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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX I**

to the Commission Implementing Decision on the financing of the annual action plan in favour of Bosnia and Herzegovina for 2024

**Action Document for EU 4 Rule of law and equality (Justice, Roma inclusion, Gender equality)**

**ANNUAL ACTION PLAN**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and annual and multiannual action plans and measures in the sense of Article 9 of IPA III Regulation and Article 23 of NDICI - Global Europe Regulation.

**1. SYNOPSIS**

**1.1. Action Summary Table**

<b>Title</b>	EU 4 Rule of Law and Equality (Justice, Roma inclusion, Gender equality)
<b>OPSYS</b>	ACT-62382
<b>ABAC</b>	JAD.1354682
<b>Basic Act</b>	Financed under the Instrument for Pre-accession Assistance (IPA III)
<b>Economic and Investment Plan (EIP)</b>	Yes Priorities: “Rule of law, governance and Public administration reform”
<b>EIP Flagship</b>	No
<b>Team Europe</b>	No
<b>Beneficiary(y)/(ies) of the action</b>	The action shall be carried out in Bosnia and Herzegovina
<b>Programming document</b>	IPA III Programming Framework
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>Window and thematic priority</b>	Window 1- Rule of law, Fundamental Rights and Democracy Thematic Priority 1: Judiciary 55% Thematic priority 3: Fight against organised crime 5% Thematic priority 5: Fundamental rights 40%
<b>Sustainable Development Goals (SDGs)</b>	Main SDG: Goal 16 Peace, Justice and Strong Institutions <u>Other significant SDGs and targets:</u> Goal 5 Gender Equality Goal 10 Reduced Inequalities Target 5.2. (Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation)

	<p>Target 16.2. (End abuse, exploitation, trafficking, and all forms of violence against and torture of children)</p> <p>Target 16.3. (Promote the rule of law at the national and international levels and ensure equal access to justice for all)</p> <p>Target 16.6 (Develop effective, accountable, and transparent institutions at all levels).</p>			
<b>DAC code(s)</b>	<p>Main DAC code – 15130 Legal and judicial development (40%)</p> <p>Sub-code 1 – 15131 Justice, law and order policy, planning and administration Sub-code 2 – 15134 Judicial affairs</p> <p>15160 Human Rights (45%)</p> <p>Sub-code 1 – 15 170 Women's rights organisations and movements, and government institutions</p> <p>16010 Social protection (15 %)</p>			
<b>Main Delivery Channel</b>	Bilateral			
<b>Targets</b>	<input checked="" type="checkbox"/> Climate <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity			
<b>Markers from DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Internal markers and Tags</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>
EIP		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

EIP Flagship	YES	NO
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tags:	YES	NO
Transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Environment and climate resilience	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Digital	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Economic development (incl. private sector, trade and macroeconomic support)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Human Development (incl. human capital and youth)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Health resilience	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Migration and mobility	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Agriculture, food security and rural development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rule of law, governance and Public Administration reform	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Digitalisation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tags	YES	NO
digital connectivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
digital governance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
digital entrepreneurship	<input type="checkbox"/>	<input checked="" type="checkbox"/>
digital skills/literacy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
digital services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Connectivity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tags	YES	NO
digital connectivity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
energy	<input type="checkbox"/>	<input type="checkbox"/>
transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>
health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
education and research	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Migration	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reduction of Inequalities	<input type="checkbox"/>	<input checked="" type="checkbox"/>
COVID-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>BUDGET INFORMATION</b>		

<b>Amounts concerned</b>	<p>Budget line: 15.020101.01</p> <p>Total estimated cost: EUR 13 100 000</p> <p>Total amount of EU budget contribution EUR 13 000 000</p> <p>This action is co-financed in joint co-financing by:</p> <ul style="list-style-type: none"> <li>- UNICEF for an amount of EUR 100 000;</li> </ul>
<b>MANAGEMENT AND IMPLEMENTATION</b>	
<b>Implementation modalities (management mode and delivery methods)</b>	<p><b>Direct management</b> : Grants</p> <p><b>Indirect management</b></p>
<b>Final Date for conclusion of Financing Agreement</b>	At the latest by 31 December 2025
<b>Final date for concluding contribution / delegation agreements, procurement and grant contracts</b>	3 years following the date of conclusion of the financing agreement, except for cases listed under Article 114(2) of the Financial Regulation
<b>Indicative operational implementation period</b>	72 months following the conclusion of the Financing Agreement
<b>Final date for implementing the Financing Agreement</b>	12 years following the conclusion of the financing agreement

## 1.2. Summary of the Action

This three-fold Action refers to Bosnia and Herzegovina's citizens' needs in area(s) of justice, Roma inclusion and gender equality. The **overall objective** of the Action is to strengthen the rule of law, democracy, the respect of human rights and gender equality in line with EU standards. The Action has five **specific objectives**: (1) The efficiency, quality, accountability, transparency of the justice system in Bosnia and Herzegovina is enhanced; (2) Conflict-related missing persons cases are exhumed, examined, and identified in line with international standards in forensic sciences and ensured sustainability of the process; (3) Children in contact with the law have enhanced access to justice systems and strengthened protection from violence, abuse, and exploitation; (4) The formalisation of Roma settlements, access to basic services and infrastructure, reduced discrimination and sustainable housing is augmented and institutional capacity for managing the readmission process is increased; and (5) Gender equality and economic empowerment of women in Bosnia and Herzegovina, in compliance with the Bosnia and Herzegovina Gender Action Plan and international commitments is improved.

The overall and specific objectives of proposed Action are fully in line with the IPA III programming framework and objectives defined for Window 1: Rule of law, fundamental rights and democracy and respective priorities for Thematic priority 1: Judiciary and Thematic priority 5: Fundamental rights. The Action is aimed to contribute to the alignment of the justice system of Bosnia and Herzegovina () with European standards and the EU *acquis*. The EU4 Justice for All is set out to enhance independence, effectiveness, accountability, and efficiency of the justice sector in Bosnia and Herzegovina as well as to improve its quality, integrity and access to justice for all citizens. Enhancement of the capacities of Constitutional Court of Bosnia and Herzegovina (CCBiH) will contribute to enforcement of Constitutional Court decisions particularly in the area of protection of human rights. Action specifically targets to ensure increased domestic ownership of the missing persons process and continuity in resolving missing persons' issue, including the active engagement of civil society. Also, the Action will improve the application of international standards in Bosnia and Herzegovina so that children<sup>1</sup> are better served and protected by the Bosnia and Herzegovina justice system, including the security and social welfare sectors.

As noted by the Economic and Investment Plan for the Western Balkans (EIP), rule of law remains the key benchmark against which progress towards membership is assessed by the EU. However, credible progress in the rule of law area remains a significant challenge. Strengthening the rule of law and respect for human rights are in the core of this Action and will directly address EIP priorities related to maximisation of investments impact and creation of environment favourable for the economic recovery of the region and enhancing resilience to potential future crises and economic shocks.

The proposed Action will contribute to the SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all level, it will also contribute to the SDG 10 which refers to reducing inequalities. Particular focus of the intervention is linked to the SDG target 16.3: Promote the rule of law at the national and international levels and ensure equal access to justice for all. Moreover, the Action will significantly contribute in achieving SDG Goal 5 by improving gender equality in Bosnia and Herzegovina. Finally SGD Target 8.7 will be tackled as what concerns the elimination of all forms of child labour as an essential step to achieving decent work for all, full and productive employment and inclusive and sustained economic growth.

Furthermore, this action represents a conclusion to a long-term process aimed at upgrading the living conditions and housing for Roma communities in Bosnia and Herzegovina (), aiming to increase effective equal access to adequate desegregated housing and essential services for most vulnerable communities and individuals. In addition to improving the living conditions in Roma settlements, the action aims to strengthen institutional capacity to manage the readmission process and reduce the likelihood of re-departure from Bosnia and Herzegovina.

Lastly, this action aims at strengthening gender equality and economic empowerment of women in Bosnia and Herzegovina in compliance with the domestic and international legal frameworks concerning gender equality and women's human rights, mainstreaming gender into EU integration and planning processes for pre-accession assistance and further strengthening institutional mechanisms for gender equality in line with the EU standards.

### **1.3 Beneficiar(y)/(ies) of the Action**

The action shall be carried out in Bosnia and Herzegovina.

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<sup>1</sup> In this document, a child is under 18 years of age. A juvenile refers to a child aged 14-17 involved in the justice system as an alleged offender.

## 2. RATIONALE

### 2.1. Context

The rule of law is the first criterion of the ‘fundamentals first’ principle, which forms the backbone of the further process of stabilization and association. The intervention proposed is designed to strengthen the rule of law, democracy, respect of human rights and fundamental freedoms, through promotion of independent judiciary, compliance with international law in Bosnia and Herzegovina, aiming to develop the digital society and to strengthen sustainable connectivity, to support transnational and interregional cooperation, but also to build peace and transitional justice which is objective that fits the IPA III Window 1 and the thematic priorities 1,3 and 5 and Window 2 (thematic priority 3) of the Strategic Response.

As articulated in the **Stabilisation and Association Agreement**<sup>2</sup>, consolidation of the rule of law, and the reinforcement of institutions at all levels in the areas of administration in general and the administration of justice must take place. This cooperation should particularly aim at strengthening the independence of the judiciary, improving its efficiency and institutional capacity, and enhancing access to justice.

In its **2023 Report on Bosnia and Herzegovina**<sup>3</sup> the Commission reported that stated that Bosnia and Herzegovina has some level of preparation to implement the EU *acquis* and European standards in the area of judiciary and fundamental rights, but that no progress has been made compared to the previous period. The Report noted that significant number of Constitutional Courts decisions are yet to be completely enforced and that the unresolved issue of missing persons in continuation is a matter of concern whilst additional efforts are needed on a regional scale to resolve the issue. 7 600 people are still missing as of January 2023 as a result of the conflict. Further efforts are needed on a regional scale to solve the issue. Also, Bosnia and Herzegovina needs to strengthen the implementation of child-friendly justice including, while entity-level laws on juvenile justice have not been fully implemented or harmonised with each other. The absence of separate units for juveniles during pre-trial detention and in police stations remains a serious breach of international standards. Use of alternative measures needs to be stepped up to ensure detention is only used as a measure of last resort

The **Roma** are the most vulnerable and disadvantaged minority. Anti-Roma stereotypes and prejudices, discrimination and anti-gypsyism still hinder their social inclusion. Roma women in particular face multiple forms of discrimination. They often lack resources, access to services, awareness about their rights and information on protection mechanisms. Roma women’s rights are also violated in cases of domestic violence, early marriages, trafficking in human beings and labour exploitation of children. Upon completion of the mapping and assessment of the needs of the Roma in Bosnia and Herzegovina in December 2022, 47 cities and municipalities identified issues related to informal settlements and housing units. Discrimination in employment remains rampant, with very high unemployment rates. Compulsory education enrolment rates have increased, but the number of school drop-outs is still very high.

Legislation on gender equality and on anti-discrimination is not harmonised across the country or effectively enforced. The Council of Ministers adopted a new gender action plan in October 2023; a new action plan on women, peace and security remains to be adopted. Cases of femicide sparked public protests and exposed systemic shortcomings of response to gender-based and domestic violence, including in the legislative alignment with the Istanbul convention. During the reporting period, a number of cases of **gender-based violence** leading up to the murder of women (femicide) garnered public attention and sparked protests across several cities in Bosnia and Herzegovina. These incidents exposed existing systemic shortcomings of the institutional response to gender-based violence. Improvements are particularly needed on issuing and enforcing protective measures, continuous and comprehensive victim support, legal aid, and safe accommodation. The country needs to introduce urgent legislative changes to ensure the transposition of remaining obligations stemming from the Istanbul convention, including by amending its criminal legislation.

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<sup>2</sup> [http://europa.ba/wp-content/uploads/2015/05/delegacijaEU\\_2011121405063686eng.pdf](http://europa.ba/wp-content/uploads/2015/05/delegacijaEU_2011121405063686eng.pdf)

<sup>3</sup> [https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2023\\_en](https://neighbourhood-enlargement.ec.europa.eu/bosnia-and-herzegovina-report-2023_en)

The The 2023 Commission report on Bosnia and Herzegovina once again highlights the 14 key priorities that Bosnia and Herzegovina needs to fulfil on the set path of EU integration. The planned IPA support should significantly contribute to the fulfilment of priority 4 (Democracy/functionality) and fundamental rights priority 9 (Strengthen the protection of the rights of all citizens). Also, to a certain extent it will contribute to the fulfilment of other fundamental rights priorities i.e. 10 (Ensure the right to life and prohibition of torture), 11 (Ensure an enabling environment for civil society), 12 (Guarantee freedom of expression and of the media and the protection of journalists) and 13 (Improve the protection and inclusion of vulnerable groups).

The priorities of the intervention correspond to the shortcomings that are pointed out, that is, the demands that are placed before Bosnia and Herzegovina in other EU documents (**2022 Communication on EU Enlargement Policy**<sup>4</sup>). The justice for children component under this action will contribute to the achievement of several **Sustainable Development Goals (SDGs)** that have explicit targets related to protecting girls and boys and addressing gender inequality. It is also fully aligned with the process of **European integration of Bosnia and Herzegovina**, in particular the EU Acquis' chapter 23 'Judiciary and fundamental rights', chapter 24 'Justice, freedom, and security'.

The implementation of the Action will also take into full account of the priority actions and measures stemming from the Communication on the New growth plan for the Western Balkans <sup>5</sup>.

In the **Strategic Framework of Bosnia and Herzegovina's Institutions** until 2030, within the Priority "Strengthening the rule of law, security and basic rights", the necessity of further strengthening and maintaining EU standards of independence and compliance, efficiency and quality, responsibility, and transparency, as well as a satisfactory level of capacity, is highlighted and resources in the work of the judicial system.

**The Western Balkans Strategy (2018)** states that reforms in the area of rule of law, fundamental rights and democracy remain the most pressing issue for the Western Balkans. A visibly empowered and independent judiciary and accountable governments and administrations are essential for bringing about the lasting societal change that is needed.

