COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

LANZAROTE COMMITTEE

Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

Replies to the thematic questionnaire

"Screening of professionals, volunteers and other persons in contact with children"

BOSNIA AND HERZEGOVINA

Replies received by the Secretariat on 16 June 2026

Main relevant provisions of the Lanzarote Convention and previous recommendations

Article 5 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures, in conformity with their internal law, to ensure that the conditions to accede to those professions whose exercise implies regular contacts with children ensure that the candidates to these professions have not been convicted of acts of sexual exploitation or sexual abuse of children. The Explanatory Report to the Lanzarote Convention indicates that this obligation can be also applied to voluntary activities (see paragraph 57).

In the 2nd implementation report of the 1st monitoring round (2018), the Lanzarote Committee urged those Parties that limited mandatory screening to certain professionals to extend it to the recruitment of all professionals (public or private) in regular contact with children (R19) and invited Parties to encourage continuous screening of all professionals (R20) and volunteers (R21) in regular contact with children.

Article 27 paragraph 3.b of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to deny the perpetrator, temporarily or permanently, the exercise of professional or voluntary activity involving contact with children in the course of which the offence was committed.

Article 37 paragraph 3 of the Lanzarote Convention requires Parties to take the necessary legislative or other measures to ensure that the information referred to in paragraph 1 (i.e. data related to the identity and to the genetic profile (DNA) of persons convicted of the offences established in accordance with the Convention) can be transmitted to the competent authority of another Party, in conformity with the conditions established in its internal law and the relevant international instruments.

Whenever the term "screening" is used in this questionnaire, this should be understood as "verification of criminal convictions for sexual offences against children".

In all your answers, please provide details to the extent possible and refer to specific laws, policies, programmes, measures, etc.

Please describe the legislation, policy and practice which are in force on 27 March 2026 or are in the process of adoption (in this case, please specify the planned date of entry into force).

Please indicate:

a. State Party in respect of which the questionnaire is submitted: **Bosnia and Herzegovina**

b. Entities and bodies which have been involved in responding to this questionnaire: **1. Ministry of Human Rights and Refugees of Bosnia and Herzegovina; 2. Institution of the Human Rights Ombudsman of Bosnia and Herzegovina; 3. Agency for Preschool, Primary and Secondary Education of Bosnia and Herzegovina; 4. Ministry of the Interior of the Federation of Bosnia and Herzegovina; 5. Ministry of Family, Youth and Sports of Republika Srpska; 6. Ministry of Justice of Republika Srpska; 7. Judicial Commission of Brčko District of Bosnia and Herzegovina and 8. Ministry for Education of the Sarajevo Canton.**

<u>Persons concerned by screening requirements</u>

1. Is the absence of criminal convictions for sexual offences against children required as a pre-condition in order to accede to professions, employment or volunteer positions whose exercise implies regular contacts with children? Please specify whether such restrictions apply to professions, employment or volunteer positions in the following sectors or areas of activities (additional details to be inserted below the table):

	Criminal conviction check for employment in public sector?	Criminal conviction check for voluntary activity?	Criminal conviction check for employment in private sector?	Criminal conviction check for self-employed professionals?	Please specify the professionals to whom this requirement applies
Education – Pre-school	yes				
Education – Primary	yes				
Education – Secondary	yes				
Education – Tertiary	yes				
Education – Extracurricular (e.g. language schools)					
Childcare (e.g.	yes				

kindergartens, crèches, childminders					
Institutional or residential care (e.g. foster homes, orphanages, closed residential facilities)	yes				
Detention	yes				
Migration facilities (e.g. reception centres)	yes				
Sport	yes	yes	yes	yes	Sport professionals, sports experts and competition organizers
Culture and leisure activities					
Entertainment sector					
Faith and religion					
Healthcare (including psychological and psychiatric services)	yes				
Social protection services	yes				
Law enforcement	yes				
Judicial	yes				
Civil society organisations					
Victim services (including Barnahus, domestic violence services)					
Any other sectors (please specify)					

*** The table is not fully completed because not all institutions submitted their responses in the table format; some provided the information in narrative form.**

The following sectors in Bosnia and Herzegovina require the submission of a criminal record certificate (certificate of no criminal convictions), primarily in the public sector and, to some extent, in private-sector and volunteer engagements:

- **Preschool, primary, and secondary education**
- **Childcare (kindergartens, foster care, and institutional care)**
- **Healthcare (pediatrics, child psychiatry, and psychological services)**
- **Social welfare and social work centres**
- **The judiciary and law enforcement authorities**
- **Civil society organizations implementing projects involving children**

There is no unified, legally regulated obligation for continuous background checks across all sectors, nor is there a clear distinction between direct, indirect, and online contact with children. Criminal codes at the state and entity levels (the Federation of Bosnia and Herzegovina, Republika Srpska and Brčko District of Bosnia and Herzegovina) criminalize the sexual exploitation and abuse of children.

Labour laws and specific sectoral legislation (e.g., in the fields of education, social welfare, and healthcare) require the submission of a criminal record certificate when applying for employment in professions involving work with children.

Family laws and social welfare legislation provide for background checks of adoptive parents, foster parents, and legal guardians.

