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| <b>DCF members active in the sector in 2017</b>                           | USA/USAID, EU, Norway, Germany, Switzerland, Sweden/Sida, UN, Japan, Netherlands, Slovenia, Croatia, Czech Republic, United Kingdom   |
| <b>Other key international organizations</b>                              | Organization for Security and Cooperation in Europe; Council of Europe, the Geneva Centre for the Democratic Control of Armed Forces; INTERPOL; EUROPOL; European Union Forces; USA Department of Justice International Criminal Investigative Training Assistance Program; European Police College; Association of European Police Colleges; Catholic Relief Services; Office of the High Representative; European Agency for the Management of Operational Cooperation at the External Borders; International Committee of the Red Cross; Save the Children Norway; Regional Cooperation Council; OPEC Fund for International Development /OFID; South East and East Europe Clearinghouse for Control of Small Arms and Light Weapons (SEESAC); Caritas Switzerland, Care International; Hilfswerk Austria International  |
| <b>Key government partners</b>  | Council of Ministers of BiH, Government of FBiH, Government of RS; Government of BD BiH; BiH Ministry of Justice; BiH Ministry of Civil Affairs; Federal Ministry of Justice; Ministry of Justice of RS; cantonal ministries of justice; Judicial Commission of BD BiH; Ministry of Security of BiH; Ministry of Human Rights and Refugees of BiH; BiH Prosecutor's Office; High Judicial and Prosecutorial Council; the BiH Court; Judicial and Prosecutorial Training Centers in FBiH and RS; State Investigation and Protection Agency of BiH; Border Police of BiH; Ministry of Foreign Trade and Economic Relations of BiH; The Institution of Human Rights Ombudsman/Ombudsmen of BiH; Notary Chamber of FBiH and RS; Directorate for Coordination of Police Bodies of BiH; Directorate for the Coordination of Police Bodies of BiH; Agency for police Support of BiH; Police Academies in FBiH and RS; Federal Ministry of Interior; Ministry of Interior of RS; cantonal ministries of interior; cantonal ministries of education; The Personal Data Protection Agency of BiH; Agency for Forensic and Expert Examinations of BiH; Civil Protection Agencies at the entity and BD BiH level; Federal Ministry of Health; Ministry of Health and Social Welfare of RS; department of Health of BD BiH; Agency for gender Equality of BiH; Gender centers of FBiH and RS; Council of National Minorities in BiH. |
| <b>Total allocation/disbursement to the sector in 2017 by DCF members</b> | Total allocated € 29.42 million –in a form of grants<br>Total disbursed € 31.58 million –in a form of grants<br>Out of total ODA in 2017, 7% was allocated and 7% was disbursed in the sector.  |
| <b>Legal framework and sector strategies adopted in 2017</b>              | The Law on Changes to the Criminal Code of FBiH (FBiH Off. Gazette No. 75/17); The Law on the Protection of Persons Who Report Corruption (RS Off. Gazette No. 62/17); The Law on Changes to the Law on Weapons and Ammunition (RS Off. Gazette No. 18/17); The Law on Changes and Amendments to the Law on Infringement of RS (RS Off. Gazette No. 100/17); The Law on Changes and Amendments to the Law on RS Courts (RS Off. Gazette No. 100/17); The Law on Changes and Amendments to the Law on Criminal Proceedings of RS (RS Off. Gazette No. 91/17); The Law on Changes and Amendments to the Law on Anti-Corruption, Organized and Most Complex Forms of Economic Crime (RS Off. Gazette No. 91/17); The Law on Experts of RS (RS Off. Gazette No. 74/17); The Law on Changes to the Law on Notaries in RS (RS Off. Gazette No. 68/17); The Criminal Code of RS (RS Off. Gazette No. 64/17); The Law on Changes and Amendments to the Law on Salaries of Employees in the Ministry of Interior of RS (RS Off. Gazette No. 62/17); The Law on Changes to the Law on Extra- Judicial Procedure of BD BIH (BD BIH Off. Gazette No. 36/17); The Law on Changes and Amendments to the Law on Restitution of Abandoned Property (BD BIH Off. Gazette No. 9/17).  |