**Expert Report on Rule of Law issues in Bosnia and Herzegovina (2019)**<sup>6</sup> emphasises that the Bosnia and Herzegovina's Constitutional Court, in line with the competences conferred on it in the Constitution, has the potential to play a central role in ensuring high citizens' rights standards in the country whenever it is called upon to rule on such standards in a specific case. Ultimately, however, it is the duty of all public authorities and all courts to respect and to enforce those standards as interpreted by the Constitutional Court. All law has to be interpreted and applied in such a way as to give effect to the citizens' rights laid down in the Constitution.

The 2019 Commission Opinion on Bosnia and Herzegovina's application for membership of the European Union states that Bosnia and Herzegovina needs to improve the functioning of the judiciary and fundamental rights alongside justice, freedom and security have been recognised by the EU Commission as areas in which Bosnia and Herzegovina has some level of preparation for EU membership, but significant effort is still needed. The protection of children, has been recognised as an area in which the legislation and institutions are largely in place to protect fundamental rights. However, full implementation and substantial improvements should be supported, including by harmonising legislation within the country and aligning it with European standards, strengthening administrative capacity and providing adequate resources for the effective enforcement of fundamental rights.

The **Revised National War Crimes** strategy notes the importance of investigating cases of persons that disappeared in the context of the armed conflict, but also supporting the families of missing persons that often

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<sup>4</sup><https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/2022%20Communication%20on%20EU%20Enlargement%20Policy-v3.pdf>

<sup>5</sup> [https://neighbourhood-enlargement.ec.europa.eu/2023-communication-new-growth-plan-western-balkans\\_en](https://neighbourhood-enlargement.ec.europa.eu/2023-communication-new-growth-plan-western-balkans_en)

<sup>6</sup> <http://europa.ba/wp-content/uploads/2019/12/ExpertReportonRuleofLawissuesinBosniaandHerzegovina.pdf>

act as witnesses in war crimes cases. Domestic forensic capacities are limited and need to be developed so that Bosnia and Herzegovina can continue to work independently without international forensic assistance in the prosecution of war crimes and other criminal cases. Ensuring a strong institutional framework and adequate technical capacity to investigate conflict-related and other missing persons cases is of crucial importance for ensuring protection of human rights and justice for the families of the victims. Therefore, it is important to strengthen the efficiency and raise professional standards in institutions leading the process and those who provide expert support to the judiciary in the process of accounting for persons missing from the past conflict. Furthermore, the planned intervention will build up on the results achieved within ongoing IPA 2019 assistance and IPA 2022 assistance, to be implemented in period 2023 – 2024.

In particular, the protection of the rights of the child is a core commitment of the EU as laid down in Article 3 TEU. The EU Charter of Fundamental Rights guarantees the protection of the rights of the child by the EU institutions and by EU Member States when they implement EU law. Article 24 on the rights of the child and Article 31 on the prohibition of child labour specifically cover children's rights.

On 24 March 2021, the Commission adopted a new comprehensive [EU strategy on the rights of the child](#). The strategy encompasses actions relating to both the internal and external dimension of EU policies. Articulated around six thematic priorities, it draws on legislation, policies, tools and programmes available at EU level and puts forward more than 40 new concrete actions to strengthen the protection and promotion of the rights of the child. The EU is determined to give priority to the promotion and protection of the rights of the child also in its external action, within the framework of enlargement process.

In line with President von der Leyen's Political Guidelines for the 2019 Commission<sup>7</sup>, the Union's commitment towards a zero tolerance approach against child labour is reaffirmed in the EU Strategy on the Rights of the Child<sup>8</sup>, in line with Article 32 of the EU Charter of Fundamental Rights. In December 2023, the Council and the European Parliament reached an agreement on a [Directive on corporate sustainability due diligence](#), which will help fight child labour. In its conclusions on the EU Strategy on the Rights of the Child<sup>9</sup>, the Council of the European Union welcomed the initiative of the European Commission to work towards making supply chains of EU companies free of child labour as part of the EU efforts to eliminate child labour around the world.

Among other EU instruments on child-friendly justice (as mentioned above, on victims' rights, child sexual abuse, trafficking in human beings and violence against women and domestic violence), the Commission is working on the implementation of the [EU Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings](#). The Commission keeps working in close synergies with the Council of Europe, to promote a full implementation of their [Guidelines on Child-friendly justice](#), while funding projects and pursuing on-going work on the legal framework

**EU Strategy on the Rights of the Child and the European Child Guarantee**<sup>10</sup> provides three areas this Action directly contributes to – achieving child-friendly justice (Thematic Area 3) and combating violence against children and ensuring child protection (Thematic Area 3), including in digital and information environment (Thematic Area 5). The Action contributes by strengthening child-friendly proceedings including child-friendly interviewing and legal assistance. Furthermore, the Action contributes to ensuring child protection by strengthening school-based secondary protection programmes, contributing to strengthening wider child protection systems through building capacities of the frontline workers, strengthening gatekeeping

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<sup>7</sup> "I will ensure that every new agreement concluded will have a dedicated sustainable-development chapter and the highest standards of climate, environmental and labour protection, with a zero-tolerance policy on child labour." President von der Leyen, Political Guidelines for the Next European Commission 2019-2024, see: [https://ec.europa.eu/info/sites/default/files/political-guidelines-next-commission\\_en\\_0.pdf](https://ec.europa.eu/info/sites/default/files/political-guidelines-next-commission_en_0.pdf)

<sup>8</sup> COM/2021/142 final.

<sup>9</sup> See: <https://data.consilium.europa.eu/doc/document/ST-10024-2022-INIT/en/pdf>

<sup>10</sup> COM(2021) 142 final



and referral pathways at local level. Finally, the Action contributes to Thematic Area 5 by supporting the implementation of the Federation of Bosnia and Herzegovina and Brcko District Strategies on Child Online Safety.

**2022-2027 Council of Europe Strategy for the Rights of the Child** highlights child-friendly justice for all children as one of six strategic objectives. The Action contributes to the Strategy by promoting Barnahus model, supporting CRC General Comment 24 implementation (promoting restorative justice), specialisation and capacity building of professionals and by enhancing equitable access to justice for children. Furthermore, the Action contributes to other strategic objectives such as freedom from violence for all children through the strengthening of the secondary prevention programme and access to safe use of technologies for all children through supporting prevention of child online sexual exploitation and abuse.

This Action is fully aligned with the **Agenda 2030 Sustainable Development Goals** (SDG), directly contributing to targets 16.3. (Promote the rule of law at the national and international levels and ensure equal access to justice for all) and 16.2. (End abuse, exploitation, trafficking and all forms of violence against and torture of children), by raising awareness on children's access to justice, strengthening specialised support to child victims, and free legal assistance and 16.6 (Develop effective, accountable and transparent institutions at all levels). Furthermore, the Action contributes to SDG targets 5.2. (Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation) by supporting access to justice for girls.

The Action is designed to ensure more effective protection against all forms of discrimination and promoting equal rights and opportunities for all individuals and groups in Bosnia and Herzegovina society, by enhancement of the mechanisms of coordination and monitoring of the human rights and non-discrimination policies in Bosnia and Herzegovina.

The Council of Ministers of Bosnia and Herzegovina adopted a countrywide **Action Plan for the Social Inclusion of Roma 2021-2025** (commonly referred to as Roma Action Plan), encompassing antidiscrimination and combatting Anti-Romani sentiment, housing, employment, education, and healthcare. Its strategic goals and measures are largely harmonised with the Poznan Declaration, and it is a functional and suitable substitute for the national strategy, and it anticipates the roles and actions from all levels of governments in Bosnia and Herzegovina. The Action is also contributing to accomplishment of the Western Balkans Strategy (2018) priorities related protection of minorities and fight discrimination, notably against the Roma - for whom social inclusion should be more actively and firmly promoted. The Action considers expectations from candidate countries stated in Chapter V of the EU Roma strategic framework for equality, inclusion, and participation 2020 – 2030, regarding promotion, inclusion, and participation in the external action, under enlargement, neighbourhood, development and humanitarian policies, and addresses recommendations from the Bosnia and Herzegovina Report 2021 and Bosnia and Herzegovina Report 2022.

The action is also in line with the recently adopted Bosnia and Herzegovina Gender Action Plan 2023-2027. GAP for Bosnia and Herzegovina relies on three strategic goals, which include drafting, implementing and monitoring a program of measures to improve gender equality in government institutions in priority areas, building and strengthening systems, mechanisms and instruments for achieving gender equality, and establishing and strengthening cooperation and partnership.

In line with the approach outlined in the **EU Gender Action Plan, (GAP III) 2021-2025<sup>11</sup>**, the proposed action also promotes equal access to justice for women, members of the missing persons families, as the majority beneficiaries and interested parties in resolution of missing persons issues and war crimes cases. The action will contribute to the strengthening their voice and inclusion by ensuring participation in the action. Specifically, the action contributes to GAP III Specific thematic objective 2 (Ensuring freedom from all forms of gender-based violence); Specific thematic objectives 2, 4,5 8 and 9 (Promoting economic and social rights

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<sup>11</sup> JOIN(2020) 17 final

and empowering girls and women); Specific thematic objectives 1, 3, 4, 5 (Promoting equal participation and leadership) as well as Specific thematic objectives 1 and 2 Digitalization. The action will also contribute to the implementation of Bosnia and Herzegovina CLIP (Country Level Implementation Plan) in addressing above areas.

**The Gender Equality Strategy 2020-2025<sup>12</sup>** of the European Commission sets out a vision, policy objectives and actions to make concrete progress on gender equality in Europe and commitment to women's and girls' rights and the reference to the Sustainable Development Goals in particular to SDG 5 as a key framework for the Gender Equality Strategy.

Moreover, the action is fully aligned with the EU strategic framework **and EU Action Plans on Human Rights and Democracy (2020-2024)<sup>13</sup>** and the EU Gender Action Plans and it covers Roma issues with regard to the implementation of the 2019 EU Guidelines on Non-discrimination in External Action

All three Areas of Support (Judiciary, Roma Inclusion and Gender Equality) of the action are vital to improving the quality of life and ensuring the protection of human rights for vulnerable communities in Bosnia and Herzegovina.

## 2.2. Problem Analysis

### Short problem analysis

The Action is composed of three areas of support (AoS) which are contributing to improvement of rule of law and equality in Bosnia and Herzegovina.

### AREA OF SUPPORT #1:

*This AoS is comprised of three interventions that aim to support Constitutional Court of Bosnia and Herzegovina, International Commission on Missing Persons (ICMP) including legal and social institutions in Bosnia and Herzegovina relevant for child protection.*

### *Support to the Constitutional Court of Bosnia and Herzegovina*

The CCBiH has had a large influx of cases since 2010, ranging between 5.000 and 6.000 cases per year. There are several systemic problems that lead to such a large number of cases, primarily to a large number of appeals. Respect for human rights and fundamental freedoms is not yet at a satisfactory level. In Bosnia and Herzegovina, there are several major unresolved issues that concern many citizens, and these issues are the cause of mass appeals by citizens to the CCBiH. Jurisprudence is not harmonized, and when making decisions, ordinary courts still do not take enough care to apply human rights standards from the Constitution of Bosnia and Herzegovina and the European Convention on Human Rights (ECHR), and they very rarely directly apply the ECHR and its Protocols.

Although, the duration of the procedure before the CCBIH has been shortened in recent years, it is necessary to further shorten it, to ensure the exercise of constitutional powers without violating the right to a fair trial within a reasonable time. Further shortening of the duration of the procedure is not possible only through internal measures of the CCBiH, but a comprehensive approach is needed within which the causes of the submission of a large number of appeals will be acted upon, as well as a transition to more efficient forms of communication between all relevant subjects (electronic communication).

Moreover, it is necessary to take additional steps in order to eliminate the causes for non-enforcement, to reduce the number of unenforced decisions and to raise awareness of the necessity of enforcing the decisions of the Constitutional Court. In the last few years, the interest of law faculties in intensifying and enriching the

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<sup>12</sup> COM(2020) 152 final

<sup>13</sup> JOIN(2020) 17 final

form of cooperation with CCBiH has increased, and cooperation agreements have been signed with five law faculties, but the implementation of these agreements is limited by financial resources.

Additional challenge that CCBiH is facing in recent years is the lack of financial resources, which put additional burden to the work of CCBiH and which is reflected in all aspects of its work: inadequate technical equipment, insufficient human resources, inability to conduct continuing education and various activities that would improve the strategic and legal framework of operations. The CCBiH does not have adequate library and archive space, nor space for server equipment and secret data as required by legal regulations in this area.

#### *Addressing conflict-related missing persons cases*

Addressing conflict-related missing persons cases, of which there remain around 7,600 in Bosnia and Herzegovina, not only protects human rights of the families of the missing and promotes peaceful and inclusive societies, but also significantly contributes to the establishment of the rule of law by enabling judiciary to process war crimes cases.

There was no progress in establishing a support fund for the families of missing persons, as provided for by the law, and improving the work of the Missing Persons Institute and the forensic capacities at state level. Besides significant results, many persons are still missing, and the continued forensic expertise and support is necessary to resolve this open issue that is still affecting a large portion of the population and is one of the most contentious political issues. Ensuring continuation in provision of forensic services and ensuring their sustainability is also vital for resolving cases of conflict related missing persons, but also in relation to migrants, trafficking victims and other types of criminal cases involving victims' identification. Also, additional education in exhumations for PO BIH (war-crimes prosecutors and their teams) is needed.

**Partners and stakeholders to ICMP for the intervention are:** Missing Persons Institute (MPI), Agency for Forensics and Expert Examinations Bosnia and Herzegovina (AFEE), Potočari Memorial Centre (SPMC), associations of families of the missing persons, Prosecutor's Office of Bosnia and Herzegovina (**PO BIH**), Ministry of Human Rights and Refugees Bosnia and Herzegovina, Ministry of Security Bosnia and Herzegovina, Judicial and Prosecutorial Training Centers (CPTS).

#### *Children's access to justice*

More than 3,300 children in contact with the justice system annually as offenders, victims, or witnesses of crime, or as interested parties in civil and administrative proceedings, require a range of support services including social, health and psychological support. Key gap remains the lack of support to children after the formal proceedings given the weak capacities and referral mechanism at the community level. The revision of the legislation requires investments in capacity building of institutions and professionals for implementation of new provisions out which some are very specific and complex such as processing online violence and sexual abuse and exploitation.

