



CPT/Inf (2021) 22

Response

of the Government of Bosnia and Herzegovina to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Bosnia and Herzegovina

from 11 to 21 June 2019

The Government of Bosnia and Herzegovina has requested the publication of this response. The CPT's report on the June 2019 visit to Bosnia and Herzegovina is set out in document CPT/Inf (2021) 21.

Strasbourg, 14 September 2021

INFORMATION

Provided by the Authorities of Bosnia and Herzegovina on the Implementation of the Recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) for 2019

Following the visit of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to Bosnia and Herzegovina from 11 to 21 June 2019¹ and the recommendations it received, the Ministry of Human Rights and Refugees of Bosnia and Herzegovina proceeded to review and analyze the recommendations and prepare meetings with the competent institutions in order to implement them. On 9 December 2019, the authorities of Bosnia and Herzegovina received recommendations, comments and requests for information from the CPT Committee as part of the Report on the Visit to Bosnia and Herzegovina which was adopted by the CPT at its 100th session held from 4 to 8 November 2019.

In this regard and in response to the submitted recommendations of the CPT Committee, the representatives of the Ministry of Human Rights and Refugees of Bosnia and Herzegovina held a meeting with the representatives of institutions at all levels of government in Bosnia and Herzegovina on March 6, 2020 in order to draft a dynamic plan for the implementation of the recommendations from the CPT's Report. The meeting was attended by the representatives of the Ministry of Justice of Bosnia and Herzegovina, Border Police of Bosnia and Herzegovina, State Investigation and Protection Agency (SIPA), Institution of the Human Rights Ombudsman of Bosnia and Herzegovina, Ministry of Justice of the Federation of Bosnia and Herzegovina, Ministry of Interior of the Federation of Bosnia and Herzegovina, Ministry of Labor and Social Policy of the Federation of Bosnia and Herzegovina, Ministry of Justice of Republika Srpska, Ministry of Interior of Republika Srpska and Ministry of Interior of the Sarajevo Canton.

Taking into account the fact that the deadline for submitting responses to the CPT's recommendations is set for early June 2020, all participants in the meeting were acquainted with the CPT's Report and recommendations, and, accordingly, the steps aimed towards compiling the BiH authorities' Information on the CPT's recommendations in a timely manner were specified.

Some institutions informed the Ministry of Human Rights and Refugees of Bosnia and Herzegovina about current activities and adopted documents in order to implement the mentioned recommendations.

¹ This was the fifth periodic visit, i.e. the eighth visit of the CPT Committee in total, which aimed to examine the treatment and the mechanisms for the protection of rights available to persons detained by the police in both entities of Bosnia and Herzegovina, examine the situation of detainees and convicted prisoners in the Sarajevo, Mostar and Banja Luka Penitentiaries, examine and assess the treatment of patients at two psychiatric institutions in Sokolac, as well as of the wards of the Home for Social and Medical Care of Persons with Disabilities and Other Persons in Stolac;

Accordingly, in order to inform the CPT about Recommendation 21, the Ministry of Justice of Bosnia and Herzegovina submitted a letter stating that the Institute for Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina (State Prison) became operational in 2020 after prior appointment of management and recruitment of other prison staff. By putting this institution into operation, the existing capacity of other prisons will be significantly relieved.

Police Administration FBiH and its organizational units within the Ministry of Interior of the Sarajevo Canton have prepared the following documents:

- Instructional dispatch of the police commissioner No. 02/1-21/20 of 06/04/2020 which instructs police officers to apply specific measures and actions indicated in the recommendations, and given the earlier instructional dispatch No. 02/4-6/16 dated 21/10/2016, it is stated that the message should be repeated at appropriate intervals in accordance with the recommendation No. 4 which provides instructions for the competent authorities;
- The plan outlining preparatory activities for the establishment of rooms for conducting interviews with audio and video recording equipment at the Police Administration No. 02/3-3-08/20, dated 14/04/2020, which lays out the necessary activities for the coming period in order to comply with the legal provisions of criminal-legal nature, as well as with the recommendation of the CPT Committee;
- The Act of the Department of Material and Financial Affairs No. 02/6-107/20 dated 02/04/2020 relating to the reconstruction of detention units of the Police Administration and the Report of the Unit for the Protection of Facilities and the Detention of Persons Deprived of Liberty No. 02/2-6-5-02-46/20, dated 30/03/2020 relating to the current condition of the six detention rooms at the Police Administration;
- The plan and program covering a specialist training for police officers from targeted organizational units of the Police Administration of the Ministry of Interior of the Sarajevo Canton on the topic of "Prevention of Torture and Inhuman or Degrading Treatment or Punishment" No. 02/1-2-89/20 dated 14/04/2020;
- The plan and program covering specialist training for police officers from targeted organizational units of the Police Directorate of the Ministry of Interior of the Sarajevo Canton, on the topic of "Professional Interrogation Techniques for Police Officers, with the Focus on Investigators of the Criminal Police Department, and the Emphasis on Modern and Scientific Methods of Criminal Investigation" No. 02/1-2-90/20 dated 14/04/2020, and
- The Act of the Police Administration of the Ministry of Interior of the Sarajevo Canton No. 02/1-64/20 dated 09/04/2020 which was sent to healthcare institutions in the Sarajevo Canton with a proposal to provide special rooms for the examination of persons deprived of liberty.

The table outlining the implementation of the recommendations of the CPT Committee by the competent institutions of Bosnia and Herzegovina was updated with the above documents and relevant deadlines for their implementation.

The Federal Ministry of Labor and Social Policy, as the ministry responsible for implementing a large number of recommendations of the CPT, collected statements from the relevant line ministries of labor and social policy, including the ministries in the Central Bosnia Canton, the Tuzla Canton, the Herzegovina-Neretva Canton, the Sarajevo Canton and the Una-Sana Canton. The Home for Social and Medical Care of Persons with Disabilities and Other Persons in Stolac also reported back.

The submitted opinions of the line ministries are summarized in the table outlining the implementation of recommendations.

With regard to delays in providing access to detention facilities and documentation to the CPT delegation at some police stations in 2019, the Federal Ministry of Interior nominated a representative who, following the planned trainings, will be in charge of providing training for all authorized officials of the Federal Police Administration with regard to introducing them to the mandate and activities of the CPT Committee in Bosnia and Herzegovina.

Furthermore, this Ministry describes in detail the manner in which police officers are to act in the application of the law when it comes to deprivation of liberty and detention of detainees, as follows:

The FBiH Criminal Procedure Code² (Article 153, paragraph 1 of the FBiH CPC) defines that a police authority may deprive a person of liberty if there are grounds for suspicion that a person has committed a criminal offense and if there is any reason for a person's detention, defined in Article 146, paragraph 1 of the FBiH CPC), i.e.:

- if he/she hides or if other circumstances exist that suggest a possibility of flight;
- if there is a justified fear to believe that he/she will destroy, conceal, alter or falsify evidence or clues important to the criminal proceedings or if particular circumstances indicate that he/she will hinder the inquiry by influencing witnesses, accessories or accomplices;
- if particular circumstances justify a fear that he/she will repeat the criminal offense or complete the criminal offense or commit a threatened criminal offense, and for such criminal offenses a minimum prison sentence of three (3) years or more may be pronounced;
- In extraordinary circumstances, if the criminal offense is punishable by a sentence of imprisonment of ten (10) years or more, and which is particularly severe, given the manner of commission or consequences of the criminal offense, if the release would result in a real threat to safety of public and property.

² “Official Gazette of FBiH” issues No. 35/03, 37/03, 56/03, 78/04, 28/05, 55/06, 27/07, 53/07, 09/09, 12/10, 08/13 and 59/14;

The police authority is obliged to bring such a person before the prosecutor without delay, within 24 hours at the latest (Article 153, paragraph 1 of the FBiH CPC). Upon apprehension, the police authority shall inform the prosecutor of the reasons and time of deprivation of liberty. The use of force applied during the apprehension is allowed in accordance with the law. A special exception that defines the time limit for handing over a person to the prosecutor applies in the case of criminal offense of terrorism and in these cases the person must be brought before the prosecutor no later than 72 hours (Article 153, paragraph 2 of the FBiH CPC).

A person deprived of liberty must, in his/her native tongue or any other language that he/she understands, be immediately informed about (Article 5, paragraph 1 of the FBiH CPC):

- the reasons for his/her apprehension
- before the first interrogation, instructed on the fact that he/she is not bound to make a statement or answer the questions asked of him/her ;
- his/her right to a defense attorney of his/her own choice;
- his/her right to having his/her family, consular officer of the foreign state whose citizen he/she is, or other person designated by him/her informed about his/her deprivation of liberty.

In line with Article 5 of the FBiH CPC, a person deprived of liberty shall be appointed a defense attorney upon his/her request if, according to his/her financial status, he/she cannot pay for the expenses of a defense.

The person is informed about the relevant rights in a verbal manner, while the rights themselves are listed in the Record of Deprivation of Liberty and presented to persons deprived of liberty. The Record is given to a person deprived of liberty to certify its authenticity with a signature, with an option to make objections to it, after which a copy of the record shall be handed over to a person deprived of liberty.

In addition to the previously described legal norms that define the respective rights of persons deprived of liberty as well as the obligations that must be observed by authorized officials in the treatment of persons deprived of liberty, the Federal Ministry of Interior also uses the Rulebook on the Treatment of Persons Deprived of Liberty by the Police Officers³ which additionally regulates the manner in which the authorized officials of the Federal Police Administration have to treat persons deprived of their liberty, together with the police officers of cantonal ministries of the interior in scenarios in which they take joint measures and actions in cooperation with the Federal Police Administration. Thus, Articles 6 and 7 of the Rulebook prohibit a police officer from behaving indecently towards a person being deprived of liberty while undertaking acts of deprivation of liberty, or from using unnecessary force or insulting words, or from otherwise violating the dignity and integrity of a person deprived of liberty, as well as from engaging in discriminatory treatment of such person based on their sex, religion, racial and ethnic origin, language, national or social origin, level of education, social status and in other cases recognized under the law.

³ „Official Gazette of FBiH“ No. 71/15;

Following the actions described above, the Federal Police Administration, as a rule, transports persons deprived of their liberty to the premises of the Administration for further criminal processing. The entire process, starting from the moment of deprivation of liberty and including an order to deprive someone of their liberty, the persons in charge of depriving someone of their liberty, means of transport by which persons were transported from the location in which the deprivation of liberty took place, is described in the Book of Records on Deprivation of Liberty (Article 34, paragraph 1 of the FBiH Law on Police Officers). In addition to this information, the Book also features the sections in which the following related rights of persons deprived of their liberty are recorded:

- The section entitled "Information on Rights", in which the person deprived of liberty confirms with his/her signature that he/she is aware of his/her rights;
- The section entitled "Request for a Defense Counsel at a Particular Time", in which the person deprived of liberty is offered the options of "YES" and "NO" by which it is decided on the need to hire a defense counsel, which he/she confirms with his/her signature;
- The section entitled "Request for Medical Staff at a Particular Time", in which the person deprived of liberty is offered the options of "YES" and "NO" by which it is decided on the need for a medical examination, which he/she also confirms with his/her signature;
- The section entitled "Request to Inform a Close Family Member, Friend and Other Person at a Particular Time", in which the person deprived of liberty is offered the options of "YES" and "NO" by which it is decided on the right to inform his/her family, consular officer of a foreign country of which he/she is a citizen or any other person he/she designates, of his/her deprivation of liberty, which also needs to be confirmed by his/her signature;
- The section entitled "Minors or Mentally Handicapped Persons" which features options for informing 1) "a responsible adult person" and informing 2) "on the rights of a person deprived of liberty in the presence of a responsible adult person".

If the person deprived of liberty is not brought before the prosecutor within the prescribed legal period, he/she will be released (Article 153, paragraph 4 of the FBiH CPC), about which an appropriate record is made. This includes the data used to track down the condition of the person deprived of liberty upon release, presented visible health problems, injuries, use of drugs or alcohol, temporary seizure - return of items, the status of a search which can be carried out or not, the degree of applied force, etc.

If it is decided to further detain a person deprived of liberty, he/she must be handed over within the legally stipulated deadline to the prosecutor who is obliged to interrogate the person deprived of liberty without delay, and no later than within 24 hours and, within that period, to decide whether the person deprived of liberty will be released or the prosecutor will file a reasoned motion to order custody, ensuring that the person is brought before a preliminary proceedings judge (Article 153, paragraph 5 of the FBiH CPC). The preliminary proceedings judge will immediately, and no later than within 24 hours, render a decision on the motion to order custody (Article 153, paragraph 6 of the FBiH CPC). On the occasion of the handover of a person to the competent prosecutor, it is necessary to make available the information on deprivation of liberty, the condition of the person deprived of liberty on the occasion of his/her handover, visible and presented

health problems, injuries, drug or alcohol use, the degree of applied force, the means of transport – when bringing a person deprived of liberty in a passenger motor vehicle, and a registration number.

All other changes regarding authorized officials or police agencies that interact with a person deprived of liberty are recorded through the Record on the Handover of a Person Deprived of Liberty to an Organizational Unit, Police or Other Institution, which is used to enter and update information on changes to the condition of a person deprived of liberty on the occasion of the handover, presented visible health problems, injuries, drug or alcohol use, temporary seizure of items, performed searches, the degree of applied force (means of restraint, physical force, baton, firearms, etc.), information on the means of transport - when bringing a person deprived of liberty in a passenger motor vehicle, and a registration number and similar details.

The Rulebook on the Treatment of Persons Deprived of Liberty by the Police Officers (Article 21, paragraph 1 of the Rulebook) prescribes the obligation to visually inspect a person deprived of liberty in detention facilities, in which case the police officers tasked with securing detainees will visually determine the condition of a person deprived of liberty in the sense of establishing the existence of bodily injuries (bruises, scratches, cuts, etc.) or health problems, or determining if a person is under the influence of alcohol or drugs. All injuries sustained during the deprivation of liberty are described under the custom Record (Article 21, paragraph 2 of the Rulebook), and in cases when a person deprived of liberty is seriously injured or ill, he/she is placed in a health facility with his/her stay there being under the supervision of a police officer, while in cases in which a person deprived of liberty refuses accommodation in a health facility, a special statement on the refusal of accommodation is made (Article 21, paragraph 3 of the Rulebook). If any emergency arises during the stay of the person deprived of liberty, then this person is referred to the nearest appropriate health facility, and this is decided upon by the head of the detention facility (Article 21, paragraph 5 of the Rulebook).

Given the large number of recommendations and requests for information from the CPT Committee, the competent institutions have entered their planned measures for the implementation of the recommendations in the table attached to this information for easier visibility and monitoring of their implementation.

RECOMMENDATIONS OF THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT), 2019, WITH A PROPOSAL BY THE AUTHORITIES OF BOSNIA AND HERZEGOVINA FOR THEIR IMPLEMENTATION⁴

No.	TEXT OF RECOMMENDATION	INSTITUTION RESPONSIBLE FOR IMPLEMENTING THE RECOMMENDATION	PLAN OF PROPOSED MEASURES	DEADLINE
COOPERATION WITH THE DELEGATION DURING THE VISIT				
1.	<p>In terms of securing efficient and prompt access to the selected institutions and documentation for the benefit of the CPT delegation, the Committee recommends that the BiH authorities take the necessary steps to ensure that all police and prosecutorial bodies in the country fully understand the CPT's mandate.</p>	<p>-Ministry of human rights and refugees BiH - Ministry of Justice of BiH</p>	<p>Ministry of Human Rights and Refugees of BiH: In the coming period, the Ministry of Human Rights and Refugees of BiH, in cooperation with the Office of the Council of Europe in Sarajevo and the Institution of the Human Rights Ombudsman of BiH, will organize trainings aimed at familiarizing all the relevant institutions tasked with implementing the recommendations with the mandate and activities of the CPT in BiH. Regarding the current cooperation with the Police Administrations throughout the country, it has been stated that most of these institutions are familiar with the mandate and competencies of the CPT, i.e. with its broad powers to stay in and move throughout the country which is a signatory to the Convention, and in places and premises where the persons deprived of liberty are held and, and have access to all relevant information and the persons deprived of their liberty, and hold interviews with them without the supervision of officials.⁵</p> <p>Federal Ministry of Interior: In order to overcome the lack of information on the part of the police authorities in the FBiH regarding the powers of the CPT, this Ministry nominated its representative who, following the trainings, would be in charge of training all authorized officials in the Federal Police Administration in</p>	<p align="center">Until the end of 2021</p>

⁴The CPT delegation paid a visit to Bosnia and Herzegovina from 11 to 21 June 2019, as part of the CPT's program of periodic visits for that year. This was the Committee's eighth visit to Bosnia and Herzegovina. The report on the CPT's visit was adopted at its 100th session held in early November 2019, after which it was submitted to the authorities of Bosnia and Herzegovina in December. Within six months, the authorities of Bosnia and Herzegovina will have to provide a response with a full account of the activities they have taken to implement the Committee's recommendations, as well as the responses to the comments and additional questions set out in the Report;

