

Enhancing institutional capacities on freedom of expression and information in Bosnia and Herzegovina (EFEx)

ANNEX TO THE MAPPING AND GAP ANALYSIS REPORT ON FREEDOM OF ACCESS TO INFORMATION IN BOSNIA AND HERZEGOVINA

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An Overview of Substantive Issues with Identified Gaps on Freedom of Information in Bosnia and Herzegovina

The role and responsibility of the Council of Europe in protecting freedom of expression has been underlined in the "Reykjavik Principles for Democracy", the [Reykjavík Declaration – United around our values](#).

Funded through the voluntary contribution of the Swedish International Development Cooperation Agency (Sida), the Project "[Enhancing Institutional Capacities on Freedom of Expression and Information in Bosnia and Herzegovina](#)" (EFEx) aims to enhance the protection of FoE and FoI in BiH by making a contribution towards human-rights based legal framework and practices, through enhancing the capacities of key duty bearers (the Ministry of Human Rights and Refugees - MHRR - and other institutions with responsibilities in this area) and right-holders representatives (media actors and CSOs), to integrate a human rights-based approach in their work.

The action builds on past and current Council of Europe (CoE) activities in the area of Freedom of Access to Information/Media and Freedom of Expression in BiH, including a pilot project funded by SIDA and implemented in 2019/2020.

The objective of this project will be achieved through three inter-connected components focusing on:

- (1) freedom of expression;
- (2) freedom of access to information and
- (3) capacity building of Ministry of Human Rights and Refugees

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I. EXECUTIVE SUMMARY

This paper provides an overview of significant issues concerning freedom of information (Fol) in Bosnia and Herzegovina (BiH) and serves as an Annex to the Mapping and Gap Analysis Report on Freedom of Access to Information in Bosnia and Herzegovina. It consists of a brief narrative section and a detailed tabular component.

The narrative section offers a concise explanation of the table, which constitutes the main part of this technical paper. Specifically, the table outlines:

- 1) relevant international regime (instrument/mechanism and monitoring/recipient bodies) with a comprehensive listing of international obligations/standards derived from these instruments/mechanisms;
- 2) relevant BiH legislation and practice with associated details for the most recent and upcoming reporting timelines, as well as key issues/themes, observations, and recommendations regarding Fol-related matters raised in the latest monitoring/reporting cycles; along with
- 3) additional remarks for each instrument/mechanism.

The aim is to display all pertinent international standards concerning Fol, identifying the gaps in BiH against these standards, particularly those requiring monitoring/reporting. The rationale is to facilitate a structured, focused comparison between international standards and domestic laws and practices.

Ultimately, this document provides an accurate and comprehensive overview of the status of BiH's Fol-related human rights recommendations and international expectations, which will contribute to the further development of the EEx program and, more broadly, in supporting efforts to address Fol-related challenges in the framework of BiH.

° This document was drafted before the publication of the Baseline Evaluation Report on the implementation of the Council of Europe Convention on access to official documents (CETS No. 205 –Tromsø Convention) in respect of Bosnia and Herzegovina (Baseline Evaluation Report),¹

¹ Available [here](#).

II. NARRATIVE CONTRIBUTION

This paper is developed under the framework of the project "[Enhancing Institutional Capacities on Freedom of Expression and Information in Bosnia and Herzegovina](#)" (EFEx), financed by the Swedish International Development Cooperation Agency (SIDA). The views expressed herein can in no way be taken to reflect the official opinion of either party.

It provides a tabular overview of provisions of the most important international and regional documents related to freedom of information (Fol):

1. [International Covenant on Civil and Political Rights](#) and the two optional Protocols ([first optional Protocol](#) and [second optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty](#));
2. [Convention on the Rights of Persons with Disabilities](#) and its [Optional Protocol](#);
3. [European Charter for Regional or Minority Languages](#);
4. [Framework Convention for the Protection of National Minorities](#);
5. [Convention on preventing and combating violence against women and domestic violence](#);
6. EU-derived monitoring/reporting obligations regarding Fol;
7. [Council of Europe Convention on Access to Official Documents](#);
8. [Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters](#);
9. [European Convention on Human Rights](#)

In the table, the first mention of each new document/body/provision is marked in red, while important issues for the next reporting period are bolded. Furthermore, in the first column ("Instrument/mechanism and monitoring/recipient body"), the title of the document and the body designated for its monitoring are provided. In the second column ("International obligation/standard"), provisions relating to Fol in the specific document are presented, followed by an explanation of the most important standards and rules regarding reporting within that instrument. In the third column ("Relevant BiH legislation and practice"), an overview of the latest reporting and deadlines for Bosnia and Herzegovina (BiH) concerning the specific international mechanism is provided first, followed by the most important content from the latest report and recommendations regarding Fol within that specific mechanism. Then, an overview of the laws and practices in BiH in that area is given. The last column ("Further remarks") allows the author of the paper to address future issues in this area and provide her comments on them.

The purpose of the document is to produce a detailed, schematic assessment of international standards and recommendations provided in these mechanisms along with a clear indication of the extent to which these have/have not been fulfilled to date in BiH. Additionally, the paper lays out details for the most recent and upcoming reporting timelines for BiH, along with key issues, observations, and recommendations raised concerning Fol-related issues

in the most recent monitoring/reporting rounds. As mentioned before, the paper also provides a “further remarks” column to enable the inclusion of additional comments that the author considers helpful to note. Subsequently, the paper should provide granular, standalone reference data for BiH reporting on international mechanisms.

III. TABULAR CONTRIBUTION

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
International Covenant on Civil and Political Rights (ICCPR) with two Optional Protocols (first optional Protocol and second optional Protocol to the International	- For the freedom of information (Fol) and reporting on this right, Articles 19 and 40 are important. Article 19: 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:	- BiH's last state report (Third periodic report due in 2016) was submitted on 24 March 2016 (published on 19 May 2016), with the Annex submitted on 22 April 2016. Concluding Observations on the report were submitted on 28 March 2017 (published on 13 April 2017), while the State Party report on Follow-up to Concluding Observations was submitted on 5 July 2018 (published on 9 August 2018).¹⁸ The next State report is due in 2024.¹⁹ - These documents do not mention Fol, except for the HRC's Concluding Observations, which highlight, among other issues, Fol and stipulate that Articles 17 and 19 of the Law on Freedom of Access to Information have not yet been implemented.²⁰ However, several NGOs have submitted their own reports to the	- Given the passage of several years since the mentioned documents and the recent adoption of a new Fol law in BiH²³, it is still uncertain whether the implementation of this new law will encounter less challenges than its predecessor. The upcoming State report should discuss the challenges outlined in the Ombudsman's report and elucidate the steps taken to address them. - Regarding the Entities and the Brčko District, it would be beneficial to consult the Council of Europe's technical

¹⁸ All documents are available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx.

¹⁹ Decision on Additional Measures to Simplify the Reporting Procedure and Increase Predictability, available at: https://www.ohchr.org/sites/default/files/Documents/HRBodies/CCPR/Decision_on_2020.docx.

Nonetheless, conflicting views within the OHCHR Treaty Body Database suggest that BiH should have reported in 2022 (see here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8).

²⁰ Concluding Observations on the Third Periodic Report of Bosnia and Herzegovina, paragraphs: 37 and 38. However, this relates to the previous Law on Freedom of Access to Information.

²³ Available at: <https://www.parlament.ba/data/dokumenti/pristup-informacijama/2023/ZOSPI-B.pdf>.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
al Covenant on Civil and Political Rights, aiming at the abolition of the death penalty) Human Rights Committee (HRC)	(a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre publique), or of public health or morals. Article 40: 1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognised herein and on the progress made in the enjoyment of those rights: (a) Within one year of the entry into force of the present Covenant for the States Parties concerned; (b) Thereafter whenever the Committee so requests. 2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant. 3. The Secretary-General of the United Nations may, after consultation with the	HRC, same as the Institution of Human Rights Ombudsman of BiH (Ombudsman), who submitted its report in February 2017.²¹ The Ombudsman identified several weaknesses in the implementation of the laws on Fol, including: Entity laws lacking penalty clauses, ineffective monitoring and oversight of the implementation of the laws, civil servants lacking adequate training for the laws' implementation, citizens lacking awareness of their rights under the laws, many public authorities failing to fulfill their obligations, particularly in nominating information officers, responsible authorities interpreting the laws' provisions and obligations differently, many authorities not adhering to the legally prescribed procedures, denying legal remedies, and withholding requested information. ²² Moreover, the Ombudsman highlighted the fact that personal data protection is	paper 'Mapping and Gap Analysis Report on Freedom of Access to Information in Bosnia and Herzegovina' from September 2023, particularly its recommendations.

