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**OSCE/ODIHR 2009 HUMAN DIMENSION IMPLEMENTATION
MEETING**

Working session 4, Wednesday, 30 September 2009

Complex constitutional structure

In BiH, there is present the lack of harmonization and implementation of laws and policies relating to the prevention of torture in BiH. This is the result of a complex constitutional structure of BiH, established by the Dayton Peace Agreement.

Lack of the definition of torture

Although the UN Committee against Torture urged BiH to undertake measures in order to “incorporate the crime of torture, as defined in the Convention, into the domestic law, it has not happened. Therefore, any support of OSCE in realization of this UN CAT Committee Recommendation is more than welcome.

Ombudsmen Institution

BiH ensured the financial autonomy and functional effectiveness of the Ombudsmen Office what allows this institution full functioning in according to the Paris Principles. The BiH Ombudsmen Institution is in the category “A” and in November, the Institution will pass the process of re-accreditation.

Torture in BiH

Having in mind, a number of individual complains related to torture in prisons and UN treaty bodies’ recommendations; the BiH Ombudsmen in period April-July had visited all prisons in BiH. The result of those visits is comprehensive reports on situation in prisons and institutions for accommodation of mental sick persons. The reports with recommendations were introduced last week. This monitoring of the situation in BiH prisons clearly showed that NHI should be OPCAT national mechanism with obligatory involvement of NGO representatives and experts. I’m using opportunity to invite OSCE to continue with support the BiH authorities in establishing the OPCAT national mechanism. Additionally, any support in implementation of the BiH Ombudsmen recommendations related to the situation in prisons is way to make changes.

Protection of human rights and fighting terrorism

The BiH ombudsmen have serious human rights concerns related to taken measures in fighting terrorism, particularly in cases when authorities recalls on national security and public order. There is the case that person whom ordered expulsion is detained 11 months in immigration center. OSCE member countries should take action to clarify threat to national security and public order.