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|  | <p>Strategy for Combating Organized Crime in BiH (2017-2020); Action Plan for Addressing Roma Issues in the Fields of Employment, Housing and Health Care for 2017-2020; Action Plan for Implementation of the <i>Integrated Border Management Strategy</i> for 2017.</p> <p>Previously adopted legal framework and sector strategies are available on: <a href="http://www.donormapping.ba">www.donormapping.ba</a></p>   |
|  | <p><b>Judicial Reform:</b> Forum of Donors Annual coordination meeting organized by the BiH Ministry of Justice and BiH – EU Structural Dialogue on Justice. Donor coordination is maintained every 6 months by the European Union Delegation (EUD) as part of a structural dialogue, as well as sub-committee meetings in the Justice sector with the participation of the High Judicial and Prosecutorial Council and the Ministry of Justice.</p> <p>EUD regularly organizes meetings for coordination of international judiciary sector.</p> <p>Regular bilateral coordination meetings of international and local partners.</p> <p><b>Penitentiary Reform:</b> <i>ad hoc</i> coordination, project-based bilateral meetings.</p> <p><b>War Crimes:</b> Regular bilateral coordination meetings with international and local partners, including EUD, Switzerland, USA, Ministry of Justice, Prosecutor's Offices. <i>Ad hoc</i> coordination, project-based.</p> <p><b>Fight against Organized Crime:</b> informal <i>ad hoc</i> coordination, project-based and mostly bilateral / multilateral, self-organizing meetings between donors.</p> <p><b>Fight against Corruption:</b> regular donors and policy coordination meetings are co-chaired by the Agency for Prevention of Corruption and for Coordination of the Fight against Corruption and the EUD.</p> <p>The UN maintains regular bilateral coordination meetings with international and local partners.</p> <p><b>Police reform:</b> informal <i>ad hoc</i> coordination, project-based.</p> <p><b>Migration and Asylum:</b> formal donor coordination is led by the Coordination body on BiH immigration issues.</p> <p><b>Border Management and Security:</b> Informal <i>ad hoc</i> coordination, project-based.</p> <p><b>Roma:</b> Roma Committee with the Council of Ministers of BiH represents formal coordination body.</p> <p><b>Refugees and IDPs:</b> Informal <i>ad hoc</i> coordination, project-based and mostly bilateral / multilateral</p> <p><b>LGBTI:</b> Informal <i>ad hoc</i> coordination, project-based.</p> <p><b>National Minorities:</b> informal <i>ad hoc</i> coordination, project-based.</p> <p><b>Intercommunity Relations:</b> informal <i>ad hoc</i> coordination, project-based.</p> <p><b>Freedom of expression and media freedom:</b> Informal <i>ad hoc</i> coordination, project-based.</p> <p><b>Property Rights:</b> Informal <i>ad hoc</i> coordination, project-based.</p> <p><b>Data Protection:</b> Informal <i>ad hoc</i> coordination.</p> <p><b>Donors active in the sector and BiH Institutions from all levels of government regularly attended Donor Coordination Forum meetings (DCF meetings) hosted by BiH Ministry of Finance and Treasury/Sector for Financial Planning of Development and Coordination of International Economic Aid.</b></p> |

## Overview of activities in 2017

Rule of law and fundamental rights sector presented in this Report is based on the sector-based reporting methodology defined in the IPA II regulation, for the period 2014 – 2020.

### Rule of law and fundamental rights sector consists of sixteen sub-sectors:

- Judicial reform,
- Penitentiary reform,
- War crimes,
- Fight against organized crime,
- Fight against corruption,
- Police reform,
- Migration and asylum,
- Border management and security,
- Roma,
- Refugees and IDPs,
- LGBTI,
- National minorities,
- Intercommunity relations,
- Freedom of expression and media freedom,
- Property rights and
- Data protection.