<u>In 2024, the Federation of Bosnia and Herzegovina</u> adopted the Law on the Special Register of Persons Finally Convicted of Criminal Offences Against the Sexual Freedom and Morality of Children and Minors in the Federation of Bosnia and Herzegovina (*Official Gazette of the Federation of Bosnia and Herzegovina*, No. 13/24), as well as a Rulebook which, among other things, stipulates that all institutions whose activities involve working with children in any capacity are required, during the recruitment process, to verify whether a candidate is listed in the Register. The data contained in the Register are retained permanently. Consequently, a person who has been finally convicted of a criminal offence against the sexual freedom and morality of children and minors in the Federation of Bosnia and Herzegovina is prohibited from working with children in any capacity, regardless of their occupation or profession, or the type of engagement involved (permanent employment, fixed-term employment, volunteering, etc.).

The criminal offences prescribed by the Criminal Code of the Federation of Bosnia and Herzegovina for which individuals are entered into the Register are: rape; sexual intercourse with a helpless person; sexual intercourse through abuse of position; coercion into sexual intercourse; sexual intercourse with a child; indecent acts; gratification of sexual desires in the presence of a child or minor; procuring prostitution; trafficking in human beings; organized trafficking in human beings; exploitation of a child or minor for pornography; exposing a child to pornography; and incest.

<u>In Republika Srpska</u>, the Law on the Special Register of Persons Finally Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children (*Official Gazette of Republika Srpska*, No. 28/23) is in force. This law regulates the maintenance of the Special Register of persons finally convicted of criminal offences involving the sexual

abuse and exploitation of children, determines the personal data entered into the Register and the manner of their storage and use, the level of confidentiality of such data, as well as special measures applied to persons finally convicted of these offences.

Article 10(2) of the Law provides that organizations, institutions, public bodies, and associations that have direct contact with children are required, when recruiting or engaging a person for duties involving direct contact with children, to request information from the authority responsible for maintaining the Register as to whether that person is listed therein.

The criminal offences prescribed by the Criminal Code of Republika Srpska for which individuals are entered into the Register are: trafficking in children; sexual intercourse with a child under the age of 15; sexual abuse of a child over the age of 15; inducing a child to witness sexual acts; exploitation of children for pornographic performances; exposing children to pornography; using a computer network or other means of communication to commit criminal offences of sexual abuse or exploitation of a child; gratification of sexual desires in the presence of a child; procuring a child for prostitution; and criminal offences against sexual integrity committed to the detriment of a child.

Republika Srpska also has the Law on Sports of Republika Srpska (*Official Gazette of Republika Srpska*, No. 79/20). Article 8, entitled "Special Protection of Children in Sport", stipulates that all participants in the sports system of Republika Srpska are obliged to exercise special diligence in preventing and reporting all forms of abuse, maltreatment, discrimination, and violence against children in sport.

Article 20 provides that, for matters not regulated by this Law, the relevant legislation governing, inter alia, the Special Register of Persons Finally Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children shall apply accordingly.

Article 39 stipulates that persons who have been finally convicted of criminal offences involving the sexual abuse and exploitation of children, or acts of domestic and family violence committed against a child, may not carry out professional or educational work with children (paragraph 4). Furthermore, a sports organization is required, when recruiting or engaging a person to perform duties in sport that involve contact with children, to obtain information from the competent authority maintaining the relevant records as to whether that person falls within the categories referred to in paragraph 4 of this Article (paragraph 5).

Article 139 provides that responsible persons of competition organizers may not be individuals who have been finally convicted of, inter alia, criminal offences involving the sexual abuse and exploitation of children or acts of domestic and family violence committed against children.

In addition, Article 14 of the Law on Volunteering of Republika Srpska (*Official Gazette of Republika Srpska*, No. 89/13) prohibits volunteering by persons who have been finally convicted of criminal offences against life and bodily integrity, civil rights and freedoms, sexual integrity, marriage and family, or public health, as well as persons against whom a misdemeanour sanction has been imposed under legislation on protection from domestic violence.

<u>In Brčko District of Bosnia and Herzegovina</u>, the Law on the Special Register of Persons Finally Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children (*Official Gazette of the Brčko District of Bosnia and Herzegovina*, No. 39/25) provides that organizations, institutions, and associations are required, when recruiting or engaging a person to perform duties involving direct contact with children, to request information from the Police as to whether that person is entered in the Register. Paragraph (3) further stipulates that, where the person concerned is not recorded in the criminal records maintained by the Police of the Brčko District of Bosnia and Herzegovina, the Police shall be required to obtain information on convictions for the offences referred to in Article 3 of the Law from the competent authority maintaining such records.

The Register includes persons recorded in the criminal records maintained by the Police of Brčko District of Bosnia and Herzegovina who have been finally convicted of the following criminal offences under the Criminal Code of Brčko District of Bosnia and Herzegovina when committed against children and minors: rape; sexual harassment; sexual intercourse with a helpless person; sexual intercourse through abuse of position; coercion into sexual intercourse; indecent acts; trafficking in children; sexual intercourse with a child under the age of 15; sexual abuse of a child over the age of 15; inducing children to satisfy sexual desires; gratification of sexual desires in the presence of a child; procuring a child for prostitution; exploitation of a child for pornography; exploitation of a child for pornographic performances; exposing a child to pornography; and other criminal offences against sexual integrity committed to the detriment of children and minors.