Legal aid centres require better understanding of their role with respect to child representation, and more expertise on children's rights. Easy access to basic information and legal advice, and referrals to a free legal aid lawyer for matters involving representation and/or referral to other support services, is still underdeveloped or in some cases not used to extend available. Providing programmes and support to at-risk children is the best way to reduce first entering the justice system and protecting children from violence and abuse.

The Constitutional Court of Bosnia and Herzegovina is the **main stakeholder** of proposed intervention that would contribute to the strengthening of that institution. Hence, International Commission on Missing Persons is the **main stakeholder** of the intervention that aims to address conflict-related missing persons' cases.

**Partners and stakeholders of the intervention implemented by UNICEF are:** High Judicial and Prosecutorial Council (enhancements to CMS and TCMS, setting different standards, revision of training programmes etc) , judges and prosecutors (in direct contact with children) , entity Judicial and Prosecutorial Training Centers (key capacity building of justice professionals) , Bosnia and Herzegovina MoJ (state justice strategy has references to children) , entity ministries of justice, interior, social welfare and education (range of capacity building of sectoral professionals working with children, specialised training programmes, victims

and witness protection, prevention) , Free Legal Aid Centres (provide free legal aid to children and families), bar associations (layers have large influence in cases involving children in criminal proceedings) and civil society organisations (prevention, community work, expertise).

#### AREA OF SUPPORT # 2:

*This AoS is comprised of two interventions that aim to address the improvement of integration and living conditions of Roma and readmission of Bosnia and Herzegovina citizens.*

Roma settlements in Bosnia and Herzegovina, are in general in poor shape and suffer from segregation, lack of basic infrastructure services, and limited access to opportunities. Common spatial or residential segregation of Roma often perpetuates marginalisation by creating disadvantages, such as inferior access to basic infrastructure, social services, and economic opportunities. One of the primary issues faced by Roma communities is inferior access to the basic infrastructure services such as access to clean water, electricity, and proper sanitation. Many Roma settlements are in poor physical condition, with inadequate housing, poor road access, no access to waste management services, and limited public transportation, further exacerbating their difficulties.

The marginalisation of Roma communities is often compounded by their lack of formal property rights, which puts them at risk of arbitrary evictions and leaves them without secure tenure. Inferior infrastructure and lack of adequate road communication further hinders their inclusion in local land plans. Settlement formalisation is a prerequisite to the formalisation of real property rights. Thus, these two issues are interconnected, as the lack of basic infrastructure and inadequate road communication can hinder the formalisation of settlements, which, in turn, can hinder the formalisation of real property rights.

According to indicators obtained by LGUs in Bosnia and Herzegovina collected in 2021, in 24 local communities in Bosnia and Herzegovina, 1,539 Roma families need legalisation of illegal housing units. The number of illegal housing units needs to be reduced in the following period. In 32 LGUs, 883 families expressed the need for a newly built housing unit, while 1,300 families in 32 LGUs expressed the need for reconstruction of their homes, because they are unconditional and do not meet the minimum housing standards. Living conditions in many existing Roma settlements are poor. 28 LGUs expressed the need for rehabilitation of infrastructure, such as access roads, sewers, lighting, water supply network, rehabilitation of common areas, playgrounds, removal of waste from settlements, construction of adequate landfills, etc, to improve the quality of life of the Roma population in Bosnia and Herzegovina.

Official data in Bosnia and Herzegovina doesn't categorize readmitted citizens by ethnicity, but it's widely known that most readmitted citizens are Roma. They face challenges in accessing healthcare, education, and employment, and experience discrimination and social exclusion. Service providers often lack the skills to assist them, and societal awareness of their needs is limited, leading to further exclusion. Special consideration is needed for vulnerable groups, particularly women and children returning from Syria and Iraq. These individuals may have faced traumatic experiences during their time abroad and may also face stigmatization and ostracism upon their return to their communities in Bosnia and Herzegovina. Additionally, it is important to conduct a thorough risk assessment to ensure their safety and security, as well as the safety and security of the broader community. Only by taking these factors into account can effectively support and assistance be provided to these vulnerable individuals and groups.

#### Main stakeholders

**Roma communities:** Roma communities are the primary stakeholders in improving housing conditions as they are directly affected by the conditions in which they live. They need to participate and advocate for their needs and participate in the planning and implementation of housing improvement projects under the auspices of this Action. It also includes support from Roma and pro-Roma NGOs that can technically support Roma communities to interact with the local authorities and participate in the further planning regarding maintenance of the settlements.

**Local authorities:** Local governments have a key role to play in the formalisation of Roma settlements because they have the authority to include them in local land use plans and adopt specific land use and subdivision

regulations. Targeted local communicates will allocate resources, provide funding, and work with community organisations to improve the living conditions of Roma families, especially in formalisation of the settlements, and, where possible and relevant, formalisation of the real property rights.

Local governments also have a key role as they will be included in exchange of data and strong coordination with locally available support resources and service providers, with an expectation to develop local referrals and coordination between targeted institutions at the local level and vertical channel for exchanging data about readmitted citizens, and types of services provided and available. The local service institutions include local government units, centres for social work, health, and education institutions.

Ministry for Human Rights and Refugees of Bosnia and Herzegovina monitor and collect data can be an important tool in improving the living conditions and integration of the Roma community, in coordination with Federation Ministry of Displaced Persons and Refugees, Ministry of Refugees and Displaced Persons of Republika Srpska, and Department for Displaced Persons, Refugees, and Housing Issues of the Government of the Brcko District of Bosnia and Herzegovina. Listed stakeholders can help to identify needs, inform policies and programs, and monitor progress over time. MHRR is also in charge of overseeing the implementation of the Action.

### AREA OF SUPPORT #3:

#### *Gender Equality Facility (GEF) in Bosnia and Herzegovina phase II (2024-2027)*

The action aims to address persistent gender inequality and support women's empowerment in Bosnia and Herzegovina (). Despite significant progress made, a numerous challenges remain that hinder the full implementation of gender equality and women's empowerment in the country. Gender-equality institutional mechanisms and targeted institutions in Bosnia and Herzegovina face challenges in effectively incorporating gender perspectives in their work. This lack of capacity hampers their ability to address gender disparities and advance gender equality in various sectors, including education, healthcare, and economic opportunities. The inadequate capacity of these institutions may result in policies and programs that do not sufficiently address gender-specific issues and may perpetuate gender inequalities in the country.

There is a lack of effective collaboration and exchange of best practices among countries in the Western Balkans region when it comes to gender equality initiatives. This lack of cooperation hinders the sharing of innovative solutions and lessons learned from successful gender equality interventions, which could be instrumental in accelerating progress towards gender equality in the region.

Women do not participate equally in the economy. They are underrepresented in the labour market and their employment is less favourable than employment of men. The principle of **equal opportunities and equal treatment of men and women in matters of employment and social policy** is regulated by the laws on gender equality and antidiscrimination, and by the entity-level labour laws. These laws contain rules on gender equality covering different areas (employment, education, training and professional qualification) but in practice the enforcement of non-discrimination legislation remains low. The employment rate for the population aged 20-64 slightly increased from 39.1% in 2021 to 40% in 2022 for females, and from 66% to 67.7% for men, resulting in a high gender employment gap of 27.7 percentage points. The gender pay gap remains significant, at around 25%. According to the OECD Social Institutions and Gender Index (SIGI), Bosnia and Herzegovina is positioned in the cluster of countries with low levels of discriminations in social institutions, with SIGI value for 2023 of 27%<sup>14</sup> which is a deterioration from 22<sup>nd</sup> in 2019 SIGI report which puts Bosnia and Herzegovina at the bottom place in the region. This position is the outcome of still prominent inequalities in four key areas monitored by this instrument: discrimination in the family, restricted physical integrity, restricted access to productive and financial resources and restricted civil liberties. Gender inequalities are pervasive, present across different areas of public participation, access to resources and private life relations. Moreover, in the World Economic Forum's annual Global Gender Gap report for 2023, Bosnia

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<sup>14</sup><https://www.oecd.org/social/sigi-2023-global-report-4607b7c7-en.htm>

and Herzegovina is ranked 86<sup>th</sup> which is a decline from 73<sup>rd</sup> in 2022. with a particularly low performance in the sphere of economic participation<sup>15</sup>.

**The main stakeholders are:** Bosnia and Herzegovina Agency for Gender Equality/Ministry for Human Rights and Refugees of Bosnia and Herzegovina, Bosnia and Herzegovina Federation of Bosnia and Herzegovina Gender Centre, Republika Srpska Gender Centre, Directorate for European Integration, Office of the Government of the Federation Bosnia and Herzegovina for European integration and Ministry for European integration and international cooperation of Republika Srpska, state and entity coordination committees for implementation of GAPs, gender and IPA funds focal points in line ministries as well as relevant civil society organisations. This action will aim to improve capacities of these institutions through acquiring new knowledge and participating in the suggested activities on how to ensure integration of Gender Equality acquis in policies and gender mainstreaming of EU integration processes. Staff of the stakeholder institutions, key staff of relevant line-ministries and agencies, members of the coordination bodies for implementation of Bosnia and Herzegovina Gender Action Plan, gender-focal points and personnel responsible for European integration in various institutions and levels of government will benefit from this Action. The action will also focus on mainstreaming gender in IPA Programming process by aiding the relevant institutions across state and entity governments and Delegation of the European Union to Bosnia and Herzegovina.

### 2.3. Lessons Learned

The Constitutional Court was not supported through IPA projects so far. Upon the experience on other implemented projects, it has been learned that the success of the project depends on its sustainability, that is, primarily, whether adequate human resources have been built within the institution able to continue developing the initial results of the project. An example for lesson learned is a project from the period 2013-2015, when a significant investment in information technology of the CCBiH was made from a donation from the Kingdom of Norway. Based on this project further computerization was continued, followed by reorganization in all work segments. In the following years, Court employees continued to improve the system for electronic case management and new versions of it were developed, with numerous new functionalities. Today, the entire internal operations of the CCBiH, including work on cases, are completely based on information technologies. Thanks to this system, the average time of dealing with cases before the CCBiH has been significantly shortened.

ICMP learned that complex political and administrative circumstances and lack of appropriate budget makes the institutions responsible for accounting for missing persons in Bosnia and Herzegovina highly dependent on ICMP's technical and consultative assistance. During the implementation of previous EU-funded actions, it became evident that the Bosnia and Herzegovina authorities lack a long-term strategy for ensuring domestic ownership of the process, particularly in terms of developing technical capacities for exhumations and DNA testing and legal medicine. ICMP is aware that its presence in Bosnia and Herzegovina and the assistance it provides to local authorities has sustained the process in the past two decades and is also focusing on continuous strengthening of capacities of already identified counterparts in Bosnia and Herzegovina, willing to increase sustainability, and domestic ownership, of the missing persons process and the steps for its achievement in the future.

The lack of overarching strategies create a constant gap in coordination of government sectors but also different actors in the Justice for Children area. As implementation of the Justice Sector Reform Strategy was initiated only in 2017, due to late adoption of the corresponding Action Plan, UNICEF established coordination through the multisectoral Justice for Children Coordination Board, from 2023 Justice for Children Forum. With multi sectoral membership and country-wide representation the coordination, including between different sectors, harmonization of efforts towards justice for children across Bosnia and Herzegovina is effectively promoted.

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<sup>15</sup><https://www.weforum.org/publications/global-gender-gap-report-2023/in-full/benchmarking-gender-gaps-2023/#global-results>

The action addressing Roma addresses challenges faced by previous EU actions in Bosnia and Herzegovina, and actions financed from national and bilateral donor support, such as limited coordination, insufficient community engagement, and inadequate focus on crosscutting issues, by emphasising strong partnerships, community involvement, and integration of crosscutting themes. The experiences and lessons learned from previous projects indicate that employment support for Roma communities did not yield the expected results. As a result, employment support is not included in the current Action. However, the Action will strongly promote and observe employment support for Roma communities through other national funds and affirmative action programs.

Enhancing the capacities of institutions involved in the reintegration process is vital. The current action focuses on knowledge transfer, workshops, and trainings to upgrade the capacities of institutions and local communities. Effective coordination among stakeholders, such as government agencies, local communities, and NGOs, is crucial. The current action fosters partnerships, ensuring a coordinated and collaborative approach for a more unified support system throughout the country.

As Phase 2 of the GEF project, the gender empowerment part of the action has been formed by lessons learned from the previous phase (2020-2022). The key lessons learned that have contributed to defining the priorities and course of action related to AoS #3 are the following: importance of institutional capacity building, need for a gender-responsive approach, importance of regional cooperation and need for sustained political commitment.

### **3. DESCRIPTION OF THE ACTION**

#### **3.1. Intervention Logic**

The **Impact** of this action is

1. To strengthen the rule of law, democracy, the respect of human rights and gender equality in line with EU standards

The **Outcomes** of this action are:

1. The efficiency, quality, accountability, transparency of the justice system in Bosnia and Herzegovina is enhanced.
2. Conflict-related missing persons cases are exhumed, examined, and identified in line with international standards in forensic sciences and ensured sustainability of the process.
3. Children in contact with the law have enhanced access to justice systems and strengthened protection from violence, abuse, and exploitation.
4. The formalisation of Roma settlements, access to basic services and infrastructure, reduced discrimination and sustainable housing is augmented and institutional capacity for managing the readmission process is increased.
5. Gender equality and economic empowerment of women in Bosnia and Herzegovina, in compliance with the Bosnia and Herzegovina Gender Action Plan and international commitments is improved.