²¹ Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx.

²² *Ibid.*, p. 9.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	Committee, transmit to the specialised agencies concerned copies of such parts of the reports as may fall within their field of competence. 4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant. 5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article. ▪ Article 50 may also be pertinent to Bosnia and Herzegovina (BiH):² “The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.” Namely, Article 50 stipulates that the provisions of the	frequently cited as a reason for refusal (albeit without substantiation, as the burden of proving personal data protection lies with the authority).	

² See also Article 2 of the ICCPR and paragraphs 3, 4, and 10 of the [2004 General Comment No. 31 \[80\] on the Nature of the General Legal Obligation Imposed on States Parties to the Covenant](#).

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	ICCPR apply to all parts of a State, without any restrictions or exceptions. Consequently, State authorities are obligated to enact any necessary measures to ensure the full applicability of the ICCPR within their jurisdiction and to guarantee the availability of appropriate remedies for its violations.³ Initially, States are required to submit what is referred to as a 'core document'. This document provides fundamental information about a State, including its demographics, geography, constitutional, legal, and political structures, along with other general information.⁴ If significant changes occur within a State, the core document should be updated. In addition to the 'core document', States are required to submit initial reports. They should comprehensively address all substantive articles of the ICCPR, providing information on the State's constitutional and legal		

³ [Civil and Political Rights: The Human Rights Committee, Fact Sheet No. 15 \(Rev.1\)](#), p. 9.

⁴ It should contain up to 42,400 words. (United Nations, Guidelines and tools for treaty body reporting, available at: <https://www.ohchr.org/en/treaty-bodies/guidelines-and-tools-treaty-body-reporting>)

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	framework beyond what is covered in the 'core document,' as well as the legal and practical measures taken to implement the ICCPR.⁵ Importantly, the reports must describe the factual situation rather than merely presenting the State's laws and policies. Afterward, States should submit shorter periodic reports.⁶ As per the Consolidated Guidelines for State Reports under the ICCPR⁷, periodic reports should adhere to the structure of the ICCPR articles.⁸ Regarding formatting, they should be written on A4-sized paper, with sequentially numbered paragraphs, single-spaced, and printed on one side of each sheet.⁹ In terms of content, reports should identify factors and challenges affecting ICCPR implementation, explaining their nature, extent, and		

⁵ An initial report (including replies to the list of issues prior to reporting) should contain up to 31,800 words. (*Ibid.*)

⁶ A periodic report (including replies to the list of issues prior to reporting) should contain up to 21,200 words. (*Ibid.*)

⁷ Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsh3OCfslbbgElRZXMhJHXZw4%2FY3pRadxWBzP7EtEu0TKS23sqxi086jKpzfIWn%2F8hpGssZr afvU3Filv3CDlRMTUleENr4L7g1DnarWDqzZH05Egz6YSJ8%2BI1ME4G%2BhgIA%3D%3D>.

⁸ If there are no new developments to report under any article, this should be clearly stated (see section E.2 of the Consolidated Guidelines for State Reports under the ICCPR).

⁹ *Ibid.*, section H.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	reasons, while detailing steps taken to address them. Additionally, they should provide sufficient data and statistics to allow the HRC to assess progress in ICCPR rights enjoyment relevant to the appropriate articles. The HRC has established the Rules of procedure of the HRC (last update in 2021)¹⁰ and working methods for the entire process. Since 2020, it has implemented a simplified reporting procedure with an 8-year predictable review cycle. Specifically, the HRC compiles a list of issues prior to reporting and requests a State party to provide replies by a specified date.¹¹ A State party should then focus solely on this list of issues and significant developments since its last report. These State's responses represent a report and are examined by the HRC. Importantly, throughout the entire reporting process, non-governmental organisations (NGOs)		

¹⁰ Available at:

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpRiCAqhKb7yhspSfzoplnqcaRnZEWmkfe1tSjisL%2BhNizkeCc5clygMh1XamAcX%2BzhX5iH9rw32CjIiNv7NZevXmcJHbSF9HqoPw%2FAINZAeEcyCPymBEakMs>.

¹¹ See Rule 73 of the Rules of Procedure of the HRC.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	and other actors within civil society should play a significant role. Additionally, if a State has a human rights institution, this institution should be involved in the report compilation process.¹² There's no fixed template for their involvement, and various States have explored different approaches, such as seeking input from civil society prior to report compilation, utilizing data and insights provided by civil society, and engaging civil society in reviewing draft reports.¹³ In instances where there's a disagreement between the State and civil society members, the State should submit its report to the HRC in a format it deems appropriate. Nevertheless, civil society members retain the right to submit their own reports to the HRC, commonly referred to as “shadow reports”. As for the review process conducted by the HRC, it spans		

¹² Fact Sheet No. 15 (Rev.1), Civil and Political Rights: The Human Rights Committee, p. 17, available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet15rev.1en.pdf>.

¹³ *Ibid.*

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	two consecutive HRC sessions.¹⁴ During the first session, the report undergoes assessment by a group comprising between four and six HRC members, known as the Country Report Task Force (CRTF). The CRTF compiles a list of issues derived from the report, focusing on critical aspects related to the enjoyment of ICCPR rights within the relevant State. This often entails seeking further clarification on key matters. The list of issues is then forwarded to the State party at least one session before the examination session, during which representatives of the State party are present. Typically, States provide written responses to the list of issues beforehand or at the onset of the HRC's public review of the report.¹⁵ Following the conclusion of the session where the HRC scrutinises a State party's report, the HRC prepares comprehensive written concluding observations on the said		

¹⁴ *Ibid.*, p. 18.

¹⁵ The replies to the list of issues should contain no more than 10,700 words. (United Nations, Guidelines and tools for treaty body reporting, available at: <https://www.ohchr.org/en/treaty-bodies/guidelines-and-tools-treaty-body-reporting>)

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	report. These concluding observations represent consensus opinions on both favorable and unfavorable aspects of the State party's execution of the ICCPR. Typically, they are organised into distinct sections, including an Introduction, Positive factors, and Principal subjects of concern and recommendations. The concluding paragraph specifies the deadline by which the next periodic report should be presented to the HRC. The HRC encourages giving publicity to its concluding observations through various means, such as discussing them in the State parliament.¹⁶ Thereafter, government departments, in collaboration with civil society and other pertinent stakeholders, are most suitable for evaluating whether adjustments to laws, policies, and/or practices are warranted or appropriate to implement the concluding observations. These State-level responses then set the foundation for the subsequent		

¹⁶ *Ibid.*, pp. 20-21.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	report. Next, the HRC evaluates the follow-up data and determines subsequent steps. The HRC decisions can vary from adjusting the deadline for the submission of the State party's subsequent report to seeking additional information. In cases where States do not respond to the HRC's requests, this is documented in the HRC's annual report to the General Assembly.¹⁷		
▪ Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol ▪ Committee on the Rights of	▪ For FoI and reporting on this right, Articles 21 and 35 are the most important.²⁴ ▪ Article 21 (Freedom of expression and opinion, and access to information): States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined	▪ BiH's last State report was submitted on 12 April 2020 (published on 20 October 2021), with the Annexes to the Combined Second and Third Reports submitted by Bosnia and Herzegovina under Article 35 of the Convention pursuant to the Optional Reporting Procedure submitted on 20 October 2021.³⁵ In the 19th Pre-Sessional Working Group (25 March 2024 - 28 March 2024), the Committee on the Rights of	▪ BiH is not yet an EU Member State, but considering it aspires to join EU, it should harmonise its regulations and practices with EU instruments.

¹⁷ See Rule 70 of the Rules of Procedure of the HRC.

²⁴ But see also the definition of 'communication' in Article 2, as well as Articles 4(1)(h), 9(2)(f), and 31. For reporting, Articles 36 and 39 are important.

³⁵ All documents are available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BIH&Lang=EN.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
Persons with Disabilities	in article 2 of the present Convention, including by: - Providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost; - Accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions; - Urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities; - Encouraging the mass media, including providers of	Persons with Disabilities will adopt the list of issues on BiH.³⁶ ▪ The State report mentions Fol, stating that service providers should publish phone directories electronically on their websites to facilitate access for blind and partially sighted individuals.³⁷ Additionally, it mentions BH Telecom and Mtel a.d. Banja Luka, noting that unlike the former, Mtel currently does not provide information in accessible formats.³⁸ In addition, the Ombudsman has submitted two “shadow reports”, one on 6 April 2020 and the other one on 23 February 2024.³⁹ In the first report, the Ombudsman stated that persons with disabilities often lack access to information, TV programs, or other audio-visual content due to the lack of adjustment of formats by public bodies' websites to meet	

³⁶ CRPD - Convention on the Rights of Persons with Disabilities, 19th Pre-Sessional Working Group (25 Mar 2024 - 28 Mar 2024), available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2688&Lang=en.

