



BOSNIA AND HERZEGOVINA
Council of Ministers

ADDITIONAL REPORT
REQUESTED BY THE EUROPEAN COMMISSION'S FIRST ASSESSMENT
OF THE PROGRESS IN IMPLEMENTATION OF THE ROADMAP
TOWARDS A VISA FREE REGIME WITH BOSNIA AND HERZEGOVINA

January 2009

BLOCK 1 Document Security

Passports/travel documents, ID cards and breeder documents (benchmarks 1-5)

- Security features of new passports and their compliance with ICAO and EC standards

Security features of new passports are given in Annex 1. At the time when tender documentation for development of new standards was preparing, it has been explicitly stated that harmonization with ICAO 9303 standards is required, and that minimum security features should be in compliance with European Recommendation 2252 of December 2004. Taking into account that at the time of writing of the previous Report, a procurement procedure was underway, therefore, pursuant to the Law on Public Procurement of BiH, it was not possible to provide technical descriptions, which is now given in Annex 1.

- Legal framework and administrative procedures for personalization and distribution of new passports

Article 25 of the Law on travel documents of BiH stipulates that the obligation of the authority responsible for maintenance of central registers (it is the Agency for identification documents, registers and data exchange of BiH) is to lay down "manner of storage of the travel documents forms and distribution of impersonalized forms". Article 28 of the Law stipulates a responsibility of the Agency to set out rules and procedures as regards travel documents forms. Article 8, paragraph (1), item b) of the Law on the Agency for identification documents, registers and data exchange of BiH) stipulates that the Agency is responsible to "conduct procurement, storage, personalization, quality control and transport of identification documents for the needs of competent authorities in Bosnia and Herzegovina". Taking into account that preparatory activities related to the project for introduction of new passports are underway, as well as the activities related to the establishment of the Law on the Agency, some of these acts are prepared and in the adoption phase, while others are in preparatory phase.

Law on travel documents of BiH ("Official Gazette of BiH" no. 4/97, 1/99, 9/99, 27/00, 32/00, 19/01, 47/04, 53/07, 15/08, 33/08 and 39/08) stipulates issuing of the following acts:

1. Format and contents of data contained in an electronic memory element, manner of registration, manner of reading and protection of data integrated in the electronic memory element,
2. Technical procedures for establishment of a system for electronic passport and data exchange,
3. Technical requirements for data protection at issuing authorities of travel documents,
4. Manner of biometric data acquisition,
5. Manner of protection of data on issued travel documents in central register,
6. Manner of distribution and exchange of data related to issued travel documents between central register and competent authorities,
7. Manner of storing of travel documents forms and distribution of personalized and blank forms,
8. Security standards at the locations of competent authorities where applications for issuing of travel documents are submitted,
9. Laying down manners of data distribution mandatory to be distributed to the central register,

10. Rules and procedures related to transport of travel documents to competent authorities,
11. Standards for procurement and maintenance of equipment by which competent authority enters data in the central register.

- **Legal framework and administrative procedures for gradual elimination of old passports**

Article 30 of the Law on travel documents of BiH stipulates that "Travel documents issued prior to entry into force of this law shall be valid until the deadline specified in the travel documents concerned". A validity period of current travel document is five years. That implies that within the period from 2010 to 2015 there will be two types of valid travel documents: biometric or ePassport and regular or old booklet.

It has not been laid down by the Law on travel documents that present travel documents cease to be valid earlier. The BiH Parliament decided that present travel documents shall continue to be valid until the expiry specified in them, taking into account that mass replacement of passports was carried out twice until now. Citizens changed their passports in 2001-2002, and then there was a deadline prior to which all the passports should have been replaced, regardless of validity period specified in the document itself. Then, the same situation occurred with the identity cards in 2003-2004. If we add that documents were also changed at several occasions within the period 1992-1997, and that all replacements of documents caused extra expenses of citizens, the legal decision is to enable validity of present travel document until its expiry. Any other measure would have negative reacceptance by BiH citizens.

As regards possible irregularities related to current travel document, the Agency for identification documents, registers and data exchange of BiH, in cooperation with the Delegation of EC, is preparing a decision by which an Analysis of current data shall be carried out for the needs of the Prosecutor's Office. That process will enable analyzing of data related to identity cards and those related to issued passports, thus creating a base to "correct" possible irregularities. The activities on development of such system are underway.

Therefore, we would like this fact to be accepted as given, taking into account legal decisions and interests of BiH citizens.

All procedures for replacement of travel documents and bylaws shall be passed in the process of establishment of new system.

- **Further plans for development of the training programme for the employees dealing with visas and passports**

Through the implementation Plan of the Project "System for issuing biometric travel document", user trainings are anticipated for the second quarter of 2009. The objective of these trainings is to introduce users with:

1. standards in the field of behavior of employees involved in the process of issuing travel documents,

2. work with new application for issuing of biometric travel documents,
3. control operations mandatory to be enforced by the managerial authority.

We note that, pursuant to regulations of BiH, authorities responsible for issuing of travel documents are ministries of the interior in BiH and the Ministry of foreign affairs for the citizens outside BiH. Standards and recommendations stipulate that each authority should create a program of internal trainings in accordance with recommendations of the Agency and legal decisions concerning issuing of travel document, i.e. visas for the employees of the Ministry of Foreign Affairs.

Specifically, trainings for trainers from each competent authority will be implemented by the Agency in charge of executing operations of the system for travel documents for the purpose of establishment of new passports. The internal affairs bodies responsible for enforcement of administrative procedures and the Ministry of Foreign Affairs are obliged to pass programs and to work on improvement and testing of knowledge of the employees involved in the process of issuing of biometric travel documents. The Agency will continue to lay down standards in this field and control the compliance with them.

At the end of November 2008, a meeting with the ministers of interior of BiH has been held and at that occasion standards and recommendations for work of the authorities dealing with issuing of biometric travel documents were handed out to them (recommendations are given in the Annex). During December 2008, the first in the range of meetings of the representatives of the Agency and competent authorities will be held. The purpose of this meeting is to introduce the representatives of the competent authorities with the obligations which must be met as regards security of the locations for issuing documents, knowledge and skills of the employees, basic moral and ethical, as well as security procedures which must be met by the employees, etc. During the next year, new meetings will be held and at those occasions the analyses of completed and planning of the activities for further period will be carried out.

The Agency has an accurate picture that the main risk in the current system is employees dealing with administrative procedures. Recognizing this risk, the Agency has the objective to improve the quality of work and control of employees involved in the operations with the system for issuing of biometric travel documents when implementing the system.

- **Plans for introduction of automated and systematic report of lost and stolen passports to INTERPOL**

The Agency (former CIPS Directorate) has established an excellent cooperation with Interpol through the previous project "Registration of motor vehicles". Every vehicle registered in Bosnia and Herzegovina shall be checked in the Interpol database of stolen vehicles, thus, the technical infrastructure for data exchange and automated distribution of data to Interpol has been established.

Implementation of exchange/check of data through the Interpol databases on wanted documents has been based exactly on the experience acquired by this project. This communication is based on the following facts:

1. A system for issuing of biometric travel documents follows the whole lifecycle of the document, from its transport from the factory where it is produced to the destruction of used travel document,
2. A system for issuing of biometric travel documents shall have a special modul for registration of lost and stolen travel document. When new data on lost or stolen travel document are entered in this modul, the system shall automatically forward the information to the Interpol database (in compliance with the procedures set out by the Interpol).

The Law on travel documents of BiH, in Article 19a, stipulates the obligation to report any loss or finding of travel documents, as well as procedures of the competent authority. Overall procedure of data exchange shall begin from the moment of beginning of issuing of current passports, in order to guarantee the quality of input data.

- **Procedures and facilities related to identification documents, storing facilities, security standards and issuing procedures, especially on current methods of authentication of all personal data entered into the relevant databases**

Item 6.1

Procedures related to identification documents

Process for centralized personalization of ID card and Driving License documents is specified by procedures set forth as of deliverance of the system for centralized personalization of ID card and driving license by the system integrator. The procedures are named:

1. TrackStar 2030 User Manual – (Attach)
2. Qavalon Help Manual – (Attach),

Directorate for implementation of CIPS project has laid down the procedure for centralized personalization of travel documents by Instruction for personalization of travel documents, ref: 11-50-3601/06 of December 1, 2006

In the framework of the Code for work behavior of civil servants and staff of the Directorate for Implementation of CIPS Project, Ref: 12/02-02-2-955/08 of February 28, 2008, the Directorate for Implementation of CIPS Project has stipulated the following instructions:

1. Instruction for personalization of ID cards, driving licenses and ID cards for foreigners, ref:15/02-02-2-2286-4/08 of July 15, 2008 (Annex x+3)
2. Instruction for personalization of personal travel documents, ref: 15/02-02-2-2286-5/08 of July 15, 2008 (Annex x+4),
3. Instruction for transport and distribution of documents, ref: 15/02-02-2-2286/08 of July 15, 2008 (Annex x+5),
4. Instruction for movement of employees of the Center for storing, personalization and transport of documents, ref: 15/02-02-2-2286-2/08 of July 15, 2008 (Annex x+6).

Law on the Agency for identification documents, registers and data exchange of BiH in its Article 5, paragraph (4) stipulates:

Standards for operations of the Center, as well as any other issues important for operating of the Center, shall be laid down by bylaws endorsed by the Council of Ministers, at the proposal of the Director of the Agency, while internal organization and systematization of working positions within the Center shall be laid down by the Rulebook on internal organization and systematization of the Agency.

Item 6.2

Facilities related to identification documents and their storing:

- One facility for personalization of documents, centralized personalization;
- One treasury where all blank documents and documents destroyed during personalization are kept;
- Completed tender procedure for selection of contractors for physical separation of particular processes of documents personalization (printing, lamination, quality control, packing). Physical division of personalization process, apart from logical restriction it will be physically disabled for one person to carry out more than one personalization process),
- Introduced integrated system for technical security (video surveillance, access control, anti-burglary system, fire-alarm system)

Item 6.3

Security standards and issuing procedures

In Article 8 (Scope of work of the Agency) paragraph (1) (the Agency shall carry out the following activities) of the Law on the Agency for identification documents, registers and data exchange of BiH, the responsibilities of the Agency in the field of security standards and procedures for issuing of travel documents are specified. Standards and recommendations for work of the authorities dealing with issuing of documents have been already set forth and distributed to the competent authorities, and it is given in Annex to this paper.

Item 6.4

Current methods for authentication of all personal data entered into relevant databases

Current method for authentication of data is stipulated by

1. Instruction of conducting authentication of personal data in the procedure for replacement and issuing of personal documents of BiH, designation and registration of JMB (personal identification number) of BiH citizens, ref: 01/30 – 724/04 of October 21, 2004, issued by the Ministry of Civil Affairs

2. Supplementary clarification of the INSTRUCTION on conducting authentication of personal data, ref: 11-50-1642/04 of October 28, 2004, issued by the Directorate for implementation of CIPS project
3. Supplementary clarification of the INSTRUCTION on conducting authentication of personal data in the procedure for replacement and issuing of personal documents of BiH, designation and registration of JMB (personal identification number) of BiH citizens, ref: 01/30 – 724/04 of October 21, 2004, ref: 11-50-1642/04 of October, 2008, issued by the Ministry of Civil Affairs, ref: 01/1-30-771/04 of November 12, 2008

Planned method to check authenticity of current data in central registers (technical aspect)

The Agency, in cooperation with the European Commission, is implementing the activities of the project "Checking of current biometric data". The objective of this project is to conduct authentication of all registered biometric data of BiH citizens contained in the relevant databases in order to find cases when identical biometric data are used for different identities, as well as misuse of fingerprints of the employees involved in the process of issuing travel documents, etc.

In the further period, introduction of modul for checking whether a person with "double data" exists in the current database has been planned for the purpose of issuing of biometric passports. The check will be made on the basis of combination of picture and fingerprints. Development of this model is underway.

A legal background for electronic data processing of data contained in breeder documents (certificate on citizenship, birth certificate) has also been developed in further period.

It has been planned to conduct checks in the following manner:

1. After an application for travel document has been submitted, the competent authority shall provide the municipality with an electronic request to check data contained in the Register of Citizens and Main Birth Register (this inquiry is sent through the system, automatized)
2. If there are digitally signed electronic records in the municipality, the data are transferred via web service and it is mandatory to take data about the identity of the authorized employee who has digitally signed the data
3. If there is no electronic register, the procedure is as follows:
 - i. Enable use of application to the authorized employee of the municipality,
 - ii. Upon filing the application, it has the status "checking"
 - iii. The application having the above status must be visible to the municipality employee,
 - iv. Municipality employee conducts checking and deliverance of data to the competent authority, thereby continuing the process of application processing.
4. All municipalities must provide SGT forms¹ regarding authorized employees responsible for checking.
5. Data regarding all checks shall be kept within the system for 10 years as provided for by the Law.

¹ Forms comprising users' names for the access to the applications which are under the responsibility of the Agency

- **IDDEEA, particular legal framework, financial and human resources and their capability to provide secured and efficient system operation**

The Law on the Agency for identification documents, registers and data exchange is the Annex to this paper. Pursuant to regulations of Bosnia and Herzegovina, the **Agency is not responsible for issuing identity cards and passports**. The Agency is responsible for defining standards and procedures, for personalization of documents, maintenance of central databases and data transmission network for the public security authorities.

Breeder documents for issuing identity cards (certificate of citizenship and birth certificate) are issued by the municipalities (local authorities).

Pursuant to specific regulations, issuing of identification documents is carried out by the following institutions:

- **MoI of the REPUBLIKA SRPSKA, BANJA LUKA**
- **MoI of BOSNIA-PODRINJE CANTON, GORAŽDE**
- **MoI of HERZEGOVINA-NERETVA CANTON, MOSTAR**
- **MoI of CANTON 10, LIVNO**
- **MoI of CANTON SARAJEVO, SARAJEVO**
- **MoI of POSAVINA CANTON, ORAŠJE**
- **MoI of TUZLA CANTON, TUZLA**
- **MoI of UNA-SANA CANTON, BIHAĆ**
- **MoI of ZENICA-DOBOJ CANTON, ZENICA**
- **MoI of CENTRAL BOSNIA CANTON, TRAVNIK**
- **MoI of WEST HERZEGOVINA CANTON, LJUBUŠKI**
- **PUBLIC REGISTER OF BRČKO DISTRICT, BRČKO**
- **MINISTRY OF FOREIGN AFFAIRS OF BIH, DCR² NETWORK**
- **MINISTRY OF CIVIL AFFAIRS OF BIH**

Employees of these institutions have a direct insight access to documentation, conduct administrative procedures, interview the applicants for passports, process data and distribute them to the central registers, and then for personalization. The Agency has adopted recommendations for work of the competent authorities when issuing passports, which may be found enclosed.

Consequently, pursuant to the Law in the Annex, and other regulations governing the field of issuing of documents (JMB, permanent and temporary residence, identity card, passport, main registers), it has been planned to involve 142 municipalities, 14 MoIs (having their own organizational units in each municipality), Public Register of Brčko District, MFA (DCR Network) in the identity management system.

² DCR – Diplomatic and Consular Representations

Each institution has precisely specified role in accordance with the regulations, the system is centralized and registers each activity of an employee at all locations through system security. A base of each administrative procedure or data check shall be documentation set out by regulations, and any changes registered on the system shall be a basis for work of inspection and controlling authorities. The Council of Ministers of BiH has already bound all inspecting authorities to conduct monitoring minimum twice a year and, has provided the Ministry of Civil Affairs with the obtained data.

Currently, the Agency is in the transformation phase; therefore, upon completion of that process, the Agency will be able to carry out all its responsibilities as provided for by the Law.

Currently, the Agency has an inherited Rulebook on internal organization of the Directorate for implementation of CIPS project which stipulates 136 employees at two locations: in Sarajevo and in Banja Luka. A network operational center where telecommunication intersection with central registers is located, while back up of Network operational system and Center for storing, personalization and transport of documents are located in Banja Luka.

It has been planned that, in accordance with its responsibilities, the Agency should have an organizational unit in its seat, center for personalization of documents, as well as four regional centers. A total number of 239 employees who carry out activities set out by the enclosed Law has been planned. Those activities are: following the standards for development of ID documents, maintenance of central registers, personalization of documents, system development and maintenance, network development and maintenance.

Consequently, the Agency is in charge of technical support to the system and for establishment of uniform requirements, while the above authorities are responsible for conducting administrative procedures related to issuing of documents.

Thus, the responsibilities in the process of issuing documents have been divided.

For the operations of the Agency, financial resources of the CIPS Directorate have been inherited as well as its budget. Projected budget for 2008 amounted cca 20 million BAM, and for the 2009 the amount of cca 19 million BAM have been required, and the amount of 17 million BAM has been sent to the Parliamentary procedure. Apart from this budget, the Agency applies for IPA funds and expects support of EC in project implementation.

It has been estimated that the above capacities are sufficient for work of the Agency and that a legal background has been established in order to divide responsibilities for issuing of documents in compliance with regulations and organization of BiH.