The **Outputs** to be delivered by this action contributing to the corresponding **Outcomes** are:

**1.1 (contributing to Outcome 1)** Established forum for dialogue between Constitutional court and other courts and relevant authorities to improve consistency of the case law and to strengthen the monitoring and reporting mechanisms in connection with the enforcement of CC Bosnia and Herzegovina decisions

**1.2 (contributing to Outcome 1)** Enhanced capacities of legal professionals related to human rights standards under the Constitution of Bosnia and Herzegovina and the ECHR

**1.3 (contributing to Outcome 1)** Enhanced human resources and technical capacities and legal framework of the Constitutional Court of Bosnia and Herzegovina

**2.1 (contributing to Outcome 2)** Increased forensic technical and human capacities in Bosnia and Herzegovina in relation to missing persons

- 2.2 (contributing to Outcome 2)** Increased professional capacities of justice sector and other related institutions engaged in the process of accounting for missing persons
- 2.3 (contributing to Outcome 2)** Increased capacities and opportunities for family associations and CSO to advocate for the rights of missing persons
- 2.4 (contributing to Outcome 2)** Forensic assistance in resolution of war crime cases and other criminal cases is provided
- 3.1 (contributing to Outcome 3)** Children in conflict with the law and child victims/witnesses have access to increased gender-sensitive support and protection services
- 3.2 (contributing to Outcome 3)** Children's access to justice further enhanced including in civil proceedings
- 3.3 (contributing to Outcome 3)** Secondary prevention programme reaching girls and boys at risk strengthened
- 4.1 (contributing to Outcome 4)** Upgraded housing and increased availability of utility networks in Roma settlements
- 4.2 (contributing to Outcome 4)** Improved participatory monitoring and access mechanism to existing basic services
- 4.3 (contributing to Outcome 4)** Knowledge transfer mechanisms established between relevant institutions and local communities to ensure ongoing capacity building and technical empowerment to facilitate reintegration of readmitted citizens in Bosnia and Herzegovina society
- 5.1 (contributing to Outcome 5)** Strengthened technical capacities of the Gender Institutional Mechanism and focal points in targeted institutions in Bosnia and Herzegovina for mainstreaming gender in priority sectors and in EU gender- equality *acquis* alignment
- 5.2 (contributing to Outcome 5)** Increased opportunities and measures for women's access to financial, economic and skills development services in line with the Gender Equality Law and in coordination with other relevant initiatives

The underlying intervention logic for th(e)is action(s) is that:

**IF** forum for dialogue between CCBiH and other courts and relevant authorities to improve consistency of the case Law and to strengthen the monitoring and reporting mechanisms in connection with the enforcement of CC decisions is established (**Output 1.1**), and horizontal dialogue/cooperation with CCBiH endorsed and promoted by HJPC and court presidents as well as complementary improvements in regular judiciary and on the part of lawyers become effective, preventing piling up of applications before the CC and ECtHR, **THEN** the efficiency, quality, accountability, transparency of the justice system in Bosnia and Herzegovina will be enhanced (**Outcome 1**).

**IF** capacities of legal professionals related to human rights standards under the Constitution of Bosnia and Herzegovina and the ECHR are enhanced (**Output 1.2**) and horizontal dialogue/cooperation with CCBiH endorsed and promoted by HJPC and court presidents as well as complementary improvements in regular judiciary and on the part of lawyers become effective, preventing piling up of applications before the CCBiH and European Court of Human Rights (ECtHR), **THEN** the efficiency, quality, accountability, transparency of the justice system in Bosnia and Herzegovina will be enhanced (**Outcome 1**).

**IF** human resources and technical capacities and legal framework of the Constitutional Court of Bosnia and Herzegovina are enhanced (**Output 1.3**) and Constitutional Court of Bosnia and Herzegovina is committed to implement the reforms in the justice sector **THEN** the efficiency, quality, accountability, transparency of the justice system in Bosnia and Herzegovina will be enhanced (**Outcome 1**).

**IF** forensic technical and human capacities in Bosnia and Herzegovina in relation to missing persons are increased (**Output 2.1**) and Bosnia and Herzegovina Agency on Forensic Examination and Expertise has increased human and budgetary resources to begin DNA testing in missing persons cases, **THEN** conflict-related missing persons cases will be exhumed, examined and identified in line with international standards in forensic sciences and ensured sustainability of the process related to pending war-crimes cases achieved. (**Outcome 2**).



**IF** professional capacities of justice sector and other related institutions in the process of accounting for missing persons are increased (**Output 2.2**) and domestic institutions remain committed to further development of their capacities, **THEN** conflict-related missing persons cases will be exhumed, examined and identified in line with international standards in forensic sciences and ensured sustainability of the process (**Outcome 2**).

**IF** capacities and opportunities for family associations and CSO to advocate for the rights of missing persons are increased (**Output 2.3**) and family associations/CSOs remain proactive in advocating for their rights and holding relevant institutions accountable, **THEN** conflict-related missing persons cases will be exhumed, examined and identified in line with international standards in forensic sciences and ensured sustainability of the process (**Outcome 2**).

**IF** forensic assistance in resolution of war crime cases is ensured (**Output 2.4**) and clandestine gravesites are located, exhumed and biological samples are submitted to ICMP for DNA testing, **THEN** conflict-related missing persons cases will be exhumed, examined and identified in line with international standards in forensic sciences and ensured sustainability of the process (**Outcome 2**).

**IF** the entity ministries prioritise analyses and revisions of legislation and conduct related capacity building of professionals involved in implementation of the respective laws (**Output 3.1**), **THEN** children in contact with the law will have enhanced access to justice and protection services (**Outcome 3**).

**IF** the free legal aid legislation and capacities of free legal aid providers is strengthened and availability of free legal aid is better promoted including outreach activities within vulnerable population such as Roma communities, **THEN** children have better access to mechanisms and remedies to fulfil their rights (**Outcome 3**).

**IF** the rights to be heard and right to meaningful participation are embedded in practices in civil justice proceedings and become mandatory in decision making **THEN** the best interest of the child will be respected to a higher degree.

**IF** school professionals are trained to recognise children at risk, and the schools and community services have adequate knowledge and skills for support and well developed intersectoral collaboration (community referrals) **THEN** children at risk of offending and children at risk of violence and abuse are better served and protected.

**IF** housing is upgraded and availability of utility networks in selected communities is increased (**Output 4.1**) and there is a proactive involvement of all key stakeholders involved in implementation of the Action, including active participation of Roma communities, **THEN** the formalisation of Roma settlements in Bosnia and Herzegovina will be augmented (**Outcome 4**).

**IF** participatory monitoring and evaluation of the sustainability of improved infrastructure is improved (**Output 4.2**) and there is a proactive involvement of all key stakeholders involved in implementation of the Action, including active participation of Roma communities, **THEN** the formalisation of Roma settlements in Bosnia and Herzegovina will be augmented (**Outcome 4**).

**IF** knowledge transfer mechanisms between relevant institutions and local communities for ensuring ongoing capacity building and technical empowerment to facilitate reintegration of readmitted citizens in Bosnia and Herzegovina society is established (**Output 4.3**) and satisfactory level of communication and cooperation between key stakeholders including local communities is achieved and sustained, **THEN** institutional capacity for managing the readmission process will be increased (**Outcome 4**).

**IF** technical capacities of the Gender Institutional Mechanism and focal points in targeted institutions in Bosnia and Herzegovina for mainstreaming gender in priority sectors and in EU gender- equality acquis alignment are strengthened (**Output 5.1**) and attrition rate of vital technical personnel in relevant institutions remain minimal, **THEN**

gender equality and economic empowerment of women in Bosnia and Herzegovina in compliance with the Bosnia and Herzegovina Gender Action Plan and international commitments will be improved (**Outcome 5**).

**IF** opportunities and measures for women's access to financial, economic and skills development services in line with the Gender Equality Law and in coordination with other relevant initiatives are increased (**Output 5.2**) and political and economic situation in Bosnia and Herzegovina and Western Balkans remains

unwavering, **THEN** gender equality and economic empowerment of women in Bosnia and Herzegovina in compliance with the Bosnia and Herzegovina Gender Action Plan and international commitments will be improved (**Outcome 5**).

**IF Outcomes 1, 2, 3, 4 and 5** are met, and their assumptions are hold true, **THEN** the rule of law, democracy, the respect of human rights and gender equality will be strengthened in line with EU standards (**Impact**).

### **3.2. Indicative Activities**

**Activities related to Output 1.1 Established forum for dialogue between CC and other courts and relevant authorities to improve consistency of the case Law and to strengthen the monitoring and reporting mechanisms in connection with the enforcement of CC BiH decisions.**

**Activity 1.1.1 - Establishing dialogue/cooperation between CC BiH and ordinary courts and other public bodies relevant for the exercise and promotion of human rights and fundamental freedoms-** Under this activity support will be delivered to establish necessary arrangements and fora for improving consistency of the case law with focus on application of the ECHR and ECtHR case-law and carrying out activities within the same framework. The activity also involves improving electronic communication with lawyers, appellants, and courts. Activity will include also strengthening the monitoring and reporting mechanisms in connection with the enforcement of CC BiH decisions. Activity will increase the promoting of human rights and fundamental freedoms as well as facilitating expert discussions and/or publishing papers dedicated to thematic human rights violations including most recent trends and will contribute to improving protection of Human Rights before the CC BiH and ECtHR.

**Activity related to Output 1.2 - Enhanced capacities of legal professionals related to human rights standards under the Constitution of Bosnia and Herzegovina and the ECHR**

**Activity 1.2.1. – Strengthening the role of ordinary courts/judges and lawyers in the field of human rights protection, including direct application of the ECHR and ECtHR case law** Education activities for judges of ordinary courts in the area related to human rights standards under the Constitution of Bosnia and Herzegovina and the ECHR, in cooperation with the Centres for education of judges, based on a jointly identified assessment of needs. Activities of training lawyers in the area of human rights standards under the Constitution of Bosnia and Herzegovina and the ECHR, and in the area of competence of the CC BiH, and technical training in connection with the use of the web portal for electronic communication with the CC Bosnia and Herzegovina. The activities would be organized in cooperation with the interested bar associations, based on a jointly identified assessment of needs. Support for the activities of establishing a partnership between the CC BiH and law faculties, which would include support for development of improved work programmes, teaching methods and materials, including support in the implementation of the internship programme at the CC BiH.

**Activity related to Output 1.3 - Enhanced human and technical capacities and legal framework of the Constitutional Court of Bosnia and Herzegovina**

**Activity 1.3.1. Strengthening the capacities, strategic and legal framework and working practices of the Constitutional Court** - Support for the activities of continuous development of human resources capacities, technical assistance in the development of the strategic and legal framework of the functioning of the Court, including assistance in the implementation and development of employees' skills with the aim of applying and further developing the established strategic and legal framework. Activity will also aim to improve the spatial and technical working conditions, including the construction of adequate library space, space for server equipment, space for storing secret data and space for permanent archives in accordance with the legal regulations that regulate the aforementioned areas, and the procurement of computer equipment and audio-video equipment for multifunctional centre and court session rooms.

More precisely, proposed Activity involves the following: professional education of associates and advisers in the field of ECHR and ECtHR practice; education of educators, i.e. additional training of a number of employees for public appearances and presentation of the work of the Court; trainings in the field of ethics, integrity, soft skills of all employees; development of management skills of management staff; technical

assistance in the development of the strategic and legal framework of the functioning of the Court through the development of the Internal and External Communication Strategy and the Human Resources Strategy, including assistance in the implementation of the same, the development of implementing acts and the development of employee skills for the implementation and further development of the established strategic and legal framework; technical assistance in the development of a legal framework that would regulate the issues of the right to access to information and the right to privacy.

Activities related to **Output 2.1 - Increased forensic technical and human capacities in Bosnia and Herzegovina in relation to missing persons.**

**2.1.1 Strengthening domestic technical capacities in DNA analysis so as to provide long-term support to Prosecutors Offices** - On the basis of the official exchange of letters confirming cooperation between the Bosnia and Herzegovina Ministry of Security and ICMP, ICMP will provide technical assistance to the Bosnia and Herzegovina Agency on Forensic Examination and Expertise (AFEE) and to prosecutors and their teams. By setting up a new line for post-mortem samples' DNA testing and through provision of specialised hands-on training for AFEE's DNA laboratory staff, ICMP will secure preconditions for a sustainable domestic DNA testing for all criminal and other cases in Bosnia and Herzegovina. This activity will directly build on the results of the assistance provided under IPA 2022.

Activities related to **Output 2.2 - Increased technical professional capacities of the justice and other related institutions in accounting for missing persons.**

**2.2.1 Transfer of knowledge to domestic institutions involved in the process of accounting for missing persons** - ICMP will provide transfer of knowledge on exhumation and examination practices through trainings to prosecutors' offices and on data analysis through trainings organized in collaboration with Missing Persons Institute of Bosnia and Herzegovina.

Activities related to **Output 2.3 - Increased capacities and opportunities for family associations and CSO to advocate for the rights of missing persons.**

**2.3.1 Active engagement of families of missing persons and civil society organizations in the process of accounting for missing persons** - ICMP will provide small grants to family associations of missing persons and civil society organizations. Small grants will support the work of organizations in great majority led by women. Through small grants, ICMP will support approximately ten family associations and civil society organizations, out of which up to seven led by women, in their efforts to advocate for their rights.

Activities related to **Output 2.4 - Forensic assistance in resolution of war crime cases ensured.**

**2.4.1 Provision of expert assistance to the Bosnia and Herzegovina judiciary to excavate, examine and identify victims of enforced disappearances from clandestine graves as part of war crimes investigations** - ICMP will provide hands on assistance, in line with the highest international standards, for the excavation of clandestine gravesites in BOSNIA AND HERZEGOVINA, where invited by war crimes prosecutors and in line with the relevant Court order.

**2.4.2 Continued DNA testing and matching of biological samples for the purposes of human identification** - ICMP will conduct DNA testing and matching of family reference (blood) samples that it collects from family members of missing persons, and post-mortem (tooth or bone) biological samples, which are submitted under court order. Also, under this Action, ICMP will implement its retention policy with regard to biological samples subject to the policy including the selection, packing, recording and disposal of reference and post-mortem samples and extracts.

Activities related to **Output 3.1. Children in conflict with the law and child victims/witnesses have access to increased gender-sensitive support and protection services.**

**3.1.1.** To provide support to entity MoJs for potential revision of legislation related to children, in particular further harmonisation with international standards and support related training of professionals.

**3.1.2.** To provide specialised gender-sensitive educational programmes for support providers and judiciary professionals, and through establishing coordination and exchange and unification of practices in order to

strengthen quality of child friendly services for victims and witnesses. Focus will also be given on continuum of care after the judiciary proceedings and strengthening community-based support to children victim and witnesses through enhancing capacities for provision of specialised support to child victims and witnesses and piloting elements of the most child-friendly interviewing concept.

**3.1.3.** To provide analysis, guidelines, exchange of best practices and advocacy with the prosecutor offices, bar associations, ministries of interior and social welfare

**3.1.4** To produce aftercare programmes for children leaving detention facilities developed in closed collaboration with ministries of justice and ministry of social welfare, including strengthening the individual reintegration plans for children in detention facilities.