Activities related to the improvement of the Rule of law and fundamental rights sector in 2017, were focused at further strengthening of independence, accountability, efficiency and harmonization of the judicial system in Bosnia and Herzegovina that will ensure the rule of law and equal access to justice for all.

Council of Ministers of BiH, on the 94<sup>th</sup> session held on March 15, 2017, adopted the Action Plan for implementation of the Justice Sector Reform Strategy in BiH for the period 2014-2018 (JSRS), harmonized with the entity governments and the Judicial Commission of Brcko District BiH. The Action Plan defines a set of reform measures that will be implemented in the course of 2017 and 2018 by the competent institutions at all levels in BiH in the fields of judiciary, execution of criminal sanctions and access to justice, with the aim to improve the efficiency of their work and better application of international standards in the Justice sector.

In 2017, two ministerial conferences of justice ministers were organized in Bosnia and Herzegovina, the president of the High Judicial and Prosecutorial Council of BiH (HJPC) and the Judicial Commission of Brcko District BiH (held on March 8, 2017 and June 6, 2017).

In order to operationalize the mechanisms for monitoring and evaluation for implementation of the JSRS AP in BiH, Working Procedures of the Ministerial Conference and its bodies were adopted at the second conference, as an important step in continuation of the reform initiatives in the Justice sector in BiH.

In 2017, "*Weeks of Judicial Settlement*" were organized in all courts in Bosnia and Herzegovina, with the aim to promote the resolving of cases by settlement. As a result of promotion of judicial settlement, the number of cases resolved this way in BiH has increased if compared to the previous period.

Amendments to the Law on Civil Procedure have been adopted at most levels of BiH government, with the aim to improve its efficiency. In Republika Srpska, a set of laws on courts, prosecutors' offices and procedural laws were adopted in 2017.

In the Federation of BiH in 2017, normative activities were carried out in the preparation of legal and bylaw legislation in the field of judiciary as well as the set of bylaws were adopted related to bankruptcy, enforcement proceedings, corruption and organized crime and domestic violence (Official Gazettes of FBiH, no. 29/17, 55/17 and 57 / 17). Also, activities on amendments to the FBiH Criminal Code have been completed.

The Law on Civil Procedure of Brcko District BiH is in the procedure of adoption, and the Law on Changes to the Law on Extra-Judicial Procedure of Brcko District BiH was adopted in September 2017(Official Gazette of Brcko District BiH, no. 36/17).

In 2017, activities on strengthening the capacities of judicial institutions at all levels of BiH authorities continued through training of prosecutors in areas related to corruption and organized and economic crime. Specialized training is provided in areas of cybercrime, criminal and forensic financial research.

The new Agreement on Cooperation between the Council of Ministers of BiH and the non-governmental sector in BiH was approved and signed at the 116<sup>th</sup> session of the BiH CoM on September 26, 2017, which established the legal framework that will ensure more active participation of civil society in drafting of legal regulations in BiH Institutions as well as enhanced the institutional framework for creating an incentive environment for development of the civil society in BiH.

The BiH Law on Execution of the Criminal Sanctions, Detention and Other Measures has been changed and amended several times in the past period, in order to be harmonized with the European standards.

The new draft Law on Execution of Criminal Sanctions, Detention and Other Measures in Republika Srpska is in the adoption procedure at the RS National Assembly. The new draft Law on Execution of Criminal Sanctions, Detention and Other Measures in the Federation of Bosnia and Herzegovina was drafted in 2017, and has not been adopted yet.

Construction works on the *Institute for the Execution of Criminal Sanctions, Detention and Other Measures of BiH* ended in late September 2017, however technical acceptance of the facility in the Municipality of East Ilidza was not completed due to the increased costs for issuing the use permit. Equipping the facility with furniture and other specialized equipment is in progress.