Annex 1 – Security features and their adjustment with ICAO and EC standards

English
TECHNICAL SPECIFICATIONS AND REQUIREMENTS
An order to be implemented pursuant to the provisions of the Contract shall meet the following technical specifications and requirements, in compliance with the minimum requirements referred to in the Council Regulation (EC) 2252/2004 of December 13, 2004.
Layout and graphical design
MCA and selected bidder shall agree the detailed description of the layout and graphical design during negotiations and define a matrix layout of the Form. A selected bidder is obliged to provide the ordering party with four copies of the matrix layout and belonging security features and they shall become the ownership of the ordering party.
Mandatory technical specifications
Forms shall be developed in compliance with the minimum technical specifications below, in accordance with the Council Regulation (EC) 2252/2004 of December 13, 2004 and in accordance with ICAO 9303.
A passport is described in the following chapters. A bidder is obliged to propose the protective elements specified below, as well as other elements imposed by the above standard.
Final layout and protection shall be defined through the process of negotiations, and this chapter provides minimum technical requirements through the following points:
Cover of the passport booklet:
- Synthetic material,
- National emblem should be imprinted in gold at the front page of the cover (gold foil embossed), so as the text provided for by the Law on travel documents of BiH.
Inner side of the cover
- Inside side of the cover shall be made of security paper of the equal quality as inlay pages (watermark or security thread). Paper weight may differ compared to the inlay pages weight.
- Rainbow print of the background preprint.
- Inner side of the front cover shall include in intaglio-technique printed motifs covering minimum 40% of the page surface. Hidden image and micro text incorporated by intaglio-print.
- The inner side of the front cover shall include motif printed in optically variable ink (OVI).
- Print and motifs at the inner side of back cover are to be identical to those at the front cover, excluding OVI motifs which are to be at the front covers only.
Inner pages of the passport
- Total of 32 inner pages,
- Material – security paper with no optical brightener

- Paper shall include multitone watermark, set out by the MCA.
- All pages shall include security fiber with microprint. a Fiber shall react in at least two colors under UV light of the λ_1 wavelength (λ_1 wavelength shall be set out by the Contract)
- All pages shall include visible and invisible fibers (threads) which shall respond in minimum two colors under the UV light. It is allowed for the fibers to be both visible and UV reactive or to be separated.
- Rainbow print of the background preprint
- Fundamental color of the background print to be defined by the contract
- Micro text and anti-copy printed elements to be included into background basic design.
- Each page to include passport page number printed in the framework of the background print.
- Pages 3 to 32 to include motifs printed in UV color (minimum two colors, rainbow effect preferred, UV colors) and visible under the UV light of the λ_1 wavelength. UV motifs must not be included in the watermark area, except at the page with the photograph.
- Each page to include various printed motifs (design)
Page with the holder's data and photograph:
- It is page 1/2 of the passport
- Material – security paper
- Rainbow print of the background preprint
- Background print design different than design of the visa pages.
- Micro text and anti-copy printed elements to be included into background basic design.
- In the area above the place for a photograph at page 2, there shall be a motif printed in optically variable ink
- Page 2 to include motifs and lines printed in two or more colors, visible under the UV light of the λ_1 wavelength.
- In the area around the holder's photograph, page 2 shall include motifs and lines in two or more colors, visible under the UV light of the λ_1 wavelength.
- The same page shall include motifs to be checked under the IR light.
- Page 2 is to be laminated by the stamping foil which is sewn into the spine of the passport booklet.
Security foil
- Page 2 is to be laminated by security foil which is sewn into the spine of the passport booklet or the page holder is sewn into the passport booklet.
- Foil shall include:
i. Optically variable devices (OVD) pursuant to Document EC 2252/2004.
ii. Passport serial number to be visible at page 2 upon lamination.
Numeration
- Passport serial number printed numerically in the lower area of page 1,
- 1D barcode of the passport booklet (page 1 under or above the numeric number or at the back

cover on the inner or outer side).
- Laser perforated passport booklet number at pages from 3 to 32. Perforation may include the last page of the booklet, but it is not mandatory.
Sewing
- Passport booklet to be sewn by the three-color thread
- The thread shall react in three different colors under the UV light of λ_1 nm wavelength.
Memory chip:
- Passport booklet to include contactless memory media pursuant to Standard ICAO 9303, sixth edition 2006, Volume 2,
- EAC (Extended access control),
- Common Criteria EAL5+,
- Operating System - Common Criteria 4+,
- Chip position: embedded into the back cover, so that it is impossible to physically remove it without destroying antenna
- Minimum capacity of the contactless chip is 72 Kb.
- Maximum time for transferring data contained in the chip shall be 9 seconds.
- Maximum reading distance of the data from the contactless chip shall be 10 cm.
Method of passport booklet personalization:
- Enable entering of personal data and the holder's photograph to be printed at the passport page 2 by ink-jet technique.
- Lamination of page 2 to be made by hot laminator.
Additional protective elements
A bidder may offer additional protective elements, for the purpose of providing better protection compared to mandatory minimum technical specifications referred to in Article 4.2.
In the Proposal section "Additional elements", a bidder may, optionally, offer one or more additional elements to provide better security protection, not resulting in cost increase (if compared with the proposed price for meeting of minimum technical requirements).
UV protection λ_3
Page 2 shall include a motif printed in UV colors visible under the UV light of wavelength λ_3 .
Electrotype numeration
Apart from numeration required by minimum technical requirements, include passport pages numeration using Electrotype technique.
IR protection
IR protection shall cover maximum 50% of a page, and may be incorporated into pages 3-32

Optional protective elements offered by a bidder
Optional protective elements increasing security offered by a bidder free of any charges

Additional protective measures proposed (free of charges)
Additional UV protection
A motif visible under UV-C ($\lambda 3$) light shall be imprinted into Page 2 where personal data are entered
Additional IR protection
A color visible under the IR light shall be used for printing at pages 3-32 at maximum 50% of a page
Special protective pigment
One of the colors should comprise an exclusive protection pigment of the Bundesdruckerei Press. That substance may be detected by special sensors only.

BLOCK 2 Illegal migration, including readmission

Border management (benchmarks 6-10)

Requested additional information on the following:

- **Border Police, especially adequacy of its authority in effective border control and possible material and other restrictions of authority that could reduce Border Police efficacy in fighting illegal migration and other kinds of criminal acts relating to border, human resources and training system, plans for appointment to vacancies, risk analysis and information exchange, anticorruption measures.**
- ***Border Police competence in border control***

In compliance with Border Police Law Border Police is administrative organization within BiH Ministry of Security with operational independence, founded to carry out police activities related to BiH border surveillance and control as well as other tasks regulated by the Law.

In compliance with the Law activities within Border Police competence are as follows:

- Implementation of Law on Surveillance and Control of Crossing the State Border, as regulated by that law. In order to carry out these activities Border Police is authorized to work within the zone stretching 10 km from the state border, and outside that zone if the competence is implemented on trains, aircraft and vessels.
- Implementation of Law on Foreigners Movement, Residence and Asylum, as regulated by that law. In order to carry out these activities Border Police is authorized to work within the whole BiH territory.
- Prevention, detection and investigation of criminal acts regulated by criminal laws in Bosnia and Herzegovina, "in relation to state border"(criminal acts against state border security or against Border Police activities and tasks, criminal acts of misuse of personal and travel documents when crossing the border or are directly related to crossing the border, criminal acts of transporting cross the border goods which are not permitted, those without official permission or by breaching the current prohibition if Border Police has been appointed to control such permission or prohibition). In order to carry out these activities Border Police is authorized to work within the whole BiH territory.
- Prevention, detection and investigation of other offences upon request of competent authority. In order to carry out these activities Border Police is authorized to work within the whole BiH territory.
- Prevention, detection and investigation of offences regulated by Law on Surveillance and Control of Crossing the State Border, Law on Foreigners Movement, Residence and Asylum and other laws or upon request of competent authority. In order to carry out these activities Border Police is authorized to work within the whole BiH territory.
- Provision of police support to organizational units within Ministry of Security in implementing Law on Foreigners Movement, Residence and Asylum and other valid regulations in this area. In order to carry out these activities Border Police is authorized to work within the whole BiH territory.
- Carrying out protection measures for civil air traffic and security of international airports in Bosnia and Herzegovina. In order to carry out these activities Border Police is authorized to work within the whole BiH territory.
- Performance of other tasks regulated by law and other regulations.

- ***Human resources and training system, plans for appointment to vacancies***

In compliance with Border Police Rulebook on Internal Organization, there are 2.536 positions. (police officers 2.339, civil servants 48, staff members 149). On 30 Sep 2008 there are 401 vacancies (of which 382 for police officers, 9 for civil servants and 10 for staff members).

Border Police training is carried out in two basic forms:

- Basic training for cadets which is carried out in Border Police Training Centre and transition training for police officers recently employed from other police agencies.
- Professional training, i.e. constant knowledge and skills improvement through different kinds of professional training, such as: participation in workshops, expert meetings, seminars, internal training, participation in different trainings and educations in country and abroad. Internal training is carried out in accordance with training plans in Border Police units that create their own plans according to their requirements.

The problem of vacancies is attempted to be overcome in Border Police by planned education and training of its own manpower, and improved material situation of its employees. Cadet training is continuously carried out in the Training Centre. In 2008 there have been 92 cadets (class IV) employed in the rank of "police officers". At the same time, the selection and beginning of education process for the 5th generation of cadets have been completed. In accordance with Border Police Annual Working Plan for 2008, there is an ongoing selection for the 6th generation of cadets. Apart from education and employment of police officers Border Police in cooperation with Civil Service Agency, regularly notifies vacancies for civil servants and staff members.

It is attempted, with such planned access in educating personnel, to reach full employment in the near future. According to available budget resources, Border Police will continue with admission and education of new cadet generations in the following period.

- ***Risk analysis and information exchange***

Border Police attempts to establish risk analysis and information exchange system in compliance with the standards and good practice applied in EU. In relation to that it is of high importance to form Joint Risk Analysis Centre. Apart from joint risk analysis this centre will enable regular exchange of relevant information between services involved. Agreement for establishment of this centre is concluded by Ministry of Security, Border Police, Indirect Taxation Agency, Veterinary Office, Plants Protection Administration and Service for Foreigners Affairs. Equipment procurement for the Centre is ongoing (supplier has been selected, equipment import-delivery is carried out) and at the same time training for the officers who will work in the Centre is carried out.

- ***Anticorruption measures***

Border Police has, in accordance with the National Strategy of Bosnia and Herzegovina for Fighting Organized Crime and Corruption, produced BP Anticorruption Action Plan. This plan is realized at local level (Border Police units), regional level (Field offices) and central level (Professional Standards and Internal Control Office, Central Investigation Office) Action Plan puts emphasis on anticorruption among police officers and others (customs) who are involved in border control.

In relation to that, in 2007 Border Police registered 4 cases of corruption where 7 police officers were involved and against all of them disciplinary and criminal responsibility measures have been taken. All 7 officers have been suspended until disciplinary or criminal proceedings end.

In 2008 there have been 5 cases of corruption with 7 police officers involved, all of which have been suspended and proceedings of disciplinary and criminal responsibility have been instituted.

- ***Integrated Border Management Strategy, particularly in implementation of planned activities, priorities, participants and deadlines***

At its 55th session held on 10 July 2008, upon proposal of the Ministry of security, the Council of Ministers has adopted the BH Integrated Border Management Strategy and the Action plan as its integral part. Then, the Council of Ministers issued Decision on creating a State Commission for integrated border management.

Ministry of security gives administrative and technical support for the work of the State Commission for integrated border management which is among other competences, responsible for monitoring of Strategy and Action plan implementation. State Commission for integrated border management of Bosnia and Herzegovina has adopted a proposal of measures and activities related to the implementation of the Strategy and Action plan.

In this respect, in the past period of time, State Commission for Integrated Border Management had four working sessions discussing on organizational, technical and other important aspects of work of the Commission. At the beginning of its activities the Commission has issued the following documents being necessary for its functioning:

- Draft Rules of procedures prepared and submitted for adoption to the Council of Ministers of Bosnia and Herzegovina that has been adopted at 67th session of the Council of Ministers held on 26 November 2008 ;
- Commission issued Decision on appointment of the Secretary of the Commission;
- Commission issued decision on appointment of four working Sub-Commissions that will be responsible for implementation of Action plan of integrated border management Strategy of Bosnia and Herzegovina;
- Commission issued decision on appointment of coordinator responsible for monitoring of the Action plan of the integrated border management Strategy implementation in Bosnia and Herzegovina ;
- Draft Agreement on creating a Risk Analysis Centre was prepared and agreed with all signatories of the Agreement and submitted to the directors of the agencies within the Ministry of security.

With the financial support of EC, in the past period of time a proofreading and a special design have been made to the text of the BH Integrated Border Management Strategy and its Action plan. A designed document will be distributed to all relevant authorities that participate in a process of integrated border management.

All logistical, technical and administrative requirements for the work of the Commission have been met.

In order to be fully operational the Commission had to set out a number of relevant legal acts. At its session from 10 November 2008 , the Commission has also issued decisions on assignment of four working sub-commissions (legal, joint risk analysis, management/organization and procedures, and infrastructure sub-group) that will be responsible for the implementation of the item 5.2 (interagency cooperation) of the Action plan. It is expected that these sub-groups will start to be operational in the first half of January 2009. A short, mid and long term goals are defined by Action plan, while the

priorities in implementation should be actions related to „Establishment of system of targeted selectivity and joint risk analysis“, „Selection of priority border crossing points based on criteria agreed with all relevant services, upon analysis of existing and future flow of people, goods and risk analysis“, „Establishment of a body responsible for maintenance of border infrastructure, purchasing and maintenance of joint equipment, border crossing upgrade and reconstruction .“

Activities within Action plan related to cooperation between institutions and international cooperation (chapter 5.1 and 5.3 of Action plan) are achieved through working groups assigned by managers of the institutions taking part into strategy implementation. The Commission has been informed by managers of the relevant institutions about the number, names of established working groups and their members. They will inform Commission on a regular basis about results achieved.

The first formal meeting between BH Integrated Border Management Commission and Integrated Border Management Commission of Montenegro was held in Podgorica on 03 December 2008. It was agreed that both parties would start preparing an Agreement on border crossings and an Agreement on cross-border cooperation. The two parties also agreed to sign bilateral agreement arising from Vienna Police Cooperation Convention for Southeast Europe (protocol on conducting joint patrols along the common state border and joint border control at the common border crossing points). It was also agreed to work through expert groups in order to prevent illegal border crossings via minor roads.

The BH Commission is currently negotiating with relevant Border Commissions of the Republic of Croatia and Serbia. It was agreed to hold the first formal meetings in December of the current year.

A progress has been made in establishing a Joint Risk Analysis Centre which should include all relevant actors dealing with border security. It will have a significant role in preventing all forms of cross-border crime and illegal movement of people and goods. The Centre will collect information, analyze and estimate the situation at the border and facilitate an efficient and systematic use of its own resources and external support in a way to focus on relevant issues while undertaking the operations along state border in accordance with EU standards. A Joint Risk Analysis Centre will be composed of the members of the BH Ministry of security, BH Border Police, BH UINO, BH *Veterinarian Office*, BH *Plant Health Protection Administration* and BH *Service for foreigners affairs*, tasked to collect, process and analyze strategic information from relevant combined databases and records.

Consequently, the role of the Centre is to set up coordination, data exchange between contracting parties at central level, as well as with other law enforcement agencies in accordance with laws in force. Agreement on establishment of the Centre has been signed by the managers of the above mentioned institutions in December 2008.

- ***Number and category of border crossing points, their facilities, technical equipment and IT systems***

As stated in the Report on Readiness it is assumed that at BiH border there will be 89 border crossing points for passenger traffic, of which 55 international border crossing points (including 4 international airports, one seaport and two river ports) and 34 border crossing points for border area traffic. There are currently 14 border crossing points for border area traffic out of function, because they

do not meet basic infrastructure working conditions. Border crossing points for border area traffic are points designated for crossing of the state border by BiH citizens and citizens of the neighbouring countries (Serbia, Croatia, and Montenegro) who are residents of border area. These border crossing points are not permitted for traffic of goods.

In accordance with Agreement on Determination of Border Crossing Points with the Neighbouring Countries international border crossing points, from traffic of goods point, are categorized as follows:

- International border crossing points of 1st category (road and railway), are international border crossing points where all kinds of goods including high tariff-goods (goods for which taxes must be paid) can be imported, exported or transported. There are 23 international border crossing points of 1st category at BiH border.
- International border crossing points of 2nd category (road and railway), are international border crossing points where high tariff-goods and goods subject to special registering and control (mines, explosives, works of art etc.) cannot be imported, exported or transported. There are 8 international border crossing points of 2nd category at BiH border.
- International border crossing points for passenger traffic – are international border crossing points with no traffic of goods. There are 17 international border crossing points at BiH border for passenger traffic.

According to BiH Council of Ministers decisions:

- Traffic of weapons, military equipment, dangerous explosive and radioactive materials and dual purpose means is permitted at 13 border crossing points.
- Cross border traffic of substances and plants on the list of intoxicating drugs, psychotropic substances, plants of which intoxicating drugs can be extracted and precursors is permitted at 13 border crossing points.
- At 10 international border crossing points BiH Veterinary Office inspectors are present.
- At 14 international border crossing points Sanitary Inspection inspectors are present.
- At 14 international border crossing points issuance of visas is carried out

At all border crossing points in function there are Border Police officers present. All border crossing points are equipped with basic connection means (USW radio devices and telephone lines) and basic equipment for document check (retro checks, magnifying glasses)

There is video surveillance installed at 25 most frequently used border crossing points.