³⁷ State Report, paragraph 130. This is probably a response to the criticism from the Concluding Observations, where the HRC recommends that BiH ensures public broadcasters and telecom operators to provide information in accessible forms such as Easy Read, closed captioning, and subtitling for all persons with disabilities (Concluding Observations submitted on 12 April 2017, published on 2 May 2017, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BIH&Lang=EN, paragraph 39).

³⁸ *Ibid*, paragraphs 131 and 132.

³⁹ Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BIH&Lang=EN.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	information through the Internet, to make their services accessible to persons with disabilities; - Recognising and promoting the use of sign languages. ▪ Article 35 (Reports by States Parties): 1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned. 2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests. 3. The Committee shall decide any guidelines applicable to the content of the reports. 4. A State Party which has submitted a	their needs.⁴⁰ Further, people with disabilities are frequently unaware of the methods and conditions for enjoying their rights.⁴¹ The Ombudsman also emphasised that frequent amendments to legislation governing procedures for the enjoyment of certain rights and entitlements are not accompanied by adequate information and publication of these documents on publicly available platforms, leading to dissatisfaction among persons with disabilities.⁴² Finally, the Ombudsman noted that BiH has not ratified the Marrakesh Treaty, which requires the introduction of a standard set of limitations and exceptions to copyright rules to permit the reproduction, distribution, and availability of published works in formats designed to be accessible to visually impaired persons.⁴³ The report adds that an initiative for the ratification of the	

⁴⁰ Report of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina on the implementation of the UN Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina (First report), paragraph 54.

⁴¹ *Ibid.*

⁴² *Ibid.*, paragraph 55.

⁴³ *Ibid.*, paragraph 56.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention. 5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention. State parties should promote and enable the participation of individuals with disabilities, civil society organisations, and National Human Rights Institutions (NHRIs) in drafting their reports.²⁵ In 2013, the Committee on the Rights of Persons with Disabilities introduced a simplified	Treaty was sent to the BiH Council of Ministers, but it has not yet been ratified.⁴⁴ As for the second Ombudsman's report, it does not extensively address Fol, but it emphasises that BiH lacks systematic regulation in the field of information, especially regarding information produced in electronic formats and distributed via the Internet or mobile applications.⁴⁵ Besides the Ombudsman, several NGOs have also submitted their "shadow reports". MyRight - Empowers people with disabilities in BiH stated in their report that the public TV services in BiH are not accessible for the deaf and blind persons and that the majority of public institutions' websites are inaccessible, causing women with disabilities to frequently miss important	

²⁵ Committee on the Rights of Persons with Disabilities, Reporting guidelines, available at: [https://www.ohchr.org/en/treaty-bodies/crpd/reporting-guidelines#:~:text=About%20Treaty%20Bodies,-Overview&text=States%20must%20report%20within%20two,form%20of%20"concluding%20observations"](https://www.ohchr.org/en/treaty-bodies/crpd/reporting-guidelines#:~:text=About%20Treaty%20Bodies,-Overview&text=States%20must%20report%20within%20two,form%20of%20).

⁴⁴ *Ibid.*

⁴⁵ Report of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina on the implementation of the UN Convention on the Rights of Persons with Disabilities in Bosnia and Herzegovina (Second report), p. 8.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	reporting procedure for periodic reports. However, BiH has not yet adopted it.²⁶ Therefore, the general guidelines for reporting to the Committee on the Rights of Persons with Disabilities applies. They state that periodic reporting entails providing updates on the implementation of the Committee's recommendations as outlined in the previous concluding observations, along with any new developments within the state party.²⁷ Additionally, when assessing the implementation of previous recommendations, state parties and other stakeholders are urged to provide information on the obstacles preventing rights-holders from exercising their rights and duty-bearers from fulfilling their	information that affects their lives.⁴⁶ MyRight emphasised that although there is a legal framework for providing accessibility in the built and external environment, BiH, at all levels of its organisation, does not make plans to ensure accessibility.⁴⁷ In addition to MyRight, the European Disability Forum (EDF) provided information aimed at informing the Committee on the Rights of Persons with Disabilities about the main priorities at the European level and regional issues directly affecting persons with disabilities in, among other countries, BiH.⁴⁸ In its report, EDF points out that the EU Directive on the Accessibility of Websites and Mobile Applications of Public Sector Bodies came into force in December 2016 and that since September 2020, all websites of	

²⁶ Optional Reporting Procedure, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/OptionalReporting.aspx?TreatyID=4&Lang=En.

²⁷ Section 1(e) of the Guidelines on periodic reporting to the Committee on the Rights of Persons with Disabilities, including under the simplified reporting procedure, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/3&Lang=en.

⁴⁶ Alternative Report about Implementation of United Nations Convention on the Rights of Persons with Disabilities with the Focus on Women with Disabilities in BiH, 14 February 2024, p. 10, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BIH&Lang=EN.

⁴⁷ *Ibid.*

⁴⁸ EDF, Information Note to CRPD Committee Experts - Disability priorities at the European level, 1 February 2024, available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=BIH&Lang=EN.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	obligations.²⁸ More specifically, States are expected to furnish details on the actions taken to align bills, legislation, and policies with the CRPD at all levels.²⁹ Additionally, they should outline the measures implemented to guarantee that printed and electronic information, communication technology, and services provided or accessible to the public are fully accessible to individuals with disabilities, adhering to internationally recognised standards.³⁰ They should also ensure that persons with disabilities have affordable access to these services in formats and languages that are accessible and usable.³¹ Concerning FoI specifically, States are required to disclose information on legislative and other measures undertaken to ensure that	public sector bodies are required to be accessible and comply with European Standard EN 301 549, regardless of when they were created.⁴⁹ The report further notes that, as of June 2021, all mobile applications also need to be accessible, following the same European standard.⁵⁰ The report then highlights that EU Member States must implement additional provisions outlined in the Web Accessibility Directive. These include adding an accessibility statement to all public sector websites and apps, providing relevant information for users with disabilities, as well as a link to a feedback mechanism and information on how to file complaints if the website or app is not accessible.⁵¹ EU Member States are also required to monitor the Directive's implementation and appoint an enforcement	

²⁸ *Ibid.*

²⁹ *Ibid.*, section 6(a).

³⁰ *Ibid.*, section 11(d).

³¹ *Ibid.*

⁴⁹ *Ibid.*, p. 8.

⁵⁰ *Ibid.*, p. 9.

⁵¹ *Ibid.*

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	information available to the general public is accessible to individuals with disabilities in timely and cost-free accessible formats and technologies suited to various impairments.³² Furthermore, they should report on legislative and other measures enforced to ensure that private entities offering services to the public and mass media disseminating information, including via the Internet, do so in accessible forms and formats for all individuals with disabilities, adhering to the latest Web Accessibility Initiative standards.³³ Finally, States should provide information on the proportion of public websites compliant with the latest Web Content Accessibility Guidelines.³⁴	body. Furthermore, the Directive mandates that Member States raise awareness about web accessibility, including through relevant training courses, and involve persons with disabilities in its implementation.⁵² To achieve this, EDF suggests taking immediate action to swiftly implement the Web Accessibility Directive and ensure that all public sector bodies' websites and mobile applications are accessible, following European Standard EN 301 549.⁵³ Additionally, it emphasises that it is crucial to ensure that the national body tasked with enforcing the Directive is adequately resourced with suitably trained staff to investigate complaints and promptly take relevant action.⁵⁴ Regarding the health issues, the EDF report highlights that under the EU Directive 2011/24/EU on patients' rights in cross-border health care	

³² *Ibid.*, section 23(b).

³³ *Ibid.*, section 23(c).

³⁴ *Ibid.*, section 23(e).