⁵ Letter from the Ministry of Interior of the Central Bosnia Canton in Travnik;

			terms of familiarity with the mandate and activities of the CPT in BiH. ⁶	
2.	<p>With regard to the implementation of the CPT's recommendations following previous visits which have not yet been implemented, the Committee reiterates its recommendation for the effective implementation of basic safeguard mechanisms against abuse of persons deprived of their liberty by law enforcement agencies throughout the country, particularly with regard to the efficient access to lawyers and physicians and the right to have one's family or a third party informed about someone's detention.</p>	<ul style="list-style-type: none"> - Ministry of Human Rights and Refugees of BiH - Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH - Ministries of interior at all levels of government - Institution of the Human Rights Ombudsman of BiH 	<p>Federal Ministry of Interior In the detention facilities of the Federal Police Administration, there is an adequate room for interviews between persons deprived of their liberty and their lawyer. The bylaw defining treatment of persons deprived of liberty by the Federal Ministry of Interior provides that a police officer who is on duty of detention officer in the Federal Ministry of Interior is obliged to immediately inform the family of the person deprived of liberty and to call a doctor if the person deprived of liberty requires so and his counsel/a lawyer. All of the above must be recorded in the Book of Persons Deprived of Liberty. Amendments to the Instructions on the Treatment of Persons Deprived of Liberty are being prepared.</p> <p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration, with which all police officers are obliged to</p>	<p>Until the end of 2021</p> <p>Continuously</p>

⁶ In general, the Federal Police Administration is committed to creating an adequate security environment through this, and the work of members of the Police Administration is at a high professional level and adheres to the ethical standards of conduct of police officers in performing actions and tasks entrusted to them. With the help of education and professional development, the results of such work are upgraded and improved through the utilization of acquired knowledge, abilities and skills in various fields of work, and the acquisition of new experiences and knowledge in various fields, in accordance with the development and technical and technological progress and achievements of society in which it is obligatory to apply the provisions of the applicable laws, given the competencies of the Administration. Education and professional trainings are carried out by means of internal (with the help of the Curriculum of the Police Academy of the Federal Ministry of Interior when hiring new employees, as well as through the Basic Police Training for the achieving the ranks of "police officer" and "junior inspector") and external trainings (participation of police officers in various forms of training organized by other state bodies, local and international organizations, associations and other entities outside the Federal Ministry of Interior, through the nomination of police officers for participation in various modules of specialist training within the competence of this Administration, which are conducted inside and outside of BiH);

			<p>get acquainted and, failing to comply with it, the police officers will be subject to adequate sanctioning in case of finding such a failure in their work.</p> <p>The Police Administration of the Ministry of Interior of the Sarajevo Canton is taking activities to draft a new instruction on the treatment of persons deprived of their liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities during the previous implementation.</p> <p>Ministry of Interior of the Zenica-Doboj Canton: The CPT's recommendations will be sent electronically to all organizational units for action.</p> <p>The Institution of Human Rights Ombudsmen: In 2020, the Ombudsmen will pay a visit to all police administrations included in the Special Report on the Conditions of Detention Facilities at Several Police Administrations in Bosnia and Herzegovina in order to review the situation there and verify the implementation of issued recommendations.</p> <p>During 2020, as part of the activities called "The Ombudsmen in Your City", the ombudsmen will visit numerous police stations/administrations of all police/security agencies in BiH in order to get to know and monitor their work.</p> <p>Certainly, acting on complaints and initiating investigative procedures ex officio, which refers to the actions of police officers in the context of determining possible abuse of citizens, is a continuous activity. Special emphasis will be given to the rights that these persons have under the Criminal Procedure Code (CPC).</p>	
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NATIONAL PREVENTIVE MECHANISM				
3.	<p>With regard to the establishment of a National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)⁷, the Committee urges the BiH authorities to adopt amendments to the BiH State Law on the Human Rights Ombudsman. Furthermore, the Department for the Rights of Persons Deprived of Liberty within the Office of the Human Rights Ombudsman should be provided with the necessary staff and financial resources in order to be able to conduct visits to places of detention at regular and frequent intervals, and, accordingly, to compile detailed public reports which will feature findings and recommendations.</p>	<p>- Parliamentary Assembly of BiH</p>	<p>Ministry of Human Rights and Refugees of BiH: The 2021 Program of Activities of the Council of Ministers of BiH envisages drafting of the Proposal of the Law on Amendments to the Law on the Human Rights Ombudsman and its submission to the parliament for passage. These amendments will regulate, inter alia, the issue of a national preventive mechanism for the prevention of torture and other cruel, inhuman and degrading treatment or punishment.</p>	Ongoing
TORTURE AND OTHER FORMS OF ABUSE OF PERSONS DEPRIVED OF LIBERTY				
4.	<p>With regard to torture and other types of abuse in detention units, the Committee reiterates its recommendation that all relevant BiH authorities, in particular the Ministries of Interior and Commissioners of Police Administrations in the FBiH, Sarajevo Canton and the Herzegovina-Neretva Canton, send a clear message that the abuse of detainees is illegal and unprofessional and that it will be subject to appropriate sanctions. This message should be repeated at appropriate intervals at the level of regional police</p>	<p>- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH - Ministries of interior at all levels of government</p>	<p>Federal Ministry of Interior: The Professional Standards Unit of the Federal Police Administration has not received a single complaint, nor does it have any information that human rights of persons deprived of their liberty have been violated in any way in the Federal Ministry of Interior detention facilities, especially with regard to torture and other types of abuse.</p> <p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo</p>	Until the end of 2021

⁷ Bosnia and Herzegovina ratified the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in 2008, but it has not yet established a National Preventive Mechanism. At its 113th session held on 05/09/2017, the Council of Ministers of BiH adopted amendments to the State Law on the Human Rights Ombudsman of Bosnia and Herzegovina, and sent them to the State Parliament for adoption. The Law has not yet been adopted and there is no clear time frame when it will be adopted;

	<p>administrations. Furthermore, the competent authorities should ensure that all allegations of abuse are investigated and that senior officials are held accountable for their line management.</p> <p>The Committee reiterates the need for the competent authorities to promote a fundamentally different approach to police investigation methods. Specific training on professional interrogation techniques should be organized regularly for police officers-operatives and investigators, with emphasis on an approach based on data and physical evidence collection, thus abandoning the concept of relying on information and confessions collected during interrogation in order to support indictments.⁸</p>		<p>Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>With the aim of acting on the recommendations, the Department for Education of the Office of the Police Commissioner drafted a plan and program of specialist training for police officers from targeted organizational units of the Police Administration of the Ministry of Interior of the Sarajevo Canton, on the topic of “Prevention of Torture and Inhuman or Degrading Treatment or Punishment” No. 02/1-2-89/20, dated 14 April 2020.</p> <p>The specialist training for all police officers of the Police Administration has been postponed due to the COVID-19 pandemic until further notice, due to difficult epidemiological conditions for its implementation.</p> <p>We especially note that police officers participants in the training program were police officers who performed tasks and duties within the Units for Detention of Persons Deprived of Liberty of Police Agencies in the Federation of BiH, while one of the lecturers in this training was the Commander of the Unit for Security of Facilities and Detention of Persons Deprived of Liberty of the Sector of Uniform Police. The training was conducted at the FMIA Police Academy, organized by ICIT AP in Bosnia and Herzegovina.</p> <p>Further, a representative of the Police Administration of the Ministry of Interior of Sarajevo Canton was a participant in the development of the Manual on the Treatment of Persons Deprived of Liberty, issued by ICITAP in Bosnia and</p>	<p>Continuously</p>
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⁸ A system of continuous monitoring of standards and procedures for conducting police interviews should be implemented to facilitate the investigation of any allegations of abuse. This requires accurate recording of police interviews that should be conducted by using electronic audio and video recording equipment. It is also necessary to make it obligatory to systematically keep the data on the time when the interview started and ended, on all requests made by the detainee during the interview, and on the persons that were present during each interview;

			<p>Herzegovina, which was attended by representatives of all police agencies in Bosnia and Herzegovina.</p> <p>Ministry of Interior of the Zenica-Doboj Canton Familiarize all organizational units with the recommendation. Plan and organize specific training for police officers in criminal investigation departments in professional interrogation techniques.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik: Given the already existing practice of treating persons deprived of their liberty based on the provisions of the Criminal Procedure Code, the Law on Police Officers of the Central Bosnia Canton in Travnik and the Police Code of Ethics, it was reiterated that abuse directed against persons deprived of liberty was illegal and unprofessional and, as such, subject to appropriate sanctions. Detailed supervision of the actions of police officers has been requested, and it must be carried out by senior officers. This includes oversight and training in the field of interviewing persons deprived of liberty, which should be based on an approach involving the collection of data on the grounds for suspicion and corroborating physical evidence rather than on the concept of relying on information and confessions collected during interrogation.</p>	
5.	In line with the above, the CPT recommends that the BiH authorities and, in particular, the FBiH Ministry of Interior and the Ministries of Interior of the Sarajevo Canton and the Herzegovina-Neretva Canton, take action to ensure that criminal	- Ministries of interior at all levels of government	<p>Federal Ministry of Interior: The 2020 training plan for police officers of the Federal Police Administration included certain topics related to the investigation, but the Plan was not implemented due to the corona virus pandemic. The 2021 training plan for police officers of the Federal Police Administration, which is currently being drafted, will</p>	Until the end of 2021

	<p>inspectors perform their duties in accordance with the relevant provisions of the Criminal Procedure Code. In this regard, the professional training of these officers should be organized on a regular basis, and cover appropriate techniques for conducting interviews and investigations, as well as prevention of abuse. Such targeted activities should be covered by regular training modules for police inspectors.⁹</p>		<p>include, among other things, topics related to interviewing techniques and prevention of abuse.</p> <p>Members of the Federal Police Administration attended training in the implementation of "Guidelines for the treatment of persons deprived of their liberty in closed environment" of the Council of Europe and two of whom were certified as trainers who would provide training in the future in this area.</p> <p>In 2020, the Police Academy of the Federal Ministry of the Interior planned a meeting with representatives of the FPA, CMIA's and the Brčko District Police to discuss amending of curricula for basic training for police officers, at which we would suggest, inter alia, that issues of preventing abuse of persons deprived of their liberty be included. The meeting did not take place due to the corona virus pandemic.</p> <p>Ministry of Interior of the Sarajevo Canton:</p> <p>With the aim of acting on the recommendations, the Department for Education of the Office of the Police Commissioner drafted a plan and program of specialist training for police officers from targeted organizational units of the Police Administration of the Ministry of Interior of the Sarajevo Canton, on the topic of "Professional Interrogation Techniques for Police Officers, with the Focus on Investigators and an Emphasis On Modern, Scientific Methods of Criminal Investigation" No. 02/1-2-90/20, dated 14 April 2020. Representatives of the Faculty of</p>	<p>Continuously</p>
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⁹ In Europe, there are different approaches to conducting interviews during an investigation that can serve as a model on which a new approach can be promoted, e.g. the "non-accusatory" PEACE model for conducting interviews during investigations, adopted by the police authorities of England and Wales in the early 1990s as a methodology for interviewing suspects as well as witnesses and victims. Introduced in the context of major reforms, this methodology has completely changed the procedures applied during interviewing suspects and, in the long run, the mentality of police officers and the police authorities in general. Recently, during its periodic visit to Norway in 2018, the CPT also explored the interviewing techniques applied by the Norwegian police (the so-called KREATIV model). Since 2004, the KREATIV training course has been an integral part of the curriculum of the university programs for police officers. Furthermore, the Council of Europe has also developed a guide for conducting interviews during the investigation. See, for example "A Brief Introduction to Investigative Interviewing: a Practitioner's Guide" (Council of Europe, 2018);

			<p>Criminologics, Criminology and Security Studies at the University of Sarajevo were also included. The specialist training for all police officers of the Police Administration was postponed due to the COVID-19 pandemic.</p> <p>Ministry of Interior of the Zenica-Doboj Canton Plan and organize specific training for police officers in criminal investigation departments in professional interrogation techniques.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik The Department of Education at the Office of the Police Commissioner performs tasks and duties with the basic goal of constant training of all police officers. In accordance with that, for 2021, the training of police officers is planned in "treatment of persons deprived of liberty" and "modern interrogation techniques in criminal and misdemeanor proceedings". Regular and specialist training is also conducted in accordance with the annual training plan.</p> <p>Ministry of Interior of the Republika Srpska: Through regular and specialist training, the Ministry of Interior of the Republika Srpska implements programs that include topics such as conducting interviews and investigations and prevention of abuse. Also, we are always open to the acquisition of new information and the exchange of experiences, and, in that sense, to the exchange of experiences regarding the model of new approaches in conducting interviews and investigations which are referred to in the document's footnotes, the "non-accusing", "PEACE" and "KREATIV" models and others, while taking note of the fact that the status of a person deprived of liberty</p>	
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			or a suspect is regulated by appropriate procedural laws, that more detailed procedures are also regulated by bylaws, and that in no case should the rules of criminology be neglected.	
6.	In line with the above, the CPT recommends that all 16 police agencies in the country set up interview rooms with audio and video equipment for recording police interviews as required by domestic legislation.	- Ministries of interior at all levels of government	<p>Border Police of Bosnia and Herzegovina The Border Police of Bosnia and Herzegovina will, in accordance with the available budget, do everything to set up interview rooms with audio and video equipment for recording police interviews, as required by domestic legislation.</p> <p>Federal Ministry of Interior In the future, in accordance with the available financial resources, it is planned to set up a room for conducting interviews with audio and video recording equipment.</p> <p>Federal Ministry of Interior: The Federal Police Administration, in accordance with the legal competencies granted under the Law on Police Officers of the FBiH¹⁰ (Article 15 of the Law on Police Officers of the FBiH) and the Law on Criminal Procedure (Article 234, paragraph 3 of the FBiH CPC), approaches the procedures involving the collection of information from the citizens by observing the formats of witness hearings or questioning of suspects to a greater extent, while the format of conducting interviews is applied to a lesser extent. Police officers authorized to conduct interviews, hearings and interrogations have significant knowledge and experience gained primarily through higher education, as well as through the formal police education provided by the Federal Ministry of Interior, with subsequent mandatory continuous</p>	Until the end of 2025

¹⁰ Official Gazette of the FBiH No. 27/05, 70/08 and 44/11;

			<p>education provided through courses, training and other forms of professional education which are applied in everyday work.¹¹</p> <p>Ministry of Interior of the Sarajevo Canton:</p> <p>With the aim of acting on the recommendations, the Criminal Police Sector of the Police Administration of the Ministry of Interior of the Sarajevo Canton drafted a Plan of Preparatory Activities with the Aim of Setting Up Rooms for Conducting Interviews with Audio and Video Recording Equipment at the Police Administration No. 02/3-3-08/20 dated 14/04/2020.</p>	
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¹¹ The legal provisions regarding the definition of the manner of interrogation of the suspect are determined in the manner in which the interrogation of the suspect should be performed in such a way that the personality of the suspect is fully respected. The obligation imposed by the FBiH Criminal Procedure Code (Article 91 of the FBiH CPC) stipulates that no force, threats, fraud, narcotics or other means that may affect the freedom of decision and the expression of one's will may be used during the interrogation of a suspect when he/she gives a statement or a confession, which may constitute an extortion of a confession or any other statement, with the Law stipulating a clear restriction that no judiciary decision may be founded on the testimony obtained in violation of human rights and freedoms prescribed by the Constitution and international treaties which Bosnia and Herzegovina ratified, nor can it be founded on the evidence obtained in significant violations of this Law (Article 11 of the FBiH CPC), which also warns the participants in the proceedings of the consequences that will create an obstacle to rendering a court decision.

The FBiH Criminal Procedure Code (Article 92, paragraph 1 of the FBiH CPC) further elaborates the manner of informing the suspect about his/her rights, and during the first interrogation he/she will be asked about general information and instructed on the following: 1. that he/she is under obligation to obey summonses and immediately give information about every change of address or intention to change his/her residence, and he/she shall also be instructed about consequences if he/she does not act accordingly (Article 92, paragraph 1 of the FBiH CPC); 2. he/she is informed that three languages and two official scripts are in equal use, and that he/she has the right to use his/her mother tongue and the right to be provided with an interpreter if he/she does not understand the language in which the proceedings are conducted (Articles 8 and 9 of the FBiH CPC); 3. 3. At the beginning of the questioning, the suspect shall be informed of the criminal offense he/she is suspected of as well as of the grounds for suspicion against him/her (Article 92, paragraph 2 of the FBiH CPC); 4. he/she shall also be informed about the following: that he/she is not obliged to present his/her defense or answer the questions asked; that he/she may take a defense counsel of his/her choice who may be present at questioning, as well as to have the right to a defense counsel without compensation in cases provided for by this Law; that he/she has the right to comment on the charges against him/her and to present all facts and evidence in his/her favor, and that if he/she does so in the presence of counsel that such testimony is admissible as evidence at the main hearing and may be read and used at the main hearing without his/her consent; that during the investigation he/she has the right to study files and examine the collected items that are in his/her favor, unless the files and items concerned are of such nature that their disclosure would endanger the aim of investigation; and that he/she has the right the right to interpreter services at no cost if he/she does not understand the language used for questioning.