In the field of IT system the most important project implemented in Border Police is the one of wide range communication network (SPIN network). There are plans to communicational connection of all organizational parts of Border Police and the most frequently used border crossing points by 30 June 2009. Through this network Border Police will have IT system that enables fast and functional control of passengers and vehicles at border crossing points.

Asylum (benchmarks 12-13)

Requested additional information on the following:

- **Administrative and legal measures predicted for the implementation of the Law on Movement and Stay of Aliens and Asylum**

It is regulated by the Law on Movement and Stay of Aliens and Asylum (related to deadlines of the implementation of proceeding and enactment of decision:

- to introduce decision within 15 days from the day of receiving the request for international protection if this request is unfounded,
- deadline is not regulated for all other cases because it is very specific administrative proceeding (it does not exist an obligation for submission of material evidences) where is not possible to apply provisions by the Law on Administrative proceeding in order to introduce decision within 60 days from the day of receiving a request.

- **Plans for the establishment of permanent Reception Centre for asylum seekers**

The establishment of the Reception Centre proceeds according to planned dynamics:

- the location for establishment of Centre has been provided (Delijaš - Trnovo),
- the project documentation is done,
- funds are provided by the budget of the Ministry of Security in amount of 500.000 euros as a participation for IPA funds,
- it is anticipated that European Commission conducts in 2009 procedures for the selection of provider of works, and to start with realization of project,
- accomplishment of all works and supplies in 2010,
- Centre will commence with its function in 2011.

- **Data on types of decisions related to asylum and time of proceedings**

There are following possibilities for decisions related to asylum:

- introduction of decision that recognizes the refugee's status,
- introduction of decision that rejects granting of refugee's status but it permits subsidiary protection,
- introduction of decision that is not recognizing either refugee's status or subsidiary protection,
- conclusion when proceeding is being ceased,
- conclusion when the request for international protection is being rejected.

- **Existence of independent Court Appeals Body**

Appeal against decision of the BiH Ministry of Security – Sector for Asylum which is made according to request for international protection can be submitted to the Court of Bosnia and Herzegovina. It is necessary to emphasize that in cases of international protection, complaint/appeal towards the Court of B&H, the execution of decision of B&H Ministry of Security-Sector for Asylum is postponed by the termination of the proceeding in front of the B&H Court and legal validity of verdict. This proceeding is in accordance with the Law on Administrative proceeding of B&H and the Law on Court of B&H.

- **Financial support and basic social-economic benefits that are insured for the asylum seekers**

The seeker of international protection has a right on accommodation, feeding, primary health protection, psycho-social support and legal aid. Beside these costs that Ministry of Security bears, there are financial means (participation) for purchase of fresh fruits and vegetables.

Migration Management (benchmarks 11, 14-18)

Requested additional information on the following:

- **Administrative and legal measures planned for implementation of Law on Foreigners Movement, Residence and Asylum, deadline for their realization, administrative and technical capacities of the institutions in charge of the implementation**

In terms of harmonization of B&H legislation in domain of immigrations with legislation of European Union and Schengen Agreement, and as well the solving of deficiencies that appeared while applying the valid law, the new Law on Movement and Stay of Aliens and Asylum has been introduced and published on 06.05.2008 („Official Gazette of B&H” number: 36/08), and it came into force on 14.05.2008. For adequate application/ implementation of the Law, it is regulated the adoption of bylaws. By now the next bylaws had been adopted:

1. Rulebook on entry and stay of aliens is published in the „Official Gazette of B&H” number 81/08 from 07.10.2008.
2. Rulebook on surveillance and removal of aliens is adopted and published in the „Official Gazette of B&H” number 81/08 from 07.10.2008.
3. Rulebook on protection of aliens the victims of trafficking in human beings is published in the „Official Gazette of B&H” number 90/08 from 10.11.2008.
4. Rulebook on standards of functioning and other issues that are relevant for the work of Immigration Centre, adopted by the B&H Council of Ministries on 03.12.2008
5. Rulebook on cover of costs of the return and placing the aliens under surveillance, adopted by the B&H Council of Ministries on 03.12.2008
6. Rulebook on issuance of visa for long-term stay (visa D),

Bylaws that are in procedure of adoption, and the adoption of these is anticipated by the end of January 2008. It follows as:

1. Rulebook on process of the Diplomatic-Consular Representation in proceeding of issuance of visa,
2. Rulebook on way of holding, carrying of weapon and ammunition by the officers of the Service for Foreigners Affairs

The B&H Council of Ministries has adopted on 13.11.2008, the Strategy in domain of immigration and asylum, and the Action plan for period of 2008-2011, that was proposed by the Ministry of Security, and the Ministry is responsible to prepare the proposal of the Decision on Nominating the Coordination Body for observation of implementation of Strategy in domain of immigration and asylum and Action plan for period of 2008-2011.

Administrative and technical capacities of the institutions that are responsible for the application of the Law pertaining to:

- Ministry of Security: Sector for Immigration, Sector for Asylum,
- The Service for Foreigners’ Affairs,
- The B&H Border Police,
- Ministry of Foreign Affairs,
- Intelligence-Security Agency,
- State Investigation Protection Agency,
- Ministry of Civil Affairs – Agency for Identification Documents, Register and Exchange of data - IDDEEA (ex CIPS Management),

- Ministry for Human Rights and Refugees,
- Entities' and Cantonal Ministries of Internal Affairs, and B&H Brčko District Police.

The Service for Foreigners' Affairs is an administrative organization within the Ministry of Security of Bosnia and Herzegovina with operative independence, and it has commenced with its operative work on 01.10.2006, and it continues to tackle continued activities by its competence pursuant to the Law on Service for Foreigners' Affairs, the („Official Gazette of B&H“ number 54/05 and 36/08), the Law on Movement and Stay of Aliens and Asylum, and other laws and bylaws provisions.

In the Seat of the Service is situated the Management of Service as it follows : Director, Deputy Director and Assistant Director for Internal Control, then the Sectors and Departments established by the Rulebook on internal organization and systematization of the Service.

The Service has basic organizational units out from the Service's Seat, as it follows: 16 Field Offices and Immigration Centre that represents satisfactory administrative and technical capacities responsible for the implementation of the Law on Movement and Stay of Aliens and Asylum.

Border Police has established administrative and technical capacities in charge of the implementation of Law on Foreigners Movement, Residence and Asylum. In Border Police organizational structure at central level within Operations Department there are two sections: Section for state border surveillance and security of airports and Section for control of crossing the state border within competence of which are illegal migration issues. Central Investigation Office investigates criminal offences related to organized illegal migration. Apart from the above stated there are positions of inspectors for surveillance and control of crossing the state border at regional and local levels. Direct provisions of the mentioned law that refer to Border Police competence are applied by police officers carrying out border control at border crossing points.

- **Mechanisms for monitoring migration flows, particularly administrative capacities and resources, structural cooperation and communication between agencies, methods used to collect and create statistical data, putting the planned IT system for migration (ISM) into operation and plans for updating migration profiles.**

The administrative capacities that by its tools observes migration flows are as it follows: the B&H Ministry of Foreign Affairs with network of Diplomatic-Consular Representation in domain of issuance of visa, then the Border Police in domain of control of state border crossing, the Service for Foreigners' Affairs in domain of control of movement and stay of aliens at the territory of B&H, in cooperation with Entities', Cantonal Ministries for Internal Affairs, Brčko District Police, and other law enforcement agencies in B&H.

The human resources of stated institutions and agencies are regulated by the Rulebooks on internal organization and systematization of working positions.

Considering the cooperation between agencies in view of migrations, the big role will have the Coordination Body for observation of implementation of Strategy in domain of immigration and asylum, and Action plan for period of 2008-2011. That body is going to have a coordination role in migration management as well.

It is important to emphasize by the safety point of view due to the issue of structural cooperation and communication, that the Services tackle checking through the records of the Register of certain aliens „ROS”, where all aliens had been registered and processed by the component bodies for the implementation of law in B&H, on occasion of issuing visas to foreign citizens on grounds of arrival to B&H (in cooperation with Ministry of Foreign Affairs) in process of permit of temporary or permanent residence, and as well on occasion of granting the B&H citizenship to the foreign citizens.

If a person who had been checked is registered in database of ROS, there are justifiable reasons for negative solving of proceeding, and which are being evaluated in every individual case.

Considering the methods of gathering and processing statistical data, it is relevant to point out that the Service for Foreigners' Affairs has completed standardized pattern of report on work, and based on this the further matters are being followed: registrations, cancellations of alien's residence, permit-extension of temporary residence, permit of permanent residence, cancellations of residence, expulsion, forced removal and other matters by the competence of Service.

Agencies/institutions that are responsible for input and data processing in Information system for migrations- ISM- had commenced with data input.

However, when it is matter of review/reading off data in system that responsible agencies / institutions which has access introduced in it, it is obvious deficiency of system itself in view of access to data introduced by other agencies, so in that sense ISM is not sufficiently updated and reliable. ISM has been implemented by IOM through CARDS project funded by EC. Because of incomplete implementation IPA 2007 project related to the development of migration management capacities will pay attention to the rectifications of the ISM ant its improvement.

The migration profiles are not made and updated currently, but Immigration Sector of the Ministry of Security is going to start with those activities as soon as possible.

Border Police has, through internal Instruction on Registers, created numerous statistical tables referring to statistical monitoring of illegal migration issues. In that way there is, at central, regional and local levels, collection and processing of data on:

- Refused entries to BiH (total at BiH border, individually at borders with neighbouring countries, by citizenships, by reasons for refusing entry)
- Crossing the state border by high migration risk citizens (by citizenships, particularly at BiH international airports)
- Visas issued at border crossing points (by citizenships, by border crossing points where visas are issued, gratis visas and not paid visas)
- Data on admission and handover of persons based upon interstate agreements (by citizenships)
- Deported BiH citizens (by states and reasons for deportation)
- Deported foreign citizens (by reasons for deportation and citizenships)
- Foreign citizens handed over for further competence to other authorities (by citizenships)
- Persons who stated they are looking for asylum or refugee status during check.
- Persons detected in illegal crossing of the border (total and towards neighbouring countries, by citizenships, at border crossing point and outside of it)

Apart from these statistical tables for illegal migration monitoring, there are important Border Police data on criminal offences of smuggling and trafficking in humans (number of offences, submitted reports to competent prosecutions, number of reported persons, citizenship of reported persons), as well

as the data on detected forged documents (forged documents by type, by citizenship of the committers and by documents)

Border Police regularly delivers these data to Ministry of Security through its periodical reports and according to requirements, as well as upon requests of other BiH law enforcement agencies. Besides that, exchange of these data is also performed with competent police authorities in the neighbouring countries (Croatia, Montenegro and Serbia).

- The implementation of national returnee reintegration strategy and achieved results

In relation to reported situation up to now in respect of the progress in developing Strategy for reintegration of returnees the following activities have been realised: It has been agreed on the text of the Strategy at the meeting with Entity Ministers held on 28 October 2008. This text has been adopted by the Board for internal policy of the Council of Ministers of BiH.

We are expecting the adoption of the Strategy by the Council of Ministers BiH and then sending it to the Parliamentary Assembly of BiH.

At the moment we can say that the total fund for return for 2008 are cca 160 millions KM and 80% of these resources are from the budget, and the rest is donation.

After entering into force the Law on Budget of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina for 2008 the Minister for Human Rights and Refugees made Decision on allocation of financial resources by which the largest amount of resources , the amount of 30 150 000 KM, was directed to the Fund for return. It should be mentioned that the adoption of Entity budgets was equally waited for and with this being done the conditions for harmonizing and signing Agreement on joining and allocation of resources which are joined in the Fund for return from the Budget of BiH, Budget of the Federation BiH, Budget of the Republika Srpska and Budget of Brčko District BiH for 2008. So, it is a very complex mechanism and it's functioning depending on the adoption of the state budget, Entity budgets and Budget of Brčko District BiH as well as on the individual payments.

After accomplishing above mentioned requirements state Commission for refugees and displaced persons had thematic conference and signed Agreement on joining financial resources for 2008. Commission brought concrete conclusions in respect to allocation of resources and the obligation of selection of municipalities and locations where the approved funds are going to be implemented.

1. According to the allocation of resources and in accordance with the signed Agreement the Commission by its Decision approved 21,8 millions KM for reconstruction of individual housing units of returnees. This project is in the phase of its full implementation.
2. 4 million KM is planned and approved for the needs of return to finalise activities from the project of the Development bank of the council of Ministers that is to close collective centres and alternative housing units. This project is in its final phase.
3. 8 millions KM is planned and approved as special project for reconstruction in 2008 for reconstruction of collective housing facilities (buildings-condominiums). Commission by its Decision selected for this project priority municipalities-locations for implementation and we are

expecting signing of the Memorandum of Understanding with selected municipalities to start with project implementation.

4. 5 million KM is planned and approved for solving the issue of return sustainability through reconstruction of utilities sector and social infrastructure in the locations where return is realised.

One part of funds which are going to be directly spent by the Ministry for Human Rights and Refugees is related to:

- Funds for intervention aid to displaced persons and returnees – 1,7 millions KM
- Funds for intervention aid to the process of sustainable return in Brčko District BiH -300 000,00 Km
- Funds for research projects in the field of return – 50 000,00 KM
- Allocated resources for the return of refugees – patients with mental disorders from Hungary and Croatia – 300 000,00 KM

This part of the implementation of funds is going on as it is planned and funds shall be spending in accordance with the regulations during the budget period.

As it could be seen from above, the resources at the BiH level allocated for the return are planned and are being spent for the prior return and reintegration needs in BiH.

Achieved results in return process:

1.1. Return statistics

According to official statistics, more than a million returns to/within BiH were recorded, of whom around 450 thousands of refugees and 580 thousands of displaced persons.

Of the total number of 1,025,011 of recorded returns of refugees and displaced persons³, around 72% have returned to FBiH, around 26% to RS and around 2% to BiH Brčko District.

Broken down by ethnic composition of returnees, 62% are Bosnians, 13% are Croats, 24% are Serbs and 1% are others.

Official statistics have recorded 465,733 so called "minority" returns.

According to the estimate of the Ministry for Human Rights and Refugees, the rate of "minority" returns, calculated on the basis of an estimated number of persons who left their pre-war residences in comparison to the number of returnees, is 32% in FBiH and 28.5% in RS, with 35% return rate of Bosnians to RS and 8.5% return rate of Croats.

³) UNHCR official statistics as on 31/12/2007

1.2. Return and other durable solutions for displacement issues

However, it is hard to say how many refugees and displaced persons have found a durable solution through the return option, since in addition to possible significant discrepancy between actual implemented return, it also happened that many individuals after repossession or reconstruction of their pre-war property, and which was recorded as return, left their pre-war residences once again, either temporarily or permanently.

Also, it is evident that more than a quarter of refugees and displaced persons has integrated in their host countries and displacement places in BiH or has found other durable solutions.

1.3 Investments in the sector of sustainable return

During the period of the five-year-long implementation of the BiH Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, from the beginning of 2003 until the end of 2007, around KM 618 millions were invested in the sector of reconstruction and sustainability of return for around 31,500 families (around 130,000 persons), which per a returnee family amounts to almost KM 20,000. Renovation costs per a housing unit amounted in average to around KM 11,000 (55%), while around KM 9,000 (45%) in average was invested in the measures towards the return sustainability, with participation of domestic institutions in funding sustainability of return amounting to around KM 447 millions (72%), and of foreign donors KM 170.7 (28%).

- The application of return measures and reintegration to the returnees according to the Agreements on Readmission between EC and B&H

Agreement on Readmission between European Commission and B&H is signed on 18.09.2007. in Brussels, and it is published officially in the „Official Gazette of B&H – international agreements“ number 13/07 from 30.11.2007. This agreement is being applied fully and without any problems.

During two meeting of the Joint Committee for the implementation of the Readmission Agreement We did not have any remarks by any EU Member State in relation to the application of this Agreement.

- Division of competence and cooperation mechanism between Border Police, SIPA and Service for Foreigners Affairs within Ministry of Security in fighting illegal migration.

The competences of the Service for Foreigners' Affairs, Border Police and State Investigation Protection Agency are regulated, and clearly defined by the laws on establishment and work of stated agencies.

The Service for Foreigners' Affairs is competent for tackling administrative- executory and inspection tasks regulated by the Law on Movement and Stay of Aliens and Asylum. Duties under responsibility of the Service are defined by the Article 3 of the Law on Service for Foreigners' Affairs of Bosnia and Herzegovina as follows:

The following duties shall be the responsibility of the Service:

(1) The administrative duties related to movement and stay of aliens in BiH, prescribed by the Law on Movement and Stay of Aliens and Asylum, as follows:

- a) annulment of visas to foreign nationals;
- b) issue of personal and travel documents to foreign nationals, i.e. revocation of the issued personal and travel documents,
- c) registration of residence or registration of change of residence address of foreign nationals,
- d) attestation of guarantee letters and invitation letters
- e) issue of residence permits to foreign nationals
- f) duties related to applications filed for *Asylum* in Bosnia and Herzegovina;

(2) Deciding in administrative matters following the requests for:

- a) granting temporary or permanent stay in BiH, or renewal of temporary stay,
- b) cancellation of temporary or permanent stay;
- c) placing foreign nationals under surveillance;
- d) expulsion of foreign nationals from the country;
- e) issuing conclusions concerning the enforcement of expulsion decisions.

(3) The decisions referred to in paragraph (2) of this Article shall be issued by the Head the Service.

(4) Handling of the cases and keeping of the records prescribed by the Law on Movement and Stay of Aliens and Asylum and keeping of the records within the scope of the Service's operations.