Although adopted as the separate strategic document, National Strategy for Processing of War Crimes Cases in BiH constitutes a thematic domain and forms a part of the JSRS in Bosnia and Herzegovina. Since the deadline for processing of the most complex and priority war crimes cases has expired, on April 12, 2017, Council of Ministers has established the Working Group, which drafted the amendments to the National Strategy for Processing of War Crimes in BiH, by the end of 2017.

In the Euro-Atlantic integration accession process, one of the obligations is to draft the Strategy and the Action plan for Combating Organized Crime. Accordingly, Council of Ministers of BiH established the Working Group which prepared the Organized Crime Threat Assessment in BiH (OCTA). OCTA assessment was adopted by the Council of Ministers of BiH in March 2017.

Strategy for Combating Organized Crime in Bosnia and Herzegovina for the period 2017-2020 was adopted at the 117th session of the Council of Ministers of BiH, held on October 10, 2017, as an

important step in the EU integration process and as the commitment of Bosnia and Herzegovina to combat this global problem. The Strategy initiated strengthening of the capacities and cooperation of the competent institutions in BiH to combat organized crime, and further intensification of regional and international cooperation in this field.

In the anti-corruption area, activities on capacity building of institutions in BiH continued through FIA training for 400 executive staff from 171 institutions in BiH. Within the framework of the anti-corruption theme, state officials from executive and legislative authorities from institutions in BiH and the Federation of BiH have been trained on their responsibility in supervision of implementation of anti-corruption aspects of legislation.

During 2017, the Council of Ministers, together with other levels of government in BiH, actively worked on implementation of the Action Plan for elimination of deficiencies in the fight against money laundering FATF, with the aim to remove Bosnia and Herzegovina from the FATF "gray list". Following an on-site visit in October 2017, the FATF concluded that BiH has eliminated deficiencies in the fight against money laundering and financing of terrorism. With the decision from the FATF Plenary Session in February 2018, BiH was removed from the FATF "gray list" and classified in a regular reporting regime.

During 2017, substantial measures have been undertaken to counter trafficking in human beings at all levels of authorities, in line with the Action Plan for Combating Trafficking in Human Beings in BiH for the period 2016-2019, which reflected in reduced number of identified trafficked victims. The report on the situation in the field of human trafficking in BiH and the Report on implementation of the Action Plan for Combating Trafficking in Human Beings in BiH for 2016 were adopted at the 97th session of the BiH Council of Ministers, held on April 6, 2017.

In 2017, core activities in the field of migration were focused at creating all prerequisites for the reception of asylum seekers in Bosnia and Herzegovina, in line with the adopted Strategy and Action Plan for Migration and Asylum of BiH 2016-2020 and relevant international standards. Namely, the number of stated intentions of foreigners to apply for asylum has increased significantly, particularly in the last quarter of 2017. It is estimated that this trend will continue in the upcoming period.

In 2017, a set of bylaw acts was adopted in the area of migration, in line with the Law on Foreigners regarding issuance of visas, entry and residence in BiH under special conditions, and humanitarian reasons for approval of residence in BiH (Official Gazettes of BiH, no. 15/17, 91/17, 93/17). Also, the Rulebook on Central Database on Legal Aliens was adopted (Official Gazette of BiH, no. 19/17) and the Instruction on Registration of Foreigners, Victims of Human Trafficking, with the accompanying Form for collection of data on foreigners, victims of human trafficking.

In 2017, the 2016 Migration Profile for Bosnia and Herzegovina was prepared, which was adopted by the Council of Ministers of BiH at the 98th session, held on April 12, 2017. So far, this is the ninth Migration Profile, which was distributed to all relevant organizations, institutions and embassies of the EU and countries in the region.

In 2017, the proposal was prepared of the Rulebook on Internal Organization of the BiH Border Police, in order to improve the internal structure and organization, and the procedure was conducted for obtaining necessary opinions from the competent institutions. With the modernization process, BiH Border Police is pursuing to achieve the standard that will satisfy the conditions for assuming

obligations from the future candidate status of BiH for the full-fledged membership in the European Union.