The Register also includes persons finally convicted of criminal offences against the sexual integrity of children and minors whose criminal records are not maintained by the Police of Brčko District of Bosnia and Herzegovina but who have a registered permanent or temporary residence in Brčko District of Bosnia and Herzegovina.

The Register is maintained by the Police, and the data contained therein are retained permanently and are not deleted.

Article 14(3) of the Law on the Special Register of Persons Finally Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children provides that the obligations arising under Articles 11, 12, and 13 of the Law cease after the expiry of 20 years from the date the sentence has been served, provided that the person concerned does not commit any of the criminal offences referred to in Article 3 of the Law during that period.

Article 16(7) of the Criminal Code of Brčko District of Bosnia and Herzegovina stipulates that the limitation period for criminal offences against sexual integrity, marriage, and family committed against a child begins to run from the date on which the victim reaches the age of majority. Furthermore, Article 25(4) provides that convictions resulting in a sentence of long-term imprisonment, as well as convictions for criminal offences involving the sexual abuse and exploitation of children, shall not be expunged from criminal records.
Article 15 of the same Law sets out misdemeanor provisions, providing that a fine ranging from BAM 5,000 to BAM 15,000 shall be imposed on the responsible person

within a legal entity or on a sole proprietor who fails to request information from the competent authority in accordance with Article 8 of the Law.

Article 9 governs the disclosure of information to foreign state authorities and provides that data contained in the Register may be shared with foreign public authorities in accordance with the rules governing international legal assistance.

Across all ten cantons of the Federation of Bosnia and Herzegovina, the competent ministries of education implement measures aimed at ensuring the safety and protection of children and young people.

Specifically, in Sarajevo Canton, persons against whom an indictment has been confirmed are subject to the provisions of Article 105 – "Responsibility of School Employees and Office Holders in School Bodies" of the Law on Education in Sarajevo Canton (*Official Gazette of Sarajevo Canton*, No. 27/24), which provides as follows:

(1) Holders of functions within school bodies and school employees bear a heightened social responsibility.
(2) The procedures for determining disciplinary liability of employees and for suspending employees are regulated in greater detail by the Rulebook on Employment and the applicable collective agreements.
(3) Where an indictment has been confirmed against a person referred to in paragraph (1) of this Article for a criminal offence punishable under the Criminal Code of the Federation of Bosnia and Herzegovina by a term of imprisonment of six months or more, the school is required to adopt a decision suspending that person from the educational process until the conclusion of the criminal proceedings.
(4) Where a final judgment of conviction or another final criminal sanction has been imposed on a person referred to in paragraph (3) for one or more of the criminal offences specified therein, the school is required to issue a decision terminating that person's employment and to notify the Ministry in writing.
(5) The Ministry maintains a register of persons referred to in paragraphs (3) and (4) of this Article.
(6) The school is required to terminate the employment of a member of the management staff or another employee who, during the process of selection, appointment, or recruitment, submitted documents or statements that are subsequently determined to be false or not authentic.

With regard to non-governmental organizations in Bosnia and Herzegovina, each organization is required to adopt a Child Protection Policy setting out measures aimed at protecting children from violence or criminal offences committed against them by employees, partners, or associates.

A similar policy has also been adopted by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina, namely the Policy on the Protection of Children and Their Privacy. This is due to the Ministry's responsibilities relating to reporting under the United Nations Convention on the Rights of the Child and the Lanzarote Convention.

In addition, the Ministry hosts the Council for Children of Bosnia and Herzegovina, whose work involves the participation of children and young people. In light of these responsibilities and activities, the Ministry adopted the above-mentioned Policy with the aim of ensuring the protection of children as a particularly vulnerable group.

In summary (for easier understanding of the applicable legal framework in Bosnia and Herzegovina, taking into account its separate administrative units): - **The entities of the Federation of Bosnia and Herzegovina and Republika Srpska, as well as Brčko District of Bosnia and Herzegovina, each maintain their own separate Registers of Persons Finally Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children.** - **Only Republika Srpska has a Law on Sports. Neither the Federation of Bosnia and Herzegovina nor Brčko District has a dedicated sports law. A state-level (umbrella) Law on Sports also exists in Bosnia and Herzegovina, but it does not contain specific provisions on the special protection of children in sport.**

2. In requiring the verification of criminal convictions for sexual offences against children in order to accede to the positions listed in question 1, does your State:
   a. define the level or threshold of contact with children (one-off, regular, etc.) which necessitates such a verification

A one-time contact (e.g. a guest lecture) usually does not require a background check, unless it involves a longer-term engagement.

Regular contact (e.g. teachers, coaches, social workers) always requires a background check.

   b. distinguish between direct, indirect or online contact with children?

A background check is mandatory for all persons who have physical and direct contact with children (such as teachers, medical staff, social workers, and sports coaches).

In practice, checks are also required for individuals who have access to children's data or who work in institutions where children are accommodated (e.g. administrative staff in schools or residential care institutions).

Regarding online contact, the legislation in Bosnia and Herzegovina does not yet clearly define rules specifically addressing online interaction (such as online teaching or digital platforms). However, in practice, criminal record certificates are also required for teachers working online, as this is treated as a form of regular contact with children.

Therefore, Bosnia and Herzegovina applies a threshold of contact: mandatory checks are required for regular and systematic contact with children, while one-off engagements are assessed on a case-by-case basis. The distinction between direct and indirect contact exists in practice but is not always clearly defined by law. Online contact is increasingly being included in mandatory background checks.