(5) Inspection duties over the implementation of the Law on Movement and Stay of Aliens and Asylum as follows:

- a) control of stay, control of a purpose of stay, control of usage of granted stay, registration of stay or change of place of stay;
- b) supervision over the various legal entities and individuals in relation with the stay and employment of foreign nationals;
- c) filing charges and requests for the procedure against the legal entities and individuals, as a result of their noncompliance with the legal provisions regulating the issues of movement, stay, and employment of foreign nationals;
- d) submission of requests for initiating the procedure of canceling a granted stay, canceling a stay on grounds of filing an application for asylum or on grounds a granted asylum as well as submission of the requests for visa cancellation;
- e) keeping the records concerning the inspection controls and findings;
- f) regular inspection control, inspection by order or request, or upon receiving reports (viz. complaints, notifications, applications)⁴;

⁴ Note: The term "*reports*" (referred to in Article 3 paragraph 5.f), Article 11 paragraph 1.e), Article 14 paragraphs 1 and 2) literary presented in the local language as "prijave" is less self-explanatory than what is allegedly meant by the legislator to include: on the one hand, a "complaints" or "notifications" filed by a relevant authority or person in order to report any illegal stay and movement of foreign nationals; and on the other hand, "applications" filed for various purposes by the foreign nationals

- g) submission of requests to organize search to locate an individual or item being sought;
- h) submission of requests to conduct examination of persons, items, vehicles and premises/buildings, as well as to place a foreign national under close surveillance;
- i) making checks based upon an order given by the Ministry in relation to entry, movement and stay of foreign nationals who are in the process of obtaining BH citizenship.
- j) executes measure of removal of the foreign citizen from the country".

(6) The activities related to:

- a) follow up, collection and processing of data and findings falling under the responsibility of the Service,
- b) analysis of the state of affairs under the responsibility of the Service,
- c) undertaking the necessary measures and activities under its responsibility, suggesting the measures for improvement of overall situation in the area of movement, stay and employment of foreign nationals;

(7) Data-analyzing and record-keeping in accordance with the Law on Movement and Stay of Aliens and Asylum;

(8) Delivering decisions and rulings to the Ministry in order to have them enclosed in the relevant registers on foreign nationals;

(9) Initiating the procedure in order to claim the refund of amounts spent on expatriation of foreign nationals;

(10) Other activities prescribed by the Law on Movement and Stay of Aliens and Asylum and other laws and regulations, regulating rights, obligations and other issues in relation to movement, stay and employment of foreign nationals.

Competence of the Border Police of Bosnia and Herzegovina are defined by the Article 7 of the Law on Border Police

The activities within the Border Police area of competence are:

1. Enforcement of the Law on Surveillance and Control of the Crossing of State Border as prescribed therein;
2. Enforcement of the Law on Movement and Stay of Aliens and Asylum as prescribed therein;
3. Preventing, detecting and investigating criminal offences prescribed by the Criminal Codes of Bosnia and Herzegovina when:
 - a) such criminal offences are directed against the security of the state border or against the execution of activities and tasks falling within the competence of the Border Police; or
 - b) such criminal offences must be prosecuted pursuant to the provisions on the abuse of official documents serving as proof of identity, passport and obligation to possess visa , as well as provisions on movement and stay of aliens and asylum, if committed while crossing the border or are directly related to the crossing of the state border; or
 - c) such criminal offences involve transportation of goods across the state border, the trade of which is not allowed, if there is no official approval for the goods, or in case of the violation

themselves, such the one reporting or registering the abode of a foreign national or filing a request for issue of travel documents, residence permits, etc.

- of a current ban, provided the Border Police has been assigned the duty to supervise such an approval or ban on the basis of another regulation or an administrative agreement with the authority responsible for such prosecution.
4. Preventing, detecting and investigating other criminal offences upon the request of the competent authority;
 5. Preventing, detecting and investigating:
 - a) minor offences prescribed by the Law on Surveillance and Control of the Crossing of State Border of Bosnia and Herzegovina, the Law on Movement and Stay of Aliens and Asylum and other laws; or
 - b) other minor offences upon the request of the competent authority.
 6. Providing police support to organizational units within the Ministry of Security in the implementation of the Law on Movement and Stay of Aliens and other regulations in force in this field.
 7. Undertaking measures of protection of the civil air traffic and measures of security of the premises of the international airports in Bosnia and Herzegovina;
 8. Securing its organizational units against danger;
 9. Upon their request, provide judicial bodies and other institutions with expert opinion with respect to the validity of documents used or intended to be used for crossing the border. Such documents shall include travel documents, personal identification documents and all other documents related to the movement of persons, vehicles and goods across the state border.
 10. Carrying out other activities prescribed by the law and other regulations.

In compliance with Law on Foreigners Movement, Residence and Asylum, Border Police is authorized for this Law enforcement in the part which refers to:

- Identity determination of foreigners crossing the border (Article 14. Paragraph 5. of the Law)
- Border check of foreigners entering BiH, including fulfilment of general conditions to enter BiH (Article 15. Paragraph 5. And Article 19. Of the Law)
- Stamping the foreigners passport using entrance and exit stamp. (Art15. Par 7. of the Law)
- Refusal of entry to BiH to foreigners, creation and delivery of Decision of entry refusal (Article s 25. and 26. Of the Law)
- Visa issuing at border crossing points in exceptional cases and under conditions regulated by this Law (Article 36. Paragraph 5. of the Law)
- Reducing visa validity (Article 40. Paragraph 3. of the Law)
- Visa annulment at the border (Article 41. Paragraph 2. of the Law)
- Border Police is obliged to inform Service for Foreigners Affairs and Ministry of Security of every foreigner who left BiH and who has been exiled from BiH and to register the data of leaving BiH territory in the foreigner's passport. (Article 89. Paragraph 3 and 4. of the Law)
- Management of official registers according to which BP is authorized to act in certain matter (Article 144. of the Law)
- Access, registering and use of the data from Central Foreigner Database (Articles 144., 145. and 146. of the Law)

Competences of the State Investigation and Protection Agency (SIPA) are defined by Article 3 of the Law on State Investigation and Protection Agency

The tasks within the scope of SIPA's competence are:

1. Prevention, detection and investigation of criminal offences falling within the jurisdiction of the Court of Bosnia and Herzegovina (hereinafter: the Court), especially: organized crime, terrorism, war crimes, trafficking in persons and other criminal offences against humanity and values protected by international law, as well as serious financial crime;

2. Collection of information and data on criminal offences referred to in item 1 of this Paragraph, as well as observance and analyses of security situation and phenomena conducive to the emergence and development of crime;
3. Assistance to the Court and the Prosecutor's Office of Bosnia and Herzegovina (hereinafter: the Prosecutor's Office) in securing information, and execution of the orders of the Court and of the Chief Prosecutor of BiH (hereinafter: the Prosecutor);
4. Physical and technical protection of persons, facilities and other property protected under this Law;
5. Witness protection;
6. Implementation of international agreements on police co-operation and of other international instruments that fall within the scope of its competence;
7. Criminal expertise;
8. Other tasks as prescribed by law or other regulations.

Mutual official cooperation and exchange of information among State Investigation and Protection Agency, Border Police and Foreigners Affairs Service are defined by the Laws on above agencies and by mutual agreements.

Article 21 of the Law on State Investigation and Protection Agency regulates Rendering Assistance as follows:

- (1) The administrative and other bodies, services and other institutions in BiH, Entity and Cantonal Ministries of Interior, customs and tax authorities, financial police, Interpol liaison bodies, competent bodies of the Brčko District of BiH and other appropriate bodies shall be obliged to co-operate with SIPA and upon its request to assist SIPA in performing the duties of its competence, and shall coordinate activities within the scope of their competences, in accordance with the law and other regulations on the protection of sources, methods and other non-public information.
- (2) SIPA shall be obliged to co-operate and render assistance to the bodies referred to in Paragraph 1 of this Article upon their request.
- (3) The manner of assistance and all other issues regarding the assistance and co-operation referred to in Paragraphs 1 and 2 of this Article shall be regulated by the mutual agreement or by the other legal act, to the extent not determined by law.

Article 22 regulates Duty to Inform Competent Body as follows:

- (1) SIPA shall be obliged to inform competent bodies in BiH about information obtained in the course of performing its duties, regarding the preparation or perpetration of criminal offences that fall within the scope of work of those bodies, as well as about the measures and actions taken with the goal to prevent perpetration or to locate and capture the perpetrators of such criminal offences.
- (2) Competent bodies in BiH shall be obliged to inform SIPA about information obtained in the course of performing their duties, regarding the preparation or perpetration of criminal offences that fall within the scope of SIPA's competence, as well as about the measures and actions taken with the goal to prevent perpetration or to locate and capture the perpetrators of such criminal offences.

Article 18 of the Law on Border Police regulates Rendering Assistance as follows:

- (1) Administrative bodies and other bodies, services and other institutions in Bosnia and Herzegovina, Entity and Cantonal Ministries of Interior, customs and tax authorities, financial police, Interpol liaison bodies, competent bodies of the Brcko District and other appropriate bodies are obligated to cooperate with the SBS and upon its request, shall assist the Border Police in performing the tasks that come under its competence and shall coordinate activities within the scope of their

competencies, in accordance with the law and other regulations on protection of sources, methods and other non-public information.

- (2) The Border Police shall cooperate and render assistance to bodies referred to in Paragraph 1 of this Article upon their request.
- (3) The manner of rendering assistance and all other matters related to the assistance and cooperation referred to in Paragraphs 1 and 2 of this Article shall be regulated by mutual agreements or by other legal acts to the degree not defined by law.

Article 30 of the Law on Foreigners Affairs Service regulates Providing Assistance as follows:

(1) Any administrative and other bodies, services and other institutions in BiH, the entity-level and cantonal-level ministries of interior, BiH Brčko District Police Service and other relevant authorities shall cooperate with the Service and provide necessary assistance in performing the duties falling under its competences pursuant to the Law and other regulations.

(2) The Service shall cooperate and, as necessary, provide assistance to the authorities, bodies and the institutions referred to in paragraph 1 of this Article within the scope of its competence.

(3) The ways of providing assistance and all other issues relating to the assistance and cooperation referred to in paragraphs 1 and 2 of this Article that have not been prescribed by the Law may be defined, with agreement of the Minister, by mutual agreements or other legal acts.

Article 31 of the Law regulates Duty of Informing the Competent Body as follows:

The Service shall inform the competent bodies in BiH of the findings collected within the scope of its competence, and in particular about any suspicion or indication of a criminal offense having been committed.

- The institutions involved in measures of providing help to the victims of trafficking in human beings

Government's response to anti-trafficking is characterised by a human rights based approach, focussing on the rights of the victims, in an integrated, multi-sector manner. The system encompasses various ministries and agencies, including representatives of the civil society, recognising the complexity of the challenge and contribution different actors make. When it comes to protection of foreign victims of trafficking the principal institution in charge is Ministry of Security. Ministry of Security has entered into cooperation agreements with the NGOs and funds provision of assistance to victims of trafficking. Protection of foreign victims is regulated by the Rulebook on Protection of Foreign Victims of Trafficking in Human Beings. During the process of assistance, other organisations and agencies such as immigration inspectors, the police and the judiciary also play a role in different stages of the process of assistance to victims.

- The conditions in the Immigration Centre near by Sarajevo

The Immigration Centre of Service for Foreigners' Affairs is specialized institution for reception and accommodation of aliens to those ones that the measure of placing under surveillance has been sentenced.

Bylaws are regulated by the Law on Movement and Stay of Aliens and Asylum and the Law on Service for Foreigners' Affairs, which defines the way of work of Immigration Centre, as it follows:

1. Rulebook on standards of functioning and other relevant issues for the work of Immigration Centre,
2. Rulebook on way of conducting the service of security, armament and equipment, use of fire arm and other means of coercion in the Immigration Centre,
3. Rulebook on surveillance and removal of alien from Bosnia and Herzegovina,
4. Rulebook on home rules in Immigration Centre,
5. Acting plan in extraordinary situations.

The Immigration Centre has accommodation capacity of 40 places, and it is divided into two separate pavilions, males with capacity of 25 places and females with 15 places.

Since 03.07.2008 when Immigration Centre has commenced officially by its functioning, and reception of the first users, by 01.12.2008, 185 aliens (to whom the measure of placing under surveillance has been sentenced), had resided at the Centre.

The works on the construction of new facility of Immigration Centre runs according to the anticipated dynamics, it is a facility of concrete material, with accommodation capacity of 80 places. This facility is being constructed by the help of funds of the European Commission Delegation in B&H. (IPA).

It is very important to emphasize those conditions of reception, accommodation and stay of users at the Immigration Centre satisfies the European standards by this domain.

It is necessary to point out that process of Centre's establishment had been supervised by the IOM, and European Commission Delegation in B&H, then that the Rulebooks on the way of functioning of the Centre had been completed in close cooperation with experts of Immigration Service from Netherlands, and they had been engaged by the European Commission Delegation in B&H and IOM. Also, it is needed to underline that the staff training in Centre had been implemented by these experts in B&H and Netherlands.

- **Statistical information on relation between introduced decisions on return and realized returns**

The Service for Foreigners' Affairs while undertaking measures by its competence had introduced during the first nine months in 2008, 478 decisions on expulsion of aliens from the territory of B&H, by which 144 of them had been forced removed, and others left territory of B&H on voluntarily basis.

Concerning the statistical information of relation between introduced measures of expulsion of aliens from the territory of B&H, and forced removed aliens, it is very important to give an explanation in term of understanding these phenomena.

Namely, by the decision on expulsion from the territory of B&H with prohibition of return in determined period, an alien has deadline no longer than 15 days, to leave B&H on voluntarily basis. In relation to this, it is very important to point out that the most of aliens left the territory of B&H on

voluntarily basis during determined deadline, so in this sense it has not been necessary to remove him/her by force.

Only an aliens for whom, it could be supposed that he/she will not leave B&H on voluntarily basis during determined deadline, he /she had been removed by force in above mentioned period.

It is very important by the secure point of view to emphasize the putting into function the Immigration Centre of the Service for Foreigners' Affairs, and by this the conditions are completed for introduction and realization of the decisions on placing aliens under surveillance.

BLOCK 3 Public order and security

General/Overall policy on preventing and fighting organized crime and terrorism (benchmarks 19, 24)

- **Progress with (planned) priorities regarding the revision of the strategy on organized crime**

Ministry of Security has conducted an analysis of the implementation of the present Strategy on organized crime and corruption. One of the findings of the analysis is that current Strategy needs revision. Council of Ministers and Parliamentary Assembly of Bosnia and Herzegovina have discussed analysis during December 2008. and accepted findings and recommendation of the Analysis. Ministry of Security is working on the draft decision which will be proposed to the Council of Ministers for adoption, on establishment of interministerial working group for drafting of revised Strategy on organized crime.

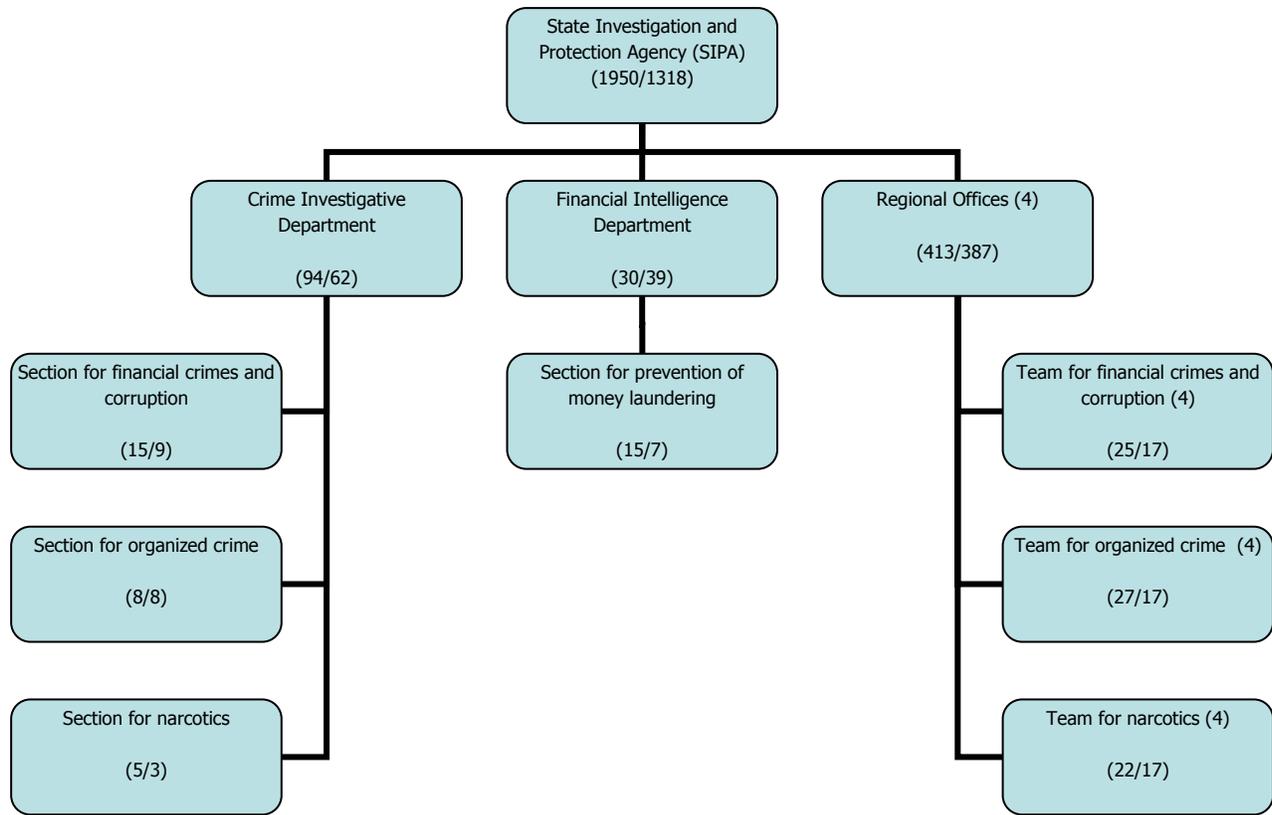
- **National implementation measures with the UN Protocol against illicit manufacturing and trafficking of firearms;**

Bosnia and Herzegovina acceded to the UN Protocol against illicit manufacturing and trafficking of firearms in April 2008. The responsible Section within the B&H Ministry of Security is planning measures for the Protocol implementation. The Section has been appointed to coordinate and assist the Working Group for drafting rules creating the national legislative framework for the Protocol implementation. The Draft Law on Weapons has been sent to legislative procedure, and should be considered by the Joint Committee for Security and Defense during January 2009.