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
		(Patient Mobility Directive), patients with disabilities still encounter obstacles.⁵⁵ National Contact Points responsible for providing information on access to cross-border healthcare do not consistently offer accessible and tailored information to patients with disabilities. For instance, National Contact Points' websites lack information on reasonable accommodations in healthcare facilities and services, as well as sexual and reproductive healthcare services.⁵⁶ Additionally, only a few websites provide details on the physical accessibility of healthcare facilities.⁵⁷ ▪ The BiH Fol law does not explicitly mention persons with disabilities, but Articles 3, 10(2), 22(1)(a) and 22(1)(b) are important in that regard. They highlight the importance of ensuring the exercise of Fol in a manner that is equal, appropriate, and accessible for every person. The Federation of BiH (FBiH) and Republika Srpska (RS) Fol laws are	

⁵⁵ *Ibid.*, p. 20.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
		similar in that regard, and their Article 18 is here important. It emphasises the duty of a public body to provide assistance to all persons seeking to exercise their right to access information. ▪ Access to information for people with disabilities has been addressed in the FBiH Strategy for the Improvement of the Rights and Status of Persons with Disabilities (2016-2021).⁵⁸ The Government of FBiH acknowledges that individuals with hearing and visual impairments face challenges in accessing information across various communication platforms. Mobile accessibility, web accessibility, and audio-visual accessibility are inadequately addressed. The fundamental needs and specificities of individuals with disabilities are often overlooked in website design, leading to a lack of web accessibility. Moreover, media and telecommunication services, including the internet, do not	

⁵⁸ Government of FBiH, Strategy for the Improvement of the Rights and Status of Persons with Disabilities (2016-2021), pp. 15-16, available at: https://fbihvlada.gov.ba/uploads/documents/strategija-za-unapredenje-prava-i-polozaja-osoba-sa-invalidite-compressed_1640955588.pdf.

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		cater adequately to the needs of blind and visually impaired individuals and those with hearing impairments. In addition to technical barriers, linguistic challenges arise as software and hardware are primarily designed to meet English language requirements. ▪ Web search has shown that Caritas has undertaken a project aimed at improving access to information for people with disabilities. The project, called ACTIVE, seeks to ensure more accessible communication for vulnerable groups through the easy-to-read method, as well as raising awareness among institutions, decision-makers, and other key stakeholders about the need for more accessible communication.⁵⁹ As per its website, the project's goal is to provide equal access to information for all individuals to participate in social processes without discrimination. It is	

⁵⁹ Caritas BiH, ACTIVE - Pristupačna komunikacija u socijalnom uključivanju ranjivih skupina na zapadnom Balkanu, available at: <https://www.caritas.ba/hr/projekti/active-pristupacna-komunikacija-u-socijalnom-ukljucivanju-ranjivih-skupina-na-zapadnom-balkanu/1654>.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
		unclear, however, whether the project is still ongoing or what results it has achieved so far.	
- European Charter for Regional or Minority Languages⁶⁰ - Committee of Experts	- For FoI and reporting on this right, Articles 9, 10, 11, 13, 15 and 16 are the most important. Article 9 (Judicial authorities): 1. The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice: (a) in criminal proceedings: (i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or (ii) to guarantee the accused the right to use his/her regional or minority language; and/or (iii) to provide	BiH's last State (third) periodical report was submitted on 4 January 2021. Afterword, the Committee of Experts' Evaluation and Recommendations were adopted on 17 March 2022, and the Committee of Ministers' Recommendation on 5 October 2022. The BiH forth periodical report was supposed to be submitted by 1 June 2021, while the deadline for the submission of information on the implementation of recommendations for immediate action under the Charter was 1 December 2023.⁷⁰ - The last State report is not specifically focused on FoI, but it indicates that in the Zenica-Doboj Canton, no request to the authorities can be submitted in minority or regional languages, and that members of the Roma community can only address the	Considering that the last BiH report (as well as the one before it) was criticised for lacking information, the body preparing the next report could benefit from this technical paper.

⁶⁰ Charter available at: <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/text-of-the-charter>.

⁷⁰ See here: [https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations#{%2228993157%22:\[2\]}](https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations#{%2228993157%22:[2]}) and here: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808f22ea.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or (iv) to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned; (b) in civil proceedings: (i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or (ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or (iii) to allow documents and evidence to be produced in	authorities orally.⁷¹ As for the Committee of Experts' Evaluation and Recommendations, this document highlight in several instances that the information provided in the BiH periodical report is insufficient.⁷² Consequently, the Committee of Experts urges the authorities of BiH to enhance the reporting obligations of all bodies and institutions involved in the preparation of periodical reports. Besides, the Committee of Experts generally concludes that minority languages are absent from the administrative proceedings of BiH, and that the current legislation is not in conformity with the Charter.⁷³ Regarding the Committee of Ministers' Recommendation, this document suggests that BiH should consider all the observations and recommendations of the Committee of Experts, and as a priority, ensure that public broadcasters provide	

⁷¹ Third periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter, paragraph 56, available at: <https://rm.coe.int/bihpr3-en/1680a0f47c>.

⁷² Committee of Experts of the European Charter for Regional or Minority Languages, Third evaluation report on Bosnia and Herzegovina, paragraph 13, available at: <https://rm.coe.int/min-lang-2022-2-er3-bosnia-and-herzegovina-final-version/1680a84a90>.

⁷³ *Ibid.*, paragraph 40.

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	the regional or minority languages, if necessary by the use of interpreters and translations; (c) in proceedings before courts concerning administrative matters: (i) to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or (ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or (iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations; (d) to take steps to ensure that the application of subparagraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned. 2. The Parties undertake: (a) a not to deny the	programs in minority languages, among other measures.⁷⁴	

⁷⁴ Council of Europe, [Recommendation CM/RecChL\(2022\)4 of the Committee of Ministers to member States on the application of the European Charter for Regional or Minority Languages in respect of Bosnia and Herzegovina](#), point 5.

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	validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or (b) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or (c) not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language. 3. The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided. ▪ Article 10 (Administrative authorities and public services): 1. Within the administrative districts of the State in which		

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	the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible: (a) (i) to ensure that the administrative authorities use the regional or minority languages; or (ii) to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or (iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or (iv) to ensure that users of regional or minority languages may submit oral or written applications in these languages; or (v) to ensure that users of regional or minority languages may validly submit a document in these languages; (b) to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions; (c) to		

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	allow the administrative authorities to draft documents in a regional or minority language. 2. In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage: (a) the use of regional or minority languages within the framework of the regional or local authority; (b) the possibility for users of regional or minority languages to submit oral or written applications in these languages; (c) the publication by regional authorities of their official documents also in the relevant regional or minority languages; (d) the publication by local authorities of their official documents also in the relevant regional or minority languages; (e) the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State; (f) the use by local authorities of		

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	regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State; (g) the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages. 3. With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible: (a) to ensure that the regional or minority languages are used in the provision of the service; or (b) to allow users of regional or minority languages to submit a request and receive a reply in these languages; or (c) to allow users of regional or minority languages to submit a request in these languages. 4. With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of		

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	the following measures: (a) translation or interpretation as may be required; (b) recruitment and, where necessary, training of the officials and other public service employees required; (c) compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used. 5. The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned. ▪ Article 11 (Media): 1. The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media: (a) to the extent that radio and television carry out a public service mission: (i) to		

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	ensure the creation of at least one radio station and one television channel in the regional or minority languages; or (ii) to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or (iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages; (b) (i) to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or (ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis; (c) (i) to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or (ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis; (d) to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional		

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	or minority languages; (e) (i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or (ii) to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis; (f) (i) to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or (ii) to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages; (g) to support the training of journalists and other staff for media using regional or minority languages. 2. The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to		

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	ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. 3. The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with		

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	responsibility for guaranteeing the freedom and pluralism of the media. ▪ Article 13 (Economic and social life): 1. With regard to economic and social activities, the Parties undertake, within the whole country: (a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations; (b) to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language; (c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities; (d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-		

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	paragraphs. 2. With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible: (a) to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions; (b) in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages; (c) to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons; (d) to ensure by		

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	appropriate means that safety instructions are also drawn up in regional or minority languages; (e) to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages. ▪ Article 15 (Periodical reports): 1. The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.⁶¹		

⁶¹ After a reform in November 2018 aimed at enhancing the monitoring mechanism of the Charter, starting from 1 July 2019, State parties are required to submit comprehensive periodic reports on the Charter's implementation every five years. Additionally, they must provide information on recommendations for immediate action every two and a half years thereafter. (Council of Europe, Reports and Recommendations, available at: https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations?pk_campaign=newsletter)

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	2. The Parties shall make their reports public. ▪ Article 16 (Examination of the reports): 1. The reports presented to the Secretary General of the Council of Europe under Article 15 shall be examined by a committee of experts constituted in accordance with Article 17. 2. Bodies or associations legally established in a Party may draw the attention of the committee of experts to matters relating to the undertakings entered into by that Party under Part III of this Charter. After consulting the Party concerned, the committee of experts may take account of this information in the preparation of the report specified in paragraph 3 below. These bodies or associations can furthermore submit statements concerning the policy pursued by a Party in accordance with Part II. 3. On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the committee of experts shall prepare a report for the Committee of Ministers. This report shall be accompanied		

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	by the comments which the Parties have been requested to make and may be made public by the Committee of Ministers. 4. The report specified in paragraph 3 shall contain in particular the proposals of the committee of experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required. 5. The Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter. ▪ Within the first year after ratification, the State submits its first report outlining the policies pursued under Part II of the Charter and detailing the actions taken in adherence to the provisions of Part III that the State has adopted. Subsequent periodical reports are issued every five years thereafter.⁶² Additionally, midway between periodical reports, information on		

⁶² More about it here: Council of Europe, 10.3 Outlines for the periodical reports on the implementation of the European Charter for Regional or Minority Languages to be presented by the States Parties, available at: <https://rm.coe.int/cm-2019-69-outlines-2019-en/168094521a>. See also here: <http://mhr.gov.ba/PDF/LjudskaPrava/DRZAVNI%20KRITERIJUMI.pdf>.