3. Is the absence of criminal convictions for sexual offences against children required to become:
   - **a. an adoptive parent**
   - **b. a foster parent**
   - **c. a child's legal guardian (including for unaccompanied children)?**

In Bosnia and Herzegovina, the requirement of a clean criminal record regarding offences related to the sexual exploitation of children is a mandatory condition for all three categories – adoptive parents, foster parents, and legal guardians. Without submitting a certificate of no criminal convictions, the procedure cannot proceed. These checks are carried out through social welfare centres and include both a criminal record certificate and an assessment of the applicant's suitability.

More specifically, under the Family Law of the Federation of Bosnia and Herzegovina, the Family Law of Republika Srpska, and the Family Law of Brčko District of Bosnia and Herzegovina, an adoptive parent must submit a certificate of no criminal convictions, particularly in relation to criminal offences against sexual freedom and the exploitation of children. Without this document, the adoption procedure cannot be initiated.

Similarly, a foster parent must be a person without criminal convictions for violence, abuse, or sexual exploitation of children, and a certificate of no criminal record is mandatory.

In the case of appointing a legal guardian (for unaccompanied children, orphaned children, or children under state protection), the social welfare centre conducts background checks through a criminal record certificate. Particular attention is given to ensuring that the person has not been convicted of criminal offences involving the sexual exploitation of children.

4. Is the absence of criminal convictions for sexual offences against children required for the household members of:
   - a. persons carrying out professional activity in their home who are in contact with children

According to the aforementioned Registers, all jobs involving work with children require verification of convictions for criminal offences against the sexual freedom and morality of children and minors.

In cases where a person carries out a professional activity involving work with children or the provision of services to children in their own home, the assessment of suitability cannot be limited solely to that individual. Social welfare centres and other competent authorities, when carrying out such assessments, also take into account the overall family and living environment in which the children will be present, including household members, their characteristics, behaviour, and any circumstances that may pose a risk to the child's safety, development, and well-being.

   - b. persons carrying out volunteering activity in their home who are in contact with children

The answer remains the same as the previous one.

c. persons wishing to become an adoptive parent, a foster parent, or a child's legal guardian?

The answer is the same as the previous one. The above falls within the scope of work of the Social Welfare Service (Social Work Centre).

5. Does the requirement to verify the absence of criminal convictions for sexual offences against children also apply to:

   a. children applying for professional or volunteer positions

The relevant laws do not define a distinction between convicted minors and adults. Therefore, in practice, minors (children) applying for volunteer activities or professional positions are not subject to criminal record checks through a certificate of no criminal convictions, as it is considered that, under the age of 18, they do not bear the same level of criminal responsibility as adults.

Instead, institutions, organizations, and agencies engaging minor volunteers may conduct a risk assessment.

In any case, when engaging minors, parental or guardian consent is required. Consent is also specifically required for the use and publication of photographs and video materials of these individuals, and it must be obtained from parents or legal guardians.

   b. adults in respect of criminal convictions received before the age of 18?

In Bosnia and Herzegovina, juvenile criminal responsibility is regulated by specific laws governing the treatment of children and juveniles in criminal proceedings. These provisions are based on the principle that the purpose of juvenile sanctions is primarily education, rehabilitation, and social reintegration of the minor, rather than punishment in the sense applied to adult offenders.

Accordingly, criminal judgments imposed before the age of 18 are treated within the framework of juvenile criminal law. Such decisions are generally not included in certificates of no criminal convictions once the person reaches adulthood, as juvenile sanctions are either expunged or not recorded in the same manner as those imposed on adults.

Data on juvenile sanctions are not publicly available, and access to such information is limited exclusively to competent authorities.

Therefore, adults who were convicted as minors are not subject to verification of those juvenile convictions in the standard procedure for issuing a certificate of no criminal record.

6. If a person legally changes their name, how does your State ensure that their criminal record remains linked to their new name?

In Bosnia and Herzegovina, a change of name and surname does not affect a person's legal identity. The primary identifying data used to link all official records is the Unique Master Citizen Number (JMBG), which remains unchanged regardless of changes in personal name, surname, marital status, or place of residence.

For this reason, a change of name alone does not break the connection between a person and the data held in official records.

In addition, the system of civil registries, residence records, identity documents, and other official databases allows for updates of personal data while maintaining continuity of identity. This ensures that a change of name does not sever the link between a person and their previous criminal record or other official records.

Therefore, within the legal system of Bosnia and Herzegovina, a change of name does not affect criminal records or entries in special registers, as identification is based on permanent and unique identifiers, primarily the JMBG.

7. Is access to public funds for projects implying contact with children conditional on the absence of criminal convictions for sexual offences against children for persons employed in or volunteering for such projects?

In Bosnia and Herzegovina, there is no single, centralized regulation that explicitly and uniformly at the state level makes access to all public funds conditional on the absence of convictions for criminal offences involving the sexual exploitation of children. However, through a combination of entity-level regulations, Brčko District legislation, special registers, and conditions set in public calls, there is in practice a strong child protection mechanism in place for projects involving direct contact with children.

Generally, it depends on the specific conditions of the call for proposals, the donor, or the internal rules of the institution whether access to public funds will be conditioned on a clean criminal record and whether it will be subject to mandatory background checks through contractual or procurement requirements.