During the reporting period, several important acts in the field of small arms and light weapons control were adopted (SALW). Three bylaw acts have been adopted in the field of control of foreign trade of goods and services of strategic importance for the security of BiH, the Rulebook on keeping of the register of persons engaged in foreign trade of weapons, military equipment and goods of special purpose, the Rulebook on the form and the content of documents in the foreign trade of weapons, military equipment and goods of special purpose as well as the Instruction on the conditions and the procedure for issuing documents in foreign trade of weapons, military equipment and goods of special purpose. Regarding the supervision of the implementation of the Law on the Control of the Movement of Weapons and Military Equipment, the Decision was prepared and adopted on the list of weapons and military equipment requiring approval for their movement (Official Gazettes of BiH, no. 62/17 and 82/17).

The Coordination Committee for Control of Small Arms and Light Weapons (CC SALW) in BiH was established with the Decision of the Council of Ministers of BiH, as an interinstitutional body, with the aim to supervise the implementation of the Strategy for Control of Small Arms and Light Weapons (2016-2020). Four CC SALW working meetings were held in the previous period. The Council of Ministers of BiH adopted the Report on the work of CC SALW for 2017 at the 137th session, held on March 28, 2018.

Council of Ministers of BiH, on its 108th session held on July 19, 2017, adopted the BiH Action Plan for Addressing Roma Issues in the Fields of Employment, Housing and Health Care for the period 2017-2020 (Official Gazette of BiH, no. 67/17), which precisely defines the activities and tasks to be performed by the BiH, in line with the actual needs of Roma and available capacities of BiH.

The Report on the Implementation of the Revised Action Plan on Educational Needs of Roma for the academic year 2015/2016 was adopted at the 108th session of the Council of Ministers of BiH held on July 19, 2017. The Report was prepared on the implementation of the Revised Action Plan for Addressing Roma Issues in the Fields of Employment, Housing and Health Care 2013-2016 and the use of funds for 2016, and obtaining opinions from entity governments and relevant ministries is underway.

In the observed period, progress has been made in the area of housing conditions of Roma population (32 housing units are currently built for Roma), employment (133 Roma are employed), quality of health care, civil registration and education of Roma in BiH, whereby several hundreds of Roma families attended various forms of education in the field of health care. Also, 156 uninsured persons were introduced into the health care system in the Federation of BiH.

Council of Ministers of BiH, on the 113th session held on September 9, 2017, adopted the Draft Law on Amendments to the Law on Ombudsman for Human Rights of BiH, which will establish the independent preventive mechanism and ensure meeting the conditions for the reaccreditation of the BiH Ombudsman Institution, as well as the basis for signing of Protocols 15 and 16 of the EU Convention for the Protection of Human Rights and Freedoms.

Regarding the process of strengthening of Bosnia and Herzegovina cooperation with the diaspora, Council of Ministers of BiH, at its 99th session held on April 18, 2017, adopted the document "The

Policy of Relations with the BiH Diaspora" (Official Gazette of BiH, No. 38/17). This is the first document to institutionalize the cooperation with the diaspora and define the principles governing BiH institutions in cooperation with the diaspora. The implementation of this document includes institutions at all levels of government within their competence, in order to respond to diaspora needs and demands in a quality manner. Also, in 2017, activities were initiated on preparation of the Strategy for Cooperation with Diaspora which is planned to be adopted at the end of 2018.

Also, in 2017, the issue has been raised related to the exchange of registry books between the competent entity authorities, as precondition for full exercise of citizens' rights to own personal documents and also for completing the electronic registry books and later for the exchange of data between the competent entity authorities and Brcko District BiH.

The Rulebook on Industrial Security has been considered and adopted at the 106<sup>th</sup> session of the CoM BiH, which was held on June 22, 2017 (Official Gazette of BiH, no. 55/17).

