

Broj: 02-45-4233/23
Sarajevo, 18.12.2023. godine

BOSNA I HERCEGOVINA
FEDERACIJA BOSNE I HERCEGOVINE
PARLAMENT FEDERACIJE
DOM NARODA

Bosna i Hercegovina
Federacija Bosne i Hercegovine
PARLAMENT FEDERACIJE
SARAJEVO

Primljeno: 27-12-2023			
Org. jed.	Broj	Priloga	Vrijednost
05/2	-02-	457	23

PREDMET: Delegatsko pitanje u vezi Nacrta zakona o izmjenama i dopuni Porodičnog zakona Federacije BiH, odgovor, dostavlja se

VEZA: Vaš akt broj: 05/2-02-457/23 od 04.12.2023. godine

U vezi Vašeg akta, broj i datum veze, kojim ste dostavili delegatsko pitanje u pisanoj formi koje je na 5. sjednici Doma naroda Parlamenta Federacije Bosne i Hercegovine održanoj 27.11.2023. godine, postavila delegatkinja Sandra Imširević, obavještavamo Vas da su radnu grupu koja je predložila izmjene i dopune ovog zakona činili gđin. Mato Tadić i pomoćnik ministra za pravosuđe gđin. Damir Šapina.

Nadalje, radna grupa za izradu prijedloga izmjene i dopune relevantnih zakona s ciljem usklađivanja domaćeg zakonodavstva i prakse s međunarodnim standardima postivanja ljudskih prava lica sa mentalnim poremećajima ispred Vlade Federacije Bosne i Hercegovine sačinila je Analizu domaćih pravnih okvira zaštite osoba s duševnim smetnjama u Federaciji Bosne i Hercegovine s prijedlogom mjera za njihovo usklađivanje s međunarodnim standardima u ovoj oblasti u junu mjesecu 2020. godine.

Također, Federalno ministarstvo pravde je u saradnji sa Vijećem Europe angažovalo Doc. dr. sc. Dženanu Radončić sa kojom je održano više radnih sastanaka na kojima su razmatrane individualne i generalne mjere koje je naložio sud po presudi Evropskog suda za ljudska prava u Strazburu u predmetu Hadžimejlić i drugi protiv Bosne i Hercegovine, ap. br. 3427/13 od 03. studenog 2015. godine te sveobuhvatna primjena preporuka navedenih u Analizi nakog čega je uslijedila i priprema Nacrta zakona o izmjenama i dopuni Porodičnog zakona Federacije BiH.

S poštovanjem,

Dostaviti:
-naslovu,
-a/a.



Mr Nermin Nikšić
Prime Minister of the Federation of
Bosnia and Herzegovina
Hamdije Čemerlića 2, Sarajevo
Bosnia and Herzegovina

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Strasbourg, 8 September 2023

Subject: Implementation of the judgment of the European Court of Human Rights of 3 November 2015 in the case of *Hadžimejlić and Others v. Bosnia and Herzegovina*

Dear Prime Minister,

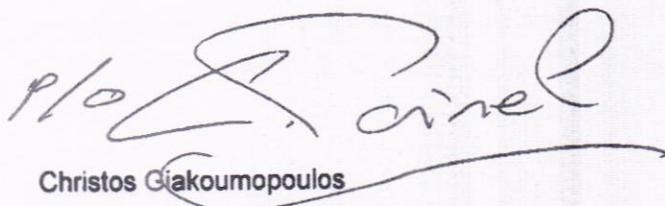
I am writing to you regarding the foreseen adoption of the legislative amendments required for the execution of the above-mentioned judgment of the European Court of Human Rights. As you are no doubt aware, this judgment concerns violations of the applicants' right to liberty and security on account of their unlawful placement in a social care home, where they were detained without a decision of the competent civil court.

It was encouraging to hear that on 24 August, your Government adopted a bill for the amendment of the Family and Non-contentious Proceedings Act of the Federation of Bosnia and Herzegovina, which is now pending before Parliament. The amendments, which were prepared in close cooperation with the Council of Europe, provide, *inter alia*, that the placement of individuals in social care homes can only be done based on a court decision, which shall be subject to regular judicial review.

In view of the major delay in implementation of this judgment, and the paramount importance accorded by the European Court to the human rights protections stemming from Article 5 of the Convention, the rapid adoption of this legislation by Parliament would be therefore highly welcome.

I would like to reconfirm that the Council of Europe stands ready to continue its cooperation and provide any assistance that the authorities of Bosnia and Herzegovina might consider useful.

Yours sincerely,



Christos Giakoumopoulos

cc: Permanent Representation of Bosnia and Herzegovina to the Council of Europe

Acting Government Agents of Bosnia and Herzegovina before the European Court of Human Rights