<u>Information included in screening</u>

8. Does the criminal record check include criminal convictions for:
   a. **sexual abuse of a child (Article 18 of the Lanzarote Convention)**
   b. **sexual exploitation of a child ("child prostitution" Article 19 of the Lanzarote Convention)**
   c. **acts involving child sexual abuse material ("child pornography" Article 20 of the Lanzarote Convention)**
   d. **offences related to the participation of children in pornographic performances (Article 21 of the Lanzarote Convention)**
   e. **corruption of a child (causing a child to witness sexual activities) (Article 22 of the Lanzarote Convention)**
   f. **solicitation of a child for sexual purposes ("grooming"), including online (Article 23 of the Lanzarote Convention)**
   g. **aiding and abetting or attempting the above offences (Article 24 of the Lanzarote Convention)**

h. any other convictions (please specify)?

In Bosnia and Herzegovina, criminal record checks cover all the listed categories of offences under the Lanzarote Convention, as well as other offences that endanger children's safety. A certificate of no criminal convictions is issued based on criminal records and includes all relevant convictions.

In Question 1, all criminal offences are listed in accordance with the regulations of the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District of Bosnia and Herzegovina for which convicted persons are entered into the Register.

9. Does the screening of persons applying for roles or positions specified in questions 1 and 3 above extend beyond criminal convictions for sexual offences against children to:

   a. relevant administrative or disciplinary sanctions

   b. other information available to the authorities (e.g. judicial decisions in civil proceedings)?

In Bosnia and Herzegovina, background checks necessarily include the criminal records (criminal convictions).

Administrative and disciplinary sanctions are, as a rule, not part of the standard criminal records or special registers and are not systematically checked through a certificate of no criminal convictions or through basic registration checks. However, in certain sectors (such as education, social welfare, healthcare, law enforcement, or public administration), employers or competent authorities may, on the basis of specific regulations or internal rules, request information on disciplinary measures related to employment, professional licences, or ethical proceedings.

Such checks are not conducted through criminal record systems, but through the records of employers, professional chambers, or competent regulatory bodies.

10. If restrictions on the exercise of the relevant activities apply as a result of a criminal conviction for sexual offences against children, in line with Article 27 paragraph 3.b:

    a. are they life-long?

    b. if they are not life-long, please specify the time-limits applicable

    c. are they applied only to activities in the public sector?

In the legal system of Bosnia and Herzegovina, restrictions related to engaging in activities involving contact with children, which arise from final criminal convictions for offences of sexual exploitation and abuse of children, are generally not universally and automatically lifelong in all cases. The duration and scope of such restrictions depend on the type of legal consequence of the conviction, the specific offence, and the special regulations applicable in the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District of Bosnia and Herzegovina.

Within the framework of the special registers of persons finally convicted of criminal offences against the sexual freedom and morality of children and minors, the prescribed measures are preventive in nature and may have long-term or, in practice, permanent effects, particularly with regard to employment and engagement in activities involving work with children.

Depending on entity and Brčko District legislation, access to certain activities may remain restricted even after the sentence has been served, especially in positions involving direct contact with children, applying the principle of the best interests of the child.

Under the Laws on Special Registers of Persons Finally Convicted of Criminal Offences Against the Sexual Freedom and Morality of Children and Minors, the restrictions are lifelong.

On the other hand, for court-imposed measures, a defined time frame is set by the court itself (for example, an obligation to report to the nearest police station once a month for the next 15 years).

11. Does the criminal record check verify the existence of an expunged or spent criminal conviction for sexual offences against children for persons applying for roles or positions specified in questions 1 and 3?

In the legal system of Bosnia and Herzegovina (the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District), criminal record checks are generally based on data from the criminal records maintained by competent authorities and on the issuance of certificates of no criminal convictions or other official confirmations of prior convictions.

The basic rule is that standard verification procedures take into account only final and legally valid criminal convictions, i.e. those that have not ceased to produce legal effects in accordance with the regulations on rehabilitation and expungement of convictions.

Convictions that have been expunged from criminal records on the basis of statutory rehabilitation, the expiry of the legally prescribed period, or a court decision are generally no longer included in standard certificates of no criminal record and are not taken into account in regular employment or engagement procedures.

However, access to information on prior convictions may be granted only in specific situations provided for by law (e.g. criminal proceedings, child protection procedures, or security checks for certain positions), and only to the extent strictly defined by the relevant regulations.

Convictions for which legal consequences have ceased or which have been subject to rehabilitation are, as a rule, no longer reflected in standard certificates of no criminal record. Criminal laws and laws governing criminal records in the entities and Brčko District provide for time limits after which a conviction is expunged or considered legally irrelevant for most legal purposes.

In cases involving criminal offences of sexual abuse and exploitation of children, which are covered by special registers in the Federation of Bosnia and Herzegovina, Republika Srpska, and Brčko District, a stricter child protection regime applies.

In this context, although the general rules on criminal records formally still apply, the special registers serve a preventive purpose and may contain information relevant for risk assessment, independently of the standard concept of "clean criminal record" in a broader sense. This allows competent authorities, in procedures involving work with children, to access information on prior final convictions covered by the register legislation, even in cases where such convictions would otherwise be subject to rehabilitation in other contexts.

<u>Screening procedure</u>

12. How is the screening procedure set out in your legal framework (in a single piece of legislation, sector-specific legislation, or other)?