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	recommendations for immediate action needs to be provided every two and a half years. Furthermore, a State party may submit comments on the Committee of Experts' evaluation report within two months of its transmission to the State authorities. Here, the State may ask the Committee of Experts for a confidential dialogue, but if it doesn't, the evaluation report, together with any comments received from the State, will be published on the Council of Europe website upon expiration of the two-month deadline where the State does not submit comments, or upon receipt of the State's comments, whichever is the earlier date.⁶³ Typically, the reports are collaboratively prepared by the State in consultation with representatives of regional or minority language speakers.⁶⁴ This collaborative		

⁶³ Council of Europe, Reports and Recommendations, available at:

https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations?pk_campaign=newsletter.

As for the State reports, they are not published automatically; rather, the Committee of Ministers judges, on a case-by-case basis, to what extent the reports should be published. (Council of Europe, Explanatory Report to the European Charter for Regional or Minority Languages, paragraph 130, available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800cb5e5>).

⁶⁴ Council of Europe, [The charter: giving regional and minority languages a say](#), p. 8.

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	approach is highly recommended as it fosters mutual understanding and often leads to effective resolutions of pertinent issues. In addition, Committee representatives typically conduct on-the-spot visits to the State concerned, during which they gather information from the responsible administration and engage with representatives of the affected language speakers. This practice ensures that the treaty remains dynamic and continually evolving.⁶⁵ However, the Committee of Experts is not a quasi-judicial complaint procedure body but merely instructed to monitor the implementation of the Charter and receive information to that end.⁶⁶ Still, it may verify any information submitted by the States and call on them for further explanations or information to carry out its investigations.⁶⁷ Further, it may be approached by bodies and/or associations legally established in one of		

⁶⁵ *Ibid.*, p. 9.

⁶⁶ Council of Europe, [Explanatory Report to the European Charter for Regional or Minority Languages](#), paragraph 129.

⁶⁷ *Ibid.*, paragraph 130.

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	the State parties to provide further information on matters concerning that party.⁶⁸ More specifically, these bodies and associations have the opportunity to furnish written information to the Committee of Experts, detailing the execution of Charter provisions. Utilizing Chapter 2 of the previous monitoring cycle's evaluation report can assist them in structuring their submissions.⁶⁹ Additionally, they are encouraged to provide comments on or supplement pertinent sections of the State report on the Charter submitted by authorities and address any issues related to Charter provision implementation. Their submissions may be made at any time: the Committee of Experts considers information provided by bodies or associations during on-site visits and/or in written form for inclusion in evaluation reports, maintaining anonymity regarding		

⁶⁸ The purpose of this rule is to prevent groups whose headquarters are outside the party concerned by the application of the Charter from using the monitoring system set up under it to generate discord among the parties. *Ibid.*, paragraph 128.

⁶⁹ Council of Europe, The role of NGOs in the implementation and monitoring of the European Charter for Regional or Minority Languages, available at: <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/ngos>.

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	the identities of these bodies and associations.		
▪ Framework Convention for the Protection of National Minorities ▪ Advisory Committee	▪ For Fol and reporting on this right, Articles 7, 9, 10, 25 and 26 are the most important. ▪ Article 7: The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience, and religion. ▪ Article 9: 1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons	▪ In BiH, the fifth cycle in reporting is currently in progress. The latest (5th report) was received on 31 August 2022.⁸⁷ Subsequently, an Advisory Committee delegation visited BiH from 24 April to 28 April 2023.⁸⁸ Their opinion was adopted on 8 February 2024.⁸⁹ The next State report is due on 1 June 2026.⁹⁰ ▪ The latest State report addresses the implementation of the Framework Convention regarding Fol, particularly in paras 48, 53, 55 and 57. It indicates that the Law on Communications in BiH establishes the fundamental regulatory principles applied in broadcasting, which include the protection of freedom of expression. It also highlights the situation in the Municipality of Travnik, where communication within the	▪ Given that the latest opinion of the Advisory Committee is still not available, in assessing gaps on Fol in BiH, it may be valuable to consider the gaps identified in the latest State report.

⁸⁷ Council of Europe, Country-specific monitoring of the implementation of the Framework Convention for the Protection of National Minorities, available at: <https://www.coe.int/en/web/minorities/country-specific-monitoring>.

⁸⁸ *Ibid.*

⁸⁹ But it is still not publicly available.

⁹⁰ See here: <https://rm.coe.int/tableaux-monitoring-status-for-the-website/16809f0346>.

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	belonging to a national minority are not discriminated against in their access to the media. 2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises. 3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media. 4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism. ▪ Article 10: 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely	Municipality (discussions, information dissemination, etc.) during administrative procedures may be conducted in national minority languages. The report further mentions that the Council of Europe in BiH, in collaboration with the European Union under the project "Strengthening the Protection of National Minorities in Bosnia and Herzegovina" in 2019, supported the translation of the Municipal website into minority languages in the Municipality of Prnjavor. Additionally, it notes that the Municipality of Prijedor and the City of Sarajevo have published newspapers/bulletins in minority languages.	

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	and without interference his or her minority language, in private and in public, orally and in writing. 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities. 3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter. ▪ Article 25: 1. Within a period of one year following the entry into force of this framework Convention in respect of a Contracting Party, the latter shall transmit		

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	to the Secretary General of the Council of Europe full information on the legislative and other measures taken to give effect to the principles set out in this framework Convention. 2. Thereafter, each Party shall transmit to the Secretary General on a periodical basis and whenever the Committee of Ministers so requests any further information of relevance to the implementation of this framework Convention. 3. The Secretary General shall forward to the Committee of Ministers the information transmitted under the terms of this article. ▪ Article 26: 1. In evaluating the adequacy of the measures taken by the Parties to give effect to the principles set out in this framework Convention the Committee of Ministers shall be assisted by an advisory committee, the members of which shall have recognised expertise in the field of the protection of national minorities. 2. The composition of this advisory committee and its procedure shall be determined by the Committee of Ministers within a period of		

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	one year following the entry into force of this framework Convention. ▪ The Fol stipulated in the Framework Convention is based on corresponding article of the European Convention on Human Rights and the Advisory Committee is interpreting its scope of application in the broadest sense and in line with the case law of the European Court of Human Rights.⁷⁵ Article 9 and media-related rights in the Framework Convention are crucial for protecting and promoting minority rights. Additionally, the opportunity to comprehend and communicate information in one's language is essential for equal and meaningful engagement in public, economic, social, and cultural activities.⁷⁶ Therefore, the ability to access and share information and ideas in a		

⁷⁵ Advisory Committee on the Framework Convention for the Protection of National Minorities, Thematic Commentary No. 4 - The Scope of Application of the Framework Convention for the Protection of National Minorities, paragraph 68, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a4811>.

The first sentence of Article 9(1) is modelled on the second sentence of Article 10(1) of the European Convention on Human Rights. Even though this sentence refers specifically to the freedom to receive and impart information and ideas in the minority language, it also implies the freedom to receive and impart information and ideas in the majority or other languages. Council of Europe, [Explanatory Report to the Framework Convention for the Protection of National Minorities](#), paragraph 56.

⁷⁶ Advisory Committee on the Framework Convention for the Protection of National Minorities, [Thematic Commentary No. 3 - The Language Rights of Persons Belonging to National Minorities under the Framework Convention](#), paragraph 40.