### **Activities related to Output 3.2. Children's access to Justice further enhanced, including in civil proceedings**

**3.2.1.** To provide support for establishment and advancements of free legal aid services in the quality and geographical availability, through gender-sensitive capacity buildings programmes, networking, outreach and replication of best practices.

**3.2.2.** To provide support to activities in order to enhance participation of children in parallel with improving the knowledge of professionals (centres for social welfare, judges, mediators) in conducting best interests' determinations. The protection of children in civil proceedings will focus on judiciary practices related to implementation of the family law legislation(s), particularly in divorce and family separation cases, considering that Republika Srpska has Adopted new Family Law in February 2023, while in Federation of Bosnia and Herzegovina revision of the Family Law is expected in 2024.

**3.2.3.** Legal empowerment of children and engaging families in supporting children's access to justice for children to be considered rights-holders rather than objects of parental control. Focus of activities will be placed on building trust in social welfare, justice and mental health institutions, including through information sessions and guided exchanges with centres for social welfare, police, prosecutors, judges, Ombudsperson offices, and representatives from other relevant institutions. Both families and children will be better informed on the availability of remedies, related mechanisms and how to access them.

### **Activities related to Output 3.3. Secondary prevention programme reaching girls and boys at risk strengthened**

**3.3.1.** School-based secondary prevention model identifying and supporting children at risk of harm and offending. The support will focus to achieve full sustainability of the implemented programmes in all elementary and secondary schools in Republika Srpska and three cantons in Federation of Bosnia and Herzegovina covering approximately 150,000 children. Activities will focus on strengthening capacities of ministry of education for monitoring and evaluating the programme and specific capacity building for school professionals in order to advance support to children at risk.

**3.3.2.** Roll-out the school-based secondary prevention model into another canton. Federal Ministry of Education and cantonal ministries of education have expressed the need to implement the secondary prevention program The activity will be planned in most cost-efficient way, using all previously developed material and know how, with advocacy for co-matching with government funds.

**3.3.3.** To strengthen the existing models (SOPs, protocols etc) and establish child protection referrals in new locations in order to support community-based child protection referral and inter sectoral collaboration.

**Activities related to Output 4.1 – Upgraded housing and increased availability of utility networks in Roma settlements.**

*Preparatory activities include verification of the results of needs assessment, formalisation of co-financing and participation agreements with the cities/municipalities.*

**4.1.1** Implement procurement procedures for construction companies; Establish a monitoring and evaluation system for upgraded infrastructure.

**4.1.2** Assess utility networks in target communities; Identify and prioritise urgent infrastructure needs; Develop a plan for upgrading and expanding utility networks; Establish partnerships for plan implementation; Monitor and evaluate the impact of improved utility networks.

**4.1.3** Provide legal and administrative advisory support to Roma settlers in connection with the formalisation of their property rights and land tenure; Identify and map land tenure and property rights challenges; Establish and train a network of legal and administrative advisors; Develop information materials and conduct workshops; Provide individualised legal and administrative support; Monitor and evaluate success of advisory support.

**Activities related to Output 4.2 – Improved participatory monitoring and access mechanism to existing basic services**

**4.2.1** Develop participatory institutional referral, protection, monitoring and access mechanisms to existing basic services for Roma communities with emphasis on the rights of women and girls: Conduct baseline assessment of existing mechanisms for basic services, Develop a capacity-building program for service providers and community leaders, Establish and strengthen community-based referral and protection networks, Advocate for the inclusion of Roma women and girls in service delivery programs, Monitor and evaluate the impact of strengthened mechanisms.

**4.2.2** Develop a comprehensive monitoring and evaluation framework; Train community members and local partners in participatory techniques; Conduct regular participatory monitoring and evaluation exercises; Facilitate feedback loops for continuous improvement; Share findings and lessons learned with relevant stakeholders.

**Activities related to Output 4.3 – Knowledge transfer mechanisms established between relevant institutions and local communities to ensure ongoing capacity building and technical empowerment to facilitate reintegration of readmitted citizens in Bosnia and Herzegovina society.**

**4.3.1** Conduct needs assessment for reintegration of readmitted citizens; Develop a knowledge transfer strategy involving institutions and local communities; Organise workshops, trainings, and seminars for knowledge exchange; Establish mentorship programs and peer-to-peer support networks; Develop and distribute resource materials and guidelines for reintegration; Foster partnerships between institutions, local communities, and NGOs; Monitor and evaluate the effectiveness of knowledge transfer mechanisms

**4.3.2** Establish monitoring system for ensuring the effectiveness of the knowledge transfer mechanisms in readmission and for identification and mitigation of potential risks; Develop a comprehensive monitoring framework with KPIs and metrics; Train stakeholders in monitoring and evaluation techniques; Establish regular reporting mechanisms for progress updates; Conduct periodic M&E reviews to assess impact and identify potential risks; Implement a feedback loop for continuous improvement; Develop a risk mitigation strategy for knowledge transfer mechanisms; Engage external evaluators for independent assessments and recommendation.

**Activities related to Output 5.1 – Strengthened technical capacities of the Gender Institutional Mechanism and focal points in targeted institutions in Bosnia and Herzegovina for mainstreaming gender in priority sectors and in EU gender- equality acquis alignment.**

**5.1.1** Conduct capacity-building workshops and training sessions for gender institutional mechanisms and key personnel on gender mainstreaming and gender-responsive policy development; Develop and disseminate guidelines and resources for integrating gender perspectives into the work of gender institutional mechanisms; Establish monitoring and evaluation mechanisms to track the progress of gender institutional mechanisms in addressing gender equality.

**5.1.2** Increase regional networking capacities for knowledge sharing on lessons learned and best practices leading to the effective implementation of gender equality international and national commitments; Organize regional conferences, workshops, and webinars to facilitate knowledge exchange and networking among gender equality stakeholders in the Western Balkans; Establish a regional platform or database for sharing best practices, innovative solutions, and resources related to gender equality; Develop and implement joint projects and initiatives between Western Balkans countries to address common gender equality challenges and promote cooperation

**5.1.3** Provide technical assistance to targeted institutions to develop and implement gender-responsive policies, programs, and services; Facilitate knowledge exchange between targeted institutions and gender experts to promote the adoption of gender-sensitive approaches in their operations; Develop and implement awareness-raising campaigns to promote the importance of integrating gender perspectives in targeted institutions' work.

**Activities related to Output 5.2 – Increased opportunities and measures for women's access to financial, economic and skills development services in line with the Gender Equality Law and in coordination with other relevant initiatives.**

**5.2.1** Monitor and evaluate the implementation of the Gender Equality Law, identifying areas for improvement in relation to women's access to employment and economic resources; Advocate for necessary amendments to the Gender Equality Law to better address women's economic needs; Develop and disseminate resources and tools to support the effective implementation of the Gender Equality Law, with a focus on women's economic empowerment.

**5.2.2** Conduct research and analysis to identify gaps and opportunities in the existing care economy framework in Bosnia and Herzegovina; Develop and promote policy recommendations to enhance the care economy, focusing on women's access to employment and economic resources; Organize stakeholder consultations and workshops to foster dialogue and consensus-building around the proposed changes to the care economy framework

### **3.3. Mainstreaming**

#### **Environmental Protection, Climate Change and Biodiversity**

The action and the activities deriving from the action will not have any major and negative impact on the environment nor jeopardise environment, health, and security in the future. The activities deriving from this action will be delivered in the most environmentally friendly possible way. The action holds climate change relevance by promoting green administration and focusing on sustainable and environmentally conscious infrastructure and utility systems. Thus, this action contributes to reducing the communities' carbon footprint and ensuring resilience to climate change impacts and therefore makes a minor contribution in addressing the Green Agenda.

#### **Gender equality and empowerment of women and girls**

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as [G2], as the gender equality is the principal objective of the action. The objectives of this action aim to improve the status and lives of women and girls in Bosnia and Herzegovina (Bosnia and Herzegovina) by increasing compliance with international gender equality commitments and EU gender equality acquis.

Gender equality is a core value for the European Union. Through the EU's Action Plan on Gender Equality and Women's Empowerment in External Action 2021–2025 (GAP III) the EU has made strong commitments to accelerate progress on empowering women and girls and push for more and faster progress toward gender equality in the partner countries, including increasing the level of women participation, representation and leadership in politics and governance, via support for democracy and governance programmes and public administration reforms.

This Action ensures that readmission and reception procedures and support are gender-sensitive and consider the specific needs and priorities of women and girls. This includes ensuring that women and girls are not returned to situations where they may face violence, exploitation, or discrimination, and providing them with access to services and support to help them reintegrate into their communities and access economic opportunities.

### **Human Rights**

The proposed activity is fully designed to contribute to the protection of human rights and freedoms guaranteed under the Constitution and ECHR and its Protocols. Furthermore, the project shall enhance the capacities of legal professionals related to human rights standards under the Constitution of Bosnia and Herzegovina and the ECHR (objective 1.2).

The interventions supported through proposed Action will aspire to promote non-discriminatory practices and procedures and to prohibit any form of gender-based violence, unlawful discrimination including race, colour, religion, national -origin, political affiliation, sex, age, marital status, or disability; economic and social rights and empowering girls and women; equal participation and leadership.

Due attention will also be given to the respect of human and children rights and integration of human and child rights principles within the undertaken interventions. Based on the fundamental principles of promoting equality and combating discrimination, participation in the action will be guaranteed based on equal access regardless of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation as well as taking into account promotion and participation of people with disabilities.

The Action is designed to ensure more effective protection against all forms of discrimination and promoting equal rights and opportunities for all individuals and groups in Bosnia and Herzegovina society, by enhancement of the mechanisms of coordination and monitoring of the human rights and non-discrimination policies in Bosnia and Herzegovina.

### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D2. This implies that Outcome 4 of the Action to some extent corresponds the OECD Disability DAC Code D2. The support to Bosnia and Herzegovina citizens' reintegration after readmission may be relevant to DAC Code D2, which focuses on promoting the protection and realisation of the rights of persons with disabilities in humanitarian and post-conflict settings. This support can include ensuring that persons with disabilities who are returned to their country of origin are provided with access to healthcare, rehabilitation services, and other forms of support to help them reintegrate into their communities.

### **Democracy**

The involvement and participation of civil society in the European integration process is very important and cooperation between governmental and non-governmental sectors crucial. Opportunities for dialogue and cooperation among civil society and public sector actors will be further developed through various initiatives under the proposed Action especially such as those related to increasing capacities and opportunities for family associations and CSO to advocate for the rights of missing persons including activities aimed for establishing a partnership between the CC Bosnia and Herzegovina and law faculties and different kinds of discussion with civil society.

### **Conflict sensitivity, peace, and resilience**

One of the six Western Balkans Flagship Initiatives is the Initiative to support reconciliation and good neighbourly relations. Implementation of the Outcome 2 of this Action directly contributes to this Initiative, since accounting for missing persons, in addition to bringing peace and closure to the families of the missing, also provides scientific evidence to be used in the resolution of war crime cases, contributing to the transitional justice in Bosnia and Herzegovina, and reconciliation and good neighbourly relations in the region. Also, strengthening of domestic institutions involved in the process of accounting for missing persons, to be able to take over the ownership of the process, builds a strong foundation for the future, ensuring the rights to truth, justice, and reparations to the families of missing persons, with the aim of securing citizen's fundamental rights and freedoms and societal stability.

### **Disaster Risk Reduction**

The Action to some extent addresses Disaster Risk Reduction, as its Outcome 4 is committed to improving physical infrastructure (housing, roads, and water supply), to reduce vulnerability to disasters, and is enhancing community preparedness and response capacity. The Action will carefully integrate all applicable DRR measures to raise preparedness and response in case of possible disasters (floods, earthquakes, storms / thunders or other).

## **3.4. Risks and Assumptions**

<b>Category</b>	<b>Risks</b>	<b>Likelihood (High/ Medium/ Low)</b>	<b>Impact (High/ Medium/ Low)</b>	<b>Mitigating measures</b>
<i>AoS 1: Support to the Constitutional Court of Bosnia and Herzegovina, Addressing conflict-related missing persons cases, Children's access to justice</i>				
Legality and Regularity Aspects	<i>Timely signing of FA</i>	L	H	<i>Intensified communication amongst Bosnia and Herzegovina's institutions, in particular with the Ministry of Finance and Treasury of Bosnia and Herzegovina; Close contact with line DGs and EU Office would be maintained, and all preparatory activities conducted in advance to facilitate as fast as possible actions implementation.</i>
External Environment	<i>Delays in decision making process</i>	M	M	<i>Maintaining of continuous discussions with relevant authorities to facilitate timely decision making</i>



People and the Organisation	<i>Insufficient interest of beneficiaries and relevant stakeholders to get involved in dialogue/cooperation activities</i>	M	M	<i>Good communication in all phases of the activity; ensure that the courts see themselves as equal partners and recognize their interest in the activities</i>
<i>AoS 2: Roma settlements requiring tailored upgrading of services to improve integration and living conditions, Readmission of Bosnia and Herzegovina's citizens based on readmission agreements, and repatriation of Bosnia and Herzegovina's citizens from Syria and Iraq</i>				
External environment	<i>Political or economic conditions could impact the availability of resources or political support, potentially leading to delays or changes in the process.</i>	L	H	<i>For the project segment concerning the infrastructure and utilities' networks upgrades, local communities will commit resources through an official MoU, specifying their contribution and commitment through the project.</i>
Planning, processes and systems	<i>Inadequate planning and coordination among stakeholders is leading to delays, inconsistencies, or inefficiencies in the formalisation process.</i>	M	H	<i>The sector institution will establish a dedicated project management team to oversee the formalisation process and ensure effective planning and coordination among stakeholders. The team will also develop and implement a clear communication and reporting plan to keep stakeholders informed and engaged throughout the process.</i>
People and organisation	<i>Insufficient capacity or training for stakeholders involved in the formalisation process is leading to inadequate understanding or application of relevant policies and procedures.</i>	L	M	<i>The sector institution will collaborate with relevant training providers to develop and deliver targeted capacity building programs for stakeholders involved in the formalisation process.</i>
<i>AoS 3: Gender Equality Facility (GEF) in Bosnia and Herzegovina phase II (2024-2027)</i>				
External environment	<i>Political instability or conflict in the region may hinder the implementation of the gender equality objectives of the project.</i>	M	H	<i>To mitigate this risk, the implementing agency will take a proactive approach by conducting a comprehensive risk assessment to identify potential risks and develop contingency plans to address them. The agency will also establish partnerships with local organizations, government agencies, and civil society organizations to leverage their expertise and networks to ensure the project's activities are implemented despite the challenges of the external environment.</i>
Planning, processes and systems	<i>Poor coordination between targeted institutions and gender institutional mechanisms may limit the project's impact.</i>	M	M	<i>To address the risk of poor coordination among targeted institutions and gender institutional mechanisms, the implementing agency will develop clear guidelines and protocols for coordination, establish a mechanism for regular meetings and information sharing among key stakeholders, and provide training and capacity building opportunities to staff in targeted institutions and gender institutional mechanisms.</i>