In Bosnia and Herzegovina, the screening procedure for individuals applying for jobs or engagement involving contact with children is not regulated by a single state-level law, but rather through a combined normative framework that includes entity-level legislation (the Federation of Bosnia and Herzegovina and Republika Srpska), the legislation of Brčko District of Bosnia and Herzegovina, as well as sector-specific laws and by-laws.

A key element of this system are the aforementioned Registers of Persons Finally Convicted of Criminal Offences Against the Sexual Freedom and Morality of Children and Minors, which represent a central screening mechanism for protecting children from the risk of re-engagement of persons convicted of the most serious offences against children.

In Republika Srpska, the obligation to conduct checks through the Register is explicitly prescribed by law for all authorities, institutions, and organizations that have direct contact with children, with the check being carried out prior to employment or engagement.

In the Federation of Bosnia and Herzegovina and Brčko District of Bosnia and Herzegovina, a similar system is established through the respective laws on the Register, along with either mandatory or optional checks in recruitment and engagement procedures in activities involving work with children. These solutions are further supplemented by regulations in the fields of education, social welfare, sports, and other sectors where contact with children occurs.

In addition to the Registers, the screening system also includes criminal record databases and certificates of no criminal convictions, special security checks in certain sectors (e.g. police and security agencies), sector-specific rules and internal procedures of employers and public institutions, as well as requirements in public calls and grant schemes that may include proof of a clean criminal record.

13. If screening is required, who is required to act?

    a. the employer, volunteer recruiter or child protection authority is expected to obtain the necessary information directly from the authorities

    b. the candidate must provide proof of absence of convictions

    c. another scenario. Please specify

In the legal system of Bosnia and Herzegovina, the basic and predominant model of responsibility is that the employer, organization, or competent authority engaging a person is responsible for initiating and conducting the verification process, i.e. for prescribing a certificate of no criminal convictions as a general requirement for employment or engagement.
This means that schools, kindergartens, social welfare centres, sports clubs, associations, and other organizations working with children are obliged, prior to employment or engagement, to request data from the relevant records, including the special registers of persons finally convicted of criminal offences of sexual abuse and exploitation of children.

In practice, competent authorities (most often ministries of interior or bodies maintaining the registers) provide data only upon request from an authorized entity, while the employer or organization initiates the verification procedure. The candidate is required to obtain a certificate of no criminal convictions from the competent authority and submit it to the employer or organization.

Employers and organizations engaging volunteers are obliged to request such certificates and keep them in their records. They do not obtain the data directly from the authorities but rely on the document submitted by the candidate.

In adoption, foster care, and guardianship procedures, social welfare centres obtain certificates directly from the competent authorities in order to ensure that the person and members of their household have not been convicted of sexual offences.

14. If screening is required, who bears the costs of screening procedures?

The costs of the screening procedure are borne by the entity that initiates and conducts the verification, i.e. the employer, institution, or organization engaging the person.
Institutions working with children are exempt from paying administrative fees, as are other law enforcement institutions (such as the police, prosecutor's offices, courts, etc.).

On the other hand, where it is prescribed that a candidate must submit a certificate of no criminal convictions issued by the competent authority to the employer, the cost of the administrative fee for obtaining such a certificate is borne by the candidate.

15. How does your State monitor that employers, volunteer recruiters or child protection authorities comply with the relevant regulations on screening?

In Bosnia and Herzegovina, oversight of the implementation of regulations relating to the screening of persons working with or engaged in activities involving children is not centralized within a single authority. Rather, it is carried out through a system of sectoral and institutional supervision, in accordance with the constitutional structure of the country and the division of competences.

The primary oversight mechanism is inspection supervision, conducted by the competent inspectorates depending on the sector concerned:
- **Education inspectorates (schools and preschool institutions);**
- **Labour inspectorates (employment relationships and recruitment procedures);**
- **Social welfare inspectorates;**
- **Sports and other sector-specific inspectorates where prescribed by law.**

Inspection authorities monitor whether employers and organizations have complied with their obligations prior to employing or engaging individuals, including the requirement to conduct checks against relevant records and special registers where such checks are mandated by law.

The aforementioned Registers are maintained by the competent Ministries of the Interior.
In the non-governmental sector, oversight is primarily exercised through contractual obligations and audit procedures.

Failure to comply with the prescribed obligations may result in the application of misdemeanour sanctions provided by law, disciplinary measures against responsible

persons, and, where appropriate, criminal liability in cases of abuse or deliberate violations of legal requirements.

16. If screening is required, are there sanctions foreseen for failure to comply with it? If yes, what type of sanctions?

For clarity, the types of penalties under the applicable legislation in the two entities and Brčko District can be summarized as follows:

<u>Federation of Bosnia and Herzegovina</u>
Background checks are mandatory. Sanctions for non-compliance are prescribed in Article 14 of the Law on the Special Register of Persons Finally Convicted of Criminal Offences Against the Sexual Freedom and Morality of Children and Minors in the Federation of Bosnia and Herzegovina:

(1) A legal entity referred to in Article 4 of the Law shall be fined between BAM 10,000 and BAM 20,000 if it fails to submit the required information to the authority responsible for maintaining the Register within the prescribed deadline.
(2) A responsible person within a legal entity shall be fined between BAM 8,000 and BAM 15,000 if they fail to request information from the competent authority in accordance with Article 6 of the Law.
(3) A person entered in the Register shall be fined between BAM 1,000 and BAM 5,000 for a misdemeanour if they fail to comply with any of the special obligations set out in Articles 10, 11, and 12 of the Law.
(4) A person who misuses information from the Register for the purpose of intimidating or harassing a person entered in the Register or members of their family, or who publicly discloses such information, shall be fined between BAM 500 and BAM 2,000.