Pursuant to Article 92, paragraph 3 of the FBiH CPC, a suspect may voluntarily waive the aforementioned rights, with the addition that his/her interrogation cannot commence unless and until his/her waiver statement is entered in the records and signed by the suspect. Under no circumstances may a suspect waive the right to the presence of a defense counsel, if his/her defense is mandatory in accordance with this law. In the event that he/she waives his/her right to a defense counsel and subsequently expresses a desire to take one, the interrogation will be terminated and will resume when the suspect is given access to a defense counsel or a counsel is appointed, or when the suspect expresses a desire to continue answering questions. If he/she voluntarily waives the right not to answer the questions asked, he/she must be allowed to present all the facts and evidence in his/her favor. If it has been acted contrary to the provisions of this Article, a court decision may not be based on the testimony of the suspect (Article 92, paragraphs 4, 5 and 6). The CPC of BiH stipulates that a record should be made of each interrogation of a suspect which will be read to him/her and that a copy of it will be handed over to him/her (Article 93, paragraph 1 of the FBiH CPC). The examination is recorded on audio or video tape under legally prescribed conditions;

			<p>Ministry of Interior of the Central Bosnia Canton in Travnik:</p> <p>In order to ensure transparency in the conduct of police officers during interviews with persons deprived of their liberty and suspected of committing a criminal offense in general, an interview room was set up at the headquarters of the Ministry of Interior of the Central Bosnia Canton in 2019 and equipped with audio and video equipment to record interviews. Significant financial resources were allocated for these purposes, given the fact that the recording equipment is very expensive, and that it was necessary to carry out construction works to repurpose the premises. In the following period, and when material circumstances allow it, similar premises will be equipped in this manner at the headquarters of police administrations followed by police stations.</p>	
7.	<p>The CPT recommends that the ministers of interior and police chiefs/commissioners in the FBiH, particularly in the Sarajevo Canton and the Herzegovina-Neretva Canton, actively promote a culture of change within the law enforcement agencies as services.</p> <p>The Committee also recommends that the Ministry of Interior of the Republika Srpska reiterate its message of zero tolerance for the physical and psychological abuse of detainees by police officers. This recommendation is essential to undertaking effective investigations into allegations of abuse in order to demonstrate that crimes committed by police officers will be punished, as well as to countering the current culture of impunity that pervades some segments of various police forces in</p>	- Ministries of interior at all levels of government	<p>Federal Ministry of Interior:</p> <p>A Decision on Zero Tolerance is being prepared and will be available on the website of the Federal Police Administration.</p> <p>Ministry of Interior of the Sarajevo Canton:</p> <p>As part of the planned measures and with the aim of consistently acting on the recommendations, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>Ministry of Interior of the Republika Srpska:</p> <p>The Ministry of Interior of the Republika Srpska applied the recommendation on zero tolerance regarding physical and psychological abuse of detainees by police officers as a</p>	<p>Until the end of 2021</p> <p>Continuously</p>

	<p>this country. This will also reinforce the message of zero tolerance.</p>		<p>principle in their daily work and actions, and it periodically sends it to the competent organizational units of the Ministry as a written message in the form of acts and instructions. In addition to the above method, the message is also disseminated at working meetings and in all other appropriate contexts.</p> <p>Regarding the allegations of abuse (the Organized and Serious Crime Administration dated February 19, 2019, and the Police Administration of Trebinje - Police Station in Gacko, dated January 19, 2019) which are referred to in the Report, the Department for the Protection of Integrity and Legality performed inspection in the mentioned organizational units, and it was confirmed that in these cases the police officers applied operational-tactical measures and actions directed at citizens as part of the previously planned activities and did so in accordance with the legal authorization.</p> <p>Ministry of Interior of the Zenica-Doboj Canton: Organize a meeting with all heads of organizational units in "Zero tolerance of physical and psychological abuse of persons deprived of their liberty".</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik: At the level of the Ministry of Interior and the Police Administration, a clear stance was taken that there will be zero tolerance for the abuse of persons deprived of their liberty and this message was disseminated to all police officers. Police officers who do not share this stance will be prosecuted, both in disciplinary and criminal manner. In that sense, in the past 2-3 years, this Administration has prosecuted 3 police officers for a criminal offense related to abuse of persons in the performance of their duties, which</p>	
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			<p>resulted in a final verdict in two cases, while in the third case the indictment was confirmed and the main trial is pending. In addition, over the past 6 years, more than 150 police officers have been referred to disciplinary proceedings, and in some cases these had to do with abuses in the performance of their duties, as well as with other offenses related to the use of coercive means. This clearly demonstrates the commitment of the management of this institution to completely eradicate the illegal use of coercion, particularly the abuse of any kind.</p> <p>This is done with the help of the Office for Public Complaints, which consists of eminent experts in the field of criminal law who make a significant contribution to the process of securing full legality in the work of police officers through their processing, i.e. through the protection against false reports filed against police officers.</p>	
8.	<p>The CPT reiterates its recommendation that the police officers tasked with the escorting detainees who need to have a medical checkup should not be the same officers against whom allegations of abuse have been made. For this reason, throughout BiH, the task of escorting detainees to a medical facility should be entrusted to the judicial police. Alternatively, the judicial police should invite a physician to their premises to perform a medical checkup of the person in question. In addition, the judicial police should always inform the judicial authorities whenever they receive a person who has suffered injuries or who alleges abuse. Furthermore, the confidentiality of medical checkups should be respected and their results should be made available to both the detainee and his/her lawyer on request.</p>	<p>- Ministries of interior at all levels of government</p>	<p>Federal Ministry of Interior: In cases medical assistance needs to be given to persons deprived of liberty or those held in custody, the Federal Police Administration uses the services of the Public Institution for Health Protection of Employees of the Ministry of Interior of the Sarajevo Canton and other healthcare institutions in FBiH when it is necessary to provide medical assistance outside Sarajevo Canton. In the next period, the Federal Police Administration will participate in activities related to creating a joint legal solution that would specifically regulate this field under the auspices of the Federal Ministry of Justice.</p> <p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo</p>	<p>Until the end of 2021</p> <p>Continuously</p>

			<p>Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>The Police Administration of the Ministry of Interior of the Sarajevo Canton is undertaking activities to draft a new instruction on the treatment of persons deprived of their liberty in which the relevant recommendations of the CPT will be implemented, as well as certain legal gaps and ambiguities in the procedure during the previous implementation will be eliminated.</p> <p>Ministry of Interior of the Zenica-Doboj Canton: Familiarize all organizational units with the recommendation - the part related to police officers.</p>	
9.	<p>The CPT recommends that the BiH authorities, together with the entity and cantonal authorities in the Federation of BiH, establish a system of medical visits to the premises which are used by the judicial police. In addition to the qualifications required of general practitioners, these physicians should also undergo training on how to identify and record injuries.</p> <p>Until such a system is in place, physicians working in hospital emergency services, especially in large urban centers, should, whenever possible, describe all injuries in detail, and, whenever possible, describe at the end of their reports on traumatic injuries any consequential connection between one or more medical findings and the statement given by the person in question. If necessary, a safe room should be established at the hospital where such examinations could be performed with respect for confidentiality, personal and general safety.</p>	- Competent ministries of justice	<p>Ministry of Interior of the Sarajevo Canton: The Police Administration of the Ministry of Interior of the Sarajevo Canton, sent an official act No. 02/1-64/20, dated April 9, 2020, to the Sarajevo University Clinical Center, the Public Institution of "Prim. dr. Abdulah Nakaš" General Hospital and the Public Institution of the Institute for Emergency Medical Aid of Sarajevo Canton, in which it informed the mentioned medical institutions about the recommendation made by the CPT and, at the same time, proposed the establishment of special rooms for the examination of persons deprived of liberty.</p> <p>Ministry of Interior of the Zenica-Doboj Canton: Until the system is set up, organize a meeting with the heads of medical institutions in order for them to get acquainted with the recommendations.</p>	<p>Until the end of 2021</p> <p>Continuously</p>

INVESTIGATION OF ALLEGED ABUSE				
10.	<p>With regard to the effectiveness of investigations into allegations of abuse by internal control units, the CPT calls on the BiH authorities (including the entities and cantons) to establish fully independent police complaints authority with access to adequate resources to ensure that allegations of abuse by the police officers are effectively investigated. Until this is achieved, the Committee recommends that prosecutors who need operational support to investigate cases of potential abuse by the police officers seek this type of support from police internal control units. Such units should not be placed under the authority of the Director of Police/Commissioner or located inside a police building, but rather directly linked with the Cabinet of the Minister of the Interior, or with the competent State Prosecutor's Office as separate departments. Furthermore, such units should have an adequate number of staff with appropriate qualifications.</p>	<ul style="list-style-type: none"> - Ministries of interior at all levels of government - Competent prosecutors - Competent courts 	<p>Federal Ministry of Interior: At the Federal Police Administration, investigations into complaints about police work and potential allegations of police abuse are conducted ex officio by a special organizational unit - the Unit for Professional Standards which acts on petitions and complaints of citizens, at the request of the FBiH Citizens' Complaints Board, at the requests/proposals of superiors, heads of basic organizational units, i.e. employees themselves, and at the requests of the head of the body. The Unit also keeps records of internal proceedings initiated against police officers of the Federal Police Administration.</p> <p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>Ministry of Interior of the Zenica-Doboj Canton: In the Police Administration of the Ministry of Interior of the Zenica-Doboj Canton, investigations into allegations against police officers are conducted by a special organizational unit - the Unit for Professional Standards, which is monitored and supervised by the Public Complaints Office - an independent body of the Zenica-Doboj Canton Assembly. Cooperation between the Professional Standards Unit and the Prosecutor's Office is carried out as defined in the legislation.</p>	<p>Until the end of 2021</p> <p>Continuously</p>

11.	<p>In view of the above, the CPT calls on the BiH authorities to take the necessary measures to ensure that:</p> <p>a) Prosecutors investigating allegations of torture and abuse should always conduct the investigation in person, in particular with regard to interviews with relevant witnesses, injured parties and police officers; in these cases, they should also always order a forensic medical examination;</p> <p>b) Prosecutorial investigations into allegations of abuse of detainees should be conducted in a comprehensive manner, i.e. by ensuring that important stages and relevant circumstances indicating abuse are not neglected, that they are conducted promptly and in a reasonably expeditious manner;</p> <p>c) Prosecutors and judges should take appropriate actions when there are indications of abuse perpetrated by the police. In this regard, whenever a criminal suspect who is brought before a prosecutor or a judicial authority states that he/she has been abused, these allegations should be recorded in writing, a forensic medical examination should be ordered immediately, and the necessary measures are to be taken to ensure that the allegations are properly examined.</p>	<p>- Competent prosecutors' offices - Competent courts</p>	<p>Federal Ministry of Interior: The Professional Standards Unit, which operates as a part of the Federal Police Administration, acts, inter alia, in internal proceedings initiated against the police officers of the Federal Police Administration in order to verify allegations from complaints, reports and findings, or information indicating illegal actions and inappropriate behavior on the part of police officers. In doing so, the internal investigation for a minor breach of official duty must be completed within 30 days from the day the report reaches the Unit, and the internal investigation for serious breaches of official duty must be completed within three months from the day the report reaches the Unit, and may be extended for another two months depending on of the complexity of the case.</p> <p>If it is determined that there are elements of violation of official duty, the Unit submits a request for initiating disciplinary proceedings to the Disciplinary Commission, and if it is determined that there are elements of a criminal offense, all documents containing such information are immediately submitted to the competent organizational unit of the criminal police of the Federal Police Administration, which is obliged to inform the Unit about the undertaken measures within its competence, i.e. about providing information to the competent prosecutor.</p> <p>If there are elements of a criminal offense, the Unit will also submit the complete case file to the competent organizational unit of the criminal police of the Federal Police Administration for the possible initiation of a criminal investigation.</p> <p>The prosecutor will, in accordance with his/her own assessment of the obtained documents, send appropriate</p>	Continuously
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			requests to the competent organizational unit of the criminal police of the Federal Police Administration.	
PROTECTION MECHANISMS AGAINST ABUSE				
12.	<p>With regard to protection mechanisms against abuse, in particular to notifications about detention, the CPT calls on the BiH authorities to ensure that all persons deprived of their liberty by the police for any reason, have the right to inform a close relative or third party of their choice about their situation from the very outset of their deprivation of liberty (i.e. from the moment they were taken to the police station). Furthermore, detainees should receive feedback on whether their close relative or other person has been notified of their detention and police officers should always record in writing whether or not the notification was made in each individual case, stating the exact time of sending the notification and the identity of the person contacted. Finally, police officers from all police agencies should be reminded of their duty to apply in practice this mechanism for the protection of the rights of juvenile offenders in line with Article 96, paragraph 3 of the Law on Protection of Juveniles in Criminal Proceedings in RS and FBiH.</p>	- Ministries of interior at all levels of government	<p>Federal Ministry of Interior Police officers of the Federal Ministry of Interior Detention Group always put in writing whether or not a close relative or third party of the person's choice has been informed of his / her situation from the very beginning of the deprivation of liberty, on a case-by-case basis, stating the exact time of the information and the identity of the person contacted..</p> <p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration. The Police Administration of the Ministry of Interior of the Sarajevo Canton is drafting a new instruction on the treatment of persons deprived of liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities in the procedure during previous implementation.</p> <p>MINISTRY OF INTERIOR OF THE ZENICA-DOBOJ CANTON Familiarize all organizational units with the recommendation.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik</p>	<p>Until the end of 2021</p> <p>Continuously</p>

			<p>In accordance with the valid legislation, the police officers carry out the above-mentioned activities on a daily basis and, in order to additionally point out this need, an instructive dispatch was issued on 9 April 2020 number 02/3-541/20, which explicitly states the need to respect the rights of persons deprived of their liberty.</p> <p>Border Police of Bosnia and Herzegovina: The provisions of Article 5 of the Criminal Procedure Code of BiH, as well as Articles 3 and 14, paragraph (3), item i), sub-item 4)) of the Instruction on the Manner and Conditions of Treatment of Persons Deprived of Liberty (issued by the Director of the BiH Border Police) stipulate that the person deprived of liberty is obliged to be instructed on the right to inform his/her relatives or diplomatic-consular mission of the state which he/she is a citizen of about his/her deprivation of liberty (if he/she is a foreign citizen). On February 7 2019, the BiH Border Police submitted this information to the organizational units in order for them to act on it.</p>	
13.	<p>With regard to mechanisms for protection against abuse, in particular the access to a lawyer, the CPT calls on the BiH authorities to take steps to ensure that the police exercises the right of access to a lawyer effectively from the outset of the deprivation of liberty.</p>	<p>- Ministries of interior at all levels of government</p>	<p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>Ministry Of Interior of the Zenica-Doboj Canton Familiarize all organizational units with the recommendation.</p>	<p>Until the end of 2021</p> <p>Continuously</p>

			<p>Ministry of Interior of the Central Bosnia Canton in Travnik</p> <p>This right is one of the basic principles in the treatment of persons deprived of their liberty and it is applied on a daily basis. In order to additionally point out this need, an instructive dispatch was issued on 9 April 2020 number 02/3-541/20, which explicitly states the need to respect the rights of persons deprived of their liberty.</p> <p>Border Police of Bosnia and Herzegovina:</p> <p>In Article 5 of the Criminal Procedure Code of BiH (Official Gazette of BiH - consolidated text, No. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09 and 72/13), the rights of persons deprived of liberty are stated.</p>	
14.	<p>With regard to protection mechanisms against abuse, in particular the access to a doctor, the CPT once again calls on the authorities to adopt specific legal provisions on access to a doctor during police detention. Furthermore, the confidentiality of medical data during the examination of detainees, as well as in the case of medical records, must be guaranteed.</p>	<ul style="list-style-type: none"> - Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH - Ministries of interior at all levels of government 	<p>Ministry of Interior of the Sarajevo Canton:</p> <p>As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>Ministry of Interior of the Zenica-Doboj Canton</p> <p>Familiarize all organizational units with the recommendation.</p>	<p>Until the end of 2021</p> <p>Continuously</p>
15.	<p>With regard to protection mechanisms against abuse, in particular the information on rights, the CPT recommends that all detainees be informed, including in writing and in an appropriate language they understand, of their rights from the outset of detention. Detainees should be allowed to keep a copy of this information in writing. Furthermore, a</p>	<ul style="list-style-type: none"> - Ministries of interior at all levels of government 	<p>Federal Ministry of Interior</p> <p>After being informed of the reasons for their deprivation of liberty, persons deprived of their liberty in the Federal Ministry of Interior voluntarily sign the Records of Deprivation of Liberty, in which they can state any complains about the behaviour of police officers who deprived them of their liberty.</p>	<p>Until the end of 2021</p> <p>Continuously</p>