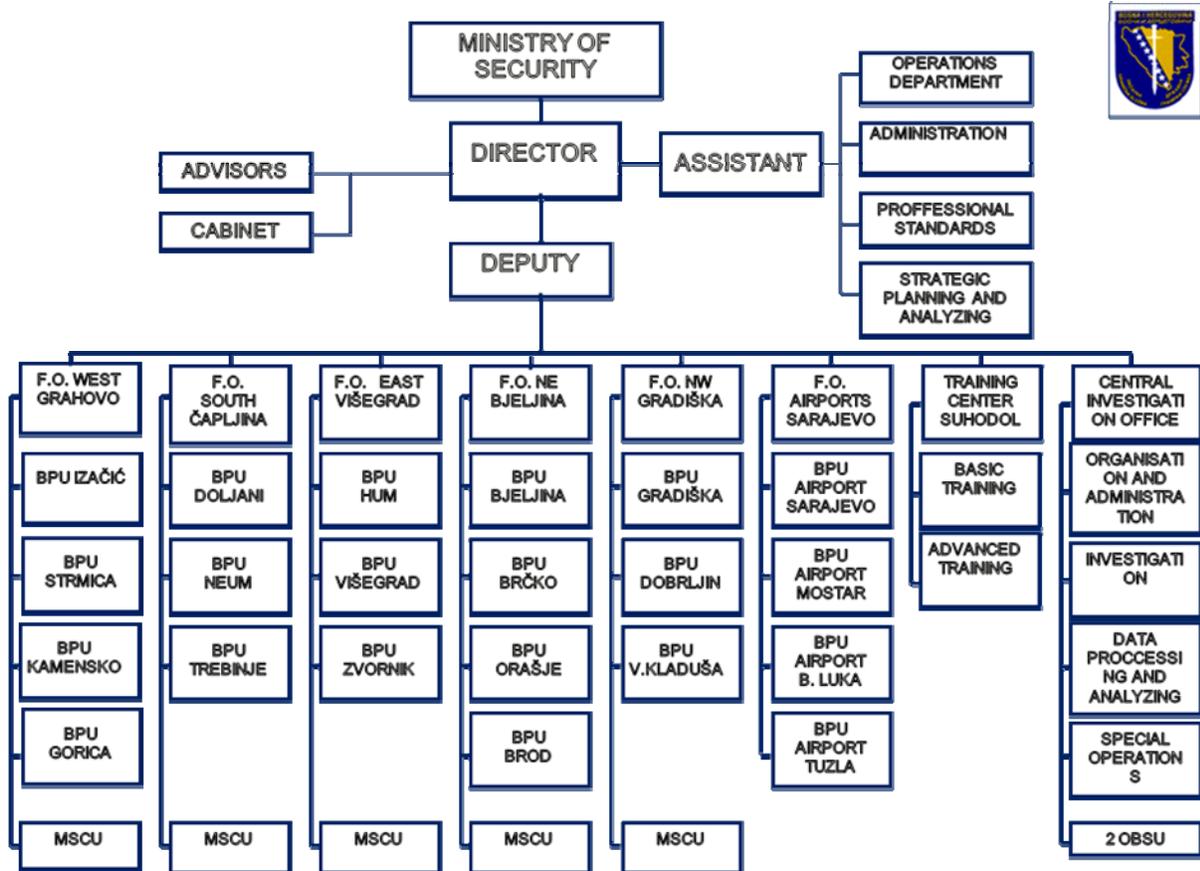
- **Organigrammes reflecting the institutional set-up regards the fight against organized crime (MoI, judiciary, etc.), including for each specific policy area (trafficking, economic crime, drugs, anti-corruption) providing details also on the number of allocated and filled posts**

STATE INVESTIGATION AND PROTECTION AGENCY

Organigram (classified/filled)



Border Police Organizational Scheme



F.O. – Field Office; BPU – Border Police Unit; MSCU – Mobile Support and Control Unit; OBSU – Observation and Surveillance Unit

- Curricula of training and education that have been recently introduced and "relies mainly on international assistance"

ORGANIZED CRIME TRAINING COURSES ATTENDED BY SIPA'S INVESTIGATORS WITHIN THE PERIOD 2005 - 2008

2005.

Training	Organizer	No. of SIPA's attendees
International organized crime	USA Government	5
Fight against organized crime with focus on drug abuse	Stability Pact	1
Fight against organized crime with focus on drug abuse	Federal Ministry of Interior	3

2006.

Training	Organizer	No. of SIPA's attendees
Fight against terrorism and organized crime	Government of Turkey	1
Fight against organized crime	Governments of Austria and Albania	2
Fight against organized crime with focus on financial crimes and money laundering (3 courses)	Stability Pact	6
Fight against organized crime	Government of Japan	1
Measures against organized crime and use of new technologies	Prosecutors' office of Bosnia and Herzegovina	2

2007.

Training	Organizer	No. of SIPA's attendees
Conference on security, terrorism and organized crime in the Western Balkans	HUMEC	2

2008.

Training	Organiser	No. of SIPA's attendees
Fight against organized crime with focus on human beings trafficking	USA Government	5
Fight against organized crime	Government of Egypt	2

- **Statistical data from 2004-2008 on organized crime trends, including investigations, indictments and verdicts**

High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC BiH)

- 1) With reference to request regarding prosecution of criminal offences of corruption, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC BiH) disposes of the information on prosecution of corruption cases, criminal offences of abuse of office and other official authority⁵ **for the period 2006-2007, as follows :**

Information on Prosecutor's Offices activities for 2007:

Corruption	Total number of pending criminal charges	Total number of investigations in progress	Number of brought indictments	Condemning sentence	Verdict on rejection	Verdict of not guilty
BiH	95	14	9	8	0	0
FBiH	1,325	662	92	65	6	19
RS	1,066	464	95	85	10	23
Brčko	15	29	12	4	0	1
Total	2,501	1,169	208	162	16	43

Information on Prosecutor's Offices activities for 2006:

Corruption	Total number of pending criminal charges	Total number of investigations in progress	Number of brought indictments	Condemning sentence	Verdict on rejection	Verdict of not guilty
BiH	40	18	11	5	0	0

⁵ **Corruption table** includes criminal offences regulated by provisions of the following laws:

- Criminal Code BiH, Articles 217-220
- Criminal Code FBiH, Articles 380-383
- Criminal Code RS, Articles 347-353
- Criminal Code Brčko District, Articles 374-377

FBiH	1,169	645	84	53	8	40
RS	1,010	376	113	92	5	64
Brčko	15	26	12	1	0	4
Total	2,234	1,065	220	151	13	108

- 2) HJPC BiH disposes of the information relative to number of judges and prosecutors in the courts and Prosecutor's Offices in hall BiH, as well as number of vacant posts. However, HJPC BiH does not dispose of information relative to their respective tasks and duties after their assignments. Such information should be requested from each court and Prosecutor's Office separately.
- 3) Table showing prosecution of organized crime cases ⁶ for 2007 and 2006 :

Information on Prosecutor's Office activities for 2007:

Organized Crime	Total number of pending criminal charges	Total number of investigations in progress	Number of brought indictments	Condemning sentence	Verdict on rejection	Verdict of not guilty
BiH	99	83	12	25	0	0
FBiH	64	41	1	19	0	0
RS	43	37	23	14	0	7
Brčko	0	0	0	0	0	0
Total	206	161	36	58	0	7

⁶ **Organized crime** table includes criminal offences regulated by provisions of the following laws:

- Criminal Code BiH, Article 250
- Criminal Code FBiH, Articles 340-342
- Criminal Code RS, Article 383
- Criminal Code Brčko District, Articles 334-336

Information on Prosecutor's Office activities for 2006:

Organized Crime	Total number of pending criminal charges	Total number of investigations in progress	Number of brought indictments	Condemning sentence	Verdict on rejection	Verdict of not guilty
BiH	17	19	0	0	0	0
FBiH	33	28	15	2	0	0
RS	6	1	0	0	0	0
Brčko	0	0	0	0	0	0
Total	56	48	15	2	0	0

Additionally, we would like to inform you that the project called „Setting up of better cooperation mechanisms between Police and Prosecutor's Offices in BiH is being implemented since April 2008. This project is being jointly implemented by HJPC BiH, Ministry of security of BiH, entity Ministries of interior and Police of Brčko District. All police agencies in BiH actively participate in the project.

One of the operational goals of the project is to harmonize records and statistics kept by police and Prosecutor's Offices in BiH. A working sub-group composed of experts from the law enforcement agencies and the Prosecutor's Offices has been created with the aim to achieve that operational goal.

Sub-group is tasked to identify the reasons of their discrepancy and prepare, by April 2009, a set of measures to be taken to remove it. In that way the information in the official reports of the above mentioned authorities will be harmonized, and data collecting and processing system in accordance with BiH engagements will be established as well.

State Investigation and Protection Agency

Information on situation related to organized crime, financial crimes, corruption and money laundering for 2005, 2006, 2007 and 2008 within the competence of the State Investigation and Protection Agency

Organized crime

In 2006, Section based in the Agency's Headquarters and teams in charge of prevention and detection of organized crime that are based in the regional offices submitted to the competent prosecutor's offices five (5) reports against 32 persons that included 9 criminal offences of organized crime of which 3 criminal offences are related to human beings smuggling, one criminal offence of brutal murder, one criminal offence of human beings trafficking, one criminal offence of assistance in

perpetration of criminal offence, one criminal offence of robbery, one criminal offence of international recruiting for prostitution and inducing to prostitution.

Reports on perpetrated criminal offences, number of reported criminal offences and number of persons reported in the area of organized crime in 2006						
	HQ	BANJALUKA REGIONAL OFFICE	MOSTAR REGIONAL OFFICE	SARAJEVO REGIONAL OFFICE	TUZLA REGIONAL OFFICE	TOTAL
Number of reports on perpetrated criminal offences	3	0	0	1	1	5
Number of reported criminal offences	6	0	0	1	2	9
Number of reported persons	14	0	0	11	7	32

Within the reporting period, investigators of the competent Section and Teams in the regional offices acted upon 84 orders and requests of the Court of B&H and Prosecutor's office of BH, conducted 29 searches of persons and facilities, temporary seized 355 objects, interrogated 101 witnesses, and deprived 1 person of freedom for grounded suspicion of committing a criminal offence in violation of Article 250 of the Criminal Code of Bosnia and Herzegovina (organized crime).

In 2007, on the basis of operational information, the competent Section in the Agency's HQ and teams in charge of prevention and detection of organized crime in the regional offices submitted to the competent prosecutor's offices 5 reports against 42 people that included 17 criminal offences of which 3 criminal offences of murder, 2 criminal offences were related to criminal offence of organized crime, two criminal offences of money counterfeiting, two criminal offences of robbery, one criminal offence of money laundering, one criminal offence of extortion, one criminal offence of abduction, one criminal offence of document counterfeiting, one criminal offence of robbery, one criminal offence of insurance fraud, one criminal offence of causing damage to another party's property and one criminal offence of fraud.

Reports on perpetrated criminal offences, number of reported criminal offences and number of persons reported in the area of organized crime in 2007						
	HQ	BANJALUKA REGIONAL OFFICE	MOSTAR REGIONAL OFFICE	SARAJEVO REGIONAL OFFICE	TUZLA REGIONAL OFFICE	TOTAL
Number of reports on perpetrated criminal offences	5	0	0	0	0	5

Number of reported criminal offences	17	0	0	0	0	17
Number of reported persons	42	0	0	0	0	42

Within the reporting period, investigators of the competent Section and teams in regional offices acted upon 61 orders and requests of the Court of BH and Prosecutor's Office of BH, conducted 44 searches of persons and facilities, and deprived 23 persons from freedom for grounded suspicion of committing a criminal offence in violation of Article 250 of the Criminal Code of Bosnia and Herzegovina (organized crime).

Following-up of the situation related to organized crime, SIPA in the first half of 2007, detected two criminal organizations engaged in production and circulation of counterfeit EUR banknotes. Majority of these banknotes were put into circulation in the area of Banjaluka and Tuzla. In joint action of SIPA and other B&H and international police bodies, the mentioned organizations that were based in Banjaluka and Tuzla were disrupted. In this action, 15 persons were deprived from freedom for grounded suspicion that they as members of criminal organization produced and put into circulation on several occasions 400.000 EUR worth forged money. Complete money printing shop along with computer equipment, devices for electronic processing of fake money, printers, scanners, printing machines for gold press type as well as other materials and technical equipment for production of counterfeit money were discovered and seized in Banjaluka region. In addition, while carrying out the activities on disruption of organized criminal groups, SIPA has conducted an investigation against several persons from Eastern Sarajevo due to a grounded suspicion that they while operating as criminal organization in a wide area of eastern part of Republic of Srpska and Sarajevo Canton in the period from 1998, committed a number of different criminal offences treated as organized crime.

In 2008, on the basis of operational information, the Section in the HQ and teams in charge of prevention and detection of organized crime in the regional offices submitted to the competent prosecutor's offices 4 reports against 27 persons that included 10 criminal offences of which 4 were related to criminal offence of document counterfeiting, two were related to unauthorized use of personal data and preparation for perpetration of criminal offence, one criminal offence of abuse of official position and authorizations, and one criminal offence of fraud.

Reports on perpetrated criminal offences, number of reported criminal offences and number of persons reported in the area of organized crime in 2008						
	HQ	BANJALUKA REGIONAL OFFICE	MOSTAR REGIONAL OFFICE	SARAJEVO REGIONAL OFFICE	TUZLA REGIONAL OFFICE	TOTAL
Number of reports on perpetrated criminal offences	1	1	0	0	2	4
Number of reported criminal offences	4	1	0	0	5	10
Number of reported persons	12	7	0	0	8	27

Within the reporting period, investigators of the competent Section and teams within regional offices acted upon 38 orders and requests of the Court of B&H and the Prosecutor's Office of B&H, conducted 50 searches of persons and facilities, as well as deprived 7 persons from freedom for grounded suspicion that they committed a criminal offence in violation of article 250 of the Criminal Code of Bosnia and Herzegovina (Organized crime).

In 2008, SIPA has intensively worked on investigations into the abuses of CIPS. In the period from April 2007 to June 2008 the investigators acting upon 12 orders of the Court of B&H for conducting special enquiries in accordance with the article 116 paragraph (2) of the Criminal Procedure Code of B&H have undertaken measures and activities in relation to abuse of official position and authorizations by CIPS's officers who worked on issuing ID documents and who also committed other criminal offences prescribed by the Criminal Code of B&H and criminal codes of entities. Three special enquiries were conducted (secret following and technical recording of persons and objects, undercover investigator and informant, simulated ransom of objects and simulated giving of bribe). Material evidences were collected in relation with several criminal offences, 20 persons were investigated and deprived from freedom and a report against 12 persons was submitted to the Prosecutor's Office of B&H.

Financial crimes and corruption

In 2005, on the basis of operational information, the Section for prevention and detection of financial crimes and corruption based in the Headquarters and teams in regional offices submitted to the Prosecutor's Office of B&H 3 reports against 5 persons that included 4 criminal offences of which 3 were related to abuse of official position or authorizations while one criminal offence referred to creation of monopolistic position on the market. Within this period, the competent Section acted upon 19 orders and requests of the Court of B&H and the Prosecutor's Office of B&H of which 14 orders referred to temporary seizure of financial documentation.

In 2006, the Section and teams in charge of prevention and detection of financial crimes and corruption submitted to the competent prosecutor's offices 15 reports against 45 persons that included 22 criminal offences of which 6 referred to abuse of official position and authorizations, six criminal offences were related to money laundering, two criminal offences of counterfeiting official documents, two criminal offences of tax evasion, one criminal offence of unauthorized use of personal data, assisting in perpetration of criminal offence, acceptance of gifts and other forms of benefits, unconscientiously manner in the discharge of official duties, illicit trade, and liability of legal person for criminal offences.