<u>Republika Srpska</u>
Sanctions are prescribed by Article 17 of the Law on the Special Register of Persons Finally Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children:

(1) A responsible person referred to in Article 8 of the Law shall be fined between BAM 1,000 and BAM 5,000 if they fail to submit the required information to the authority responsible for maintaining the Register within the prescribed period.
(2) A responsible person within a legal entity shall be fined between BAM 8,000 and BAM 15,000 if they fail to request information from the competent authority in accordance with Article 10 of the Law.
(3) A person entered in the Register who fails to comply with any of the obligations set out in Articles 13, 14, and 15 of the Law shall be subject to a fine of BAM 1,000 to BAM 5,000 or imprisonment for a period of 30 to 60 days.
(4) A person who misuses information from the Register for the purpose of intimidating or harassing a person entered in the Register or members of their family, or who publicly discloses such information, shall be fined between BAM 500 and BAM 2,000.

<u>Brčko District of Bosnia and Herzegovina</u>
Article 15 of the Law on the Special Register of Persons Finally Convicted of Criminal Offences of Sexual Abuse and Exploitation of Children provides for the following misdemeanor sanctions:

(1) A responsible person within a legal entity or a sole proprietor shall be fined between BAM 5,000 and BAM 15,000 if they fail to request information from the competent authority in accordance with Article 8 of the Law.
(2) A person entered in the Register who fails to comply with any of the obligations set out in Articles 11, 12, and 13 of the Law shall be fined between BAM 1,000 and BAM 5,000.
(3) A person who misuses information from the Register for the purpose of intimidating or harassing a person entered in the Register or members of their family, or who publicly discloses such information, shall be fined between BAM 500 and BAM 2,000.

17. Is regular screening, beyond the initial recruitment process, required, for:
    a. professionals in contact with children
    b. volunteers in contact with children
    c. foster parents and legal guardians?

    If regular screening is required, please specify its frequency and provide other details.

Background checks are primarily prescribed as part of the initial recruitment process. Accordingly, criminal record checks are mandatory for new applicants, but they may also be required for existing employees through supervisory reviews, changes of position, or specific child protection procedures. Thereafter, ongoing professional and administrative supervision may be carried out where necessary, although this does not necessarily involve formal periodic criminal record checks.

For example, there is no generally prescribed frequency or statutory obligation requiring periodic criminal record checks after employment or engagement for professionals and volunteers who work with children.

In the case of foster carers, however, there is continuous monitoring and supervision by the competent social welfare centre, although there is no general obligation to periodically renew all background checks. Foster carers are subject to reporting requirements at least twice per year and must participate in training at least once per year.

As regards legal guardians, there is no general statutory requirement for periodic background checks at fixed intervals. Nevertheless, guardians remain subject to continuous supervision by the guardianship authority.

18. Where a person working or volunteering in contact with children is under investigation for a sexual offence against a child, are law enforcement or other authorities allowed to inform the employer or volunteer organisation about the ongoing investigation? If yes, what is the consequence?

In Bosnia and Herzegovina, there is no single state-level provision that generally requires the police, prosecutor's office, or other authorities to notify an employer or organization where a person works or volunteers with children as soon as an investigation is initiated against that person for a criminal offence involving the sexual exploitation of a child.

However, in certain circumstances, competent authorities may exchange information with other competent institutions where this is necessary for the protection of children, the prevention of further harm, or the exercise of their legal powers. Any such exchange of information must have a legal basis and must comply with the rules of criminal procedure, personal data protection requirements, and the presumption of innocence.

As a general rule, prosecutorial and law enforcement authorities do not notify employers about ongoing criminal investigations.
Given that, under the applicable legislation, the prosecutor is responsible for directing and conducting criminal investigations, the prosecutor will decide whether, and at what stage of the investigation, an employer should be informed, particularly where:

- **There is a need to protect a child or prevent an immediate risk to children;**
- **A court or prosecutor imposes or proposes measures that affect the suspect's ability to perform their duties;**
- **The employer or another competent institution is required to take measures within its legal mandate (for example, in the fields of education, social welfare, or childcare services);**
- **Information is shared through official inter-institutional cooperation mechanisms.**

Accordingly, there is no general rule requiring every employer to be automatically informed whenever a criminal investigation is initiated.

<u>Cross-border screening</u>

19. If the candidate for roles or positions specified in questions 1 and 3 has previously resided or worked in different countries, is it required to verify the absence of criminal convictions for sexual offences against children in each of those countries in respect of:

    a. professionals

    b. volunteers

    c. persons wishing to become an adoptive parent, a foster parent or a child's legal guardian?

There is no general legal obligation requiring that, for professionals or volunteers who have previously lived or worked in other countries, criminal record certificates or records of sexual offences must be obtained from each of those countries.
Employers, organizations, or competent authorities may request additional documentation from abroad on a case-by-case basis, or where this is required by special regulations or internal procedures, but such checks do not arise from a general statutory obligation.