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	minority language relies on having effective access to media platforms.⁷⁷ Furthermore, for a language to thrive across various domains and function as a comprehensive mode of communication, it must be represented in the public sphere, including within public media channels.⁷⁸ Hence, media-related rights in the Framework Convention grant access to information and elevate minority languages through minority-language media, enhancing their visibility and importance in communication.⁷⁹ The Advisory Committee emphasises that active participation in media and information exchange for minority groups requires access to essential infrastructure like high-speed Internet, even in remote areas where		

⁷⁷ *Ibid.*

Advisory Committee on the Framework Convention for the Protection of National Minorities, [Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs](#), paragraph 157.

⁷⁸ Advisory Committee on the Framework Convention for the Protection of National Minorities, [Thematic Commentary No. 3 - The Language Rights of Persons Belonging to National Minorities under the Framework Convention](#), paragraph 40.

⁷⁹ Advisory Committee on the Framework Convention for the Protection of National Minorities, [Thematic Commentary No. 4 - The Scope of Application of the Framework Convention for the Protection of National Minorities](#), paragraph 69.

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	national minority communities reside.⁸⁰ In addition, besides media-related rights, there are other provisions of the Framework Convention important for FoI. For instance, according to the Convention, public services and welfare institutions should ensure that information and guidance are readily accessible and provided, as suitable, in the languages spoken by national minority communities.⁸¹ Further, individuals belonging to national minorities must have access to information, where possible in their own language, about their rights, the work of the anti-discrimination institutions and the remedies against any form of discrimination available to them.⁸² As for the reporting obligation, the drafting of State reports adheres to outlines (1st, 2nd,		

⁸⁰ *Ibid.*

⁸¹ Advisory Committee on the Framework Convention for the Protection of National Minorities, [Thematic Commentary No. 3 - The Language Rights of Persons Belonging to National Minorities under the Framework Convention](#), paragraph 88.

Advisory Committee on the Framework Convention for the Protection of National Minorities, [Commentary on the Effective Participation of Persons Belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs](#), paragraph 40.

⁸² Advisory Committee on the Framework Convention for the Protection of National Minorities, [Thematic Commentary No. 3 - The Language Rights of Persons Belonging to National Minorities under the Framework Convention](#), paragraph 28.

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	3rd, 4th, 5th, 6th cycle) prescribed by the Committee of Ministers, alongside potential specific questionnaires provided by the Advisory Committee, which delineate the structural framework to be adhered to.⁸³ This process commonly entails consultations with minority and NGOs, who are also prompted to furnish ‘shadow reports’.⁸⁴ These ‘shadow reports’, submitted either preceding or shortly following the State visit, are crucial for the monitoring efforts of the Advisory Committee. They may offer commentary on the entirety or specific sections of the State report, as well as address aspects omitted in the state report.⁸⁵ Generally, States are encouraged to involve NGOs in the drafting process of State reports, soliciting information on the Convention implementation and fostering discussions, as well as to facilitate their participation in post-publication follow-		

⁸³ Council of Europe, [Country-specific monitoring of the implementation of the Framework Convention for the Protection of National Minorities](#).

⁸⁴ *Ibid.*

⁸⁵ Council of Europe, Role of NGOs, available at: <https://www.coe.int/en/web/minorities/role-of-ngos>.

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	up meetings after the release of reports and opinions. ⁸⁶		
Council of Europe Convention on preventing and combating violence against	- For Fol and reporting on this right, Articles 10, 11, 17, 19, 21, 68 and 70 are the most important.⁹¹ Article 10 (Co-ordinating body): 1. Parties shall designate or establish one or more official bodies responsible for the co-ordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence	BiH has prepared two reports for GREVIO so far. The first one was the Baseline Report that GREVIO received on 6 February 2020, and published on 3 July 2020. The second one was the Evaluation Report that GREVIO accepted on 24 June 2022 and published on 8 November 2022. Subsequently, the Committee of the Parties adopted its Recommendation on the implementation	Almost all mentioned documents point to (particular) discrimination of vulnerable groups such as women in rural areas and Roma women when it comes to Fol. Therefore, special attention should be paid to these issues in the upcoming State report.

⁸⁶ *Ibid.*

⁹¹ The Explanatory Report to the Istanbul Convention indicates that several other provisions indirectly relate to Fol. For example, when it comes to Article 7, the Report highlights that positive outcomes are amplified when various actors collaborate on a specific case and that such cooperation shouldn't depend solely on individuals persuaded by the advantages of information sharing. Instead, it necessitates comprehensive guidelines and protocols for all agencies to adhere to, along with adequate training of professionals to understand and leverage their utility and advantages. (Council of Europe, [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), paragraph 64. Furthermore, Article 13(2) extends the requirement to disseminate specific information regarding available preventive measures. This entails widespread distribution of informational brochures, posters or online materials regarding the services provided by the police or local community, along with contact details for local, regional or national services. *Ibid.*, paragraph 93. Additionally, Article 56(c) establishes the entitlement of victims, their families and legal representatives to receive updates on developments in the investigations and proceedings in which they are involved. Victims should be informed about their rights, available services, the progress of their complaint, charges, general investigation or proceeding updates, their role and the outcome of their cases. Although not explicitly stated in the provision, State parties to the Convention should guarantee that this information is conveyed in a language comprehensible to them. *Ibid.*, paragraph 286.

Aside from that, GREVIO General Recommendation No. 1 on the Digital Dimension of Violence against Women recognises violence against women committed in the digital sphere as an increasingly prevalent global issue. Therefore, GREVIO recommends that State parties develop and disseminate accessible information regarding legal options and support services available to victims of violence against women occurring in the digital sphere. It recommends establishing online and offline complaint mechanisms within law enforcement and prosecution services that are readily accessible to victims, including those with physical, intellectual, and psychosocial disabilities, and that comply with international and national data protection regulations. [GREVIO General Recommendation No. 1 on the digital dimension of violence against women](#), adopted on 20 October 2021, paragraph 53. Additionally, GREVIO recommends that States encourage service providers to make legal information and information about requesting the removal of non-consensual content, including images or videos, available on their platforms in languages relevant and appropriate to the user base. *Ibid.*, paragraph 57.

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women and domestic violence (Istanbul Convention) Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)	covered by this Convention. These bodies shall co-ordinate the collection of data as referred to in Article 11, analyse and disseminate its results. 2. Parties shall ensure that the bodies designated or established pursuant to this article receive information of a general nature on measures taken pursuant to Chapter VIII. 3. Parties shall ensure that the bodies designated or established pursuant to this article shall have the capacity to communicate directly and foster relations with their counterparts in other Parties.⁹² Article 11 (Data collection and research): 1. For the purpose of the implementation of this Convention, Parties shall undertake to: (a) collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention; (b) support research in the field of all forms of violence covered by the	of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Bosnia and Herzegovina on 6 December 2022 and published on 12 December 2022, outlining steps that BiH needs to take to fulfil its obligations under the Istanbul Convention. Regarding the next steps, the new Questionnaire for BiH should be sent in January 2025, with a deadline for a State report in June 2025. An evaluation visit is planned for September/October 2025, and GREVIO is expected to publish its report on BiH in September 2026, with the adoption of recommendations in December 2026. Following that, the deadline for BiH to report on the implementation of recommendations is set for December 2029, while the deadline for the adoption of conclusions on the	

⁹² The Explanatory Report to the Istanbul Convention indicates, however, that, for reasons of data protection, authorisation is restricted to receiving information of a general nature. Consequently, the obligation is limited to ensuring that entities established under this article are provided with general updates, without specifics regarding individual cases, regarding international cooperation activities, including mutual legal assistance in both civil and criminal matters. Council of Europe, [Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence](#), paragraph 72.

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	scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention. 2. Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention. 3. Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking. 4. Parties shall ensure that the information collected pursuant to this article is available to the public.⁹³ ▪ Article 17 (Participation of the private sector and the media): 1. Parties shall encourage the private sector, the	implementation of recommendations is June 2030.¹¹⁰ ▪ The Baseline Report addresses Fol only implicitly when it highlights that the Council of Ministers of BiH adopted the 2016–2019 Action Plan for Educating Journalists and Media Professionals about Human Rights that contains specific measures for enhanced access to and the presentation of marginalised and minority groups in the media.¹¹¹ The Evaluation Report, on the other hand, invokes Fol when it discusses awareness raising and protection. It emphasises that women who are or may be exposed to intersectional discrimination lack the needed information on protection mechanisms and support services for violence against women. In that regard, the report highlights that GREVIO has been informed of only one project run by the BiH authorities specifically targeting these	

⁹³ It is however left to the State parties to determine the form, means, and type of information to be disclosed. Additionally, States shall pay special attention to the privacy rights of persons affected. *Ibid.*, paragraph 82.