People and organisation	<i>Staff turnover and lack of capacity among key personnel may limit the project's impact and effectiveness.</i>	L	M	<i>To address the risk of slow implementation of regulatory and legal framework in practice, the implementing agency will establish partnerships with government agencies to promote the implementation of regulatory and legal frameworks related to gender equality, engage with civil society organizations to promote their involvement in monitoring the implementation of legal and regulatory frameworks, and establish a mechanism for regular reporting and monitoring of progress in the implementation of legal and regulatory frameworks.</i>
Legality and regularity aspects	<i>Slow implementation of regulatory and legal framework in practice.</i>	M	M	<i>The slow implementation of regulatory and legal frameworks related to gender equality is a risk that could hinder the success of the project. To address this risk, the implementing agency will establish partnerships with government agencies responsible for implementing the frameworks, engage with civil society organizations, establish a mechanism for regular reporting and monitoring of progress, and conduct regular advocacy and awareness-raising campaigns to promote the importance of implementing the frameworks. By taking a multi-pronged approach, the implementing agency aims to promote the implementation of regulatory and legal frameworks related to gender equality.</i>
Communication and information	<i>Lack of effective communication and information sharing among key stakeholders may hinder the successful implementation of the project.</i>	L	M	<i>To address the risk of lack of effective communication and information sharing among key stakeholders, the implementing agency will develop a communication strategy to promote the project's objectives and activities, establish a mechanism for regular communication and information sharing among key stakeholders, and foster a culture of openness and transparency to encourage effective communication and information sharing among key stakeholders.</i>

### External Assumptions

#### Outcomes related:

- The EU engages in the dialogue with the Constitutional Court of Bosnia and Herzegovina (Outcome 1).
- Commitment of the relevant authorities in Bosnia and Herzegovina to take a harmonized and coordinated approach to implement the reforms in the justice sector (Outcome 1 and Outcome 3).
- Institutions involved in the processes of accounting for missing persons in Bosnia and Herzegovina remain equipped, knowledgeable and committed to their work (Outcome 2).

- Positive trend observed among relevant institutions and stakeholders in the implementation of human rights commitments. (Outcome 4)
- Sustained political commitment to gender equality and women's empowerment (Outcome 5)

**Outputs related:**

- Horizontal dialogue/cooperation with CCBiH endorsed and promoted by HJPC and court presidents (Output 1.1 and 1.2)
- Complementary improvements in regular judiciary and on the part of lawyers become effective, preventing piling up of applications before the CCBiH and ECtHR (Output 1.1 and 1.2)
- Constitutional Court of Bosnia and Herzegovina committed to implement the reforms in the justice sector (Output 1.3)
- Bosnia and Herzegovina Agency on Forensic Examination and Expertise has increased human and budgetary resources to begin PM DNA testing (Output 2.1).
- Domestic institutions committed to further development of their capacities (Output 2.2 and Output 3.2)
- Family associations/CSOs remain proactive in advocating for their rights and holding relevant institutions accountable (Output 2.3).
- Clandestine gravesites are located, exhumed and biological samples are submitted to ICMP for DNA testing (Output 2.4)
- Stakeholders and legislative authorities are willing to adopt and amend legal framework (Output 3.1)
- Prosecutor offices receive cases of child offenders eligible for diversion measures as prescribed by law (Output 3.1.)
- Governments and authorities have willingness and human resources to enhance protection of children at risk and to create intersectoral coordination at community and higher levels (entity, canton) (Output 3.3)
- Local authorities and other stakeholders are supportive of the formalisation process and are willing to collaborate (Output 4.1)
- Proactive involvement of all key stakeholders involved in implementation of the Action, which includes active participation of Roma communities and respect for their human rights (4.2)
- Satisfactory level of communication and cooperation between key stakeholders, including local communities is achieved and sustained (4.3)
- Attrition rate of vital technical personnel in relevant institutions remains minimal (5.1)
- Political and economic situation in Bosnia and Herzegovina and Western Balkans remains stable (5.1 and 5.2)

### **3.5 Indicative Logical Framework Matrix**

Results	Results chain: Main expected results [maximum 10 @]	Indicators [at least one indicator per expected result @]	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
<b>Impact</b>	To strengthen the rule of law, democracy, the respect of human rights and gender equality in line with EU standards	1 World Bank Index Judicial Independence 2 Percentage of targeted Roma communities and local authorities that report satisfaction with the sustainability of improved infrastructure and formalisation of Roma communities' rights. 3 Score of the Gender Inequality Index for Bosnia and Herzegovina	1 2. 2 (2019) 2 Baseline TBD in inception phase (2023) 3 0.136 (2021)	1 3.0 (2027) 2 80%>in comparison to baseline value (2027) 3 To be Decided (TBD)	1 World Economic Forum, Competitiveness Report 2 Feedback report from community members through site visits and inspections 3 UNDP- Human Development Reports <a href="https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII">https://hdr.undp.org/data-center/thematic-composite-indices/gender-inequality-index#/indicies/GII</a>	<b>Not applicable</b>
<b>Outcome 1</b>	The efficiency, quality, accountability, transparency of the justice system in Bosnia and Herzegovina enhanced	1.1 Number of applications from Bosnia and Herzegovina before the ECtHR (European Court of Human Rights) 1.2 Number of Bosnia and Herzegovina CC decisions effectively implemented 1.3 Level of alignment of elected ordinary courts' decisions following judgments of the ECtHR/the CC	1.1 407 applications allocated within the ECtHR's formations in respect of Bosnia and Herzegovina in 2022 1.2 251 non-enforced or partially enforced the CC decisions (2022) 1.3 Unavailable (baseline study needs to be prepared)	1.1 350 (2027) 1.2 200 (2027) 1.3 30% increased the selected ordinary courts' decisions with improved structure and reference to the ECtHR/the CC practice (2027)	1.1 The ECtHR's statistical data 1.2 CC Report 1.3 CC Report in cooperation with pillar-assessed entity in indirect management	The EU engages in the dialogue with the Constitutional Court Commitment of the relevant authorities in Bosnia and Herzegovina to take a harmonized and coordinated approach to implement the reforms in the justice sector
<b>Outcome 2</b>	Conflict-related missing persons cases exhumed, examined and identified in line with international standards in forensic sciences and ensured sustainability of the process	2.1 Number of ICMP DNA matching reports produced and submitted to Bosnia and Herzegovina Missing Persons Institute	2.1 35.152 (2022)	2.1 36.030 (2027)	EC Reports on Bosnia and Herzegovina Annual and final reports on implementation of the Action	Institutions involved in the process of accounting for missing persons in Bosnia and Herzegovina remain committed to their work
<b>Outcome 3</b>	Children in contact with the law have enhanced access to justice systems and strengthened protection from violence, abuse, and exploitation.	Existence of specialized justice for children systems, such as capacity building and standards-setting within criminal and civil justice systems.	3 out of 6 (2022)	5 out of 6 (2027)	Legislation, justice institution reports, HJPC reports, UNICEF reports	Commitment of the relevant justice for children authorities in Bosnia and Herzegovina to fully implement national and international standards on children's access to justice
<b>Outcome 4</b>	The formalisation of Roma settlements, access to basic services and infrastructure, reduced discrimination and sustainable housing is augmented and institutional capacity for managing the readmission process is increased.	2.1 Percentage of Roma people who access property rights with the support of the Action 2.2 Percentage of Roma households from supported communities who with improved living conditions 2.3 Number of returnees returned and reintegrated (disaggregated by gender,	2.1 60% (2022) 2.2 0% (2023) 2. 3. 300 (2022)	2.1 100% (2027) 2.2 40% (2027) 2.3 800 (2027)	The 2023 Commission report on Bosnia and Herzegovina The 2023 Commission report on Bosnia and Herzegovinas -Report on implementation of Action Plan for social inclusion of Roma 2021-2025	Positive trend observed among relevant institutions and stakeholders in the implementation of human rights commitments.

		country of departure and availability of reintegration programs)			-Project monitoring/implementation reports	
<b>Outcome 5</b>	Gender equality and economic empowerment of women in Bosnia and Herzegovina in compliance with the Bosnia and Herzegovina Gender Action Plan and international commitments are improved	<p>3.1 Number of national policies, plans and programmes that properly mainstream gender equality</p> <p>3.2 Percentage of women, with access to financial services and other economic opportunities with the support of the action, by age</p> <p>3.3 Status of the 2nd Regional action plan</p> <p>3.4 Number of joint initiatives of the gender institutional mechanisms in the Western Balkans countries</p>	<p>3.1 3 (2023)</p> <p>3.2 46% (2022)</p> <p>3.3 Not adopted yet</p> <p>3.4 0 (2023)</p>	<p>3.1 10 (2027)</p> <p>3.2 +10 % (2027)</p> <p>3.3 Adopted by the Regional Coordination Board with a focus on women economic empowerment and women, peace and security (2027)</p> <p>3.4 2 joint initiatives (2027)</p>	<p>-The 2023 Commission report on Bosnia and Herzegovina 2023 Commission report on Bosnia and Herzegovinas;</p> <p>-Annual Reports on Implementation of Gender Action Plan of BOSNIA AND HERZEGOVINA as adopted by the Council of Ministers of Bosnia and Herzegovina (including gender mainstreaming screening of strategic and program documents)</p> <p>- Project monitoring /implementation reports;</p>	Sustained political commitment to gender equality and women's empowerment
<b>Output 1.1 related to Outcome 1</b>	1.1 Established forum for dialogue between CC and other courts and relevant authorities to improve consistency of the case Law and to strengthen the monitoring and reporting mechanisms in connection with the enforcement of CC Bosnia and Herzegovina decisions	<p>1.1.1 Number of dialogue events related to improvement of the consistency of the case law implemented</p> <p>1.1.2 Number of dialogue events related to the enforcement of CC decisions implemented</p> <p>1.1.3 Number of judges, legal advisors and other officials (W/M) participating in exchange/ dialogue events</p>	<p>1.1.1 0 2022</p> <p>1.1.2 0 (2022)</p> <p>1.1.3 TBD Baseline target will be determined during inception phase</p>	<p>1.1.1 At least four activities are organised (2027)</p> <p>1.1.2 At least four activities are organised (2027)</p> <p>1.1.3 20% increase of number of judges, judicial advisors and other officials (W/M) participating in exchange/dialogue events (2027)</p>	CC Report	<p>Horizontal dialogue/cooperation with CCBosnia and Herzegovina endorsed and promoted by HJPC and court presidents.</p> <p>Complementary improvements in regular judiciary and on the part of lawyers become effective, preventing piling up of applications before the CCBosnia and Herzegovina and ECtHR</p>
<b>Output 1.2 related to Outcome 1</b>	1.2 Enhanced capacities of legal professionals related to human rights standards under the Constitution of Bosnia and Herzegovina and the ECHR	<p>1.2.1 Percentage of admissible appeals for protection of rights and freedoms submitted by legal professionals in relation to the total number of appeals submitted to the CC</p> <p>1.2.2 Percentage of judicial staff and judges having better skills to apply the ECtHR/CC standards</p>	<p>1.1.2 34% (2022)</p> <p>1.2.2 TBD Baseline target will be determined during inception phase</p>	<p>1.1.2 44% (2027)</p> <p>1.2.2 at least 30% increased skills and knowledge on the ECtHR/CC standards of trained judges/judicial staff (2027)</p>	CC Report  Pre-post tests; focus groups; Testimonies after the trainings;	<p>Horizontal dialogue/cooperation with CCBosnia and Herzegovina endorsed and promoted by HJPC and court presidents.</p> <p>Complementary improvements in regular judiciary and on the part of lawyers become effective, preventing piling up of applications before the CCBosnia and Herzegovina and ECtHR</p>