In the case of persons seeking to become adoptive parents, foster carers, or legal guardians, there is also no explicit general legal requirement to obtain foreign criminal record certificates; however, such checks may be requested within the framework of suitability assessments.

Criminal record checks are mandatory for foreign nationals, who are required to submit certificates from their country of origin and from Bosnia and Herzegovina if they are already residing or working in the country. In this way, it is ensured that no person convicted of the sexual exploitation of children can work or volunteer with children.

20. Is there a mechanism to:

    a. request data about a person's criminal convictions for sexual offences against children from the competent authority of another State outside the context of criminal proceedings[1] (please specify)

    b. provide data about a person's criminal convictions for sexual offences against children to the competent authority of another State outside the context of criminal proceedings (please specify)?

Bosnia and Herzegovina participates in international legal assistance and international police cooperation, including the exchange of criminal record data in accordance with international treaties, bilateral agreements, and domestic legislation. However, there is no specific, general mechanism designed exclusively for vetting candidates for work with children, volunteering, foster care, or guardianship through the routine retrieval of conviction data for sexual offences against children from foreign states.

At the same time, competent authorities of Bosnia and Herzegovina may provide data from criminal records to foreign competent authorities where there is a legal basis for doing so, including international treaties, mutual legal assistance agreements, police cooperation agreements, or other forms of international cooperation provided for by law.

Such data exchange is not limited exclusively to criminal proceedings, but it is carried out strictly in accordance with applicable data protection rules, regulations governing criminal records, and international cooperation frameworks. The disclosure of data generally requires a request from the competent authority of another state and a clearly defined legal purpose for the use of such data.

In summary: **Bosnia and Herzegovina does not have an established system for automatic international exchange of data on persons convicted of the sexual exploitation of children that would operate for the purposes of employment, volunteering, foster care, or guardianship in a manner similar to systems existing in some European Union Member States. Data exchange mainly takes place on a request basis through existing mechanisms of international legal and police cooperation, as follows:** **a. Requesting data from another state outside of criminal proceedings – yes, but only to a limited extent and where there is an appropriate legal basis. There is no special mechanism for routine background checks of all persons working or volunteering with children.** **b. Providing data to another state outside of criminal proceedings – yes, competent authorities of Bosnia and Herzegovina may transmit data on criminal convictions to foreign competent authorities based on international treaties, agreements, and domestic legislation governing international cooperation and data protection.**

21. Is there an obligation to provide data about a person's criminal convictions for sexual offences against children at the request of the competent authority of another State outside the context of criminal proceedings?

Bosnia and Herzegovina does not have a general and unconditional obligation to provide criminal conviction data to every request from a foreign authority. However, when a request is submitted by a competent authority of another state and is based on a valid international treaty, mutual legal assistance agreement, police cooperation agreement, or other appropriate legal basis, the competent authorities of Bosnia and

[1] For purposes of recruitment, volunteering, adoption, foster care or guardianship.

Herzegovina may be obliged to act upon the request in accordance with the conditions set out in those instruments and domestic legislation.

It is important to note that the disclosure of data is subject to restrictions arising from personal data protection regulations, rules governing the management and use of criminal records, and the conditions established by relevant international agreements.

Accordingly, the obligation to provide data is not based on the nature of the criminal offence itself (including offences of sexual exploitation of children), but on the existence of an appropriate legal basis for the international exchange of such data.

Additional details and reflections

22. Please add any further details regarding the modalities of the screening procedures applicable in your State, if relevant.

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23. What challenges related to the screening for criminal convictions for sexual offences against children of professionals, volunteers and persons wishing to become adoptive parents, foster parents or a child's legal guardian exist in your State in practice (e.g. administrative costs, delays, cross-border co-operation)?

In Bosnia and Herzegovina, the main challenges arise from the complex constitutional and administrative structure of the country, the fragmentation of competences, and limited capacity for systematic data exchange between institutions and with foreign counterparts. Responsibilities are divided among state-level institutions, the two entities, cantonal authorities, and Brčko District of Bosnia and Herzegovina. As a result, rules and procedures for suitability checks are not fully harmonized across all parts of the country and all sectors working with children.

Furthermore, there is no single, centralized state register of persons convicted of sexual offences against children that would be accessible to all relevant institutions for the purposes of employment, volunteering, foster care, or guardianship.
In most sectors, there is no general obligation for periodic re-checking of individuals who are already working or volunteering with children. The system is primarily based on pre-employment or pre-appointment checks, followed by subsequent supervision and reporting of suspicions or incidents.

24. What promising practices, if any, would your State like to highlight in the screening of professionals, volunteers and other persons in contact with children?

Good practices in Bosnia and Herzegovina include pre-employment or pre-appointment suitability checks where required by law, comprehensive professional assessments of adoptive parents, foster carers, and guardians, continuous supervision of foster care and guardianship arrangements, inter-institutional cooperation in child protection, training of professionals and foster carers, and the increasing implementation of internal child protection policies in educational, social, and non-governmental organizations. A particular emphasis is placed on an approach that does not limit suitability assessment solely to criminal record checks, but also includes a broader evaluation of a person's capacity to provide a safe and supportive environment for a child.

An increasing number of schools, social welfare institutions, non-governmental organizations, and international organizations are adopting internal child protection policies, codes of conduct, and procedures for reporting and risk management.