Reports on perpetrated criminal offences, number of reported criminal offences and number of persons reported in the area of organized crime in 2006						
	HQ	BANJALUKA REGIONAL OFFICE	MOSTAR REGIONAL OFFICE	SARAJEVO REGIONAL OFFICE	TUZLA REGIONAL OFFICE	TOTAL
Number of reports on perpetrated criminal offences	5	5	0	2	3	15
Number of reported criminal offences	7	8	0	3	4	22
Number of reported persons	13	5	0	24	3	45

In 2006, the competent Section and Teams acted upon total 189 orders of the Court of B&H and the Prosecutor's Office, conducted 35 searches and temporarily seized 107 objects and over 20.000 documents, and interrogated 174 witnesses.

In 2007, the Section and teams in charge of prevention and detection of financial crime and corruption submitted to competent prosecutor's offices 20 reports against 70 persons that included 39 criminal offences of which 7 were related to abuse of official position and authorizations, 4 criminal offences of tax evasion, four criminal offences of money laundering, three criminal offences of unconscientiously manner in the discharge of official duties, three criminal offences of counterfeiting business books, counterfeiting of instruments of value, assisting in perpetration of criminal offence, acceptance of gifts and other forms of benefits, one criminal offence of illicit trade, one criminal offence of customs frauds, one criminal offence of fraud, one criminal offence of abuses in privatization process, one criminal offence of disclosure of stock market - related data, giving gifts and other forms of benefits, giving of false statements, non-payment of tax, unauthorized trade in weapons and military equipment and liability incident to the change of status of a legal person. Estimated material damage caused through the perpetration of the mentioned criminal offences is 95.948.404, 00 KM.

Reports on perpetrated criminal offences, number of reported criminal offences and number of persons reported in the area of organized crime in 2007						
	HQ	BANJALUKA REGIONAL OFFICE	MOSTAR REGIONAL OFFICE	SARAJEVO REGIONAL OFFICE	TUZLA REGIONAL OFFICE	TOTAL
Number of reports on perpetrated criminal offences	5	3	2	3	7	20
Number of reported criminal offences	14	3	4	4	14	39
Number of reported persons	23	3	3	17	24	70

In 2007, the competent Section and teams processed total 81 order of the Court of B&H and the prosecutor's Office of B&H, conducted 21 search of persons and facilities and deprived 3 persons from freedom for grounded suspicion that they committed criminal offences of financial crime and corruption prescribed by the Criminal Code of B&H.

In 2008, the Section and teams for prevention and detection of financial crimes and corruption submitted to the competent prosecutors 16 reports against 36 persons that included 25 criminal offences of which 8 were related to abuse of official position and authorizations, 5 criminal offences of tax evasion, 3 criminal offences of money laundering, one criminal offence of counterfeiting documents, one criminal offence of customs frauds, one criminal offence of unconscientiously manner in the discharge of official duties, frauds in privatization operations, one criminal offence of assisting perpetration, one criminal offence of conclusion of harmful contracts, one criminal offence of causing bankruptcy by performing unconscientiously business activities.

Reports on perpetrated criminal offences, number of reported criminal offences and number of persons reported in the area of organized crime in 2008						
	HQ	BANJALUKA REGIONAL OFFICE	MOSTAR REGIONAL OFFICE	SARAJEVO REGIONAL OFFICE	TUZLA REGIONAL OFFICE	TOTAL
Number of reports on perpetrated criminal offences	5	3	0	3	5	16
Number of reported criminal	7	3	0	4	11	25

offences						
Number of reported persons	10	3	0	6	17	36

In 2008, the competent Section and teams acted upon total 102 orders of the Court of B&H and the Prosecutors Office of B&H, conducted 21 searches of persons and facilities.

Border Police

In view of criminal offences characterized as organized crime, Border Police mainly deals with criminal offence "Smuggling people". Statistical review of registered criminal offences and number of reported persons is shown in the following table:

Type of criminal offence (C.O.)	2004		2005		2006		2007		9 months 2008	
	No of C.O.	No of persons	No of C.O.	No of persons						
Art 189 Crim. Law BiH (smuggling people)	43	84	30	61	58	86	83	122	43	74
Art 188 Crim. Law BiH (illegal withholding ID docs)	1	1	/	/	/	/	/	/	/	/
Art 187 Crim.Law BiH (international recruitment for prostitution)	/	/	/	/	1	2	/	/	/	/
Art 186 Crim.Law BiH (trafficking in	1	3	1	1	2	5	2	2	/	/

people)										
TOTAL	45	88	31	62	61	93	85	124	43	74

It is evident that during 2006 and 2007 as compared to previous years there was an increased number of registered criminal offences in this field, as well as the number of persons against whom Border Police started legal proceedings. The results achieved in 2007 in breaking up organized people smuggling chains across BiH territory, have influenced on decrease of registered criminal offences in 2008. These are mainly smuggling people of Albanian and Turkish nationality from Albania, Turkey, Macedonia and Serbia/Kosovo across BiH territory towards EU countries.

Policy on preventing and fighting trafficking in human beings (benchmarks 20, 24)

Requested additional information on the following:

- **In order to conduct planned preparation and adoption for implementing measures of the recently ratified Council of Europe Convention on Action against Trafficking in Human Beings**

Following ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, the Government has initiated steps towards preparation of necessary measures for the implementation of this treaty. In this regard, The State Coordinator for Combating Trafficking in Human Beings sought international expert assistance for conducting a gap analysis of the domestic legislation in view of the new international obligations. The gap analysis is being conducted by OSCE ODIHR - Organisation for Democratic Institutions and Human Rights in cooperation with the experts from the Council of Europe. On the basis of the gap analysis, which is due to be completed by the end of January 2009, the Government will develop further steps for implementation of the relevant measures as envisaged by the Convention.

- **Details on training for governmental and non-governmental actors with responsibility in anti-trafficking**

As regards the training for governmental and non-governmental actors in charge of anti-trafficking activities, there are different approaches to this issue. Combined trainings gathering representatives of the immigration services, law enforcement, judiciary, health and social services and media were in the past been organised by the Office of the State Coordinator's Office through the state budget or as a joint activity with the international organisations or NGOs. Structured training for the judiciary is coordinated by the Judicial and Prosecutorial Training Centres, which also includes the topic of human trafficking. Besides participation at various trainings at regional and international level, training for the law enforcement agencies is arranged through the police academies. Several officers are also certified trainers on the topic of human trafficking. Large scale training project for the social welfare services is envisaged through the grant of USAID and will be implemented by Catholic Relief Services in cooperation with the Office of the State Coordinator for Combating Trafficking in Human Beings. Non-governmental organisations are staffed with certified professional trainers who also provide education for professionals working on combating trafficking in human beings.

– **Outline the division of responsibilities between the respective bodies in anti-trafficking**

Council of Ministers of BiH in 2003 adopted the Decision on the procedures and ways of coordination of the activities to suppress trafficking in human beings and illegal immigration in BiH and appointed National Coordinator. This decision is establishing the function of the National Coordinator for BiH for the purpose of the implementation of joint policies and procedures of the competent bodies of BiH in the area of suppressing trafficking in human beings and illegal immigration, as well as to set up effective coordination of the activities proscribed by the valid laws of BiH, which is a competence of different BiH institutions. National Coordinator has to coordinate activities in relation to trafficking of human beings with relevant domestic and international institutions and organizations as well as to direct activities and establish contacts with other ministries at the level of BiH and entities, and based on needs with other local bodies. National Coordinator will initiate and organize meetings (national referral meetings) with all organizations and institutions involved in activities of suppressing trafficking in human beings and illegal immigration. He/She will initiate activities on collection of relevant information for the purpose of preparing reports for BiH and especially to follow up the implementation of the NPA in suppressing trafficking in human beings in BiH, and in relation to it will implement other activities established by BiH Council of Ministers. In order to implement tasks of the national coordinator and especially for the purpose of effective exchange of information, planning of joint activities of the respected ministries, preparation of corresponding plans and information and other materials, respected Ministers appointed adequate state officials or advisors or appointed officials that are responsible for coordination within the competence of the respected ministry in the following way:

1. Minister of security by his decision appoints *two* officials responsible to maintain coordination with the Liaison Officers from all the Ministries of Interior in BiH working on issues of trafficking in human beings. The appointed officials will also be tasked to collect data and assist in preparation of the adequate reports for BiH, coordination and preparation of the trainings and education together with other law enforcement officials and officials from the SBS, Interpol and entity ministries.
2. Minister for Human Rights and Refugee appoints one official responsible for preparation of the instruction on treatment of victims of trafficking, cooperation with the NGO sector and other institutions providing assistance to victims of trafficking, establishment of the safe house for victims of trafficking, monitoring and protection of trafficking victims especially children, organization of their repatriation and other issues with regard to the protection of their basic human rights, organize trainings and education in cooperation with other state and entity ministries regarding these issues and issue of identification of trafficking victims and their protection.
3. Minister of Justice appoints one official responsible for preparation of concrete sustainable education programs for law enforcement officials and coordination of activities with the Centers for education of judges and prosecutors in entities and Brcko District of BiH in relation to education and trainings of judicial bodies who are dealing with investigation and application of new laws relating to trafficking in human beings and application of new international standards.
4. Minister of Foreign Affairs appoints one official responsible for cooperation with National Coordinator with regard to the follow up of the Stability Pact activities in the area of trafficking in human beings. The appointed official, in particular, follows and collects information on the activities of other countries from the region and widely, on all important international activities in suppressing trafficking in human beings especially to exchange information with National Coordinator and prepare adequate reports, programs, projects and participation of BiH on important international gatherings or initiatives.

5. The BiH prosecutor appoints one official responsible to monitor and inform about cases against traffickers who are arrested and indicated for violation of the law. He/she is responsible for cooperation in the area of trainings and education related to international standards in processing similar cases, cooperation with other ministries in relation to other issues for the purpose of effective processing of cases.

The National Coordinator in cooperation with the appointed officials is tasked:

1. To prepare and suggest measures to the BIH Council of Ministers in relation to activities suppressing trafficking in human beings and illegal immigration.
2. To prepare, follow up and implement National Plan of Action to suppress trafficking in human beings in BIH, as well as to propose any changes, amendments and measures to the CoM of BiH for its better implementation.
3. Continues reporting each three months to the CoM of BiH on the situation in the area of trafficking in human beings and illegal immigration.
4. Preparation of annual reports, information and financial plan for the implementation of planned activities.
5. Harmonization of programs and projects aiming to implement the goals set by the NPA to suppress trafficking in human beings in BiH.
6. To organize and hold on each third month national referral meetings with all domestic and international institutions involved in the activities on suppressing trafficking in human beings and illegal immigration in BiH.

Concerning responsibilities of respective bodies in anti-trafficking, as mentioned above the principal institution in charge of foreign victims of trafficking is Ministry of Security. When it comes to local victims, the situation is a bit more complex. Initiatives regarding assistance to local victims are coordinated by the Ministry of Human Rights and Refugees. Their protection is regulated by the Rules on Protection of Victims and involves cooperation of various actors, such as law enforcement agencies, social and health services and NGOs. As the social welfare legislation does not yet foresee local victims of trafficking as beneficiary categories (amendments to the legislation to remedy this problem are still in procedure). Hence, the Ministry of Human Rights and Refugees in 2008 established a Fund for local victims, for disbursement through small grants to NGOs who provide victims with assistance.

Moreover, in accordance with the new State Action Plan, working groups at regional level are in the process of being established in four major cities (Sarajevo, Banja Luka, Mostar and Tuzla). It is envisaged that the regional working groups, by working jointly on a case by case basis, will ensure better potential for monitoring of the provision of services and protection of victims of trafficking. The working groups are comprised of the representatives of the State Investigation and Protection Agency (presiding), social and health services, prosecutor's office, education ministries, NGOs.

Policy on preventing and fighting financial crimes (money-laundering, terrorist financing, confiscation of assets) (benchmarks 21, 24)

Requested additional information on the following:

- **The outcome of the analysis of existing legislation and announced drafting of a national strategy on money-laundering and terrorist financing and the changes in legislation**

Working group for prevention of money laundering and funding of terrorist activities of Institutions of Bosnia and Herzegovina was formed on 29.07.2008 by B&H Council of Ministers (B&H

Official Gazette no. 92/08), whose tasks among others include development of Strategy for prevention and fight against money laundering and funding of terrorist activities. Specifically, it is necessary to start activities on development of amendments to the Law on the prevention of money laundering (B&H Official Gazette no 29/04) and Rules on data, information, documentation, identification methods and minimum of other indicators necessary for efficient implementation of provisions set out in the Law on the prevention of money laundering (B&H Official Gazette no. 17/05).

Working group has finalized draft of Law on amendments and changes to the Law on money-laundering which is named Law on prevention of money-laundering and financing of terrorist activities. Law will be sent to the legislative procedure.

- **Implementation of the standards foreseen in the recommendations of the FATF and relevant Council of European Conventions in the area of money-laundering and terrorist financing**

The task is to harmonize new text (amendments) of the Law on the prevention of money laundering in accordance with the recommendations of FATF, the Third Directive and other relevant conventions). The draft of new legislation prepared by the working group is fully harmonized with the FATF and relevant Council of Europe Conventions and Moneyval recommendations.

- **Plans to reinforce the administrative capacity for the fight against money-laundering (staff increase, budget, training, awareness raising etc.)**

There are 39 positions according to job classification while 26 people are currently employed (employees, civil servants and police officials). A competition procedure for employment of one civil servant, which is under competence of B&H Civil Service Agency, is in progress. Employment plans for 2009 are to increase staff of SIPA for 10%. The same increase will occur in FIU. Budget of the FID is an integral item within the budget of the State Investigation and Protection Agency and is sufficient for performance of Financial Intelligence unit tasks. Training activities for civil servants and police officials are coordinated by SIPA's Section for training courses and operative trainings. Training courses for civil servants and police officials are also organized by international organizations as well (e.g. ICITAP, EUPM, etc.).

- **The work of the recent multi-agency Working Group for prevention of money-laundering and funding of terrorist activities**

Working group has accomplished with drafting of new legislation related to the money-laundering and financing of terrorist activities. Next step is drafting of the Strategy and action planes.

- **Plans to improve capacity for enforcement of legislation (training on special investigative techniques, technological equipments, databases etc.)**

The FID presents training needs of its staff to the Section for training courses and operative trainings and civil servants and police officials (upon invitation) are regularly attending the organized trainings. We consider that the current situation related to technical equipment of the FID is satisfactory. Data bases of the FID are continually being upgraded and updated by the authorized section within the FID.

An integrated solution based on IMLS web orientated application is in place. Financial institutions are reporting every suspicious transactions electronically to the FIU using IMLS application. Currently third

faze of the establishment of the system is ongoing which will connect in the system all institutions and companies which work with financial transactions.

- **The division of responsibilities between the relevant bodies**

The division of responsibilities between the relevant bodies is defined by the Law on the Prevention of Money Laundering as follows:

Money laundering detection and investigation

Article 16

The FID shall receive, collect, record, analyze and when prescribed by this Law or other Laws forward to a prosecutor and upon authorization investigate and forward to another authorized official information, data and documentation received in accordance with the provisions of this Law.

Article 17

- (1) If the FID suspects money laundering or funding of terrorist activities in connection with a transaction or a person, it may demand in written form from a person under obligation information listed in Article 8, paragraph 1 of this Law, information on property and on bank deposits of such a person as well as all other information, data and documents needed for performing the duties of the FID according to the provisions of this law. In urgent cases the FID may request the information, data and documentation verbally and may inspect the documentation in the premises of the person under obligation, but the FID shall be obliged to submit a written request to the person under obligation the following working day at the latest.
- (2) The FID may request from a person under obligation written information, data and documentation on the performance of the duties of the person under obligation as provided by this Law as well as other information, which the FID requires to ensure compliance to this Law.
- (3) The person under obligation shall forward the information, data and documentation referred to in paragraph 1 and 2 of this Article to the FID without delay and at the latest within 7 days of receiving the request from the FID.
- (4) Should a lawyer, law firm, accountant, audit company, independent auditor or legal or natural persons be entitled according to Article 4 of this Law to decline to forward the information, data and documentation on the basis of a request of the FID from paragraph 1 of this Article, it shall inform the FID in writing, in the time limit prescribed in paragraph 3 of this Article on the reasons why it has not acted in accordance with the request of the FID.
- (5) In cases of extensive documentation or due to other justifiable reasons the FID may upon written request extend in writing, the deadline determined in paragraph 3 of this Article and it may, in such cases inspect the documentation in the premises of the person under obligation.

Article 18

- (1) In order to perform its duties according to the provisions of this law, the FID may issue a written order temporarily suspending a transaction or transactions for 5 working days at most, if the FID suspects money laundering or funding of terrorist activities in connection with a transaction, an

account or a person. The FID may issue additional instructions to the person under obligation concerning the transaction, the suspension of the transaction, executing the transaction and communicating with the person or persons related to the transaction.

- (2) In urgent cases the order may be issued verbally, but the FID shall be obliged to submit a written order to the person under obligation the following working day at the latest.

Article 19

- (1) If the FID after issuing an order temporarily suspending a transaction or transactions finds within the time provided in Article 18, paragraph 1 that there is no longer reasons for suspicion of money laundering or funding of terrorist activities, it shall without delay inform in writing the person under obligation, which may then execute the transaction immediately.
- (2) If the FID does not act within the time provided in Article 18, paragraph 1 of this Law, the person under obligation may proceed with the transaction immediately.