	<p>relevant form featuring information on rights, should be duly completed in the presence of the detainee and also signed by him/her, and should be properly deposited in his/her file.</p>		<p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration. The Police Administration of the Ministry of Interior of the Sarajevo Canton is undertaking activities to draft a new instruction on the treatment of persons deprived of liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities.</p> <p>Ministry of Interior of the Zenica-Doboj Canton Create a single form with all the rights of persons deprived of liberty for crime or and misdemeanor, which would contain, in addition to the listed rights, the personal data of the person deprived of liberty and the signature of the person deprived of liberty.</p> <p>Border Police of Bosnia and Herzegovina: As in the case of the earlier recommendation, Article 5 of the Criminal Procedure Code of BiH (Official Gazette of BiH - consolidated text, No. 3/03, 32/03, 36/03, 26/04, 63/04, 13/05, 48/05, 46/06, 76/06, 29/07, 32/07, 53/07, 76/07, 15/08, 58/08, 12/09, 16/09, 93/09 and 72/13), stipulates the rights of persons deprived of liberty.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik: The organizational units of the Police Administration, especially the senior officers, were requested to make sure</p>	
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			that the persons deprived of their liberty were informed about the reasons for their deprivation of liberty/legal basis - criminal offense or misdemeanor they are suspected of) from the very outset of their deprivation of liberty, and allowed to keep information in writing about it (the Certificate of Deprivation of Liberty).	
16.	With regard to protection mechanisms against abuse, in particular the detention records, the CPT recommends that the BiH authorities ensure that urgent steps are taken by all police administrations of all 16 law enforcement agencies to ensure that detention records are properly completed, with regard to all relevant information regarding the compliance with the protection mechanisms against abuse. Senior officials should exercise stricter control over the manner in which detention records are completed and kept. Furthermore, there is no justification as to why the relevant fields in the forms would be left blank based on the assumption that detainees waived some of their basic rights.	- Ministries of interior at all levels of government	<p>Federal Ministry of Interior The records of persons deprived of their liberty in the detention facilities of the Federal Police Administration are duly filled in and kept in special rooms. All statutory rights of persons deprived of their liberty are respected.</p> <p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration. The Police Administration of the Ministry of Interior of the Sarajevo Canton is undertaking activities to draft a new instruction on the treatment of persons deprived of liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities.</p> <p>Ministry of Interior of the Zenica-Doboj Canton Familiarize all organizational units with the recommendation.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik: Police officers of the Department for Professional Standards perform planned and extraordinary controls and inspections</p>	<p>Until the end of 2021</p> <p>Continuously</p>

			<p>regarding the legality and manner of filling in all records related to deprivation of liberty.</p> <p>Border Police of Bosnia and Herzegovina: Article 32 of the Instruction on Keeping Records of the BiH Border Police stipulates that the records on persons deprived of their liberty on any grounds are to be kept. Senior level police officers (both from the organizational units of the local, middle and central level) are tasked with controlling the process of keeping the aforementioned records. Also, Article 14 of the Instruction on the Manner and Conditions of Treatment of Persons Deprived of Liberty stipulates keeping a Register of Persons Deprived of Liberty.</p>	
17.	<p>With regard to protection mechanisms against abuse, in particular the police interviews, the CPT reiterates its recommendation that the authorities draw up a code of professional conduct during police interviews. The Code should address, inter alia, the following aspects: systematically informing detainees of the identity of persons present during the interview (name and/or number) as well as of the detainee's right to remain silent during the interview; approved interview duration; periods of intermission between sessions during which questions are asked and breaks during interviews; places where interviews can be conducted; interviewing persons who are under the influence of drugs, alcohol or medications, or who are under the influence of stress or feel shaken. The Code should also make reference to systematic audio and video recordings from the start of the interview to its end, the identity of each person present during the</p>	<p>- Ministries of interior at all levels of government</p>	<p>Federal Ministry of Interior: The Federal Police Administration plans to adopt a Rulebook on the Treatment of Persons Suspected Of Committing Criminal Offenses and Interviewing Techniques in the coming period. The provisions of that Rulebook will regulate the issues of obligatory video and audio recording of interviews with the suspects in the cases involving the most serious criminal offenses until the conditions are met for all interviews to be recorded in accordance with the CPC of BiH. Also, there is a plan to devise a training program dedicated to these fields for the FBiH police officers which will be attended by all police officers of the Federal Police Administration in the coming period in addition to periodic dissemination of knowledge in accordance with the adopted bylaws.</p> <p>Ministry of Interior of the Sarajevo Canton:</p>	<p>Until the end of 2021</p> <p>Continuously</p>

	<p>interview, all requests made by the detainee, and questions asked during the interview. The situations involving particularly vulnerable persons (e.g. those with mental disorders) should include special mechanisms dedicated to protecting the rights of these persons. Finally, interviewees should not be forced to stand for a prolonged time or be put in stressful situations and they must have direct access to water and be offered food (i.e. something more substantial than a sandwich) at appropriate stages of the interview. As stated earlier and as required by domestic laws, interviews should be conducted in a specially designated room that is adequately equipped and has the necessary audio and video equipment installed.</p>		<p>As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>Ministry of Interior of the Zenica-Doboj Canton Familiarize all organizational units with the recommendation.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik: Although there is a long-standing standard according to which the persons deprived of their liberty have the right to food and water during their stay in detention facilities and this right is fully exercised at certain intervals, this was once again emphasized in the analysis of recommendations which was submitted to lower organizational units. The competent organizational unit is obliged to fill in the prescribed sections dedicated to this and other important data in the records of persons deprived of liberty, and management officers are obliged to constantly control the accuracy, orderliness and completeness of all prescribed sections in the records. All organizational units are required to keep detention facilities clean and tidy, and equipped with the necessary blankets, pillows, ventilation, heating and the like.</p>	
18.	<p>With regard to mechanisms for protection against abuse, in particular the inspection procedures, the Committee recommends that the Institution of the Human Rights Ombudsman of BiH, as the body that conducts visits to places of detention in the</p>	<p>- Institution of the Human Rights Ombudsman of BiH</p>	<p>Institution of the Human Rights Ombudsman of BiH: The adoption of amendments to the Law on the Human Rights Ombudsman of BiH, which would establish a National Preventive Mechanism/Preventive Mechanism within the Institution, has been in the parliamentary procedure for almost four years. This proposal was not</p>	

	<p>country, have the necessary resources to effectively supervise the police facilities. This body should also be able to make unannounced visits and talk in private with any detainee, as well as check all relevant documentation.</p>		<p>accepted at the session of the House of Representatives held on February 26, 2020. In the meantime, the activities of the BiH Parliamentary Assembly and the BiH Council of Ministers has stalled due to the pandemic, and it is unclear what will happen next with regard to the establishment of the NPM / PM.</p> <p>Within this Institution, the Department for Monitoring the Exercise of the Rights of Persons Deprived of Liberty has been operating since its establishment. Acting on the complaints of persons deprived of their liberty, but also ex officio, the representatives of the Institution make annual visits to a large number of penitentiary institutions, police stations/administrations, and other premises where persons deprived of liberty are located. The largest number of visits is announced and they are conducted during working hours. During these visits, the representatives of the Institution conduct uninterrupted conversations with persons deprived of their liberty in special premises, without the presence of other persons, review the relevant documentation and take note of the existing conditions in these institutions. Funds for the operation of this Department are allocated within the budget of the Institution and they are currently quite satisfactory. It is necessary to create legal preconditions for making unannounced visits to these institutions, and establish clear procedures for these visits, especially when it comes to detainees, persons in police custody, as well as persons with mental disabilities. This is an opinion of the Ombudsman Dr. Jasminka Džumhur:</p> <p>Due to the failure to adopt the budget, the Ombudsman Institution has been operating on the principle of temporary financing for the second year in a row, which limits its</p>	<p>Until the end of 2021</p> <p>Continuously</p>
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			<p>activities. In addition to the budget proposal, over the past several years the Institution has been submitting an Annex which includes the request for additional funds related to the establishment of the NPM, but these funds have not been approved year after year. Visits to penitentiaries are mostly unannounced, but are still carried out during working hours, precisely because of limited financial and human resources. Failure to adopt the Law on Amendments to the Law on the Ombudsman regarding the establishment of the NPM within the institution limits the activities of this Institution. In order to strengthen the proactive role of the Ombudsperson Institution and secure a clear separation of its reactive (acting on complaints) and proactive roles (monitoring through visits to institutions at which the persons with restricted freedom of movement are kept), it is necessary to strengthen the Institution's capacity by providing adequate financial, legal and human resources. The Ombudsmen advocate this, but decision-making is the responsibility of the executive and legislative branches.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik:</p> <p>The instructions sent to the Police Administrations and police stations refer to the fact that the Institution of the Human Rights Ombudsman has a mandate to visit persons deprived of their liberty and the premises where they are held, and to speak privately with detainees, which should be supported together with the full identification of persons from the Ombudsman Institution.</p>	
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CONDITIONS IN DETENTION

<p>19.</p>	<p>With regard to conditions in detention, the CPT calls on the authorities to take the necessary steps to ensure that all police detention facilities in BiH are clean and adequately lit (i.e. the light is sufficient for reading, except during sleep intervals) and ventilated; preferably, such objects should have natural light. When necessary, police detention facilities should be adequately heated. Furthermore, all cells used for overnight detention should be equipped with resting amenities during detention (e.g. a bed or a sleeping platform) and blankets. In addition, food and water should be provided to all persons detained at police stations at appropriate intervals.</p>	<ul style="list-style-type: none"> - Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH - Competent ministries of interior - Competent ministries of health 	<p>Federal Ministry of Interior The Federal Ministry of Interior detention rooms have adequate lighting, ventilation, adequate heating, built-in beds and blankets, and food and drink are available to all persons deprived of their liberty at appropriate intervals.</p> <p>Ministry of Interior of the Sarajevo Canton: Within the planned measures with the aim of consistent action on the recommendation, the Police Administration of the Ministry of Internal Affairs of Sarajevo Canton refurbished and provided equipment for rooms for detention of persons deprived of liberty, spending a certain amount of funds appropriated in the decision of the Sector for Material and Financial Affairs No. 02/6-107/20 of 2 April 2020. The following works were performed: repair of walls in the premises, replacement and installation of adequate heating, ventilation and air conditioning, air and water systems (for cooling and heating rooms), replacement of beds, repair of sanitary facilities, replacement of concrete sinks and installation of new ones, replacement of existing bulbs and installation of LED lighting, fixing-in of toilet partitions in the cells for detainees, i.e. installation of new sanitary units in accordance with European standards, procurement of new mattresses, pillows, cushions and waterproof protective covers with rubber mattress. Also, we act in accordance with instruction dispatch number 02/1-21/20 of 6 April 2020 on the treatment of persons deprived of liberty number 01-245/14 of 12 May 2014 prescribing humane behavior towards persons deprived of liberty who are detained in the premises for detention of persons deprived of liberty. The Police Administration of the Ministry of Interior of the Sarajevo Canton is undertaking activities to draft a new instruction on the treatment of persons deprived of their</p>	<p>Until the end of 2021</p> <p>Continuously</p>
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			<p>liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities in the implementation.</p> <p>Ministry of Interior of the Zenica-Doboj Canton Examine the condition of all detention facilities in the Police Administration of the Ministry of Interior of the Zenica-Doboj Canton.</p> <p>Ministry of Interior of the Central Bosnia Canton in Travnik: The instructions sent to the Police Administrations and police stations refer to the fact that the Institution of the Human Rights Ombudsman has a mandate to visit persons deprived of their liberty and the premises where they are held, and to speak privately with detainees, which should be supported together with the full identification of persons from the Ombudsman Institution.</p> <p>Border Police of Bosnia and Herzegovina: The Border Police of Bosnia and Herzegovina is not able to act in line with the above recommendation, having in mind the limited budget funds and the fact that the Border Police of BiH is not the owner but rather a mere user of official premises (including the detention facility for persons deprived of liberty).</p>	
20.	In relation to the above, the CPT recommends that no cells have an area of less than 6 m ² if used for overnight detention. The Committee considers that it would be desirable for single cells used for overnight detention in police custody to occupy an area of 7 m ² .	<ul style="list-style-type: none"> - Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH 	<p>Federal Ministry of Interior: The cells in the Federal Ministry of Interior detention rooms have an area of more than 6 m² and built-in ventilation.</p> <p>Border Police of Bosnia and Herzegovina:</p>	

		<ul style="list-style-type: none"> - Competent ministries of interior - Competent ministries of health 	<p>Article 16 of the Instruction on the Manner and Conditions of Treatment of Persons Deprived of Liberty, issued by the Director of the Border Police of BiH, stipulates that the room for accommodation of persons deprived of liberty must have at least 6 m².</p> <p>Ministry of Interior of the Sarajevo Canton: From the Report of the Uniformed Police Sector and the Unit for Security of Facilities and Detention of Persons Deprived of Liberty, No. 02/2-6-5-02-46/20, dated 30 March 2020, it is evident that the Police Administration of the Ministry of Interior of the Sarajevo Canton has six rooms for detaining persons deprived of liberty located at 15 Zmaja od Bosne Street, Novo Sarajevo Municipality, of which the smallest room has 7.8 m² and the largest 10.0 m².</p> <p>Ministry of Interior of the Zenica-Doboj Canton Familiarize all organizational units with the recommendation.</p>	Continuously
PRISON FACILITIES UNDER THE JURISDICTION OF THE FBiH MINISTRY OF JUSTICE ¹²				
21.	With regard to the establishment of the state prison, the CPT recommends that the BiH authorities decide as soon as possible on the appointment of senior management on the basis of its competence, and take the necessary steps to ensure that the prison becomes operational.	- Ministry of Justice of BiH	Ministry of Justice of BiH: The state prison (the Institute for Execution of Criminal Sanctions, Detention and Other Measures of Bosnia and Herzegovina) became operational in 2020 after prior appointment of management and recruitment of other prison staff. By putting this institution into operation, the existing capacity of other prisons will be significantly relieved.	Recommendation implemented
22.	With regard to abuse in prisons, the CPT recommends that the FBiH authorities send a clear message to prison staff at the Mostar Prison that	- Competent ministries of justice	Federal Ministry of Justice: The Federal Ministry of Justice will visit the Mostar Prison and further examine the CPT's allegations of abuse of prisoners and take all measures to investigate and sanction	Until the end of 2021

¹² In 2019, a CPT delegation visited the Mostar Prison and the Detention Department of the Sarajevo Prison. Both institutions have been visited by the Committee before;

	<p>abuse of prisoners is not acceptable.¹³ Furthermore, all measures should be taken to ensure that all allegations of abuse are properly investigated and that all such actions are subject to appropriate sanctions.</p>		<p>such allegations and give clear instructions to staff that the legal framework must be respected.</p> <p>Ministry of Interior of the Sarajevo Canton : The Law on Amendments to the Law on Police Officers of the Sarajevo Canton and the Rulebook on Disciplinary Procedure and Responsibility of Police Officers in the Police Administration of the Ministry of Internal Affairs of the Sarajevo Canton provide that "abuse of a person deprived of liberty" is a serious violation of official duty. The Police Administration of the Ministry of the Interior of the Sarajevo Canton is undertaking activities to draft a new instruction on the treatment of persons deprived of their liberty in which the relevant recommendations of the CPT will be implemented, as well as certain legal gaps and ambiguities in the previous procedure.</p>	
23.	<p>In view of the above, the CPT recommends the immediate cessation of the use of equipment at prisons such as waist belts and iron ankle bracelets. Also, the Committee recommends that the practice of "internal informal punishment" observed at the Sarajevo and Mostar Penitentiaries be stopped immediately and that any use of isolation cells and other small cells be properly recorded.</p>	<p>- Competent ministries of justice</p>	<p>Federal Ministry of Justice: The management of the Mostar Penitentiary confirmed that the equipment had not been used any more. The Federal Ministry of Justice carried out supervisory inspection of the Mostar Penitentiary related to the CPT Report on 4 June 2020 and, after having examined the entire situation, gave a clear message and obligation to the warden of the Penitentiary and the prison staff that any form of abuse of prisoners was unacceptable and that they had to act exclusively in accordance with applicable law. All allegations of abuse must be properly investigated and subject to appropriate sanctions.</p>	<p>Ongoing</p>

¹³ See the allegation in the CPT's report regarding the case of a prisoner at the Mostar Prison who was subjected to punishment after he hung up the telephone forcefully and threw a chair in the corridor of the detention unit. For that reason, he spent three to four hours in a separate cell in handcuffs, with a belt around his waist and with iron bracelets on his leg. Documentation and video footage analyzed by the CPT's delegation corroborated the detainee's testimony, while a pair of handcuffs, a waist belt and an iron leg bracelet were found in the office across from the isolated cell (p. 31 of the Report);

			<p>In view of the above, the prison is obliged to cancel the use of equipment such as waist belts and iron ankle bracelets during solitary confinement and to apply statutory equipment.</p> <p>Further, the Sarajevo and Mostar Penitentiaries were ordered to properly record any solitary confinement or use of any other small cells, so that so-called "informal punishment" would be eliminated.</p>	
24.	In connection with the above, the CPT recommends that the FBiH authorities, together with the management of the Mostar Prison, devise a coherent strategy to combat violence among prisoners. A part of this strategy should include hiring additional staff.	- Competent ministries of justice	<p>Federal Ministry of Justice: The Federal Ministry of Justice implements a strategy for treatment of violent and extremely dangerous prisoners, as well as to take adequate measures to combat violence. In the meantime, the position of assistant warden for security at the Mostar Prison and some prison guard vacancies were filled, which enabled the smooth operation of the Security Service.</p>	Ongoing
25.	With regard to prison staff, the CPT calls on the FBiH authorities to introduce a professional career path for managers in the prison system and ensure that prison wardens and senior managers are selected in accordance with clear professional criteria, that they are provided with job security under the condition of performing their job in a satisfactory manner and that they are provided with the training on management skills to enable them to perform their tasks in a competent manner.	- Ministries of justice at all levels of government	<p>Federal Ministry of Justice: The Federal Ministry of Justice will organize training in management skill of the wardens. With the new Law on Execution of Criminal Sanctions, prison wardens and senior managers will be selected in accordance with professional criteria, in order to enable them to perform their tasks in a competent manner.</p> <p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p>	<p>Until the end of 2021</p> <p>Continuously</p>
26.	With regard to material conditions in prisons, the CPT recommends that the FBiH authorities rectify	- Ministries of justice at all levels of government	<p>Federal Ministry of Justice: The Sarajevo Prison refurbished all premises listed in paragraph 53 of the Report, and the sanitary facilities were</p>	