¹¹⁰ See here: <https://rm.coe.int/provisional-timetable-for-the-1st-thematic-evaluation-round-procedure-/1680aa0e4c>.

¹¹¹ Council of Europe, GREVIO, [Baseline Report](#), received on February 2020, and published on 3 July 2020, p. 43.

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	information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity. 2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful. ▪ Article 19 (Information): Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support	women. Namely, over 100 women belonging to vulnerable groups such as women in rural areas and Roma women took part in a workshop aimed at empowering them and informing them of the available support services for domestic violence.¹¹² The Report goes further, highlighting that the BiH authorities should conduct targeted awareness-raising campaigns on violence against women to provide women with information on their rights and the support services available to them.¹¹³ However, so far only the Republika Srpska PDV law explicitly provides the obligation for the competent institutions to inform domestic violence victims, in a language they understand, about their rights and the support services and protection available to them (Article 10).¹¹⁴ Even then, as GREVIO notes, very little information on support services and legal measures is systematically made available to women	

¹¹² Council of Europe, GREVIO, [Evaluation Report](#), accepted on 24 June 2022 and published on 8 November 2022, paragraph 86.

¹¹³ *Ibid.*, paragraph 88.

¹¹⁴ *Ibid.*, paragraph 126.

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	services and legal measures in a language they understand.⁹⁴ ▪ Article 21 (Assistance in individual/collective complaints): Parties shall ensure that victims have information on and access to applicable regional and international individual/collective complaints mechanisms. Parties shall promote the provision of sensitive and knowledgeable assistance to victims in presenting any such complaints.⁹⁵ ▪ Article 68 (Procedure): 1. Parties shall submit to the Secretary General of the Council of Europe, based on a questionnaire prepared by GREVIO, a report on legislative and other measures giving effect to the provisions of this Convention, for consideration by GREVIO. 2. GREVIO shall consider the report submitted in	victims of violence, and they are frequently not aware of their rights unless they reach out to women's rights organisations. As for these women's rights organisations, they noted that when statutory agencies are contacted by victims, these agencies rarely provide information on women's specialist support services, nor do they actively refer victims to such services.¹¹⁵ The Report further notes that access to information is even more limited when it comes to Roma women, women with disabilities, and women living in rural areas.¹¹⁶ Regarding women asylum seekers or migrant women, GREVIO notes that they face difficulties when reporting gender-based violence at police stations and in obtaining information on the necessary support services because of the	

⁹⁴ This provision highlights the crucial importance of ensuring that victims receive information about the various support services and legal remedies at their disposal. It entails furnishing details about the access to specific types of assistance, possibly in languages other than the national language(s), and promptly. However, State parties are not mandated to provide information in every language but are encouraged to focus on the languages most commonly spoken on their territory and to present it in easily accessible formats. *Ibid.*, paragraph 124.

⁹⁵ The phrase "information on and access to" entails ensuring that victims are informed about the admissibility criteria and procedural prerequisites concerning the relevant regional and international complaint mechanisms. *Ibid.*, paragraph 129.

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*, paragraph 19.

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	accordance with paragraph 1 with the representatives of the Party concerned. 3. Subsequent evaluation procedures shall be divided into rounds, the length of which is determined by GREVIO. At the beginning of each round GREVIO shall select the specific provisions on which the evaluation procedure shall be based and send out a questionnaire. 4. GREVIO shall define the appropriate means to carry out this monitoring procedure. It may in particular adopt a questionnaire for each evaluation round, which shall serve as a basis for the evaluation procedure of the implementation by the Parties. This questionnaire shall be addressed to all Parties. Parties shall respond to this questionnaire, as well as to any other request of information from GREVIO.⁹⁶ 5. GREVIO may receive information on the	lack of interpreters to assist them.¹¹⁷ Therefore, GREVIO invites the authorities of BiH to ensure the wide dissemination of information on the support services and legal measures available to victims of domestic violence and other forms of violence against women, including through posters, leaflets, and a more proactive approach by professionals in the relevant institutions. GREVIO further encourages the authorities to take additional steps aimed at reaching out to hard-to-reach groups such as Roma women and women living in rural areas, and providing them with the necessary information; to develop material adapted to the needs of women with disabilities; and to ensure that interpreters are made available for asylum-seeking/migrant women at police stations or other first points of entry for	

⁹⁶ The term ‘questionnaire’ denotes a series of written questions or guidelines designed to gather qualitative and quantitative information on measures taken to implement the Istanbul Convention. It extends beyond the mere collection of statistical or numerical data, which was ensured by the monitoring framework for the implementation of Recommendation Rec (2002)5 on the protection of women against violence. Additionally, this paragraph emphasises that the State party in question must respond to GREVIO's inquiries. State parties to the Istanbul Convention should not be obligated to report on the implementation of [Recommendation Rec \(2002\)5 on the protection of women against violence](#). *Ibid.*, paragraph 352.

¹¹⁷ Council of Europe, GREVIO, [Evaluation Report](#), accepted on 24 June 2022 and published on 8 November 2022, paragraph 127.

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	implementation of the Convention from non- governmental organisations and civil society, as well as from national institutions for the protection of human rights. 6. GREVIO shall take due consideration of the existing information available from other regional and international instruments and bodies in areas falling within the scope of this Convention. 7. When adopting a questionnaire for each evaluation round, GREVIO shall take due consideration of the existing data collection and research in the Parties as referred to in Article 11 of this Convention. 8. GREVIO may receive information on the implementation of the Convention from the Council of Europe Commissioner for Human Rights, the Parliamentary Assembly and relevant specialised bodies of the Council of Europe, as well as those established under other international instruments. Complaints	victims of violence.¹¹⁸ Moreover, GREVIO notes that the data on violence against women other than domestic violence only cover physical violence, murder and sexual offences/rape, omitting information on other forms of violence against women, such as stalking, sexual harassment, forced abortion, forced sterilisation and forced marriage.¹¹⁹ Moreover, data are not disaggregated according to the relationship between the perpetrator and the victim nor on the basis of age.¹²⁰ The data also do not easily allow an identification, per case/offence, of the number of reports made by victims and the number of opened investigations or the tracking of a case at all stages of the law-enforcement and judicial proceedings.¹²¹ As for the Committee of the Parties report, it recommends that BiH provide women who are subject to intersectional discrimination	

¹¹⁸ *Ibid.*, paragraph 128.

¹¹⁹ *Ibid.*, paragraph 62.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

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	presented to these bodies and their outcome will be made available to GREVIO. 9. GREVIO may subsidiarily organise, in co-operation with the national authorities and with the assistance of independent national experts, country visits, if the information gained is insufficient or in cases provided for in paragraph 14. During these visits, GREVIO may be assisted by specialists in specific fields. ⁹⁷ 10. GREVIO shall prepare a draft report containing its analysis concerning the implementation of the provisions on which the evaluation is based, as well as its suggestions and proposals concerning the way in which the Party concerned may deal with the problems which have been identified. The	with information on their rights and the support services available to them. ¹²² NGOs from BiH have prepared the Alternative Report,¹²³ which recommends that BiH facilitate access to rights and services for all women victims of violence, with a special focus on the specific needs of marginalised groups of women.¹²⁴ The report also recommends ensuring the dissemination of information to a wider public about available measures for the prevention of acts of violence recognised by the Istanbul Convention.¹²⁵ Additionally, it highlights that the most important laws related to violence against women in BiH do not regulate the obligation of ensuring information about available support	

⁹⁷ According to the Explanatory Report, country visits serve as a secondary method of monitoring and should only be conducted when deemed necessary, particularly in two scenarios: when the available information is inadequate and there are no other viable methods to reliably obtain the required information, or when GREVIO receives credible information indicating an urgent situation demanding immediate attention to prevent or mitigate serious violations of the Istanbul Convention. These country visits must be coordinated with the relevant authorities of the state party involved, implying that they are planned in advance and that dates are mutually agreed upon with national authorities, who are duly informed in advance. *Ibid.*, paragraph 355.

¹²² Recommendation of the Committee of the Parties, p. 4.

¹²³ Petrić A., Ivić G., Šiljak I., Husić S., (2019), [Response to Violence Against Women - Unprotected Survivors Alternative Report of Nongovernmental s from the Bosnia and Herzegovina to GREVIO Group](#), Foundation United Women Banja Luka.

¹²⁴ *Ibid.*, p. 58.

¹²⁵ *Ibid.*, p. 60.