Article 20

- (1) The FID may demand from authorities of Bosnia and Herzegovina, the Federation, the RS and the District and from other organizations with public authorization information, data and documentation needed for performing the duties of the FID according to the provisions of this Law.
- (2) Authorities and organizations with public authorization referred to in paragraph 1 of this article shall allow the FID, without compensation, direct electronic access to the information, data and documentation.
- (3) Authorities and organizations with public authorization referred to in paragraph 1 of this article shall forward to the FID the data, information and documentation referred to in the preceding paragraphs within 7 days of receipt of the request if the information is not available to the FID according to paragraph 2 of this Article.
- (4) In cases of extensive documentation or due to other justifiable reasons the FID may upon written request extend in writing, the deadline determined in paragraph 3 of this Article and it may, in such cases inspect the documentation in the premises of the authorities and organizations with public authorization mentioned in paragraph 1 of this Article.

International cooperation

Article 21

- (1) The FID may request from foreign law enforcement, prosecutorial or administrative bodies, Financial Intelligence Units and international organizations engaged in the prevention of money laundering and the funding of terrorist activities information, data and documentation needed for performing the duties of the FID according to the provisions of this law.
- (2) The FID may forward information, data and documentation collected within Bosnia and Herzegovina to foreign Financial Intelligence Units, provided they are subject to similar confidentiality requirements, on their request or upon its own initiative.

- (3) Prior to forwarding personal data to a foreign Financial Intelligence Unit the FID shall obtain assurance that the aforementioned shall use the information, data and documentation solely for the purposes stipulated by this Law.

Notifying prosecutor

Article 22

- (1) If the FID considers on the basis of information, data and documentation obtained under this Law that there exists grounds for suspicion of a criminal offence in connection with a transaction or a person, it shall notify in writing and submit the necessary documentation to a prosecutor.
- (2) In the notification referred to in paragraph 1 of this Article, the FID shall not state information about the employee or employees of the person under obligation, which forwarded the information according to this Law or were in any other way involved in executing the transaction on behalf of the person under obligation unless there are reasons to suspect that the person under obligation or its employee committed a criminal offence or if the information is necessary in order to establish facts during criminal proceedings.

Prevention of money laundering and funding terrorist activities

Article 23

The FID shall in addition to the duties mentioned previously in this Law have the following duties for the prevention of money laundering and the funding of terrorist activities:

1. Proposing to competent bodies changes and amendments to regulations concerning the prevention and detection of money laundering and funding of terrorist activities;
2. Participating in drawing up the list of indicators for recognizing suspicious transactions and a list of countries, which apply internationally accepted standards for the prevention and detection of money laundering and funding terrorist activities;
3. Participating in the professional training of the staff of persons under obligation, authorities of Bosnia and Herzegovina, the Federation, the RS and the District and organizations with public authorizations;
4. Publishing, at least once annually, statistical data in the field of money laundering and funding of terrorist activities and informing in an appropriate manner the public about the various forms of money laundering and funding of terrorist activities.

Reporting to the Minister

Article 24

The FID shall give an annual report on the general activities of the FID and on the prevention of money laundering and funding of terrorist activities to the Director and the Minister.

DUTIES OF OTHER AUTHORITIES UNDER THIS LAW

Customs administration authorities

Article 25

Customs administration authorities shall be obliged to forward to the FID information on each transportation of cash and securities in the amount of 10.000 KM or more when crossing the state border within 3 days of the transportation.

Forwarding statistical data

Article 26

- (1) To enable the centralization and analysis of all data related to money laundering and funding of terrorist activities, prosecutor's offices shall forward to the FID information on criminal offences of money laundering and funding of terrorist activities and on minor offences as prescribed in Articles 39 and 40 of this Law.
- (2) Prosecutor's offices shall be obliged to forward twice annually to the FID the following information:
 1. The name, surname, date of birth and permanent address, or the name and seat of the company against whom an indictment has been confirmed for money laundering or the financing of terrorist activities or a request for initiating minor offence proceedings based on the provisions of this law have been filed;
 2. Place, time and manner of perpetrating the suspected criminal offence or minor offence;
 3. The stage of the proceedings;
 4. The amount of money or the value of other property, which is the subject of a temporary seizure, an arrest in property, or confiscation and the date of the decision.

The FID, as part of its regular activities, continually cooperates with relevant competent bodies (competent prosecutor's offices and courts, ministries of interior and other competent law enforcement bodies at the level of B&H as well as at the levels of entities, Brčko District and cantons).

Anti-drug policy (benchmark 22)

Requested additional information on the following:

- **Development of the national strategy and action plan**

National Drug Strategy is approved by the Council of Ministers in December 2008 and sent to the Parliamentary Assembly for adoption.

Ministry of Security is working on development of the Action Plan which is planned to be adopted by March 2009.

- **Plans for capacity building in fight against illegal trafficking in drugs (personnel, budget, training, awareness development, technical equipment procurement etc.)**

Plans for capacity building in fight against illegal trafficking in drugs related to, among others, personnel, budget, training, awareness development, technical equipment procurement etc. will be defined by the Action Plan for implementation of Drug Strategy.

- **Cooperation mechanisms between law enforcement institutions (available databases, access to information, information exchange, joint actions etc.)**

Currently cooperation mechanisms between law enforcement institutions do not formally exist at all, including drug issues. Action plan will contain measures for improvement of cooperation mechanisms including establishment of Drug Office of Bosnia and Herzegovina.

Ministry of Security maintains three drug databases:

1. Database on convicted drug traffickers,
2. Database on imported and exported legal drugs and precursors,
3. Database on the persons suspected for drug trafficking

Databases are missing complete data. Some law enforcement agencies (e.g. Police of Republika Srpska) do not submit data in the databases.

Data from the databases are on disposal to all law enforcement agencies but databases are not connected electronically to the law enforcement agencies yet. Ministry of Security will apply to IPA 2009 a project on establishment of electronically connected drug databases in Bosnia and Herzegovina.

Border Police cooperation with other institutions is mainly carried out through operational data and information exchange and implementation of joint operational actions. Significant cooperation established with Indirect Taxation Agency (ITA). Joint activities of ITA and Border police officers at border crossing point Hum (at border with Montenegro) in December 2008 has resulted in seizure of 1573 grams of heroin and apprehension of two BiH citizens.

- **Details on planned measures in order to meet the requirements of the EMCDDA**

Responsible institutions of Bosnia and Herzegovina currently, for the first time, are submitting requested information for the EMCDDA Survey on drug situation in Bosnia and Herzegovina. Some parts of the Survey are already submitted to the EMCDDA.

Action plan will contain goals and activities to meet the requirements and standards of the EMCDDA.

- **Details on successful cases of joint international operations**

There are no successful cases to be mentioned.

Policy on preventing and fighting corruption (benchmark 23)

Requested additional information on the following:

- **Timing for and substance of implementing measures of the UN Convention on corruption, the Council of Europe Civil Law and Criminal Law Conventions, pending GRECO recommendations and plans for signature of the Additional Protocol to the Council of Europe Criminal Law Convention on Corruption.**

Measures and timing for the implementation of the international obligations are planned in the Strategy on organized crime and corruption. In December 2008, Council of Ministers and Parliamentary Assembly decided to revise Strategy on Corruption. New revised Strategy will define timing and substance of implementing measures.

- **Plans for solutions to administrative weaknesses in the fight against corruption policy (e.g. establishment of specialized body, creation of specialized units in law enforcement, training of staff).**

There are no plans for solutions to administrative weaknesses in the fight against corruption policy. Ministry of Security and Ministry of Justice have been proposing for seven times to the Council of Ministers solutions for establishment of central specialized body but there was no political agreement about that.

Professional Standards and Internal Control Office act as specialized bodies within law enforcement agencies and deal with corruption issues. Professional Standards and Internal Control Office works on improvement of professional standards, inspection surveillance and taking disciplinary proceedings against all kinds of illegal conduct of police officers.

Criminal Investigation Department of SIPA and Central Investigation Office of Border Police work on detection, investigation and taking proceedings against serious criminal offences and criminal offences characterized as organized crime, including the so called criminal offences of corruption.

- **Breakdown of statistics on prosecution of corruption for 2004-2008 and examples of successful high level corruption investigations**

Based on the details that all prosecutors' offices in BiH composed and submitted to the High Judicial and Prosecutorial Council of BiH, the situation regarding the prosecution of criminal offences of corruption and criminal offences against official duty or other responsible duty over the last three years has been as follows:

Prosecutor's Office:	Number of convicting verdicts	Number of acquittals
Prosecutor's Office of BiH	22	4
Prosecutor's Office of Brčko District of BiH	13	1

Prosecutor's Office of the Federation of BiH	418	65
Prosecutor's Office of RS	14	3
District Prosecutor's Office in Trebinje	5	8
District Prosecutor's Office in Doboј	74	15
District Prosecutor's Office in East Sarajevo	58	11
District Prosecutor's Office in Bijeljina	82	34
District Prosecutor's Office in Banja Luka	32	22
Cantonal Prosecutor's Office Sarajevo	0	26
Cantonal Prosecutor's Office Zenica	108	28
Cantonal Prosecutor's Office Goražde	12	8
Cantonal Prosecutor's Office Tuzla	28	No acquittals
Cantonal Prosecutor's Office Travnik	31	10
Cantonal Prosecutor's Office Bihać	29	12
Cantonal Prosecutor's Office Orašje	5	3
Cantonal Prosecutor's Office Široki Brijeg	2	No acquittals
Cantonal Prosecutor's Office Livno	0	0
Cantonal Prosecutor's Office Mostar	16	2
TOTAL	950	252

Judicial co-operation in criminal matters (benchmarks 25-27)

Requested additional information on the following:

- **Details of the work of the Team for Monitoring the criminal legislation of Bosnia-Herzegovina in view of improving coordination between competent authorities**

Team for monitoring criminal legislation is established for the purpose of harmonization of substantive and procedural regulations from the criminal-legal area in Bosnia and Herzegovina, as well as harmonization of those regulations with the international standards, international agreements and conventions that oblige Bosnia and Herzegovina. Team is composed of highly ranked judges, prosecutors and attorneys, as well as prominent scientific experts in this field. Team regularly holds sessions where

they analyze and monitor implementation of criminal legislation in Bosnia and Herzegovina, and propose appropriate amendments to criminal codes (substantive as well as procedural), for the purpose of effective processing of perpetrators of criminal acts and more effective court procedures, as well as harmonization of legislation in that area at the level of Bosnia and Herzegovina.

- **Planned adoption of the special law on international legal assistance in criminal matters, timing of its adoption, problems under discussion and planned content**

Text of the Law on International Legal Assistance in Criminal Matters was drafted by Ministry of Justice of Bosnia and Herzegovina, and it undergone extensive public consultations and opinions from all relevant institutions and authorities in Bosnia and Herzegovina were gathered. Text of the law was published at the web-page of Ministry of Justice of Bosnia and Herzegovina in the period from June to July 2008, with the invitation for remarks, suggestions and comments on individual articles as well as on general legal solutions. After that, the results of those public consultations were summarized, and reasonable remarks were incorporated into the text of the law. That revised text was delivered to all relevant institutions for evaluation of individual legal solutions and providing of suggestions and remarks. The Law was delivered to the Court of Bosnia and Herzegovina, Prosecutor's Office of Bosnia and Herzegovina, Entity Ministries of Justice and Judicial Commission of Brčko District, as well as to the Team for monitoring criminal legislation of Bosnia and Herzegovina. Mentioned authorities and institutions did not make any important remarks or suggestions, and after their evaluation Minister of Justice of Bosnia and Herzegovina established the Draft of the mentioned law and it was delivered to the relevant institutions for legal opinion (BiH Council of Ministers Legislation Office, Ministry for Human Rights and Refugees, Directorate for European Integration and Ministry of Finance).

After analyzing given opinions, and after incorporating into the text of the law the reasonable opinions and suggestions, Proposal of the text of the mentioned law was made, and on December 2, 2008, with all opinions and with explanation of reasons for accepting or rejecting of individual remarks and suggestions, it was delivered to the Council of Ministers of Bosnia and Herzegovina. Council of Ministers of Bosnia and Herzegovina adopted the Proposal of the mentioned law on December 24. The Law is delivered to the Parliamentary Assembly of Bosnia and Herzegovina for the adoption.

Above mentioned law will determine actions of all authorities in Bosnia and Herzegovina (particularly courts and prosecutors' offices) in procedures of providing and requesting international legal assistance in criminal matters.

- **Overview of responsibilities and human resources of authorities dealing with judicial cooperation**

INTERNATIONAL LEGAL ASSISTANCE

The Ministry of Justice is the central authority for international legal assistance. Within the Ministry there is a sector which provides international legal assistance (criminal and civil matters) and inter-entity legal assistance, also having competence to prepare and conclude treaties governing this matter.

In the Sector of International and Inter-entity Legal Assistance and Cooperation there are 4 departments:

- Department of International Legal Assistance and Cooperation in Criminal Matters,
- Department of International Legal Assistance and Cooperation in Civil Matters,
- Department of Inter-entity Cooperation and Coordination and

- Treaty Department.

The Department of International Legal Assistance and Cooperation in Criminal Matters provides international legal assistance in pursuance of laws and international multilateral and bilateral agreements that oblige Bosnia and Herzegovina to provide international legal assistance and cooperate, especially, in extradition of indicted and sentenced persons, acts at requests for the transfer of enforcement of foreign criminal decisions, acts at requests for the transfer of criminal proceedings, cooperates with foreign authorities and international organizations in charge of the implementation of conventions governing mutual legal assistance which Bosnia and Herzegovina is a party to, cooperates with national and international courts and tribunals and organizations, especially in monitoring and implementation of the Council of Europe Convention governing criminal matters, and does any business in relation to international legal assistance. It also prepares drafts, opinions, reports, information papers and other materials on the basis of relevant information or in accordance with the prescribed methodology of the Sector, prepares draft laws governing international legal assistance and monitors the implementation, informs appropriate authorities about the situation and difficulties in the work of the Sector, proposes measures for policy designing and measures for regulating the matters that facilitate the implementation of the policies and legislation governing this matter, monitors and studies the situation and developments in this matter on the basis of collected and received information, proposes measures for solving difficulties identified and transacts other business required in the work of the Sector.

The Department of International Legal Assistance and Cooperation in Civil Matters provides international legal assistance in pursuance of international multilateral and bilateral agreements that oblige Bosnia and Herzegovina to provide international legal assistance and cooperate, especially, in monitoring the implementation of the Hague International Conventions concerning private law and UN Convention on Recovery of

Maintenance from Abroad, acts at requests for international assistance in civil cases, cooperates with foreign authorities and international organizations in charge of the implementation of conventions governing mutual legal assistance which Bosnia and Herzegovina is a party to, cooperates with national and international courts and tribunals and organizations. It also gives opinions on the provisions conflicting foreign countries' laws set forth in the Law on Solving the Conflict of Laws, prepares studies, reports, information papers and other materials on the basis of relevant information or in accordance with the prescribed methodology of the Sector, informs appropriate authorities about the situation and difficulties in the work of the Sector, proposes measures for policy designing and measures for regulating the matters that facilitate the implementation of the policies and legislation governing this matter, monitors and studies the situation and developments in this matter on the basis of collected and received information, processes the information, proposes measures for solving difficulties identified, certifies (authenticates) documents for the use abroad and transacts other business required in the work of the Sector.

The Department of Inter-entity Cooperation and Coordination cooperates with appropriate authorities of the Entities and the Brcko District of Bosnia and Herzegovina, coordinates the harmonisation of entity laws governing international legal assistance, coordinates the harmonisation of entity laws governing property and claims, monitors the implementation of the Law on Legal Assistance and Judicial Cooperation in Criminal Matters among the Entities and the Brcko District of Bosnia and Herzegovina, provides information about valid laws in Bosnia and Herzegovina at the request of foreign authorities. It

also prepares studies, reports, information papers and other materials on the basis of relevant information or in accordance with the prescribed methodology of the Sector, prepares draft laws governing international legal assistance and monitors the implementation, informs appropriate authorities about the situation and difficulties in the work of the Sector, proposes measures for policy designing and measures for regulating the matters that facilitate the implementation of the policies and legislation governing this matter, monitors and studies the situation and developments in this matter on the basis of collected and received information, processes the information, proposes measures for solving difficulties identified and transacts other business required in the work of the Sector.

The Treaty Department prepares first drafts, drafts and final drafts of laws and regulations and amendments to laws and regulations governing international agreements on international legal assistance, prepares first drafts, drafts and final drafts of international agreements concerning the justice and the administration and gives opinions on them, provides expert analysis of matters related to drafting international agreements on international legal assistance, conducts the procedure of conclusion of the agreements, keeps records on the international agreements on international legal assistance concluded, gives expert opinions of draft agreements concerning other ministries, processes systemic matters and other matters needed for drafting international agreements on international legal assistance, provide expert assistance in ensuring a uniform methodology of drafting the international agreements. It also prepares studies, reports, information papers and other materials on the basis of relevant information or in accordance with the prescribed methodology of the Sector, prepares draft laws governing international legal assistance and monitors the implementation, informs appropriate authorities about the situation and difficulties in the work of the Sector, proposes measures for policy designing and measures for regulating the matters that facilitate the implementation of the policies and legislation governing this matter, monitors and studies the situation and developments in this matter on the basis of collected and received information, proposes measures for solving difficulties identified, ensures that the Bosnia and Herzegovina legislation and the implementation are in line with the obligations of Bosnia and Herzegovina deriving from the international agreements, cooperates with the Ministries of Foreign Affairs of Bosnia and Herzegovina and the Entities in drafting international bilateral and multilateral agreements and transacts other business required in the work of the Sector.