	<p>the shortcomings highlighted above, and, in particular, take steps to ensure that:</p> <p>a) smaller cells located on the west side of the Sarajevo Prison building are renovated, the sanitary installations replaced, and the sanitary facilities completely separated from the rest of the cell;</p> <p>b) pavilions 2 and 3 and the quarantine of the Mostar Prison are kept under adequate condition by means of repairs (i.e. by providing artificial lighting, wooden floors and toilets) and that metal shutters on cell windows in the Mostar Prison are replaced by alternative means of providing privacy.</p>	<ul style="list-style-type: none"> - Judicial Commission of the Brčko District BiH - Competent ministries of health 	<p>repaired. Special openings were made of specialized glass, which were located in the medical office, in order to implement the recommendation related to the presence of the guard during the examination or medical treatment. Regarding the material conditions in the mentioned prisons, the premises are being refurbished and repaired in accordance with the adopted budget, i.e. available financial resources.</p>	<p>Ongoing</p>
<p>27.</p>	<p>With regard to the regime which regulates the approach to detainees, the CPT calls on the FBiH authorities to radically improve the regime offered to them. The aim should be to ensure that all prisoners can spend a reasonably long portion of the day (i.e. up to 8 hours) outside their cells, engage in purposeful activities of a varied nature (group activities; work, preferably the one with a professional value; education; sports). Exercise facilities should be kept in adequate condition and clean, and weather shelter and fitness equipment should be installed along with benches for rest. Furthermore, measures should be taken immediately to ensure that all detainees are offered two hours of outdoor exercise each day, in accordance with the provisions of the FBiH Criminal Procedure Code.</p>	<ul style="list-style-type: none"> - Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH - Competent ministries of health 	<p>Federal Ministry of Justice:</p> <p>The detention units of Mostar and Sarajevo Prisons are quite limited when it comes to capacities related to purposeful activities, but an analysis of the situation will be performed with the aim of improving activities according to the capabilities of the prisons. Shelter from bad weather and fitness equipment will be installed in the Mostar Prison, together with benches for rest. The prisons will take measures to ensure that all detainees are offered two hours of outdoor exercise each day, in accordance with the FBiH Criminal Procedure Code. These activities in favour of detainees are carried out in accordance with the FBiH Criminal Procedure Code and prison rulebooks, while the arrangement of external space is regulated in accordance with the planned budget, i.e. available financial resources.</p>	<p>Continuously</p>

28.	With regard to the Mostar Prison, the CPT recommends that the FBiH authorities improve the range of activities offered to male and female convicted prisoners and that the post of the head of treatment be filled immediately.	- Competent ministries of justice	Federal Ministry of Justice: An analysis of activities for convicted persons in the Mostar Prison will be performed, and the range of treatment activities will be improved. The vacancies are filled in accordance with the available annual budgetary funds.	Ongoing
29.	The CPT recommends that the FBiH authorities devise a gender-based approach to female prisoners. In the meantime, the related discriminatory practices identified at the Sarajevo Prison should cease immediately.	- BiH MHRR/BiH Agency for Gender Equality - Competent ministries of justice	Federal Ministry of Justice: An analysis of the situation will be performed and the current situation will be improved and eliminated	Ongoing
30.	The CPT reiterates its recommendation that the FBiH authorities take steps to provide all juveniles held in the Mostar Prison, regardless of the length of their detention, with a full program of purposeful activities (including education, sports and recreation).	- Competent ministry of justice	Federal Ministry of Justice: All prisons will be given clear guidelines for working with juveniles during their stay in detention units, in accordance with the Law on Protection and Treatment of Juveniles in Criminal Proceedings.	Ongoing
31.	With regard to health care provided to prisoners, the CPT calls on the FBiH Ministries of Health and Justice to jointly take the necessary steps to improve the quality of health care, while taking into account the recommendations from the Report.	- Competent ministries of justice - Competent ministries of health	Federal Ministry of Justice: The Federal Ministry of Justice will take the necessary steps to improve health care, taking into account the recommendations contained in the Report.	Ongoing
32.	In connection with the above, the CPT recommends that the FBiH authorities make effort to ensure that the clinical decisions of prison doctors are based only on medical criteria and that the quality and efficiency of their work is assessed by qualified medical staff.	- Competent ministries of justice - Competent ministries of health	Federal Ministry of Justice: The clinical decisions of the prison doctors are based only on medical criteria and the supervision of the health services provided to prisoners is performed by the Federal Health Inspectorate.	Ongoing
33.	The CPT recommends that the FBiH authorities increase the number of medical staff at the Sarajevo Prison by providing an equivalent of part-time GPs, and at the Mostar Prison by ensuring the	- Competent ministries of justice - Competent ministries of health	Federal Ministry of Justice: A doctor is permanently hired in the Sarajevo Prison under employment contract and a doctor works in the Mostar	Ongoing

	availability of GPs four times a week at regular intervals.		Prison under SSA, which ensures the presence of general practitioners four times a week at regular intervals.	
34.	<p>The CPT reiterates its recommendation that steps be taken to ensure that the medical facilities of the Mostar and Sarajevo Penitentiaries, as well as other medical facilities at prisons in the FBiH, fully perform their roles in preventing abuse, by ensuring that:</p> <ul style="list-style-type: none"> a) at the end of their findings on traumatic injuries, doctors indicate, whenever possible, any causal link between one or more objective medical findings and the statements of the person concerned; b) findings involving traumatic injuries related to injuries that are likely to be caused by abuse (even in the absence of a statement) are automatically forwarded to the authorities which are authorized to conduct investigations of the case, including criminal ones, regardless of the wishes of the person concerned; c) the doctor advises the prisoner in question that the recording in writing of such findings falls within the scope of the anti-abuse system, that the findings must be automatically forwarded to a clearly specified investigative body and that an act of forwarding is not the same as filing a complaint by using a correct form; d) a register of traumatic injuries observed on prisoners at all prisons in the FBiH is introduced. 	<ul style="list-style-type: none"> - Competent ministries of justice - Competent ministries of health 	<p>Prison under SSA, which ensures the presence of general practitioners four times a week at regular intervals.</p> <p>Federal Ministry of Justice: An analysis will be made and recommendations will be given to health professionals regarding their role in keeping health service records, properly recording findings and filing reports on injuries.</p>	Ongoing

35.	<p>In connection with the above, it is recommended that the confidentiality of medical examinations should be respected and that the result of the examination should be communicated to the detainee and her or his lawyer, at the request.</p>	<ul style="list-style-type: none"> - Competent ministries of justice - Competent ministries of health 	<p>Ministry of Interior of the Sarajevo Canton: As part of the planned measures with the aim of acting on the recommendations in a consistent manner, the Police Administration of the Ministry of Interior of the Sarajevo Canton sent an instructional dispatch number 02/1-21/20, dated 6 April 2020, to all organizational units of the Police Administration.</p> <p>In addition to the above activities, the Police Administration of the Ministry of Interior of the Sarajevo Canton is undertaking activities to draft a new instruction on the treatment of persons deprived of liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities.</p>	
36.	<p>The CPT recommends that the prison facilities belonging to both Sarajevo and Mostar Penitentiaries be equipped with defibrillators and staff trained to use them. Furthermore, the Committee would also like to receive confirmation that the new dental chair was purchased and put to use at the Sarajevo Prison.</p>	<ul style="list-style-type: none"> - Competent ministries of justice - Competent ministries of health 	<p>Federal Ministry of Justice: A new professional dental chair was procured by the Sarajevo Prison and was put into operation. It is located on the 5th floor.</p>	Ongoing
37.	<p>With regard to access to a doctor in prisons, the CPT recommends that the existing system for submitting requests for visits to medical facilities be analyzed in a way to make it more confidential, including the use of sealed envelopes, and by ensuring that a prisoner has direct access to a nurse and the like.</p>	<ul style="list-style-type: none"> - Competent ministries of justice - Competent ministries of health 	<p>Federal Ministry of Justice: An analysis of the current situation regarding the submission of requests for visits to the health service and its improvement will be performed.</p>	Ongoing

38.	The CPT recommends, in particular as regards the Mostar Prison, that the distribution of medicines be always carried out by nurses, including on weekends. Furthermore, medical records should be completed rigorously and systematically.	<ul style="list-style-type: none"> - Competent ministries of justice - Competent ministries of health 	<p>Federal Ministry of Justice: It has been made obligatory for the health service of the Mostar Penitentiary that the distribution of medicines is always, including weekends, performed by medical staff and that medical records are filled in systematically.</p>	Ongoing
39.	The CPT recommends that systematic screening or active investigation of tuberculosis cases, voluntary counseling or testing for blood-borne HIV infections and hepatitis B and C should be offered at FBiH prisons. Furthermore, routine availability of hepatitis C treatment and antiretroviral treatment for HIV should be introduced at all prisons.	<ul style="list-style-type: none"> - Competent ministries of justice - Competent ministries of health 	<p>Federal Ministry of Justice: At the beginning of 2020, the Sarajevo Prison carried out a systematic screening in terms of active investigation of cases of infectious diseases, primarily HIV, Hepatitis B, Hepatitis C, and all employees were tested.</p> <p>Ministry of Interior of the Sarajevo Canton: From the Information Paper of the Unit for Security of Facilities and Detention of Persons Deprived of Liberty of 14 January 2021, it can be seen that the Police Administration of the Ministry of Interior of the Sarajevo Canton has devices and apparatus for temperature detection when bringing and admitting persons deprived of liberty in the detention room, while systematic screening is not performed due to objective circumstances. Given the new situation regarding the coronavirus (COVID 19), the Police Administration of the Ministry of Interior is taking action to procure temperature measuring devices, which will be used to accommodate persons deprived of their liberty in detention facilities. The Police Administration of the Ministry of Interior of the Sarajevo Canton is also undertaking activities to draft a new Instruction on the Treatment of Persons Deprived of Liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities in the previous implementation.</p>	Until the end of 2021
40.	The CPT calls on the FBiH authorities to draw up a comprehensive strategy to assist prisoners with	<ul style="list-style-type: none"> - Competent ministries of justice 	<p>Federal Ministry of Justice: The Federal Ministry of Justice has already undertaken certain activities of cooperation with institutions dealing</p>	Ongoing

	drug-related problems as part of a broader national anti-drug strategy.	- Competent ministries of health	with the issue of prevention and treatment of addicts. Thus, a person has already been released on parole and the convicted person has been sent to the Public Institution for the Fight against Addiction in Sarajevo for further treatment for addiction. Ministry of Interior of the Sarajevo Canton The Police Administration of the Ministry of Interior of the Sarajevo Canton is also undertaking activities to draft a new Instruction on the Treatment of Persons Deprived of Liberty, which will implement the relevant recommendations of the CPT, as well as eliminate certain legal gaps and ambiguities in the previous implementation.	
41.	The CPT recommends that the FBiH authorities amend their laws, and until this is done, issue clear instructions to all prisons on the role and functions of medical staff regarding the issuance of certificates of the ability to withstand solitary confinement following the obligatory medical examination and prior to implementing this disciplinary measure. The CPT is of the opinion that a doctor should not be required to provide any certificate that a prisoner is fit to serve his/her sentence.	- Competent ministries of justice - Competent ministries of health	Federal Ministry of Justice: The only role of the health service is to perform a medical examination of the prisoner to see if he is able to withstand solitary confinement, which is imposed by the disciplinary commission.	Ongoing
42.	In relation to the above, the CPT recommends ending the involvement of courts in medical matters. Any restrictions imposed on detainees should be based on a detailed and individualized risk assessment.	- Competent ministries of justice - Competent ministries of health	The Ministry of Human Rights and Refugees of Bosnia and Herzegovina expects to receive information from the competent institution in this regard, of which it will inform the Committee in timely manner.	Ongoing
43.	With regard to discipline, the CPT recommends that the BiH authorities at the state and entity levels harmonize the regulations governing the duration of solitary confinement as a sanction. In this	- Competent ministries of justice	Federal Ministry of Justice: According to the Law on Execution of Criminal Sanctions (ZIKS), the disciplinary punishment of solitary confinement	Ongoing

	context, until the laws are harmonized, the CPT considers that the disciplinary commission at each prison should restrict itself to limited intervals of no more than 10 days.	- Judicial Commission of the Brčko District BiH	lasts 20 days. In the new ZIKS, solitary confinement will be limited to 10 days.	
44.	The CPT recommends that the power to impose disciplinary sanctions on detainees be transferred from the judicial authorities to the competent prison authorities. In this regard, the relevant provisions of the FBiH CPC should be amended accordingly, and all forms of informal disciplinary sanctions, such as those described in section 47, should be abolished. Furthermore, it recommends that the FBiH authorities no longer suspend the right to visit prisoners as a disciplinary sanction, and that Article 73 of the Rules of Conduct in Institutions for the Execution of Detention Measures be amended accordingly.	- Competent ministries of justice - Judicial Commission of the Brčko District BiH	The Ministry of Human Rights and Refugees of Bosnia and Herzegovina expects to receive information from the competent institution in this regard, of which it will inform the Committee in timely manner.	Ongoing
45.	With regard to material conditions, the CPT recommends that all cells used for solitary disciplinary sanctions be equipped with appropriate chairs (e.g. a chair or bench) during the day, and that it would also be desirable for them to be equipped with a table. Furthermore, adjustable beds in solitary confinement cells at the Mostar Prison should be removed and replaced with real beds which are fixed to the floor.	- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH - Competent ministries of health	Federal Ministry of Justice: The premises for disciplinary sanctions will be inspected and it will be determined if they are equipped in accordance with the existing legal regulations.	Ongoing
46.	In relation to the above, the CPT recommends that the FBiH authorities ensure that all prisoners serving a disciplinary sentence of solitary confinement are offered at least one hour of outdoor exercise each day.	- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH	The Ministry of Human Rights and Refugees of Bosnia and Herzegovina expects to receive information from the competent institution in this regard, of which it will inform the Committee in timely manner.	Ongoing

		- Competent ministries of health		
47.	With regard to security measures/means of restraint, the CPT recommends that the FBiH authorities draw up operational guidelines to ensure that there is a clear distinction between the application of solitary confinement and disciplinary sanctions against detainees. The guidelines in question should also cover the creation and proper maintenance of dedicated records on the application of security measures.	- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH	The Ministry of Human Rights and Refugees of Bosnia and Herzegovina expects to receive information from the competent institution in this regard, of which it will inform the Committee in timely manner.	Ongoing
48.	With regard to contact with the outside world, the CPT recommends that all prisoners, as a rule and regardless of their regime of treatment and classification, be offered the equivalent of one hour of visits per week, and, preferably, be able to receive one visit per week. Only in exceptional cases should the investigating judge impose a restriction on visits to the detainee. Furthermore, metal nets placed in front of the glass in the premises used for visits at the Sarajevo and Mostar Penitentiaries should be removed immediately. Moreover, detainees should be allowed to have access to open visits (translator's comment: those without the supervision) unless security reasons require otherwise.	- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH - Competent courts	Federal Ministry of Justice: Metal nets were placed in front of the glass were removed in the Mostar Penitentiary.	Ongoing
49.	In connection with the above, the CPT recommends that the authorities of Bosnia and Herzegovina consider introducing VIP communication for foreign nationals in order to maintain contact with the family abroad.	- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH	Ministry of Interior of the Sarajevo Canton: The Police Administration of the Ministry of the Interior of the Sarajevo Canton is undertaking activities to draft a new instruction on the treatment of persons deprived of liberty in which the relevant recommendations of the CPT will be implemented, as well as certain legal gaps and ambiguities in the procedure.	Until the end of 2021

50.	The CPT recommends that the FBiH authorities act strictly when it comes to banning visits, telephone calls or correspondence. In all cases, the decisions relating to such prohibitions should be communicated to the person concerned or to his/her lawyer.	- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH	Federal Ministry of Justice: An analysis will be carried out on this issue because, according to the existing legislation, all convicted persons have the right to contact the competent institutions regarding the protection of their rights.	Ongoing
51.	With regard to complaints and inspections, the CPT reiterates its recommendation that the FBiH authorities make greater effort to promote a three-tier system of filing complaints and encourage prisoners to use it.	- Ministries of justice at all levels of government - Judicial Commission of the Brčko District BiH	Federal Ministry of Justice: This model has already been introduced in prisons in the Federation of BiH, notably in the Zenica Prison. Also, the obligation of the Mostar Prison is to introduce a three-tier system of filing complaints in order to solve the problematic situations as efficiently as possible.	Ongoing
PRISON FACILITIES UNDER THE JURISDICTION OF THE MINISTRY OF JUSTICE OF THE RS ¹⁴				
52.	With regard to the conditions of detention in the Banja Luka Prison, the CPT recommends that the artificial lighting in the convicts' ward be improved. Furthermore, I would like to be informed about the completion of works on the renovation of the ground floor and first floor.	- Ministry of Justice of the RS	Ministry of Justice of the RS: On the second floor of the pavilion for prisoners, and as part of the renovation of the premises, new LED test lighting was installed. In the next period, there is a plan to install the same lighting system in other rooms and on the floors of the pavilion, and for reasons of achieving energy cost savings and having significantly better lighting quality. Renovation of the ground floor and first floor is complete.	Recommendation adopted and implemented
53.	With regard to the medical facility at the Banja Luka Prison, the CPT recommends the introduction of a register of injuries recorded with newly admitted prisoners at the reception as well as during their stay in prison. Furthermore, the confidentiality of medical examinations of newly	- Ministry of Justice of the RS	Ministry of Justice of the RS: Related forms and the register of injuries are being prepared, and, as before, all violations are credibly recorded. In addition to your suggestions, the privacy and confidentiality of medical examinations are systematically respected.	The recommendation has been adopted