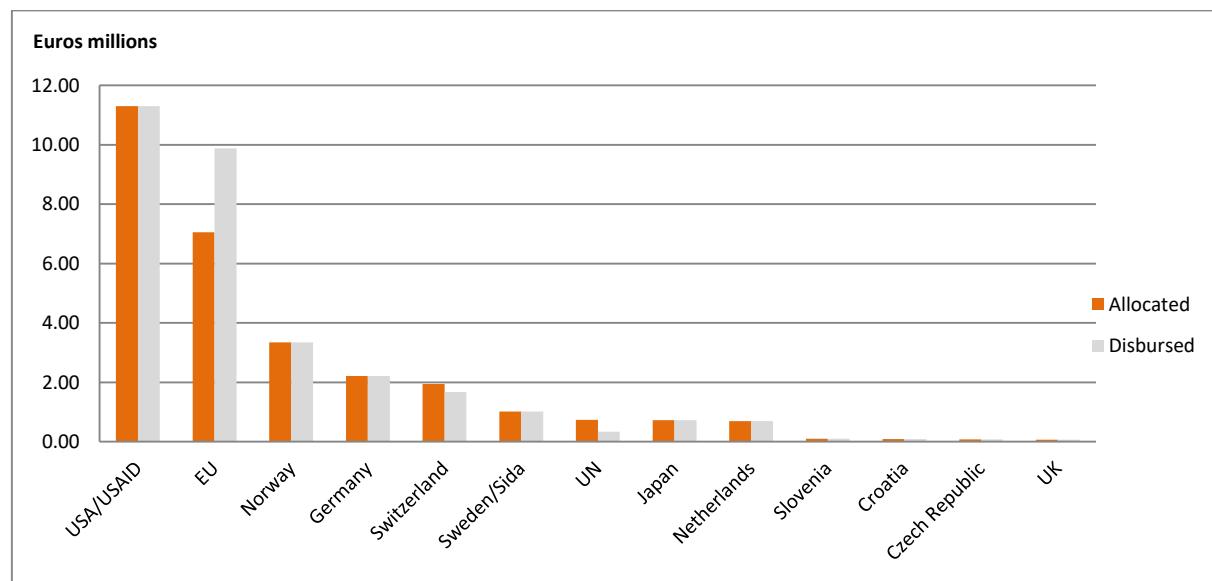
### Investments of DCF members in 2017

DCF members active in the Rule of law and fundamental rights sector in 2017 are SAD/USAID, EU, Norway, Germany, Switzerland, Sweden/Sida, UN, Japan, Netherlands, Slovenia, Croatia, Czech Republic and United Kingdom.

Total allocations of DCF members to the sector in 2017 amounted to €29.42 million, while total disbursements amounted to €31.58 million, all in the form of grants.

Figure 2.1. compares allocated and disbursed ODA funds, according to the amount of invested funds of each individual donor. Leading donors in the sector in 2017, who allocated i.e. disbursed largest amounts, were USA/USAID and EU, followed by Norway, Germany, Switzerland and Sweden/Sida.

Figure 2.1. Allocated and disbursed grant funds per donors in 2017



Rule of law and fundamental rights sector consists of 16 sub-sectors. Figure 2.2. presents the structure of total allocated ODA funds per sub-sectors.

Out of total allocated funds in 2017, 87.8% was allocated in three sub-sectors: Judicial reform 52.1%, Intercommunity relations 30.1% and Fight against organized crime 5.6%. Sub-sectors that did not have funding are not presented in the chart.