To be able to perform all these tasks there are 29 positions planned in the structure of the Sector; 20 positions have been filled, out of which 12 employees have university degrees, more specifically, law school diplomas. Most of them have a long working experience on various posts in the justice system.

- **Statistics on extradition and mutual legal assistance (including on period of compliance with requests) and information on legal bases used for these cases**

Owing to the migrations from Bosnia and Herzegovina and a great number of international criminal proceedings, the number of cases has been constantly increasing for a few last years. Thus in 2000 there were 500 cases and in 2007 the number amounted to 5594 cases, while in 2008 there has been a slight rise.

The Sector has no work to catch up on and the case processing within the Sector takes 8 days before they are forwarded for further action by competent authorities. The Sector issues instructions on the procedures of international legal assistance to all actors in the process (courts, prosecutor's offices and others). The Ministry has issued professional publications with instructions on the procedures of

international legal assistance targeted at courts and prosecutor's offices and has thereby made the proceedings more efficient and has reduced the average period of time needed for one foreign authority's request to be complied with in comparison with the previous years and now it takes 3 months. In urgent cases the time frame is far shorter and in some cases the communication among a foreign authority, the Ministry of justice and acting authority in Bosnia and Herzegovina is finished in only one day. In such cases also courts and prosecutor's offices take urgent actions and the requested assistance is usually provided within 20 days, unless the case involves a complex criminal matter involving a number of requested actions.

Special attention is paid to extraditions, both from Bosnia and Herzegovina to another country and in Bosnia and Herzegovina from another country, with a view to executing prison sentences or prosecuting. These cases are given top priority in the Ministry of Justice and actions are taken the same or next day of receipt of a request. The time frame in these cases is in line with the deadlines set forth in the European Convention on Extradition and is usually about 40 days, so that on receipt of a request an extension of deadline from 18 to 40 days is usually asked for. The usual greatest obstacle is that the sought person has citizenship of the requested country. In 2007 the Ministry of Justice as the central authority for extradition registered 74 extradition proceedings and relevant decisions were issued in them, while in 2008 the number of extradition proceedings is higher.

The legal grounds for international legal assistance is found in the Criminal Procedure Codes valid in Bosnia and Herzegovina and international bilateral and multi lateral agreements and treaties binding on Bosnia and Herzegovina. With the passage of the Law on International Legal Assistance in Criminal Matters, which has been sent to the Parliament, the proceedings will be regulated in a uniform manner, precise duties and deadlines being fixed. Therefore the provision of international legal assistance is expected to be further improved with the passage of this Law and the implementation of international agreements/ treaties already in effect.

Law enforcement co-operation (benchmarks 28-32)

Requested additional information on the following:

- **Details on successful international operational co-operation with BiH law enforcement authorities**

In the last three years Border Police of Bosnia and Herzegovina has established a continuous international cooperation with the neighbouring countries (Serbia, Croatia and Montenegro) in realization of planned operational actions of regional character and related to prevention of smuggling people across the state border and illegal migration. In implementation of these activities active participants were BiH Prosecution, Border Police, SIPA and competent police authorities as well as Prosecutions of neighbouring countries. There were several operational actions, some of which are: OA Danube, OA Plitvice, OA Split, OA Vršani, OA Spačva and others.

During 2008 there has been operational action „Arkadaš“ conducted which is also aimed at prevention of smuggling people cross the state border. This operational action has international character and is conducted

in cooperation with police agencies and Prosecution in BiH and police agencies in Turkey, Bulgaria, Serbia, Macedonia and other countries of the region.

- **Concrete plans and timing for strengthening the operational capacity of all law enforcement agencies**

Currently the Law enforcement agencies are working on development of midterm strategic development plans. Plans are to be finalized until April 2009. Plans will define concrete plans and timing for strengthening, among others, of the operational capacities.

Protection of personal data (benchmarks 33-34)

Requested additional information on the following:

- **Details on the applicable legal provisions for the protection of personal data for the activities of the Intelligence and Security Agency of BiH, and its supervision by the Data Protection Agency**
 - Intelligence and Security Agency of BiH is established by Law on Intelligence and Security Agency of BiH ("Official Gazette BiH" number 12/04). This law regulates competence, powers, management and control, data collecting and other work related issues of the agency.
 - Chapter IX "Data Management" regulates issues relative to processing of all kind of data including personal ones. Pursuant to Article 81 Intelligence and Security Agency of BiH is exempt from provisions of the Personal Data Protection Law. Therefore, the Agency for personal data protection does not supervise over the personal data processing done by Intelligence and Security Agency of BiH. This agency is the only one in Bosnia and Herzegovina being exempt from the supervision of the Agency for personal data protection.
 - External management and supervision over the Intelligence and Security Agency of BiH are regulated in Chapter II of the law defining rights and responsibilities of the Presidency of BiH, Council of ministers, Prime Minister, Executive Intelligence **Committee** and Parliamentary Assembly of BiH.
- **Details on progress made in setting up the supervisory authority and on measures taken to make it fully operational (human and financial resources, training)**
 - Space, telephone and internet infrastructures as well as office furniture have been provided for the Agency.
 - Three official vehicles for the needs of the Agency and computer equipment have been purchased.
 - At its 64th session that was held on 30 October 2008, the Council of ministers approved a Proposal of Rulebook on Internal Organization of the Agency for personal data protection in BiH. According to the Rulebook on Internal Organization a total number of persons employed within the Agency should be 45 out of which 32 civil servants and 13 employees.

- Since 1st December 2008 three employees have been recruited by the Agency. On 03 December 2008, on behalf of the Agency for personal data protection, Civil Service Agency has announced vacancies for 10 civil servants (three Assistant Directors, three Expert Advisors for inspection, one Senior Associate Expert for complaints, one Expert Advisor – designer for development and architecture of information system, one Expert Advisor for legal affairs and one Senior Associate Expert – main bookkeeper).

- **Data on implementation of Personal Data Protection Law in all relevant areas within report on readiness (including border checks, issuance of travel and identification documents, personal data exchange in order to implement the law)**

- Personal Data Protection Law ("Official Gazette BiH" number 49/06) applies to personal data processing in all relevant fields related to visa regime liberalization. This law creates the obligation for all public authorities to bring the bylaws for its implementation and produce a personal data security plan.

- Besides Personal Data Protection Law, personal data processing is in certain fields regulated by law and regulations within the field.

- BiH Agency for Personal Data Protection has planned to conduct inspections in all public authorities dealing with personal data processing related to visa regime liberalization, within the first six months 2009 after the completion of recruitment and training procedures of the above mentioned civil servants.

Border Police is authorized to use databases run within the CIPS project (ID numbers of citizens, travel documents, ID cards, driving licenses, vehicle registrations, residence). With regard to that, base administrators, i.e. persons who have access to databases and user administrations, have been appointed. User's passwords and users names for access to databases with personal data have been determined. Every access and data exchange in databases is automatically registered with exact data on time, place and user.

BLOCK 4 External relations and fundamental rights

Freedom of movement and identity documents (benchmarks 35-37)

Requested additional information on the following:

- **Number of complaints submitted and more detailed activities regarding these cases/ difficulties with special categories**

Ministry of Human Rights and Refugees has registered in 2008 only two cases related to difficulties with issuance of documents for special categories. In substance the cases were related to inefficiency of competent services and incorrect data – errors in entering data, which was solved after the reaction of this Ministry.

- **Concrete results of positive activities listed (registration of Roma enhanced, mobile teams for persons with disabilities, support for refugees, returnees and persons with disabilities)**

Mobile teams exist in all municipalities so that each individual can ask for assistance and service at home address. Mobile teams give service in particular to persons with disabilities or being under therapy.

When it is about Roma Minority activities have been realised in the field of support to Roma families to register their children. Project is implemented in cooperation with the UNCHR. Project started in June 2008 and lasts till the mid 2009. Up to now, 527 Roma have been encompassed by this project, including 354 children. 156 cases have been completed, while 138 cases are still in progress. Everyone got legal aid and in most cases it is about persons without appropriate documentation which should be reconstructed again.

- **Plans for facilitating free access to identification documents to persons with disabilities, displaced persons and refugees**

In relation to issuing identification documents in the last period it is important to say that Ministry for Human Rights and Refugees in cooperation with UNICEF created „Legal analysis of BiH legislation regulating the area of birth registration“

We are presenting concluding RECOMMENDATIONS:

The analysis shown that the situation concerning birth registration and realisation of other status rights of citizens requires undertaking urgent measures to improve system and provide to citizens to solve their status issues in the shortest possible period of time. These measures could be divided in short-term and long-term measures and it is necessary to provide their parallel implementation. Long – term measures include:

Enacting unique law in BiH to regulate the issue of birth registration and establishing electronic database. It is necessary to consider the possibility of reform all registrations and creation of unique master registry.

Creating legislation framework regulating birth registration should be a part of broader reform of legislation regulating status and other citizens' issue including citizenship, right to ID and passport, residence etc.

Development of electronic database should include also network connection of birth registration offices which would provide full efficiency of databases because registrar would have a possibility to have

access to database in other municipality. In that manner parents would need only their ID to register their child.

Short-term measures are steered in two directions: to raise parents' awareness of their duty to register a child and to strengthen capacities of birth registration offices to be able to cope with problems in existing legislative and institutional framework.

This second direction includes organising regular meetings with officials working as registers for birth registration and giving identification number to discuss about problems in this field and find adequate solutions and at the same time have consultation for enacting new legislation which is the long-term goal. It is necessary to provide more adequate role of the police in this process, in particular for locating the address of parents who are avoiding giving approval for naming child.

These recommendations will serve in the following period for planning more concrete measures to improve the situation in the field of legislation.

There are no obstacles in accessing rights of BH refugees and displaced persons on personal documentation, i.e. they have equal and full access to these rights as other BH citizens

Citizens' rights including protection of minorities (benchmarks 38-42)

Requested additional information on the following:

- Further activities regarding denominated cases of discrimination

General remark:

Ministry has not registered criminal cases of discrimination (violation of equality of man and woman) which in accordance with Criminal Codes in force in BiH could be initiated.

Until December 2008 MHRR has registered total number of 172 individual cases and all of them are specifically related to:

1) Inefficiency of legal protection by courts or executive bodies (municipality/canton/entity/state) - 102 cases registered.

For majority of cases, Ministry of Human Rights and Refugees reacted in written and orally and requested the case to be solved in accordance with statutory term while appellant was suggested and explained how to make pressure to competent services and to whom they could make objection for violation rights to efficient protection:

- for courts it is High Judicial and Prosecutorial Council – Department of Disciplinary prosecutor
- for executive bodies – it is director of institution

MHRR monitors the realisation of these cases continuously and no case is closed while there are reasons for further monitoring.

2) Prison conditions – 20 complaints registered:

- 5 cases of abuse have been reported. MHRR Expert team promptly visited the place and prepared the report and gave necessary instruction to the prison administration

In 2007 two cases of torture were registered which was noticed by the European Committee for Torture CPT (see Confidential Report for Bosnia and Herzegovina (CPT (2007)33))

3) Realisation of efficient protection of children rights – 5 cases – the best interest of the child ...cases related to housing and guardianship of juvenile delinquents and neglected children; these cases have been solved in coordination with Centres for social work.

4) Issuing identification documents ...2 cases registered: These cases were connected to issuing of identification documents. In substance the case is related to inefficiency of competent services and incorrect data – errors in entering data, which was solved after the reaction of this Ministry.

5) Violation of the right to freedom of speech...one case registered

MHRR asked for the reaction of competent law enforcement agencies, but unfortunately the incident was caused by the other group of citizens, so that individuals who caused the incident are brought before the court.

6) the rest of 22 unspecified cases are mostly related to means dispute and property claim, long judicial procedures or municipal services or work of civil engineering and town-planning inspections. These complaints are not characteristic for any of groups and they are in domain of inefficient work of these services or courts.

7) 20 cases was registered related to discontent citizens by unequal treatment regarding exercising their rights to retirement- disability insurance which they realise according to Entity Laws, then also to exercising their rights to equal opportunities for employment

Further activities of the law enforcement agencies in the field of providing freedom of movement, in connection to the Ombudsman/NGO report on ethnically motivated incidents

Although in this year a few incidents have been registered after conducting investigation for most of them it is determined that the background was property interest.

- Improvement in adoption of the Antidiscrimination Law

The draft of the Law has been made, public discussion on the text has been held in Sarajevo on 20 November 2008 and in Banja Luka on 24 November 2008.

The draft will be send to the Council of Ministers for approval than to the Parliamentary Assembly of BiH for adoption.

Antidiscrimination Law could be find on the following web address:

<http://www.mhrr.gov.ba/PDF/LjudskaPrava/ZakonOZabraniDiskriminacijeNacrt.pdf>

Draft of the Law is available to the public to give and send their comments by e-mail.

- **Description of procedures for obtaining and losing citizenship**

The provisions of the Articles 5-24 of the Law on Citizenship of BiH and the appropriate provisions of the entity laws, set forth the ways on acquisition and termination of the citizenship of Bosnia and Herzegovina.

The provisions of the Articles 30 and 31 of the Law on Citizenship of BiH provide that the Council of Ministers of BIH, the Ministry of Civil Affairs of BiH, the Federal Ministry of Interior Affairs and the Ministry of Administration and Local Self-governance of the Republic of Srpska are responsible for making decisions on acquisition and termination of the citizenship.

In accordance with the provisions of the Articles 40 and 41 of the Law on Citizenship of BiH, in the procedure of revision of the decision on naturalization of foreign citizens in BiH, the National Commission for revision of decisions on naturalization of foreign citizens in BiH makes decisions on deprival of citizenship of Bosnia and Herzegovina under prescribed conditions.

The subsequent registration in the BiH birth and citizenship registry books is governed by the Directive and refers to persons who had acquired the Bosnia and Herzegovina citizenship by origin and by birth on the territory of BiH and based upon the residence on the territory of BiH on 06 April 1992.

The entity authorities are responsible for the subsequent registration under the above named basis - the municipality administration in the Republic of Srpska and the police forces in the Federation of BiH subject to the consent of the Ministry of the Civil Affairs given for the drafts of their decisions on the subsequent registration.

The provisions of the Article 38 of the Law on the Citizenship of BiH prescribe the conditions for acquisition of BiH and entity citizenship of the persons who were the citizens of the former SFRY and who live and have residence on the territory of BiH, the Federation of BiH and the Republic of Srpska, respectively.

The Federal Ministry of Interior Affairs and the Ministry of Administration and Local Self-Governance of the Republic of Srpska make decisions on establishment of citizenship of BiH under the named conditions.

The responsible entity authorities - the Federal Ministry of Interior Affairs and the Ministry of Administration and Local Self-Governance of the Republic of Srpska make decisions on establishment of the citizenship of Bosnia and Herzegovina and entities on the basis of the agreements on dual citizenship made between Bosnia and Herzegovina and other states.

The basis for conclusion of these agreements is given by the provisions 1. (7) d) and 3.(1) a) of the BiH Constitution and the Article 4 of the Law on Citizenship of Bosnia and Herzegovina.

We would like to point out that the Agreement on the dual citizenship between BiH and the Republic of Croatia has not been ratified by Bosnia and Herzegovina, and the conclusion of the Agreement on dual citizenship between Bosnia and Herzegovina and Montenegro is in process.

We would like to note that the citizens of the former SFRY who do not fulfill the requirements to obtain the citizenship of Bosnia and Herzegovina under the above named legal basis are treated as all other foreign citizens under the procedure of their requests for acquisition of the citizenship of Bosnia and Herzegovina.

- Results in implementation of Roma Strategy of Bosnia and Herzegovina

Upon adoption of Roma Strategy of Bosnia and Herzegovina by the Council of Ministers of Bosnia and Herzegovina, in 2005, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina, together with Roma associations and representatives and competent local experts worked on development of the Action Plan for Roma issues in the fields of employment, housing and health care.

On 3rd July 2008, the Council of Ministers adopted the Action Plan. Bosnia and Herzegovina joined Decade of Roma Inclusion on 4th September 2008 and the Coordination Board for implementation of the Action Plan has been formed.

The Coordination Board adopted Rules of Conduct, Operation Plan and has started with implementation of the Action Plan.

A campaign of raising awareness regarding the action plan has started with cantonal and municipal authorities (round table was held in Tuzla on 28 November 2008 and round tables are planned to be held in Banja Luka, Mostar and Sarajevo).

Activities of local authorities regarding Roma housing have been implemented in Zavidovici (30 newly constructed housing units are almost finished) and relocation of Roma settlement in Butmir-Sarajevo is ongoing , by the Cantonal authorities of Sarajevo and with support of the Swedish Development Agency - SIDA.

Development of the Operation Plans and working teams for implementation for each Roma issues has been planned

- Results in financial activities for implementation of the Roma Strategy

The Council of Ministers of Bosnia and Herzegovina has planned 3 million BAM in the budget for 2009, for Roma issues. Approval of the budget is still pending in the Parliamentary Assembly of Bosnia and Herzegovina.

European Commission has planned 500.000 EUR, within IPA projects for implementation of the Action Plan and support to the Coordination Board.

Swedish Development Agency - SIDA has approved a project for implementation of the Action Plan for Roma housing, in the amount of 533.000 BAM for the period of three years.

World Vision and some other international organisations and Embassies have also planned to support implementation of the Action Plan.

Activities on provision of additional financial means for the implementation are intensively ongoing.