¹⁴ The CPT's delegation visited the Banja Luka Prison in 2019 and paid a targeted visit to the Istočno Sarajevo Prison solely for the purpose of interviewing detainees.

	admitted prisoners should be respected in a systematic manner at this institution.			and is being implemented
54.	In terms of equipment at the Banja Luka Prison, the CPT recommends that a defibrillator be procured and staff be trained to use it.	- Ministry of Justice of the RS - Competent ministry of health	Ministry of Justice of the RS: We approached the recommendation in accordance with the applicable procurement procedures and the agreement on staff training.	The recommendation has been adopted and is being implemented
55.	The CPT recommends that systematic screening or active investigation of tuberculosis cases, voluntary counseling or testing for blood-borne HIV infections and hepatitis B and C should be offered at prisons in Republika Srpska. Furthermore, the availability of treatment for hepatitis C and antiretroviral treatment for HIV should be equated in all prisons.	- Ministry of Justice of the RS - Competent ministry of health	Ministry of Justice of the RS: We are acting in accordance with Article 82, paragraph 8 of the Law on Execution of Criminal and Misdemeanor Sanctions of the Republika Srpska.	The recommendation has been adopted and is being implemented
56.	The CPT recommends that replacement therapy for prisoners who have symptoms of a drug withdrawal crisis should be never end abruptly after the prisoner has been admitted to prison.	- Ministry of Justice of the RS - Competent ministry of health	Ministry of Justice of the RS: Helping the prisoners quit their drug addiction takes place with their consent and voluntary consent under the supervision, control and adequate therapy of a psychiatrist.	The recommendation has been adopted and is being implemented
57.	The CPT recommends that the RS authorities amend the relevant legal provisions to ensure that the longest possible period of solitary confinement as a sanction is limited to 14 days for a given offense, and preferably shorter.	- Ministry of Justice of the RS	Ministry of Justice of the RS: The adoption of the recommendation will be a topic on the first occasion of introducing amendments to the existing Law on Execution of Criminal and Misdemeanor Sanctions of the Republika Srpska.	The second half of 2021
58.	The CPT recommends that the necessary steps be taken to ensure that prisoners have the right to appeal to an independent body against any imposed disciplinary sanction.	- Ministry of Justice of the RS	Ministry of Justice of the RS: The adoption of the recommendation will be a topic on the first occasion of introducing amendments to the existing Law on Execution of Criminal and Misdemeanor Sanctions of the Republika Srpska.	The second half of 2021

59.	With regard to sending the prisoners to high-security wards in the Banja Luka Prison, the CPT recommends that they be offered a meaningful regime of treatment that includes a variety of activities (including work, education, recreation, sports and offender management programs).	- Ministry of Justice of the RS	Ministry of Justice of the RS: Acting on the recommendation, it was decided that the team of the Admission-Discharge Department, which consists of a psychologist, pedagogue, criminologist, social worker and head of the department, be in charge of the intensified re-education activities related to the work at the department. The instruction on the implementation of the schedule of daily activities of prisoners in the ward was adopted in order to establish the best possible cooperation between the heads of treatment and security departments, all in order to assess current risks and achieve more efficient coordination between the departments. The justification of a prisoner's stay in the ward is reviewed every three months by a multidisciplinary team composed of members of the treatment and security departments and only in exceptional cases will this measure be extended.	The recommendation has been adopted and is being implemented
60.	The CPT reiterates its recommendation that the RS authorities, following the consultations with the judiciary, take the necessary steps to improve prisoners' contacts with the outside world, with open visits allowed as a rule and closed visits existing only for security reasons.	- Ministry of Justice of the RS	Ministry of Justice of the RS: The adoption of the recommendation will be a topic on the first occasion of introducing amendments to the Criminal Procedure Code of the Republika Srpska.	-
61.	The CPT recommends that all prisoners be offered the equivalent of one hour of visits per week. The relevant legal provisions should be amended accordingly.	- Ministry of Justice of the RS	Ministry of Justice of the RS: The adoption of the recommendation will be a topic on the first occasion of introducing amendments to the existing legislation.	-
PSYCHIATRIC ESTABLISHMENTS¹⁵				

¹⁵In 2019, the Special Hospital for Forensic Psychiatry in Sokolac ('forensic psychiatric hospital') and Special Hospital for Psychiatry in Sokolac ('civil psychiatric hospital');

62.	With regard to the placement of forensic and civil psychiatric patients, the CPT recommends that the BiH authorities review their practice of interfering in institutions, and take actions to ensure that involuntarily hospitalized civil psychiatric patients are not subject to the same security measures as forensic psychiatric patients.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.	Ongoing
63.	The CPT recommends that the RS authorities take urgent steps to stabilize the financial situation of the Special Psychiatric hospital aimed at ensuring that legal rights arising from the employment of staff are fully respected and that patients receive necessary care in future.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.	Ongoing
64.	In terms of living conditions of patients in the psychiatric hospitals, the CPT recommends that the number of patients in dormitories in the Special Hospital for Forensic Psychiatry is reduced so that there are no more than four patients per dormitory.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.	Ongoing
65.	With regard to the above-mentioned, the CPT recommends that patients' dormitories and common areas in the Special Hospital for Forensic Psychiatry in Sokolac are decorated to provide better therapeutic environment for the patients, and insufficiencies with regard to maintenance, hygiene and small inventory in the sanitary facilities are corrected.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
66.	The CPT calls for the RS authorities to examine how to additionally improve the access to fresh air for patients placed on the first floor of the Special Hospital for Forensic Psychiatry. The goal would be to ensure that all patients use unlimited access to external walk during day unless the treatment activities require them to be present at the ward	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing

67.	<p>The CPT recommends that the RS authorities take necessary actions to ensure that in the Special Psychiatric Hospital in Sokolac:</p> <p>a) dormitories of patients and other rooms at two male wards and at the Female Acute Ward are decorated and provide better therapeutic environment to the patients;</p> <p>b) dormitories at the two acute wards are equipped with bedside tables;</p> <p>c) all toilets and showers are maintained in good condition, clean and well-aired, and water temperature in the showers is adequate.</p>	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
68.	<p>The CPT recommends that the RS authorities take necessary actions to ensure that the number of patients at the Special Psychiatric Hospital in Sokolac is additionally reduced. The aim should be to ensure that there are no more than four beds per dormitory. This requirement should be taken into consideration during the ongoing reconstruction works in the establishment, and if possible, in other psychiatric establishments in BiH.</p>	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
69.	<p>The CPT recommends that the RS authorities ensure that the way walk in the outside space for male and female patients is organised at the acute wards is revised, so that all patients can use such walk in a reasonably spacious area which should be equipped with a shelter against inclement weather. The current cage-like space is not suitable for this purpose. The aim would be to ensure that all patients use unlimited access to external walk during day unless the treatment activities require them to be present at the ward.</p>	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing

70.	<p>The CPT recommends that the RS authorities suspend arbitrary use of the video surveillance cameras in the Special Hospital for Forensic Psychiatry in Sokolac and Special Psychiatric Hospital in Sokolac, and, when possible, in other psychiatric establishments. Regarding that, the CPT wish to receive information on the legal basis for the instalment of the video surveillance cameras in the patients' dormitories.</p>	<p>- Competent ministry of health</p>	<p>The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner</p>	<p>Ongoing</p>
71.	<p>In terms of the treatment of psychiatric patients, the CPT recommends that the RS authorities:</p> <ul style="list-style-type: none"> a) in both visited establishment, additionally enhance the psychosocial rehabilitation activities programme and that the staff motivate all patients to regularly participate in such activities. In civil psychiatric hospitals, special attention should be paid to the acute patients' needs, and in the forensic psychiatric hospitals, provision of psychosocial rehabilitative activities should be considered, particularly in the afternoons. These changes will require greater human capacities; b) individual treatment plans are developed for all patients. Multidisciplinary approach should be adopted for treatment of patients, and different categories of clinical staff should meet on regular basis to exchange information and discuss the needs of patients, and the progress made within the therapy; c) at least some activities are offered to the patients in the special department (for forensic examination) of the forensic psychiatric hospital. 	<p>- Competent ministries of health</p>	<p>The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner</p>	<p>Ongoing</p>

72.	The CPT recommends that the RS authorities ensure that broaden the new generation of antipsychotics to better suit individual needs of each patient in both establishments.	- Competent ministries of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
73.	The CPT recommends that the RS authorities take urgent actions to test blood on regular basis, which is necessary in all psychiatric establishments whenever the Clozapine is used, and to educate staff about its potentially fatal side effects and the importance of regular blood testing.	- Competent ministries of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
74.	The CPT recommends necessary actions to be taken to ensure that individual medical records in both visited establishments include notes made on regular basis on mental and somatic health of patients, and on their treatment.	- Competent ministries of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
75.	With regard to the forensic psychiatric hospital, the CPT recommends additional staff in the occupational therapy unit to be employed, and the role of the psychiatrists is revised to ensure they are integrated in the multidisciplinary teams which provide treatment and care to patients. It would also be desirable to increase the contribution of the psychiatrists in the establishment.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
76.	The CPT recommends that the RS authorities end the current practice where the court police officers carry firearms at the special department for forensic examination of the forensic psychiatric hospital.	- Competent ministries of justice - Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
77.	The CPT recommends that the RS authorities ensure that the practice regarding the search of patients in the Special Hospital for Forensic	- Competent ministries of justice	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from	Ongoing

	Psychiatry in Sokolac is urgently revised. In this regard, the CPT is deeply concerned about the detailed search of patients who are involuntarily hospitalized at the psychiatric hospital and would like to receive comments from the RS authorities regarding this issue.	- Competent ministry of health	the competent institutions in this regard, of which it will inform the Committee in timely manner	
78.	With regard to the civil psychiatric hospital, the CPT reiterates its recommendation that the staffing in it is revised, with the priority placed on the increase in number of nurses and staff conducting the psychosocial rehabilitative activities. Actions need to be taken to fill in three vacancies for psychiatrists. The Committee recommends that the role of psychiatrists is revised to ensure they are integrated in the multidisciplinary teams which provide treatment and care to patients.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
79.	With regard to cases of the use of the means of restraint, including chemical restraint, the CPT recommends ensuring that: a) all cases of the use of means of restraint are registered in the special register; b) patients subjected to mechanical restraints are under constant, direct and personal supervision of qualified staff and are not mechanically restrained in full view of other patients; c) personnel are never assisted by other patients when the means of restraint is applied on a patient.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
80.	The CPT recommends that the RS and the FBiH authorities, as well as the relevant cantonal authorities take necessary actions to ensure that courts decide on involuntary placement and the	- Competent ministries of justice - Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing

	extension of involuntary placement within the time frame prescribed by relevant laws.			
81.	The CPT recommends that relevant authorities take necessary actions to ensure that patients have the efficient right and that the court hears them in person during the involuntary placement process or its extension, and during the appeal proceedings and that they have a real opportunity to consult with their ex officio lawyers. The CPT is of view that the involuntary placement period of one year is too long, and the legal framework should be amended so as to introduce shorter periods.	- Competent ministries of justice - Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
82.	The CPT recommends that if the provision of care in the establishment to a patient that does not want to leave the establishment is considered necessary, the process for civil involuntary placement under the law needs to be fully implemented. Furthermore, the same procedure should be fully applied to all patients deprived of their legal capacity, whether they have a guardian or not, whose behaviour clearly indicates they oppose the placement.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
83.	The CPT reiterates that the RS authorities take necessary actions to ensure that the above mentioned principles are efficiently implemented in practice in the Special Hospital for Forensic Psychiatry in Sokolac and the Special Psychiatric Hospital in Sokolac, as well as, if possible, in other psychiatric establishments.	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
84.	With regard to the patient's contact with the outside world, the CPT recommends that the RS authorities ensure that the existing informative materials - brochures on the work of the establishment, given	- Competent ministry of health	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing

	to the patients and their family upon the patients' admission, are revised to ensure they contain comprehensive useful information.			
SOCIAL WELFARE ESTABLISHMENTS¹⁶				
85.	<p>With regard to the visited social care home, the CPT recommends that the FBiH authorities and relevant authorities from the Herzegovina-Neretva Canton take necessary actions that:</p> <p>a) all rooms of the Home for Social and Health Care for Disabled People in Stolac are maintained in good condition and suitably decorated and personalized to create domestic environment for the beneficiaries;</p> <p>b) all dormitories are adequately equipped, including night stands according to number of beneficiaries and all beneficiaries have complete bedding sets;</p> <p>c) all beneficiaries are provided with adequate cutlery and are encouraged by the staff, and if necessary assisted, to use it.</p>	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent HNC institutions 	<p>Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton:</p> <p>The recommendations provided in your reports are related to the layout of the space, bedding, furniture and cutlery are in accordance with the recommendations this Ministry has given to the management of this establishment via inspector, and the Ministry will continue to insist the same to be implemented.</p> <p>Cantonal inspector, during her visit, ordered the management of the establishment the reorganisation by beneficiary structure, and painting of corridors and day-rooms in warm colours, decorating walls with paintings and educational messages, and painting educational content on the floor that would encourage and develop life skills of beneficiaries. Furthermore, it was recommended to enable beneficiaries with abilities and affinities they expressed in creative workshops to, in accordance with their abilities, paint external walls in the yard to create joyful dimension, and to be able to be proud of their achievement.</p>	Ongoing
86.	<p>The CPT recommends that the number of staff in the Home for Social and Health Care for Disabled People in Stolac is reviewed and increased, since there is currently one GP from the local health centre for the establishment, who visits the establishment two or three hours a week, and a psychiatrist from the University Clinical Hospital Mostar who visit once a week or once every two</p>	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent ministry of health - Competent HNC institutions 	<p>Federal Ministry of Labour and Social Policy:</p> <p>Rules on Work Standards and Service Provision in the Social Welfare Establishments in the Federation of Bosnia and Herzegovina (Official Gazette of the FBiH, No. 15/13 and 44/16) prescribes common minimum standards for work and provision of service as well as other minimum standards for conducting business activity, i.e. providing social care in the social care establishments in the FBiH. Article 37 prescribes</p>	Continuously

¹⁶The CPT Delegation visited in 2019 the Social Care Home for Mentally Disabled in Stolac in the Herzegovina-Neretva Canton.

	<p>weeks. There are ten nurses (including a head nurse) in the establishment and 28 caregivers. There are two psychologists employed full-time and a physiotherapist who comes every day and stays for three hours. Five social workers and five staff members are responsible for different workshops.</p>		<p>that the establishment must provide necessary number of professionals for treatment and service provision to persons with disabilities, i.e. adults with moderate and severe disability:</p> <ul style="list-style-type: none"> - 1 defectologist (special needs educationalist) per 80 beneficiaries, - 1 social worker per 150 beneficiaries, - 1 psychologist per 250 beneficiaries, - a neurologist or a psychiatrist 8 hours, once a month, per 150 beneficiaries, - 1 nurse/medical technician or related profession, full-time employment at the department per up to 80 beneficiaries, - 1 caregiver/education in care provision, per 10 beneficiaries fully dependent, - 1 physiotherapist at the department per up to 200 beneficiaries, - 1 work therapist/education in work therapy, per 250 beneficiaries, - 1 occupational trainer with 20 beneficiaries and - 1 music therapist per 300 beneficiaries. <p>Furthermore, Article 37 of the Rules for Psychiatric Patients is the next standard regarding the professional staff:</p> <ul style="list-style-type: none"> - 1 social worker per 50 beneficiaries, - 1 psychologist per 150 beneficiaries, - 1 psychiatrist 3 times a week, 8 hours, per 150 beneficiaries, - nurse/medical technician or related profession per 20 beneficiaries, - 1 physiotherapist per 150 beneficiaries, - 1 caregiver/education in care provision, per 5 beneficiaries, - 1 work therapist/education in work therapy, per 200 beneficiaries, - 1 occupational trainer with 15 beneficiaries 	
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			<p>1 music therapist per 200 beneficiaries and 1 educator-rehabilitation professional per 100 beneficiaries. Currently, new staff is employed in accordance with funds the establishment disposes of.</p> <p>Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton: The management of the establishment has been ordered by the cantonal inspector on several occasions to employ educator-rehabilitation professional and additional number of caregivers. Number of staff has been employed, and the rest of the recruitment plan has not been implemented due to the Covid-19 threat in BiH. The relevant Ministry recommended employing external associates and/or volunteers. (music teacher, physical education teacher and art teacher) to work in creative workshops with beneficiaries. Since the establishment is registered as social care establishments, and mechanical restraints of beneficiaries are not envisaged and cannot be applied until the establishment is registered as healthcare institution and new Rules on Minimum Standards for Medico-Social Establishments is developed. Your comment regarding the inclusion of beneficiaries in work and occupational, creative, sport, reciting, music, art, writing, gardening workshops we find justified and we are of view that beneficiaries need to be constantly encouraged and their capacities need to be developed. With regard to that, the cantonal social welfare inspector requested in August 2019 the ability assessment for all beneficiaries, and, in accordance with the assessment an in cooperation with beneficiaries, social welfare centres that placed the beneficiaries in the establishments, their guardians, i.e. families, to develop individual plan for each</p>	
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			<p>beneficiary aimed at maintaining the existing capacities, and developing new capacities of the beneficiary. Furthermore, it was requested to also try to motivate beneficiaries who are passive and who have not participated in the activities so far. The ordered measure was implemented and in December 2019 individual assessment of all beneficiaries was carried out and individual plans developed.</p> <p>Based on the individual plans, developed for the beneficiaries, and in accordance with the assessment by expert teams from the establishment and social welfare centres each beneficiary, in accordance with his/her abilities is included in number of activities. Individual plans will be revised every six months.</p>	
87.	<p>The CPT recommends that the FBiH authorities and the relevant HNC authorities take necessary actions to ensure that these principles are efficiently implemented in practice in the Home for Social and Health Care for Disabled People in Stolac. In particular, offer of the psychosocial rehabilitative activities should be improved, and as absolute minimum, each beneficiary should be given an opportunity to participate in one organized activity on daily basis.</p>	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent ministry of health - Competent HNC institutions 	<p>Ministry of Health, Labour and Social Policy of the Herzegovina-Neretva Canton:</p> <p>The Government and the relevant Ministry have, for the purpose of increasing the quality of living of the beneficiaries in the establishment, in 2020 allocated additional funds amounted to BAM 150,000.00, and will continue take all activities to implement the CPT Committee's recommendations.</p> <p>The Ministry is of view that a new law at the FBiH level that will fully define this must urgently be adopted.</p> <p>Employees of the establishment have undergone professional training on developing and implementing individual plans for beneficiaries. Social and healthcare service has developed plans for all beneficiaries, and it is acted in accordance with them and attempts are being made to motivate each of the beneficiaries to participate in different activities.</p>	Ongoing