Figure 2.2. Total allocated ODA per sub-sectors in 2017

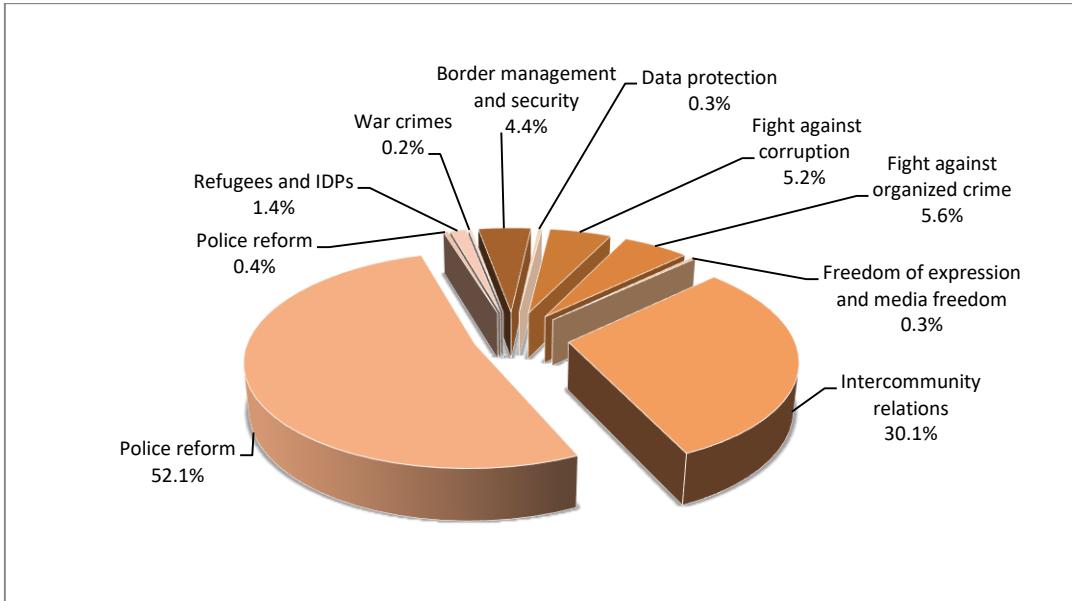
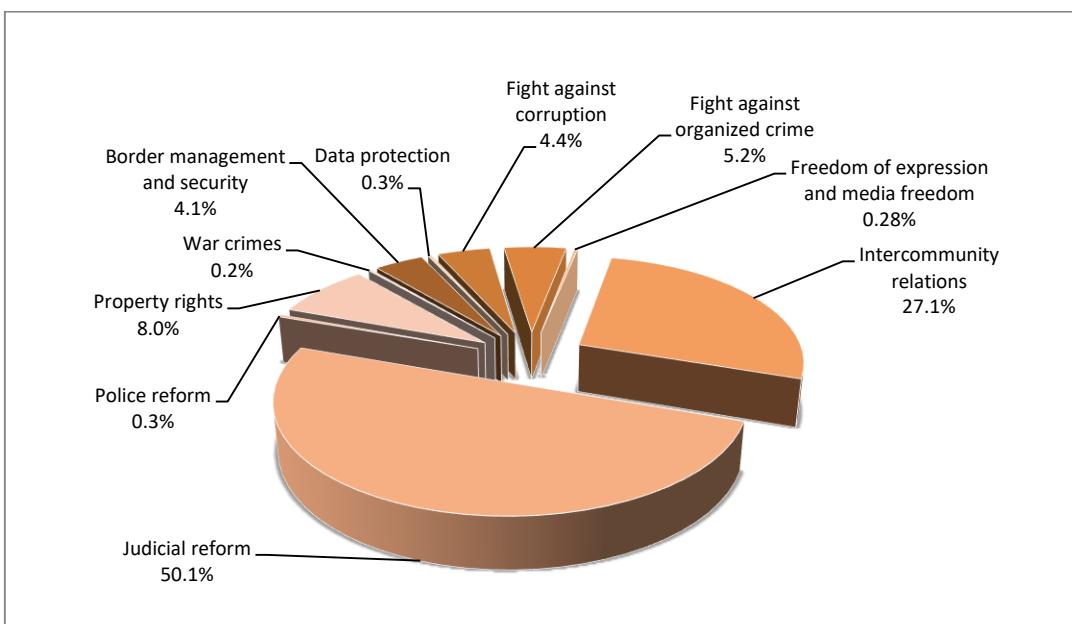


Figure 2.3. presents the structure of total disbursed ODA funds per sub-sectors in 2017. Out of total disbursed funds in 2017, the largest disbursements were recorded subsectors Judicial reform 50.1 %, Intercommunity relations 27.1% and Property rights 8%.

