecutors of the Prosecutor's Office of BiH to take all the necessary measures and actions within the investigations in war crimes cases – rapes and sexual violence to exercise the property law requests of injured parties. According to the Mandatory instruction, the prosecutors are obliged to take the actions throughout the procedure, i.e. all the necessary evidence needs to be collected from the period of the report and the investigation, to ensure the exercise of the rights of injured parties. The officials responsible for providing support to witnesses and victims are obliged to familiarise witnesses and victims with their rights and the possibilities of exercise thereof in accordance with the Instruction.

50. According to the Ministry of Labour and Social Policy of the FBiH, when it comes to this part of the recommendation:

- Since 2004, the FBiH Ministry of Labour and Social Policy has been conducting a kind of reparation of families of missing persons, in cooperation with the competent cantonal authorities. The rights of civilian victims of war laid down in the Law on the Fundamentals of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (Official Gazette of the Federation of BiH, 36/99, 54/04, 39/06, 14/09, 45/16 and 40/18) are also exercised by members of families of missing persons, in line with the defined requirements. The purpose of the monthly compensations is reparation of civilian victims of war for the loss caused by the war, i.e. the disappearance of a family member in this specific case. It is noteworthy that classification of such compensations as social allowances is wrong, because they are not related to social needs, but to the status of a family of a missing person.
- This issue does not fall within the competence of the FBiH Ministry of Labour and Social Policy. Although it is stipulated by Article 15 of the Law on Missing Persons, a fund for the support of families of missing persons of Bosnia and Herzegovina has never been established.
- All persons in the state of social need exercise the rights in the field of social protection defined by the law, without discrimination, in accordance with the possibilities of the competent authorities. If a right is exercised as a priority, civilian victims of war, including families of missing persons, represent a priority. That refers to the exercise of rights to housing, assistance in medical treatment, scholarships, etc.
- The amendments to the Law on the Fundamentals of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (Official Gazette of the Federation of BiH, 40/18) repealed the provision stipulating that families of missing persons exercise the right to family disability allowance on condition that they declare of initiate the procedure of declaring the missing family member dead.
- The rights defined by the legislation in the field of social protection are exercised by families of missing persons in the same manner as by families of civilian victims of war, without the obligation to declare the missing person dead.
- The amendment to Article 27 of the Law on Missing Persons does not fall within the competence of the FBiH Ministry of Labour and Social Policy.

51. According to the RS Ministry of Health and Social Welfare:

- The rights laid down by the Law on Social Protection belong to persons who fulfil the prescribed requirements irrespective of differences in race, skin colour, gender, language, political, national and religious affiliation, social and economic origin, place of birth, disability or any other status. The institutions of social protection provide for equality in the access to and the use of the rights contained in this Law,

and they prevent any type of discrimination, either direct or indirect, on any grounds. In addition, the natural and legal persons applying this Law are obliged to respect the dignity and personality of beneficiaries and to take care of their interests.

- The Ministry of Health and Social Protection of the Republika Srpska states that Articles 17 and 18 of the Law on Social Protection provide that the beneficiary of social protection is a person in the state of social need, including children and adults, who need special protection for special circumstances, i.e. who are in the state of social need due to poverty, a natural disaster, war, refugee status, migration, repatriation, death of one or more family members, long medical treatment, discharge from an institution, or any other unforeseeable circumstances.

52. According to this Law, the rights in social protection refer to financial assistance, allowance for assistance and care of another person, personal disability allowance, support in the provision of equal opportunities for children and youth with developmental disorders, accommodation at an institution, accommodation in a foster family, home care and assistance, daily care, one-off financial assistance and counselling. The requirements for the exercise of rights in social protection and the amount of the exercised right are uniform in the entire Republika Srpska, and they are not of a discriminatory nature on any grounds, and Article 56 of the Law on Social Protection clearly prescribes the requirements for the exercise of rights in social protection.

53. The recommendations under b) and d) do not fall within the competence of the Ministry of Health and Social Welfare of the Republika Srpska.

Information relating to paragraph 40

54. According to the Ministry of Justice of BiH, the amendments to the Criminal Code of BiH, which are being prepared by the Working Group, will include a special provision which will stipulate special punishments for enforced disappearances of children in accordance with the Convention. The Working Group that is preparing the amendments to the Criminal Code of BiH has already discussed the recommendations and prepared provisions which will harmonise the Law with the Convention.

III. List of the most important international instruments in the field of human rights to which Bosnia and Herzegovina is a contracting party

- (a) Convention on the Prevention and Punishment of the Crime of Genocide (Official Gazette of R BiH, 25/93), succession, 29 December 1992,
- (b) *Convention on the Non-Applicability of Statutory Limitations* to War Crimes and Crimes Against Humanity (Official Gazette of R BiH, 25/93), succession, 1 September 1993,
- (c) *International Convention on the Suppression and Punishment of the Crime of Apartheid* (Official Gazette of R BiH, 25/93), succession, 1 September 1993,
- (d) *International Convention on the Prevention of Racial Discrimination in Sport* (Official Gazette of R BiH, 25/93), succession, 1 September 1993,
- (e) International Covenant on Economic, Social and Cultural Rights (ICESCR) – (Official Gazette of R BiH, 25/93), succession, 1 September 1993,
- (f) *International Covenant on Civil and Political Rights* (CCPR) – (Official Gazette of R BiH, 25/93), succession, 1 September 1993,
- (g) *Optional Protocol to the International Covenant on Civil and Political Rights* (CCPR-OP1) – ratified 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 (CCPR-OP2-DP) – signed – 7 September 2000, ratification on 16 March 2001,*

(i) *International Convention on the Elimination of All Forms of Racial Discrimination (CERD) – (Official Gazette of R BiH, 25/93), succession, 16 July 1993,*

(j) *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) – (Official Gazette of R BiH, 25/93), succession, 1 September 1993,*

(k) *Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW-OP) – signed on 7 September 2000, ratified on 4 September 2002,*

(l) *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) – (Official Gazette of R BiH, 25/93), succession, 1 September 1993,*

(m) *Convention on the Rights of the Child (CRC) – (Official Gazette of R BiH, 25/93), succession, 1 September 1993,*

(n) *Optional Protocol to the Convention on the Rights of the Child (CRC-OP-C) on the Involvement of Children in Armed Conflict, signed on 7 September 2000, the ratification instrument has not been deposited yet,*

(o) *Optional Protocol to the Convention on the Rights of the Child (CRC-OP-SC) on the Sale of 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 (MWC) – accession, 13 December 1996,*

(q) *The 1951 Convention Relating to the Status of Refugees – succession, 1 September 1993,*

(r) *The 1967 Protocol Relating to the Status of Refugees – succession, 1 September 1993,*

(s) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime,*

(t) *Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime, Official Gazette of BiH, 3/02, ratification, 27 March 2002,*

(u) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime (Official Gazette of BiH, 3/02, ratified on 27 March 2002),*

(v) *International Convention for the Protection of All Persons from Enforced Disappearance, ratification (ICPED) (Official Gazette of BiH, International Treaties, no. 3/12 of 15 March 2012),*

(w) *Convention on the Rights of Persons with Disabilities and the Optional Protocol (CRPD), ratified on 12 March 2010, entered into force on 11 April 2010.*