88.	With regard to medications, the CPT recommends that the FBiH authorities and the relevant HNC authorities take urgent actions aimed at introducing mandatory blood testing in all social care establishments whenever Clozapine is used, and staff must be educated on potential fatal side effects of this medication, and on the importance of regular blood testing.	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent ministry of health - Competent HNC institutions 	Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton: Blood tests are carried out for all beneficiaries Clozapine is prescribed to, and they are under control and supervision of a psychiatrist.	Continuously
89.	The CPT recommends that the FBiH authorities and the relevant HNC authorities take actions to ensure efficient implementation of autopsy in every case of death in the Home for Social and Health Care for Disabled People in Stolac, except in the case when an independent medical body states that the autopsy is not necessary. Furthermore, when a social care home beneficiary dies after being hospitalized in an external healthcare establishment, the clinical cause of their death (together with conclusions from the autopsy) should be systematically communicated to the social care home.	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent ministry of health - Competent HNC institutions 	Ministry of Labour, Social Policy, Displaced Persons and Refugees of the Sarajevo Canton: This recommendation refers specifically to the situation in the Social Care Home for Mentally Disabled in Stolac and the Ministry of Labour, Social Policy, Displaced Persons and Refugees of the Sarajevo Canton cannot respond to it. However, the Ministry will also refer the said recommendation to the residential establishments for the placement of beneficiaries in the Sarajevo Canton.	Ongoing
90.	With regard to the means of restraint, the CPT recommends that every means of restraint is registered in the register specifically for that purpose, and that beneficiaries are not restrained in full view of other beneficiaries and that they are	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent ministry of health 	Federal Ministry of Labour and Social Policy: Article 33 of the Rules on Work Standards and Provision of Services in Social Care Establishments in the Federation of Bosnia and Herzegovina (Official Gazette of the FBiH, No. 15/13 and 44/16) provides that the restrictive actions and measures toward a beneficiary who with their behaviour	Continuously

	<p>under constant supervision of qualified staff throughout the duration of the measure.</p>	<p>- Competent HNC institutions</p>	<p>puts in danger himself/herself, other beneficiaries, staff, visitors or the property, are applied exclusively on the basis of planned, supervised and time-limited interventions. For limitation of movement, isolation, or control of behaviour of beneficiaries, the service provider must prescribe procedures, designate a person responsible for approval of restrictive measures and actions and for keeping records regarding their implementation.</p> <p>Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton: We can confirm that only one report by a beneficiary on violation of human rights by an employee has been submitted to this Ministry (inspector), but the inspection findings indicated that it was unfounded. The person responsible in the establishment was ordered to provide the video recording the establishment has to the beneficiary for inspection to remove any doubt regarding the inhumane treatment. There have been no other complaints related to the inhumane treatment of beneficiaries by staff. The cantonal social welfare inspector, during the inspection control and visit to the beneficiaries talked directly with the beneficiaries about problems and staff attitude, activities and occupational therapy in the establishment, and the beneficiaries did not complain during the conversation about inhumane treatment, but praised the way the staff treated them.</p> <p>Ministry of Labour, Social Policy, Displaced Persons and Refugees of the Sarajevo Canton: This recommendation also refers to the specific establishment in the HNC, so this Ministry will not respond. However, having in mind the said recommendations, we find it important to note that the Cantonal Public Establishment</p>	
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			<p>'Social Care Home for Disabled and Other Persons' does not accommodate beneficiaries with severe mental disorders, which is contraindication for placement in accordance with the Rules on admission and release, due to inability to provide adequate service to such beneficiaries. With regard to the aforementioned, there is rarely a need to apply physical force, i.e. to fixate or isolate beneficiaries, and in cases it proves necessary, the fixation or isolation are implied only when it is the only means to prevent that person from attacking and endangering the health of other persons, his/her life, and of violently destroying or damaging other people's higher-value belongings. The fixation or isolation are applied only to the extend and in a manner that is necessary for removing threat of attack by beneficiaries with mental disorders and can last only for as long as it is necessary to achieve its purpose. The above mentioned is regulated by internal documents of the establishment, as follows: Procedure on treatment of cases of violence of abuse of beneficiaries as of 18/11/2013 and the Instruction on Procedure of isolation or fixation on beneficiaries/persons with mental disabilities as of 22/11/2019, which are harmonized with the Law on Protection of Persons with Mental Disorders (Official Gazette of the FBiH, No. 37/01 and 40/02); Fixation is, within the meaning of the internal documents, the use of means for physical restraints of movement in humane way (special straps and other means that will not lead to injury of the beneficiary), and the decision on the measure is made by a psychologist (Jagomir Psychiatric Hospital in accordance with the agreement), who supervises its implementation, However, when it is not possible to wait for the decision to be made by a psychiatrist due to extreme urgency, decision on fixation or isolation can be made by a medical doctor, nurse-technician, who shall</p>	
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			promptly inform the psychiatrist about it, and a psychiatrist will then decide on its further implementation. Constant monitoring of the physical and mental condition of the person by professional medical staff is ensured during the process. The reasons, manner and extent to which the fixation is applied, and the name of person who made the decision on the measure implementation are registered in medical documentations, and a legal representative or a legal guardian of the beneficiary is informed of it. During 2019, the full fixation was not used, and mild fixation in seated position was applied for 4 beneficiaries at the recommendation of neuropsychiatrist for the safety of beneficiaries, i.e. preventing them to turn and fall over.	
91.	With regard to involuntary admission to social care homes in BiH, the CPT recommends that the FBiH authorities adopt clear and comprehensive legal framework to regulate placement and stay of beneficiaries (including situation in which imposed restrictions lead to de facto deprivation of liberty) in social care homes.	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent ministry of health - Competent HNC institutions 	<p>Federal Ministry of Labour and Social Policy: Bearing in mind the Judgment of the European Court of Human Rights in Strasbourg in the case of Hadžimejlić and Others v Bosnia and Herzegovina, ap. no. 3427/13 as of 3 November 2015, as well as the Decision of the FBiH Government on the adoption of the Action Plan, V number: 412/2017 as of 23 March 2017 (Official Gazette of the FBiH, No. 23/17) for the implementation of general measures for the prevention of human rights violation under the judgement of the European Court for Human Rights in the comprised Analysis of domestic legal frameworks for the protection of persons with mental disabilities in the FBiH with the proposed measures for their harmonization with the international standards in this area. The Analysis is in the phase of providing opinion of the relevant institutions and will be referred to the FBiH Government for the adoption. Legislative amendments will be in the direction of the Analysis and adopted proposed measures for their harmonization with the international standards in this area.</p>	Ongoing

			<p>Ministry of Labour, Social Policy, Displaced Persons and Refugees of the Sarajevo Canton:</p> <p>This recommendation also refers to the specific establishment in the HNC, so this Ministry will not comment on the above. However, bearing in mind the recommendation we find it important to note that the admission to social care establishments is regulated by the Law on Basics of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children (Official Gazette of the FBiH, No. 36/99, 54/04, 39/06, 14/09, 45/16 and 40/18), (hereinafter: the Federal Law) and the Law on Social Protection, Protection of Civil Victims of War and Protection of Families with Children (Official Gazette of the Sarajevo Canton, No. 38/14 - consolidated text, No. 38/16, 44/17, and 28/18) (hereinafter: the Cantonal Law). Article 41 of the Federal Law stipulates that children and adult persons who need constant care and assistance in satisfying their subsistence can be admitted in a social care home, or in their family or in another way. Furthermore, Article 42 stipulates that the Cantonal Social Welfare Centre under which jurisdiction that person has place of residence decides on the placement in homes, on the basis of opinion of the expert team of the center, executive decision of the court, guardianship authority or on the basis of the assessment and opinion of expert commission on incapacity for work, i.e. opinion of relevant health institution. The Cantonal Centre must supervise the treatment of beneficiaries for the purpose of care, protection, and treatment of their physical or mental health. Article 45 of this Law stipulates, among others, that the contract regulates the mutual relations between the Cantonal Center and the accommodation institution, the conditions and deadline for termination of the contract, the amount and manner of</p>	
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			<p>payment of compensation, the person responsible for payment of accommodation, and other issues. Beneficiary, parent, guardian, or a relative bear the costs of placement in the establishment who is under the Federal Law obliged to support the admitted beneficiary, i.e. legal or natural person who undertook to pay the costs under contract. Article 57 of the Cantonal Law stipulates that, if the family cannot provide conditions for fulfilling the minimum subsistence, the decision on placement in the establishment is issued and determines: the need for the placement, establishment in which the beneficiary will be placed, beginning and potential duration of the placement, and the placement costs. Furthermore, social welfare services operating within the Cantonal Centre, must ex officio check all cases of placement in social care homes, minimum once every six months.</p>	
92.	<p>The CPT recommends that informative brochure describing functioning of the establishment, rules of admission and release, rights of beneficiaries and possibility of lodging a complaint, on a confidential basis, with clearly stated external body for complaints is prepared and given to all beneficiaries and their families or guardians, upon admission to the establishment. Beneficiary that cannot comprehend the brochure must be provided with adequate assistance.</p>	<ul style="list-style-type: none"> - Competent Ministry of Labour and Social Policy - Competent ministry of health - Competent HNC institutions 	<p>Federal Ministry of Labor and Social Policy: Article 15 of the Rulebook on the Standard for Work and Provision of Services in Social Protection Institutions in the Federation of Bosnia and Herzegovina (Official Gazette of the FBiH, No. 15/13 and 44/16) provides that the House Rules regulates in more detail organisation and treatment of beneficiaries especially admission, release, familiarizing with House Rules and other regulations, accommodation, food and clothing, manner and conditions of practicing religion, correspondence, visits and shipments, type and quantity of food and other items that they can receive, conditions and manner of using the money from wages, pocket money, rewards from money shipments, manner of using uninterrupted vacation and visting family, maintaining order and discipline, manner of organizing cultural, educational, entertainment and sports life, free-time activities, manner of release and support during release and for independent living and</p>	Ongoing

			<p>other issues that may be important for the conditions and manner of stay in the establishment. The House Rules of establishment are adopted by the director, with approval by the line minister.</p> <p>Article 34 of the Rulebook provides that, in order to protect the rights of beneficiaries, any establishment is obliged to protect human rights of beneficiaries, their interests and meet their basic and specific needs, depending on the category of beneficiaries. It is also prescribed that the establishment should clearly define the procedures for reviewing beneficiaries' complaints and enable their consideration and respond within 15 days of receipt, as well as for keeping records of them. The establishment must enable beneficiaries to submit requests, complaints and other submissions to the competent authorities in order to protect their rights.</p> <p>Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton:</p> <p>The establishment has considered the brochure and is of view that it would be extremely useful for the establishment and its beneficiaries and in the upcoming period the establishment will consider a realistic possibility of preparing and publishing it.</p>	
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ADDITIONAL QUESTIONS OF THE COMMITTEE REGARDING THE RECOMMENDATIONS

No.	QUESTION OF THE COMMITTEE	INSTITUTION RESPONSIBLE FOR IMPLEMENTING THE RECOMMENDATION	PROPOSED MEASURES	TIME FRAME
1.	<p>The CPT welcomes the efforts the authorities in BiH have made to keep the level of prison population under control at the state and entity levels and requests for information on the progress in construction of different prison facilities, and on appointment of the new State Prison management.</p>	<p>- competent ministries of justice</p>	<p>SC MoI: The report of the Sector of Uniform Police, Unit for Protection of Facilities and Detention of Persons Deprived of Liberty No: 02/2-6-5-02-46/20, as of 30/03/2020.</p> <p>During 2016 and 2017, the Police Administration of the Ministry of Interior, in accordance with the agreements concluded with contractors, invested material and technical resources aimed at reconstructing and equipping the detention room for persons deprived of their liberty Document of the Sector for Material and Financial Affairs, No: 02/6-107/20 as of 02/04/2020.</p> <p>Ministry of Interior of the Posavina Canton: According to the Rulebook on Systematization, the Police Administration of the Ministry of Interior of the Posavina Canton does not have a special unit for security of facilities and detention of persons deprived of thier liberty, but these tasks are performed by police within the Police Administrations, as part of regular tasks.</p> <p>Ministry of Interior of the Tuzla Canton: When it comes to the premises for detention of persons at the Police Administration of the Ministry of Interior of the</p>	<p>Ongoing</p>

			<p>Tuzla Canton, they were visited by the Office of the Ombudsman of BiH on 25 October 2018, when the Detention Premises located at the headquarters of the Ministry of Interior of the Tuzla Canton, Police Administration, were inspected. After the inspection, "The Special Report on the Situation in Detention Facilities in Certain Police Administrations in BiH" was put together in February 2019. Recommendations were issued by the Ombudsman: to install video surveillance in the existing Detention Facilities and to install a button to call the officer on duty. In January 2019, the Police Administration issued "Instruction on the treatment of persons deprived of their liberty". The Instruction regulates rights of persons deprived of liberty detained in Detention Facilities, rights of persons during their stay in Detention Facilities, meals, medical treatment, actions of police officers etc.</p> <p>In order to improve the living conditions of persons in the Detention Facilities, in October 2020 the Director of the Police Administration appointed a commission with the task to visit all Detention Facilities within competence of the Police Administration of the Ministry of Interior of the Tuzla Canton and make a report on the situation, propose measures for better equipment, all with the aim of improving the conditions of detainees in the Detention Facilities.</p>	
2.	<p>The CPT welcomes opening of the Special Hospital for Forensic Psychiatry in Sokolac, but requests clarification with regard to placement of forensic psychiatric patients from different parts of the country in this establishment and expresses strong reservations regarding this establishment's current practice of mixing of civil and forensic psychiatric patients</p>	- Competent ministry of health	<p>The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.</p>	Ongoing