Figure 2.3. Total disbursed ODA per sectors in 2017



Ten major projects in the sector that allocated or disbursed funds in 2017, are listed below:

| PROJECT TITLE   | Donor/Creditor              | Total Project Value (Euros millions) |
|---|-----------------------------|--------------------------------------|
| (ICITAP) Assistance to Law Enforcement Agencies (total value of the project will be determined)   | USA/USAID                   | 43.84                                |
| (OPDAT) Overseas Prosecutorial Development, Assistance and Training (total value of the project to be determined,   | USA/USAID                   | 16.24                                |
| NADR CWD Department of State Demining and Small Arms Destruction Program  | USA/USAID                   | 10.24                                |
| USAID's Justice Project in Bosnia and Herzegovina (BiH)   | USA/USAID                   | 8.57                                 |
| Support to durable solutions of Revised Annex VII DPA Implementation Strategy   | EU                          | 7.00                                 |
| (SGISP) Strengthening Governing Institutions and Processes  | USA/USAID                   | 6.35                                 |
| OPA Fund for Interethnic Reconciliation and Youth   | USA/USAID                   | 6.28                                 |
| (EXBS) Export Control and Border Security (Total value of the project to be determined)   | USA/USAID                   | 5.80                                 |
| Construction/reconstruction of Municipal, Cantonal Court and Prosecutors Office in Tuzla, Federation of Bosnia and Herzegovina, Bosnia and Herzegovina, Lot 1 (Tuzla) | EU                          | 4.33                                 |
| Support to the Justice for Children Reform in BiH – Phase 2   | Switzerland,<br>Sweden/Sida | 4.00                                 |

All projects are available in the Donor Coordination Forum Database, via the following link:

<http://dmd.donormapping.ba/dmd/faces/dmdPublicStart>

### Future activities

In the forthcoming period, it is necessary to continue the strengthening of the judicial system, independence and efficiency of the judiciary in Bosnia and Herzegovina and harmonize domestic with the EU legislation. Based on the responses of BiH Institutions from all levels of government and DCF members who participated in preparation of this Report, as well as in line with the recommendations of the European Commission, further efforts should be made in the following period:

- continue harmonization of domestic with the EU legislation;
- continue activities to increase the independence and efficiency of judiciary in BiH;
- continue activities to ensure organizational, infrastructural and material-technical requirements for the work of judicial institutions in BiH;
- continue activities to the infrastructure and conditions in institutes (for execution of criminal sanctions, detention and other measures) in BiH;
- continue activities on development of effective tools for combating organized crime, economic crime, human trafficking, drugs and weapons and combating corruption;
- continue strengthening BiH Border Police in order to have improved border control and prevent illegal entries into BiH territory;
- initiate activities on preparation of the new strategic documents in the area of integrated border management for the period 2019-2021;

- continue strengthening of institutions capacities in the field of migration and asylum, and intensify the fight against smuggling of migrants;
- strengthen capacities of competent institutions in BiH to combat terrorism;
- ensure continued implementation of Annex VII of the Dayton Peace Accords, with an emphasis on the Regional Housing Program;
- continue engagement in addressing Roma issues in the area of housing;
- implement the activities from the Action Plan 2017-2020 and the Framework Action Plan for Roma Educational Needs, and ensure financing of the educational needs of Roma;
- continue strengthening the capacity for forensic examinations and expert appraisals, within the capacity building for combating organized crime and terrorism;
- as soon as possible ensure accreditation of forensic laboratories, and hence membership in the ENFSI (*European Network of Forensic Science Institutes*);
- continue to harmonize weapons regulations in BiH with EU legislation;
- carry out activities to adopt the document Roadmap for Control of Small Arms and Light Weapons in South East Europe.

