



Number: Oi-K-BL-184/22

Date: 4 April 2022

Ohchr-registry@un.org

Subject: Delivery of information re. Resolution 47/21

Dear all,

The human rights ombudspersons of Bosnia and Herzegovina received from the Office of the High Commissioner for Human Rights a call for inputs on Human Rights Council Resolution A/HRC/RES/47/21 dated 13 July 2021 and entitled “*Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality*”.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina has not received any complaints and has not acted in any cases based on which it could make its submission concerning your topic of interest.

The role of the Institution of Human Rights Ombudsman of Bosnia and Herzegovina is to insist on the rule of law and exercise of a greater level of protection of the rights and freedoms of natural persons and legal entities, and thus has the obligation to point to the competent authorities to the shortcomings in their work and to the need to eliminate them. The state or the bodies that perform public authority are obliged the prevent violations of any rights of individuals and efficient mechanisms need to be established to facilitate adequate protection and exercise of citizens’ rights. Back in 2008 Bosnia and Herzegovina ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, thereby reaffirming that torture and other cruel, inhuman or degrading treatment or punishment are prohibited and constitute serious violations of human rights.¹ Law enforcement officers must comply with international standards for policing, especially those that arise from the obligations set forth by international instruments which refer to the duty to serve people, respect legality and combat illegalities, to the exercise of human rights and fundamental freedoms, non-discrimination when conducting police work, exhibition of caution and show of restraint when resorting to coercion, prohibition of torture and inhuman and degrading treatment. Police powers must be proportionate.

IHROBiH in particular stresses that members of all ministries of internal affairs in the territory of Bosnia and Herzegovina are obliged to exercise caution and forbearance with citizens when conducting police work, making sure that human dignity is not violated and that citizens are not

¹ Optional Protocol to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, preamble.

exposed to unnecessary alarm, and to ensure full respect for the human rights and fundamental freedoms of citizens pursuant to the European Convention on Human Rights, taking into account the principles of ethics, professionalism and legality, as well the dignity, reputation and honour of the person subjected to the treatment.

The migration processes that the authorities in Bosnia and Herzegovina faced in 2018 set certain requirements before a number of institutions, including the Institution of Human Rights Ombudsman of Bosnia and Herzegovina. Being aware of the importance of migration issues in Bosnia and Herzegovina, the ombudspersons issued the Decision to Draft the Special Report on the Migration Situation in Bosnia and Herzegovina² on 23 August 2018. The purpose of the Special Report was to point to the obligation to ensure the protection of the rights of foreign nationals and their status in Bosnia and Herzegovina, to raise awareness about this issue and the commitments that authorities in Bosnia and Herzegovina are obliged to undertake with a view to ensuring the rights of foreign nationals in accordance with international standards ratified by Bosnia and Herzegovina, including the obligations of the local population. IHROBiH acts pursuant to this in complaint cases which it decides on.

Law enforcement agencies (police), excluding the Border Police of Bosnia and Herzegovina, have identified migrants, as well as their capacity to respond to social and security challenges set by the migrant and refugee situation in Bosnia and Herzegovina, especially in human trafficking and gender-based violence cases. The cooperation between law enforcement agencies in Bosnia and Herzegovina and the relevant institutions dealing with migration issues, including potential human trafficking and smuggling victims, definitely poses a challenge for Bosnia and Herzegovina, and establishing uniform guidelines, securing adequate mechanisms and training for law enforcement officers are of great importance. The Institution of Human Rights Ombudsman of Bosnia and Herzegovina acts on these issues within its mandate.

THE INSTITUTION OF HUMAN RIGHTS OMBUDSMAN OF BOSNIA AND HERZEGOVINA

² Special Report on the Migration Situation in Bosnia and Herzegovina, 2018, https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2019010713545979bos.pdf