<b>Output 1.3 related to Outcome 1</b>	1.3 Enhanced human and technical capacities and legal framework of the Constitutional Court of Bosnia and Herzegovina	1.3.1 Average/longest time for resolving cases before the Constitutional Court  1.3.2 Public outreach communication strategy developed and implemented  1.3.3. Number of reconstructed and refurbished facilities (library, server room, classified data room, archive)	1.3.1 24 months (2022) 1.3.2 No (2022)  1.3.3 0 (2022)	1.3.1 20 months (2027) 1.3.2 Yes (2027)  1.3.3 4 (2027)	CC Report	Constitutional Court of Bosnia and Herzegovina committed to implement the reforms in the justice sector
<b>Output 2.1 related to Outcome 2</b>	2.1 Increased forensic technical and human capacities in Bosnia and Herzegovina in relation to missing persons	2.1.1 Level of preparedness of Agency for Forensic Examination and Expertise to extract DNA profile from post-mortem biological samples in missing persons cases	2.1.1 Low (2021)	2.1.1 Full SOPs adopted, 2 AFEE staff fully trained in DNA profiling of post-mortem samples) (2027)	ICMP reports AFEE ICMP Western Balkans Tracking Chart	BOSNIA AND HERZEGOVINA Agency on Forensic Examination and Expertise has increased human and budgetary resources to begin DNA testing in missing persons cases.
<b>Output 2.2 related to Outcome 2</b>	2.2 Increased professional capacities of justice sector and other related institutions in the process of accounting for missing persons	2.2.1 Number of (a) judges, (b) prosecutors, (c) lawyers, (d) court staff and e) other categories of legal professionals (e.g. probation staff) trained with EU support (of which, trained on European standards and EU acquis), (disaggregated by function and gender) [on identification and exhumation of missing persons] IPA III RF 1.1.1.3  2.2.2 Number of MPI staff trained in data analysis  2.2.3 Number of users of ICMP - provided data platforms	2.2.1 30 prosecutors trained in exhumation and examination practices by ICMP) (2022)  2.2.2 5 (2022)  2.2.3 25.537 (2022)	2.2.1 50 prosecutors trained in exhumation and examination practices by ICMP)(2027)  2.2.2 10 (2027)  2.2.3 28.000-28.500 (2027)	ICMP reports ICMP reports ICMP reports ICMP Western Balkans Indicator Tracking Chart	Domestic institutions committed to further development of their capacities
<b>Output 2.3 related to Outcome 2</b>	2.3. Increased capacities and opportunities for family associations and CSO to advocate for the rights of missing persons	2.3.1 Number of initiatives led by civil society and supported by the EU [through ICMP small grants/third party support awarded to civil society organizations, specifically family associations of missing persons in BOSNIA AND HERZEGOVINA during project implementation] IPA III RF Ind.1.7.1.5]	2.3.1 to be defined in the first quarter of Action implementation	2.3.1 to be defined in the first quarter of Action implementation	ICMP reports	Family associations/CSOs remain proactive in advocating for their rights and holding relevant institutions accountable
<b>Output 2.4 related to Outcome 2</b>	2.4 Forensic assistance in resolution of war crime cases ensured	2.4.1 Number of Prosecutor's Offices (POs), requests for technical assistance implemented (exhumations, examinations, identifications and data analysis)	2.4.1 98 (November 2022 as per II Interim report contract number: 2020/419-737)	2.4.1 300 (2027)	ICMP reports	Clandestine gravesites are located, exhumed and biological samples are submitted to ICMP for DNA testing
<b>Output 3.1 related to Outcome 3</b>	3.1. Children in conflict with the law and child victims/witnesses have access to increased gender-sensitive support and protection services.	Percentage of responsible prosecutors' offices using diversion as primary response to support children in conflict with the law	66% (2021)	75% (2027)	High Judicial and Prosecutorial Council (HJPC) official data	Justice institutions fully compliant with the Law on Protection and Treatment of Children and Juveniles  JPTC planning regular funding for training on

						children in contact with the law  HJPC regularly collects and share data on children in contact with the law
<b>Output 3.2 related to Outcome 3</b>	3.2 Children's access to Justice further enhanced including in civil proceedings	3.2.1 Number of children provided with assistance or advice at legal aid centres throughout Bosnia and Herzegovina  3.2.2 Develop and roll out specialised training program for civil justice Judges	3.2. Baseline target will be determined during inception phase 3.2.2 Baseline target will be determined during inception phase	3.2.1 10% increase in child friendly legal assistance or advice offered at legal aid centers throughout Bosnia and Herzegovina  3.2.2 # of professionals trained based on the specialised training program	Free legal aid (FLA) centres annual reports, FLA Network annual report  JPTC annual report	Laws on free legal aid harmonized to unconditionally recognise children as beneficiaries of FLA  FLA providers regularly produce and publish annual reports on their work  JPTC planning regular funding for training on children in contact with the law  Major courts willing to specialise judges on the work with children in contact with the law
<b>Output 3.3 related to Outcome 3</b>	3.3 Secondary prevention programme reaching girls and boys at risk strengthened	3.3.1 Percentage of school-aged children benefiting from the secondary prevention programme  3.3.2 Percentage of municipalities that implement local child protection referral mechanism for the protection of children from violence, abuse and neglect including online violence	3.3.1 41% (2022)  3.3.2 1 % (13) municipalities (2020, April) New baseline to be set in 2024	3.3.1 50% (2027)  3.3.2 Baseline + 20%	Respective MoEs Municipality annual reports or referral protocols	MoE and other relevant ministries at cantonal level willing to endorse and implement the secondary prevention programmes  Legislation on elementary and secondary education at cantonal level enabling implementation of the secondary prevention or governments and assemblies willing to amend it Readiness of respective sectors to collaborate in addressing violence against children
<b>Output 4.1 related to Outcome 4</b>	4.1 Upgraded housing and increased availability of utility networks in Roma settlements	4.1.1 Number of Roma families with improved sustainable and environmentally conscious housing with the support of the Action, by location  4.1.2 Percentage of households benefiting from improved housing and community	4.1.1 0 (2022)  4.1.2 0 (2022)	4.1.1 327 (2027)  4.1.2 40% (2027)	Project monitoring /implementation reports; -IPA Monitoring Committee meetings' Conclusions -Local administration reports	Local authorities and other stakeholders are supportive of the formalisation process and are willing to collaborate



		infrastructure facilities in Roma settlements with EU funds			-Feedback from community members and site visit reports -Contract documentation and review of financial records	
<b>Output 4.2 related to Outcome 4</b>	4.2 Improved participatory monitoring and access mechanism to existing basic services	4.2.1 Number of monitoring and evaluation reports formalisation of Roma communities' rights and sustainability 4.2.2 Number of Roma settlements who formalized property rights with the support of the Action, by local free legal aid 4.2.3 Percentage of women and girls from Roma communities supported by the Action gain access to institutions, protection, monitoring and access mechanisms to existing basic services	4.2.1 0 (2023)  4.2.2 0 (2022)  4.2.3 0 (2023)	4.2.1 3 (2027)  4.2.3 327 (2027)  4.2.3 40% (2027)	-Data and reports from monitoring and evaluation systems of MHRR -Protocols for exchange of data -Project monitoring /implementation reports; -IPA Monitoring Committee meetings' Conclusions -Feedback from community members -Site visits and inspections	Proactive involvement of all key stakeholders involved in implementation of the Action, which includes active participation of Roma communities and respect for their human rights.
<b>Output 4.3 related to Outcome 4</b>	4.3 Knowledge transfer mechanisms established between relevant institutions and local communities to ensure ongoing capacity building and technical empowerment to facilitate reintegration of readmitted citizens in Bosnia and Herzegovina society	4.3.1 Number of training courses for regional readmission teams/commissioners provided 4.3.2 Number of professionals trained 4.3.3 Status of SOPs for monitoring and reporting	4.3.1 1 (2022)  4.3.2 150 (2022)  4.3.3 Does not exist	4.3.1 6 (2027)  4.3.2 500 (2027)  4.3.3 SOPs for monitoring and reporting developed with the support of the Action (2027)	Training records Evaluation forms Performance data Reports Project monitoring /implementation reports;	Satisfactory level of communication and cooperation between key stakeholders, including local communities is achieved and sustained
<b>Output 5.1 related to Outcome 5</b>	5.1 Strengthened technical capacities of the Gender Institutional Mechanism and focal points in targeted institutions in Bosnia and Herzegovina for mainstreaming gender in priority sectors and in EU gender equality <i>acquis</i> alignment	5.1.1 Number of capacity building events for the Bosnia and Herzegovina Agency for Gender Equality in order to reach EU standards in gender mainstreaming in public policy. 5.1.2 Number of personnel of priority sectors trained on gender mainstreaming in the IPA programming process 5.1.3 Established mechanism for monitoring and evaluation to track the progress of gender institutional mechanism in addressing gender equality 5.1.4 Number of awareness raising campaigns to promote importance of integrating gender perspective in targeted institutions' work  5.15 Number of study visits for regional exchange of best practices and on-the-job learning 5.1.6 Number of annual meetings of the Regional Coordination Board of Gender Institutional Mechanisms from Western Balkans	5.1.1 1(2023)  5.1.2 120 personnel in 6 sectors by 2023  5.1.3 - 0 (2023) 5.1.4 - 0 (2023)  5.1.5 1 (2022)  5.1.6 1 (2022)  5.1.7 - 0 (2023)	5.1.1 4 (2027)  5.1.2 240 personnel in 12 sectors  5.1.3 1 (2027) 5.1.4 4 (2027)  5.1.5 2 (2027)  5.1.6 5 (2027)  5.1.7- 2 (2027)	Annual Reports on Implementation of Gender Action Plan of BOSNIA AND HERZEGOVINA as adopted by the Council of Ministers of Bosnia and Herzegovina  Project monitoring /implementation reports;	Attrition rate of vital technical personnel in relevant institutions remains minimal.  Political situation in Bosnia and Herzegovina and Western Balkans remains stable.

		5.1.7 Number of joint projects and initiatives between WB countries to address common gender equality challenges and promote cooperation				
<b>Output 5.2 related to Outcome 5</b>	5.2 Increased opportunities for women's access to financial, economic and skills development services in line with the Gender Equality Law and in coordination with other relevant initiatives	<p>5.2.1 Status of legal analysis and feasibility study for establishment of a revolving funds for economic empowerment of women established with commercial banks</p> <p>5.2.2 Status of Needs Assessment Report (availability of care-giving services i.e. home-based help and day care services, etc)</p> <p>5.2.3. Number of analyses, programmes and campaigns for transforming social norms around caregiving, including through institutionalizing such initiatives within social, education and health sector</p> <p>5.2.4. Number of relevant actors (private sector companies, ministries, etc.) influenced to adopt processes to improve women's economic empowerment / to remove barriers to market access for women in a given sector (FPI RF) - GAP III</p> <p>5.2.5 Number of reached public through campaigns for enhancing women's access to economic resources and their employability</p>	<p>5.2.1 Do not exist (2022)</p> <p>5.2.2 Does not exist (2023)</p> <p>5.2.3 - 0 (2023)</p> <p>5.2.4 - 0 (2023)</p> <p>5.2.5 - 0 (2023)</p>	<p>5.2.1 Legal analysis and feasibility study developed and disseminated (2027)</p> <p>5.2.2 Needs Assessment Report published</p> <p>5.2.3 - 3 (2027)</p> <p>5.2.4 - 6 (2027)</p> <p>5.2.5 20 000 (2027)</p>	<p>Annual Reports on Implementation of Gender Action Plan of BOSNIA AND HERZEGOVINA as adopted by the Council of Ministers of Bosnia and Herzegovina</p> <p>Project monitoring /implementation Reports (accompanied by the legal analysis and feasibility study)</p>	<p>Political and economic situation in Bosnia and Herzegovina and Western Balkans remains stable.</p>

## **4. IMPLEMENTATION ARRANGEMENTS<sup>16</sup>**

### **4.1. Financing Agreement**

In order to implement this action, it is envisaged to conclude a financing agreement with the IPA III beneficiary, Bosnia and Herzegovina.

### **4.2. Indicative Implementation Period**

The indicative implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of entry into force of the Financing Agreement. Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### **4.3. Implementation Modalities**

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>17</sup>.

#### **4.3.1. Direct Management (Grants)**

One Outcome out of five Outcomes of the Action will be implemented under direct management by the EU Delegation in Bosnia and Herzegovina.

##### **4.3.1.1. Grants**

#### **(a) Purpose of the grant(s)**

Direct grant to International Commission on Missing Persons (ICMP) will contribute to the achievement of Outcome 2 and Outputs 2.1-2.4.

Choosing grant as an implementing method in the areas covered by Outcome 2 and related Outputs is due to already proven pathway of successful implementation of this type of interventions with the ICMP in previous actions implemented with IPA support.

#### **(b) Type of applicants targeted**

A Direct grant to ICMP will be used to further strengthen the rule of law by ensuring that conflict-related missing persons cases are exhumed, examined, and identified in line with international standards in forensic sciences and that sustainability of the process is ensured (Outcome/Specific objective 2). This will be accomplished through: increasing forensic technical and human capacities in Bosnia and Herzegovina in relation to missing persons (Output 2.1), by the means of strengthening domestic technical capacities in DNA analysis so as to provide long-term support to Prosecutors' Offices (Activity 2.1.1); increasing of professional capacities of justice sector and other related institutions in the process of accounting for missing persons (Output 2.2), by the means of transferring the knowledge to domestic institutions involved in the process of

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<sup>16</sup> This section is to be completed by the EU Office/Delegation.

<sup>17</sup> [EU Sanctions Map](#). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

accounting for missing persons (Activity 2.2.1); increasing capacities and opportunities for family associations and CSO to advocate for the rights of missing persons (Output 2.3), by the means of active engagement of families of missing persons and civil society organizations in the process of accounting for missing persons (Activity 2.3.1) and ensuring forensic assistance in resolution of war crime cases (Output 2.4), by the means of provision of expert assistance to the Bosnia and Herzegovina judiciary to excavate, examine and identify victims of enforced disappearances from clandestine graves as part of war crimes investigations (Activity 2.4.1) and continuation of DNA testing and matching of biological samples for the purposes of human identification (Activity 2.4.2).

#### **(c) Justification of a direct grant**

Under the responsibility of the Commission's authorising officer responsible, the grant may be awarded without a call for proposals to the International Commission on Missing Persons (ICMP).

Under the responsibility of the Commission's authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified because of ICMP's technical competence, its high degree of specialisation or its administrative power, in the sector covered. The ICMP is the only organisation with the necessary equipment and skills to carry out DNA identification of all victims in the country. With the ICMP being the key competence and the only international organisation working exclusively on the issue of missing persons, and given its institutional 20 independence and technical capacities, it represents a unique partner for the EU when it comes to search for missing persons and empowering domestic institutions to take over those activities. The general rules for procurement and grant award procedures shall be defined in the Agreement between the Commission and ICMP implementing the part of the programme.

The direct grant agreement with the ICMP shall be concluded in accordance with Article 195 (f) of the Financial Regulation.

#### **4.3.2. Direct Management (Procurement)**

N/A

#### **4.3.3. Indirect Management with a pillar-assessed entity<sup>18</sup>**

A part of this action may be implemented in indirect management with the **Council of Europe**. This implementation entails **Outcome/Specific Objective 1, Outputs 1.1-1.3**.

The envisaged entity has been selected using the following criteria:

- Technical capacity, such as experience in the field of safeguarding of the ECHR of Human Rights, preparation and management/implementation of projects in the field of human rights, democracy and rule of law as well as for joint capacity building and similar projects; extensive experience in managing programmes or projects related to the results, extensive experience in the implementation of projects in the field of human rights, documented capacity to mobilise relevant networks in the EU Member States, Bosnia and Herzegovina and the region.
- Administrative/operational and financial capacity

A part of this action may be implemented in indirect management with **UNICEF**. This implementation entails **Outcome/Specific Objective 3, Outputs 3.1-3.3**.