3.	<p>With regard to torture and other forms of ill-treatment in the detention units, the CPT would like to be informed about different elements the rigorous selection procedures for police officers consist of.</p>	<p>- Ministries of interior at all levels of government</p>	<p>Federal Ministry of Interior: Admission of police officers in the Federal Police Administration within the Federal Ministry of Interior is regulated by the Law on Police Officers of the FBiH (Official Gazette of the FBiH, No. 27/05, 70/08, 44/11, and 13/18) and bylaws, i.e. Rulebook on the Content, Method and Schedule of Candidate Testing in the Process of Selection of Police Officers from 2016, and the Criteria on method, manner and scoring system, candidate testing and physical fitness from 2019. Basic training of selected candidates for police officers, i.e. cadets is carried out in accordance with the provision of the Rulebook on Basic Training of Police Officers of the Federal Police Administration of the Federal Ministry of Interior. Recruitment is carried out through a public competition in the initial ranks: police officer and junior inspector, and is based on the media advertising of the recruitment campaign, public competition, prior determination of conditions and transparent selection process through a selection of a five-member commission (three of them are police officers with rank of Independent Inspector or higher rank appointed by a head of the Federal Police Administration and two are civil servants employed with the Federal Ministry of Interior, minimum position of expert advisors appointed by the Minister). The Police Administration employs the best candidates, whereas the candidates that do not meet the criteria are excluded from the selection process.</p> <p>RS MoI As for the procedure of police officer selection process, Rulebook on the Selection Procedure and Selection of Candidates for Police Training of Cadets in the Police Training Unit - Police Academy Banja Luka, the procedure for registration, selection and selection of candidates</p>	<p>Continuously</p>
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			<p>participating in the public competition for police training cadets at the Police Academy is regulated, as well as the criteria relevant for the selection of candidates. The Rulebook is public and published on the Directorate for Police Training website; it is available to the candidates and other interested parties.</p> <p>As for the zero-tolerance policy regarding the physical and psychological abuse of persons deprived of their liberty. The Curricula for the police training of cadets includes a special, expert module 'Deprivation of Liberty' consisting of 40 lessons, which is 10% of total expert modules of teaching load. The purpose of the module is to train cadets for safe, lawful, and proper deprivation of liberty, as well as for treatment of persons deprived of their liberty.</p> <p>Cadets are informed about the CPT and its mandate, and about the importance of the Committee's visits to the police agencies in BiH.</p> <p>Cadets are also informed on zero tolerance policy with regard to physical and psychological abuse of persons deprived of their liberty through 'Human Rights and Police Ethics' and 'Fundamentals of Criminal Law and the Role of the Police in the Investigation' subjects.</p> <p>SC MoI: Selection and recruitment procedures for police officers in the Sarajevo Canton are prescribed by the provisions of the Law on Police Officers (Official Gazette of the Sarajevo Canton, No. 38/18 and 26/19), as well as bylaws adopted on the basis of the Law on Police Officers (Rulebook on Conditions, Method of Selection and Procedures for Promotion of Police Officers of the Police Administration of the Ministry of Interior of the Sarajevo Canton, Rulebook on the Procedure for Selection and Recruitment of Police Officers from Other Police Bodies in Bosnia and</p>	
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			<p>Herzegovina with the Police Administration of the Ministry of Interior of the Sarajevo Canton, Rulebook on the Content, Method and Schedule of Candidate Testing in the Process of Selection of Police Officers of the Police Administration of the Ministry of Interior of the Sarajevo Canton which is currently in the process of adoption). Police Commissioner, in accordance with the powers provided for by the provisions of the Law on Interior Affairs (Official Gazette of the Sarajevo Canton, No. 1/19, 26/19, and 31/19), deploys police officers to all positions determined by the Rulebook on Job Systematisation, taking into account gained experience, knowledge, skills, affinities and preferences of police officers for specific positions.</p>	
4.	<p>With regard to the efficiency of investigation of allegations of abuse by internal control units, the CPT would like to receive comments of the BiH authorities on the composition of three-member Citizens' Complaints Board of the Sarajevo Canton Assembly and on the observed lack of independence in the guarantee of effective supervision over the work of the Internal Control Unit of the Sarajevo Canton Police.</p>	<p>- Ministry of Interior of the Sarajevo Canton</p>	<p>SC Mol:</p> <p>The Citizens' Complaints Board of the Sarajevo Canton Assembly (hereinafter: the Board) was appointed by the Decision of the Sarajevo Canton Assembly, no: 01-05-12365/17 as of 28/03/2017 in accordance with Article 64 of the Law on the Internal Affairs of the Sarajevo Canton, as an independent body of the Sarajevo Canton Assembly aiming to ensure objective and impartial conducting proceedings in connection with complaints about the work and conduct of police officers, thus ensuring the protection of human rights and freedoms. Complaints are all requests, complaints, grievances, or other submissions related to the improper work of police officers of the Police Administration of the Ministry of Interior of the Sarajevo Canton. The composition of the three-member Citizens' Complaints Board of the Sarajevo Canton Assembly and names of its members were published in the Official Gazette of the Sarajevo Canton No. 13/07). After amending the Law on Internal Affairs of the Sarajevo Canton, the</p>	<p>Continuously</p>

			Board has been expanded to 5 members (competition procedure is ongoing). The Citizens' Complaints Board of the Sarajevo Canton Assembly is independent in its work and reports to the Sarajevo Canton Assembly.	
5.	With regard to the practice of prosecutors who respond only via three-page correspondence with the Ombudsman for Human Rights in BiH the requests for the status of criminal investigation filed by legal representatives of alleged victims, the CPT wishes to receive comments of the High Judicial and Prosecutorial Council on this issue, given that the Committee considers that the requirement of the investigation transparency has not been met to a reasonable extent.	- Institution of Human Rights Ombudsman of BiH - HJPC	Institution of Ombudsman: The analysis of complaints received by the Institution of Ombudsmen indicates that in a significant number of cases citizens turn to ombudsmen due to untimely prosecutors' proceedings on reports of committed criminal offences. Ombudsmen point out that it is worrying that the prosecutor's offices, in a significant number of cases, provide identical answer to the Institution after the criminal charges are filed: <i>we hereby inform you that the investigation is ongoing</i> without giving any specific answer on actions taken. Such actions confirm the worrying fact, i.e. reason due to which majority of citizens do not trust this institution, which results in non-reporting of criminal offences, and on the other hand, it raises a question of efficiency and timely action of prosecution apparatus. Through cooperation with the HJPC, ombudsmen will in the upcoming period try to significantly improve the situation in this area, and thus the cooperation with prosecutors' offices.	Continuously
6.	The CPT wishes to be informed on when the detention unit will become operational in the Training Center Zalužani, near Banja Luka, the delegation had the opportunity to visit, and which it believes will have good conditions of detention.	- Ministry of Interior of the RS	RS MoI: New rooms to accommodate persons deprived of their liberty of the Department for Holding of Persons Deprived of Liberty of the Police Administration Banja Luka in the Training Centre Zalužani, became operational on 20/03/2020.	Ongoing
7.	With regard to the recommendation that size of cells cannot be less than 6m2 if they are used for	- Competent ministry of interior	Federal Ministry of Interior:	

	<p>overnight detention, i.e. desirable size not less than 7m2, the Committee requests the confirmation that the two cells in the Mostar Centar Police Station are no longer used for overnight detention. Furthermore, the CPT wishes to receive information on measures taken to make detention conditions at the Stolac Police Station adequate. The CPT wishes to receive detailed information on actions taken to ensure that the above requests are fulfilled in all police stations visited in 2019.</p>		<p>The Federal Police Administration has detention facilities at its headquarters, which consist of an admission office, rooms for lawyers, a separate bathroom and four detention rooms with total of 9 beds. Premises are under video surveillance, and occasional visits are carried out at the discretion of police officers and visual surveillance through door openings. Security is provided in shifts of 12 hours, 24 hours continuously, by one or two police officers. Beds are fixed to the wall, and the ventilation system and underfloor heating have been installed, and persons have 24-hour access to the toilet.</p> <p>RS MoI: With regard to the size of premises used to accommodate persons deprived of their liberty in this Ministry, neither of them is smaller than the recommended size. Furthermore, in accordance with available budgetary funds, all actions are taken to remove the observed shortcomings and adequately equip the facilities for the accommodation of persons deprived of their liberty (provision of audio and video equipment, bell, ventilation equipment, beds, hygiene products, adequate lighting, food, water, etc.).</p> <p>Ministry of Interior of the Posavina Canton The Police Administration of the Ministry of Interior of the Posavina Canton has three rooms for accommodating arrested persons, two rooms with beds in the Orašje Police Department building that can accommodate two people and one room with beds in the Odžak Police Department building that can accommodate two people. All three rooms have an area of more than 6 square meters and separate sanitary facilities, and the arrested persons are provided with 24-hour access to the sanitary facilities. There is video</p>	Continuously
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			surveillance in the room as well as 24-hour uninterrupted security by one or more police officers. All rooms have adequate lighting and are regularly ventilated and cleaned.	
8.	With regard to prison establishments, the CPT welcomes efforts made by the authorities to keep the prison population below the capacity of prisons. The CPT wishes to receive updated information on the planned construction and renovation regarding the Bijeljina Prison, the Mostar Prison, and the Sarajevo Prison.	- Ministry of Justice of the RS	RS Ministry of Justice: The construction works on the new prison in Bijeljina are ongoing in accordance with the planned dynamics. According to the service contract with the contractor, the construction of the prison should be completed in August 2020	August 2020
9.	The CPT welcomes the intention of the Minister of Justice of the RS to propose amendments to the Criminal Procedure Code of the RS aimed at introducing appropriate activity regime for prisoners in order to limit the far-reaching limitations which are systemically imposed on this category of prisoners by courts. Furthermore, the CPT wishes to receive the updated information on the time frame for proposing amendments on the Criminal Procedure Code, as well as on details of provisions which will be amended.	- Ministry of Justice of the RS	Ministry of Justice of the RS: Adoption of the recommendation will be discussed at the first amendment of the existing Criminal Procedure Code.	-
10.	With regard to five 8m2 solitary confinement cells in the Banja Luka Prison with disputed beds, which the Warden said would be replaced, the CPT wishes to receive confirmation that it has indeed happened.	- Ministry of Justice of the RS	Ministry of Justice of the RS: In order to ensure adequate living space for prisoners, we have provided fixed beds in several cells. Respecting the wishes of prisoners, in other cells we left the beds that can be lifted and attached to the wall, since this way the prisoners get more space for movement.	Recommendation adopted and implemented
11.	With regard to the Department for Supervision of the Work of Prisons established by the Ministry of Justice of the RS, the CPT wishes to receive confirmation that the Assembly's Supervisory Commission for supervision of protection of human rights of prisoners in the RS has been formed.	- RS Ministry of Justice	RS Ministry of Justice: The National Assembly of the RS has not yet formed the Assembly's Commission.	Ongoing

12.	<p>With regard to placement of patients from all parts of the country to the Special Hospital for Forensic Psychiatry in Sokolac, with the exception of the Sarajevo Canton, the CPT wishes to receive updated information if the necessary cooperation has been established, in order to place the patients from the Sarajevo Canton to this hospital as well. Furthermore, the CPT wishes to receive information which establishment or establishments the forensic psychiatric patients from the Sarajevo Canton are placed in. The CPT wishes to receive information on whether all forensic psychiatric patients from other parts of BiH are relocated to the forensic psychiatric hospital or there are other facilities in which forensic patients are kept.</p>	<p>- Competent ministries of health</p>	<p>The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.</p>	<p>Ongoing</p>
13.	<p>The CPT wishes to receive comments of the RS authorities on the Committee's preferred approach, which allows patients of psychiatric establishments, those who want to, to have access to their dormitories during the day, rather than to be forced to be in common rooms together with other patients.</p>	<p>- RS Ministry of Health and Social Welfare</p>	<p>The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.</p>	<p>Ongoing</p>
14.	<p>With regard to the fact that it is not uncommon in civil psychiatric hospitals that certain medications necessary for somatic health of patients cannot be provided by the hospital and patients had to provide them themselves with the assistance of their families, the CPT wishes to receive the information from the RS authorities on the criteria used for deciding on which patients must provide their own somatic medication.</p>	<p>- RS Ministry of Health and Social Welfare</p>	<p>The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.</p>	<p>Ongoing</p>

15.	With regard to the two visited psychiatric establishments in the RS, where it was observed that there are well-equipped medical rooms (with ECG, EEG, ultrasound machine, defibrillator and several sterilizers, as well as dental and gynecological chairs and laboratories), it was also observed that these machines are rarely or never used apparently due to lack of qualified personnel. Given that the delegation was informed of plans to employ a laboratory technician and to open dental surgery in near future, the CPT would like to receive a confirmation that it has been done.	- RS Ministry of Health and Social Welfare	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.	Ongoing
16.	With regard to dental care in psychiatric establishments, the CPT wishes to receive comments from the RS authorities on very few consultations in both visited establishments between January and June 2019 considering the number of patients	- RS Ministry of Health and Social Welfare	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner	Ongoing
17.	The CPT would like to receive additional comments from the BiH authorities on reviewing of measure of compulsory treatment in a psychiatric institution in the form of an expert opinion of a psychiatrist independent from the hospital the patient is accommodated in, which would be an additional and very important protective mechanism, particularly for patients who have spent longer periods of time in the hospital.	- RS Ministry of Health and Social Welfare	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.	Ongoing
18.	The CPT wishes to receive additional information on the functioning of the Commission for the Protection of Persons with Mental Disorders, provided for by the RS Law on the Protection of Persons with Mental Disorders.	- RS Ministry of Health and Social Welfare	The Ministry for Human Rights and Refugees of Bosnia and Herzegovina is expecting to receive the information from the competent institutions in this regard, of which it will inform the Committee in timely manner.	Ongoing

19.	<p>With regard to the visit of the Home for Social and Health Care for Disabled People in Stolac, the CPT wishes to be informed of the results of the first phase of the deinstitutionalisation of social care which focuses on seeking alternative accommodation models and providing service in the community. The CPT would like to be informed on further plans of the FBiH authorities in this area, and on the new FBiH Law on Social Protection.</p>	<p>- Federal Ministry of Labour and Social Policy</p>	<p>Federal Ministry of Labour and Social Policy: Within the process of deinstitutionalization in the Federation of Bosnia and Herzegovina the Law on Foster Care has been adopted (Official Gazette of the FBiH, No. 19/17) with bylaws. The Law on Foster Care in FBiH, implemented since March 2018, systemically regulates the right to placement with another family which was prior to the adoption of the said law regulated by the Law on Basics of Social Protection, Protection of Civilian Victims of War and Family Protection (Official Gazette of the FBiH, No. 36/99, 54/04, 39/06, 14/09, 45/16, and 40/18). Within the context of circumstances existing in the FBiH, by strengthening the existing types of foster care (traditional and specialized) and introducing new types of foster care (urgent and occasional), assumption have been made for the improvement of the existing and establishment of harmonized foster care system in line with needs and status of a foster child on deinstitutionalisation the whole FBiH territory. Furthermore, in the deinstitutionalisation process the Federal Ministry of Labor and Social Policy in cooperation with the relevant ministries of labor is working on drafting a new Law on Social Services. Currently, in addition to drafting of the preliminary draft law, work is underway regarding the mapping of the existing social services standards in the FBiH. The purpose of this activity is to prepare bylaws in addition to the law and create assumptions for reform activities cost assessment.</p>	<p>Ongoing</p>
20.	<p>The CPT wishes to receive comments from the FBiH authorities regarding the information that the beneficiaries whose stay in the social care home is financed from the public funds (as opposed to about 22 'private beneficiaries' who bear the costs of the stay themselves) had to transfer their properties to</p>	<p>- Federal Ministry of Labour and Social Policy</p>	<p>Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton: Pursuant to the Law on Social Welfare, this Ministry gives its consent for payment of accommodation costs for persons who do not have someone to support them or do not have sufficient funds to pay full amount of accommodation costs</p>	<p>Continuously</p>

	<p>the Canton. The CPT would like to know if the remaining property is returned to the said persons in case they are released relatively quickly.</p>		<p>in social care establishments. However, social welfare centres, in accordance with the Law on Social Welfare (Official Gazette of the HNC, No. 1/16 ans 3/05), implement procedure and determine who needs to be placed in the social care establishments.</p> <p>This Ministry, i.e. the HNC Government has not confiscated property from any beneficiary, neither did it misappropriate nor sell it.</p> <p>When carrying out the procedure, the social welfare centres take a statement and records an encumbrance in the Land Registry Office so it cannot be misappropriated by their relatives, in order to protect the interests of the beneficiary placed in the establishment. This procedure is carried out only when the beneficiary owns a property (however, few of them have full ownership of the property, and because there are several owners of the property, the said cannot be used nor misappropriated by the HNC Government).</p> <p>Based on all the above, this Ministry can guarantee that the beneficiaries accommodated at the establishment have not been deprived of their property before the immediate placement, and that if the expert team of the social welfare centre estimates that a beneficiary can return to the local community and live in a more humane environment worthy of human being compared to institutional accommodation, the beneficiary can return at any time to their property in the local community.</p> <p>In this regard, we can also inform you that the cantonal social welfare inspector ordered social welfare centres on the HNC territory in mid-2019 to carry out inspection of all accommodation capacities and to asses with their expert teams how many beneficiaries can return to their local communities and continue life there with the support of experts.</p>	
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21.	With regard to the means of restraint in social care homes in the FBiH, the CPT wishes to receive the comments of the FBiH authorities on the information gathered during the visit regarding no legal basis for the use of means of restraint.	<ul style="list-style-type: none"> - Federal Ministry of Labour and Social Policy - Federal Ministry of Health 	<p>Federal Ministry of Labour and Social Policy: Article 33 of the Rules on Work Standards and Provision of Services in Social Care Establishments in the Federation of Bosnia and Herzegovina (Official Gazette of the FBiH, No. 15/13 and 44/16) provides that the restrictive actions and measures toward a beneficiary who with their behaviour puts in danger himself/herself, other beneficiaries, staff, visitors or the property, are applied exclusively on the basis of planned, supervised and time-limited interventions. For limitation of movement, isolation, or control of behaviour of beneficiaries, the service provider must prescribe procedures, designate a person responsible for approval of restrictive measures and actions and for keeping records regarding their implementation.</p> <p>Ministry of Health, Labour and Social Welfare of the Herzegovina-Neretva Canton: We can confirm that only one report by a beneficiary on violation of human rights by an employee has been submitted to this Ministry (inspector), but the inspection findings indicated that it was unfounded. The person responsible in the establishment was ordered to provide the video recording the establishment has to the beneficiary for inspection to remove any doubt regarding the inhumane treatment. There have been no other complaints related to the inhumane treatment of beneficiaries by staff. The cantonal social welfare inspector, during the inspection control and</p>	Continuously

			visit to the beneficiaries talked directly with the beneficiaries about problems and staff attitude, activities and occupational therapy in the establishment, and the beneficiaries did not complain during the conversation about inhumane treatment, but praised the way the staff treated them.	
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