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	draft report shall be transmitted for comments to the Party which undergoes the evaluation. Its comments shall be taken into account by GREVIO when adopting its report. 11. On the basis of all the information received and the comments by the Parties, GREVIO shall adopt its report and conclusions concerning the measures taken by the Party concerned to implement the provisions of this Convention. This report and the conclusions shall be sent to the Party concerned and to the Committee of the Parties. The report and conclusions of GREVIO shall be made public as from their adoption, together with eventual comments by the Party concerned. 12. Without prejudice to the procedure of paragraphs 1 to 8, the Committee of the Parties may adopt, on the basis of the report and conclusions of GREVIO, recommendations addressed to this Party (a) concerning the measures to be taken to implement the	services and legislative measures in a language they understand. ¹²⁶ Namely, these laws do not establish an institution or body that would be obliged to provide such types of information. While certain information about the authorities of specific institutions <i>can</i> be found on the internet pages of these institutions, it is only accessible to a limited number of women. Therefore, the report recommends introducing a legal obligation for all institutions and organisations participating in procedures to provide assistance and support, to inform victims comprehensively about all rights they have under these and other laws, and to inform them about public institutions, bodies, legal entities and organisations providing assistance and support. ¹²⁷ In addition, authorised entities and local-level governance bodies should prepare and distribute information materials about	

¹²⁶ *Ibid.*, p. 75.

¹²⁷ *Ibid.*, p. 78.

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	conclusions of GREVIO, if necessary setting a date for submitting information on their implementation, and (b) aiming at promoting co-operation with that Party for the proper implementation of this Convention. 13. If GREVIO receives reliable information indicating a situation where problems require immediate attention to prevent or limit the scale or number of serious violations of the Convention, it may request the urgent submission of a special report concerning measures taken to prevent a serious, massive or persistent pattern of violence against women. 14. Taking into account the information submitted by the Party concerned, as well as any other reliable information available to it, GREVIO may designate one or more of its members to conduct an inquiry and to report urgently to GREVIO. Where warranted and with the consent of the Party, the inquiry may include a visit to its territory.	available services for victims of all forms of violence regulated by the Istanbul Convention.¹²⁸ These information materials should also be prepared in minority languages and adjusted to the needs of persons with disabilities, migrants, and assailants. Besides, the Alternative Report emphasises that there are no adequate databases with statistical, administrative, and judicial data on all forms of violence regulated by the Istanbul Convention in Republika Srpska and the Brčko District. This data can be acquired based on specially addressed and justified requests; however, responses to such requests are mostly incomplete and inconsistent, usually not containing all requested information, since the majority of these data are not recorded.¹²⁹ The situation is somewhat better in the Federation of BiH (FBiH).¹³⁰ Nevertheless, marginalised groups such as Roma women	

¹²⁸ *Ibid.*, p. 79.

¹²⁹ *Ibid.*, p. 51.

¹³⁰ *Ibid.*, pp. 52-54.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	15. After examining the findings of the inquiry referred to in paragraph 14, GREVIO shall transmit these findings to the Party concerned and, where appropriate, to the Committee of the Parties and the Committee of Ministers of the Council of Europe together with any comments and recommendations. ▪ Article 70 (Parliamentary involvement in monitoring): 1. National parliaments shall be invited to participate in the monitoring of the measures taken for the implementation of this Convention. 2. Parties shall submit the reports of GREVIO to their national parliaments. 3. The Parliamentary Assembly of the Council of Europe shall be invited to regularly take stock of the implementation of this Convention. ▪ The Istanbul Convention monitoring mechanism is a two-pillar system that	are discriminated against here as well.¹³¹ Therefore, training of officers in public institutions and NGOs is needed.¹³² ▪ In March 2021, an Addendum to the Alternative Report was prepared.¹³³ It provides new information collected during 2019 by the Foundation 'United Women' from Banja Luka. The survey conducted by this Foundation shows that women victims of domestic violence lack access to information on measures that can be taken against perpetrators of domestic violence, namely the withdrawal of parental rights.¹³⁴	

¹³¹ *Ibid.*, p. 57.

¹³² *Ibid.*, p. 68.

¹³³ Petrić A., (2021), [Addendum to the Alternative Report of Nongovernmental Organizations from Bosnia and Herzegovina to GREVIO Group Submitted by the Foundation "United Women"](#), Banja Luka, Bosnia and Herzegovina.

¹³⁴ Only 31% of women surveyed stated that the center for social work informed them about the possibility of terminating the abuser's parental rights. (Addendum, p. 7)

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	consists of two distinct, but interacting, bodies: GREVIO (an independent expert body) and the Committee of the Parties (a political body composed of representatives of the State parties to the Istanbul Convention).⁹⁸ The GREVIO monitors the implementation of the Convention by the State parties, while the Committee of the Parties follows up on GREVIO reports and conclusions and adopts recommendations to the State parties concerned.⁹⁹ As for the monitoring procedures, the Istanbul Convention provides two types of them: a country-by-country evaluation procedure and a special inquiry procedure. A country-by-country evaluation procedure begins with a first assessment, to be followed by evaluation rounds.¹⁰⁰ More specifically,		

⁹⁸ Council of Europe, About Monitoring, available at: <https://www.coe.int/en/web/istanbul-convention/about-monitoring1>.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

The evaluation procedure was initiated in March 2016 when GREVIO adopted its baseline questionnaire and sent it to the then State parties to the Istanbul Convention (first evaluation procedure). (*Ibid.*) Council of Europe, [Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\)](#), Adopted by GREVIO on 11 March 2016, GREVIO/Inf(2016)1. Since this baseline evaluation procedure has been

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	GREVIO sends its questionnaire and then considers information submitted by the States in response to it.¹⁰¹ After consultations with the competent authorities, GREVIO draws a draft evaluation report and sends it to the relevant government for comments. These comments are taken into account by GREVIO when drawing up its final report and conclusions which the GREVIO sends afterward to the State party concerned and to the Committee of the Parties.¹⁰² Subsequently, the Committee adopts specific recommendations concerning the measures to be taken to implement the conclusions of GREVIO.¹⁰³ Additionally, it		

completed concerning nearly all State parties to the Istanbul Convention, GREVIO embarked on thematic evaluations to assess progress around specific themes. Council of Europe, GREVIO, available at: <https://www.coe.int/en/web/istanbul-convention/grevio>.

First thematic evaluation procedure is dedicated to the theme ‘Building trust by providing support, protection and justice’. (*Ibid.*)

For more details see the [GREVIO Rules of Procedure](#) and the [Collection of Administrative Data on Violence against Women and Family Violence in Bosnia and Herzegovina](#) according to the Standards of the Istanbul Convention.

¹⁰¹ GREVIO can also take into account any information received from relevant Council of Europe bodies, institutions established under other international instruments, NGOs and national human rights institutions. If the information gained is insufficient, GREVIO may also initiate country visits. Council of Europe, About Monitoring, available at: <https://www.coe.int/en/web/istanbul-convention/about-monitoring1>.

¹⁰² GREVIO final report and conclusions should be made public after their adoption.

¹⁰³ The Committee of the Parties’ recommendations are less in number but reflects the priorities as indicated by GREVIO. Council of Europe, Committee of the Parties, available at: <https://www.coe.int/en/web/istanbul-convention/committee-of-the-parties>.

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	requests the State parties to report back to the Committee after three years on the measures taken.¹⁰⁴ These reports should be in a standardised reporting form that focuses on recommendations emanating from a maximum of eight areas of the Istanbul Convention that are common for all parties, and from two areas specifically selected for each State.¹⁰⁵ Based on the information provided by States, as well as on additional information obtained elsewhere¹⁰⁶, the Committee adopts conclusions on the implementation of its recommendations concerning each State party under review.¹⁰⁷ As for the special inquiry procedure, it may be initiated by GREVIO when there is reliable information indicating that action is required to prevent a serious, massive, or persistent pattern of any acts of violence covered by the Istanbul		

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ See footnote 104.

¹⁰⁷ Council of Europe, Committee of the Parties, available at: <https://www.coe.int/en/web/istanbul-convention/committee-of-the-parties>.

Instrument/mechanism and monitoring/recipient body	International obligation/standard	Relevant BiH legislation and practice	Further remarks
	Convention. ¹⁰⁸ In that case, GREVIO monitoring may also include a country visit. Finally, the final findings of GREVIO are then transmitted to the State concerned. ¹⁰⁹		

¹⁰⁸ GREVIO may then request an urgent submission of a special report by the State concerned and designate one or more of its members to conduct an inquiry and to report back. (Council of Europe, About Monitoring, available at: <https://www.coe.int/en/web/istanbul-convention/about-monitoring1>)

¹⁰⁹ When appropriate, they may also be sent to the Committee of the Parties and the Committee of Ministers of the Council of Europe.