The envisaged entity has been selected using the following criteria:

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<sup>18</sup> The signature of a contribution agreement with the chosen entity is subject to the completion of the necessary pillar assessment.

- UNICEF’s technical competences, high degree of specialised knowledge and experience in the area of justice for children, reputation, and effective cooperation with all government institutions at all levels of Bosnia and Herzegovina. UNICEF has strong monitoring and evaluation mechanisms and procedures in programming and in financials. UNICEF set global standards for achieving high level of protecting children in contact with the law and works with governments and civil society to design laws, policies, programmes, and services needed to ensure that the standards are effectively implemented and truly benefit children worldwide. UNICEF is one of few organisation in Bosnia and Herzegovina supporting the area of protection of children in contact with the law and supports coordination in this area of work. Through previous programmes UNICEF has contributed to substantive advancements in the judiciary system(s) in Bosnia and Herzegovina and already has developed structures, procedures and visibility in this area in Bosnia and Herzegovina.
- Administrative/operational and financial capacity.

The **Outcome 4** and related Outputs (4.1, 4.2, 4.3) will be implemented in **indirect management** by entrusted pillar-assessed entity. Entrusted entity(ies) will be selected by the Commission’s services using the following criteria:

- demonstration of financial and operational capacity, solid mechanisms in place for financial and program monitoring and evaluation;
- technical capacity, such as experience in the preparation and implementation of joint capacity building and similar projects;
- proven experience in implementing similar actions on Roma inclusion and readmission;
- strong working partnerships with governments (relevant ministries, local authorities) in Bosnia and Herzegovina;
- working partnership with relevant NGOs and domestic and international organisations and institutions engaged in social inclusion;
- demonstrated ability to cover the whole country region in the area of focus

If negotiations with the entrusted entities fail, that part of this action may be implemented in indirect management with other alternative entity which shall be selected by Commission services using the same selection criteria in accordance with the implementation modalities identified in section 4.3.3.

The **Outcome 5** and related Outputs (5.1, 5.2) will be implemented in **indirect management** with UN WOMEN.

The envisaged entity has been selected using the following criteria:

UN WOMEN’s technical competence, its high degree of specialisation or its administrative power, in the sector covered. UN Women set global standards for achieving gender equality and works with governments and civil society to design laws, policies, programmes, and services needed to ensure that the standards are effectively implemented and truly benefit women and girls worldwide. The proposed action is a Phase II of the successfully implemented Gender Equality Facility (GEF I) that was also implemented by UN WOMEN. The organisation already has developed structures, procedures, and visibility in this area in Bosnia and Herzegovina. UN WOMEN has already established a solid cooperation with the gender mechanism in the country, as well as Directorate for European Integration office which is of crucial importance for the implementation of GEF II phase. UN WOMEN also coordinates the International Working Group on Gender Equality ensuring involvement of embassies and international organizations in exchanging information about work on gender equality and the empowerment of women.

In case the envisaged entity would need to be replaced, the Commission’s services may select another replacement entity using the same criteria. If the entity is replaced, the decision to replace it needs to be justified.

#### *Exception to the non-retroactivity of costs*

As a rule, the costs incurred shall be eligible as of the date of entry into force of the contribution agreement; the authorising officer may set the eligibility prior to the date of entry into force of the agreement, and even prior to the date of submission of the proposal. Still, unless the Financing Decision so decides, it is not within the authorising officer's powers to set the eligibility prior to the date of adoption of this financing Decision.

#### **4.3.4. Changes from indirect to direct management (and vice versa) mode due to exceptional circumstances**

Due to *de facto* monopoly, no fall-back option can be foreseen for Outcomes 1, 2 and 3.

If the implementation modality under indirect management with pillar assessed entity(ies) as defined in section 4.3.3 cannot be implemented due to circumstances beyond the control of the Commission, the modality of implementation by grants through Call for Proposals under direct management would be used for Outcome 4 and outcome 5:

For outcome 4 the following criteria will be applied:

- (a) Subject matter of the grant (s): to contribute to access to services and proper housing infrastructure for Roma and to support readmission process;
- (b) Type of applicants targeted: local and international NGOs in the area of human rights.

For outcome 5 the following criteria will be applied:

(a) Subject matter of the grant (s): to improve Gender equality and economic empowerment of women in Bosnia and Herzegovina in compliance with the Bosnia and Herzegovina's Gender Action Plan and international commitments.

- (b) Type of applicants targeted: Local and International NGOs in the area of human rights.

#### **4.4. Scope of geographical eligibility for procurement and grants**

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

#### **4.5. Indicative Budget**

<b>Indicative Budget components</b>	<b>EU contribution (amount in EUR)</b>	<b>Indicative third-party contribution, in</b>
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		<b>currency identified</b>
<b>Methods of implementation</b> – cf. section 4.3		
<b>Outcome 1: The efficiency, quality, accountability, transparency of the justice system in Bosnia and Herzegovina enhanced</b>		
Indirect management with international organisation – cf. section 4.3.3	<b>2 000 000</b>	N/A
<b>Outcome 2: Conflict-related missing persons cases exhumed, examined and identified in line with international standards in forensic sciences and ensured sustainability of the process</b>		
Grants (direct management) – cf. section 4.3.1	<b>2 000 000</b>	N/A
<b>Outcome 3: Children in contact with the law have enhanced access to justice systems and strengthened protection from violence, abuse, and exploitation.</b>		
Indirect management with international organisation – cf. section 4.3.3	<b>1 000 000</b>	100 000
<b>Outcome 4: The formalisation of Roma settlements is augmented and institutional capacity for managing the readmission process is increased</b>		
Indirect management with entrusted entity – cf. section 4.3.3	<b>6 000 000</b>	
<b>Outcome 5: Gender equality and economic empowerment of women in Bosnia and Herzegovina in compliance with the Bosnia and Herzegovina Gender Action Plan and international commitments are improved</b>		
Indirect management with entrusted entity – cf. section 4.3.3	<b>2 000 000</b>	
<b>Grants</b> – total envelope under section 4.3.1.1	<b>2 000 000</b>	N/A
<b>Indirect management</b> – total envelope under section 4.3.3	<b>11 000 000</b>	
<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	May be covered by another Decision <sup>19</sup>	N/A
<b>Strategic Communication and Public Diplomacy</b> – cf. section 6	Will be covered by another Decision	N/A.
<b>Contingencies</b> <sup>20</sup>	0	N/A.
<b>Totals</b>	<b>13 000 000</b>	<b>100 000</b>

#### **4.6. Organisational Set-up and Responsibilities**

##### *Area of Support #1*

Due to the fact that this action has several beneficiaries active in the justice sector, it is important that they take on strategic, operational and structural responsibility and accountability for implementing the Action

<sup>19</sup> Where the action is covered by a financing agreement, evaluation should be budgeted in the action. Where the action is not covered by a financing agreement (see section 4.1), put ‘will be covered by another decision’ as it is unlikely that evaluation and audit contracts on this action would be concluded within N+1. These contracts have to be authorised by another Financing Decision.

<sup>20</sup> Consider that contracts where no financing agreement is concluded, contingencies have to be covered by individual and legal commitments by 31 December of N+1.

related activities from the very beginning. The key stakeholders are expected to be actively engaged in the whole process of the action implementation.

#### *Area of Support #2*

The Steering Committee, consisting of all relevant stakeholders involved in a specific action, including Roma Council representative, will be established at the beginning of the action implementation. It will reflect equal participation of women and men in the decision-making processes related to the action implementation.

#### *Area of Support #3*

To ensure effective implementation of the gender empowerment Action, it is critical that the Agency for Gender Equality, entity gender centres, Ministry of Human Rights and Refugees, implementing organisation UN WOMEN take on strategic, operational, and structural responsibility and accountability from the outset, under Commission's guidance. Key stakeholders, including women's rights organizations and civil society groups, must be actively engaged throughout the implementation process.

The Steering Committee(s), consisting of all relevant stakeholders involved in a specific area of action, will be established at the beginning of the implementation. It will reflect equal participation of men and women in the decision-making processes related to the action implementation. The role of respective Steering Committee(s) will be to discuss regular progress reports, implementation of the Action and difficulties encountered, changes introduced, as well as the degree of achievement of outputs and outcomes, and their contribution to the achievement of the Action's impacts, as measured by corresponding indicators.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

### **4.7. Pre-conditions**

There are no specific preconditions.

## **5. PERFORMANCE MEASUREMENT**

### **5.1. Monitoring and Reporting**

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its Outputs and contribution to the achievement of its Outcomes, and if possible, at the time of reporting, contribution to the achievement of its Impacts, as measured by corresponding indicators, using as reference the log-frame matrix (LFM).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Arrangements for monitoring and reporting, including roles and responsibilities for data collection, analysis, and monitoring:

It is expected that for the Outcomes and Outputs of the proposed Action the institutional beneficiary structure will be responsible for monitoring. In particular data collection of baselines and target values will be provided by relevant Bosnia and Herzegovina authorities, key beneficiaries and stakeholders of the proposed Action. All data will be collected and presented in regular annual reports of the relevant Bosnia and Herzegovina authorities. Also, available statistical data will be utilized.



A Sector Steering Committee will be established (or adhered to ongoing Steering Committee monitoring) to monitor implementation of each Action and will be composed of the main beneficiaries and relevant institutions in Bosnia and Herzegovina. A role of the Steering Committee will also facilitate coordination of monitoring efforts, as well as strategic guidance, should any issues arise related to Action's results, as measured through indicators.

To ensure adequate monitoring of the implementation of each Action, two mid-term and one final assessment of each Action results will be carried out. Each of the mid-term analyses will be carried out following the first and the second year of Action's implementation, appraised against mid-term goals (milestones). The final assessment will be based upon the targets defined for the year 2027 presented in the log frame. Results of these appraisals will be presented to the EU Delegation and the Steering Committee upon the approval of the Programme Manager at the EU Delegation.

## **5.2. Evaluation**

Having regard to the nature of the action, a final evaluation may be carried out for this action or its components via independent consultants contracted by the Commission.

The Commission shall form a Reference Group (RG) composed by representatives from the main stakeholders at both EU and national levels. If deemed necessary, other donors will be invited to join. The Commission shall inform the implementing partner at least 3 months in advance of the dates envisaged for the evaluation exercise and missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination<sup>21</sup>. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

## **5.3. Audit and Verifications**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, based on a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

## **6. STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY**

All entities implementing EU-funded external actions have the contractual obligation to inform the relevant audiences of the Union's support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. To that end they must comply with the instructions given in the 2022 guidance document [Communicating and raising EU visibility: Guidance for external actions](#) (or any successor document)<sup>22</sup>.

This obligation will apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions, and agencies of EU Member States. In each case, a

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<sup>21</sup> [https://capacity4dev.europa.eu/groups/evaluation\\_guidelines/info/evaluation-dissemination\\_en](https://capacity4dev.europa.eu/groups/evaluation_guidelines/info/evaluation-dissemination_en)

<sup>22</sup> [https://international-partnerships.ec.europa.eu/knowledge-hub/communicating-and-raising-eu-visibility-guidance-external-actions\\_en](https://international-partnerships.ec.europa.eu/knowledge-hub/communicating-and-raising-eu-visibility-guidance-external-actions_en)

reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and contribution agreements.

## **7. SUSTAINABILITY**

The proposed Action will result in improving the institutional capacities of relevant stakeholders in Bosnia and Herzegovina active in the justice sector. Specifically, it will create preconditions for domestic institutions to take over segments of missing persons process in Bosnia and Herzegovina and enable continuation of activities implemented by families of missing persons. Established arrangements will ensure the consistency of case-law in the field of human rights, quality monitoring and reporting mechanisms on the implementation of the decisions of the Constitutional Court of Bosnia and Herzegovina and advanced electronic communication, will continue to function even after the project completion. A well-established strategic and legal framework, improved workspace and work conditions and enhanced human capacities will be a basis for the further functioning of the Constitutional Court, which will later be maintained and upgraded with its own capacities.

The sustainability in justice for children area will be ensured through revisions of related legislation at the entity level, while training programs and pool of trainers will be developed and implemented in full collaboration with the respective government institutions and remain as permanent sources for replication in the future. Training delivery will build capacity of professionals that will also remain as sustainable capacity to implement advanced knowledge and skills in daily work of professionals. Established referral mechanism at the community level will be established as long term mechanisms by formal decision of key sectors involved (social welfare, interior, education, health). Bylaws will be developed and issued to regulate and sustain programs focusing on protecting children at risk in the school system.

The implementation of relevant policies, such as the Roma Action Plan and Return and Readmission Strategy, will provide a foundation for the realization of the rights of target groups and improve their access to services at the local level, ensuring sustainability. Improved monitoring capacities and outreach of the MHRR, line ministries in , Federation of Bosnia and Herzegovina Republika Srpska and mandated Brcko District Government Department, along with better communication and access to services at the local level, will enable the identification of challenges and opportunities for improvement, addressing the needs and priorities of target groups.

Overall, the action emphasizes sustainability to address previous EU actions' challenges in Bosnia and Herzegovina, ensuring benefits and results beyond the implementation period, promoting sustained housing in Roma communities, strengthening ties with local communities, and integrating vulnerable Bosnia and Herzegovina citizens.

When gender mechanisms are equipped with the necessary skills and resources, they can effectively examine, tackle, and monitor gender disparities across various sectors. This leads to the development of more inclusive and equitable policies, programs, and services. By securing the long-term capacity of gender mechanisms, we pave the way for sustained progress in gender equality and women's empowerment. By involving the beneficiaries in the planning, implementation, and monitoring of the project's activities, the implementing agency ensures that they take ownership of the project. This ownership fosters a sense of responsibility and commitment among the beneficiaries, increasing the likelihood of continued progress in promoting gender equality after the project's completion.

Analysing and identifying the potential for sustainable source of financing for gender equality initiatives in the long term, the Action will facilitate the development of advanced policies and mechanisms to stimulate and facilitate women's access to employment and economic resources.

By considering these aspects, the sustainability of the action is strengthened, ensuring that the progress made in promoting gender equality and women's empowerment in Bosnia and Herzegovina will continue beyond the project's implementation period.