

# The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

## Standard questionnaire for newly acceding States

### Response by Bosnia and Herzegovina

#### **I Implementing legislation**

*(a) Is implementing legislation necessary to bring the Convention into force in domestic law?*

It is. That is the Law on Ratification of the Convention on the Civil Aspects of International Child Abduction of October 25, 1980.

*(b) If so, has the necessary legislation been enacted, and is it in force? (Please, provide a copy or indicate where copies of the legislation may be obtained).*

A copy of the Law on the Ratification of the Convention on the Civil Aspects of International Child Abduction of October 25, 1980, is attached.

#### **II Locating children**

*Please indicate the agencies involved and the processes available for the location of missing children in your country.*

They are: the Courts, the Centers for Social Work, Interior Ministries and CNB Interpol Sarajevo

#### **III Central Authority**

*(a) The designation and contact details of the Central Authority*

The functions are defined in the Hague Convention of 25 October 1980. The Central Authority is the Ministry of Justice of Bosnia and Herzegovina.

*(b) Contact persons within the Central Authority, languages spoken, contact details for each*

The Justice Minister: Slobodan Kovač (English);  
Deputy Minister Niko Grubešić (English);  
the Secretary of the Justice Ministry Jusuf Halilagić (French).

*(c) Please indicate measures taken to ensure that the Central Authority is in a position to carry out the functions set out in Article 7 of the Convention.*

The actions envisaged under Article 7 of the Convention.

#### **IV Judicial procedures**

*(a) Which courts/administrative bodies within your system have been given jurisdiction to consider applications for return orders (and questions of access rights) under the Convention?*

The first instance municipal courts in the Federation of Bosnia and Herzegovina in nine Cantons, and the Cantonal Court in Odžak in Posavina Canton. Cantonal Courts in the Federation of BiH have jurisdiction in the second instance, and the Federation Supreme Court in the cases adjudicated in the first instance by the Cantonal Court in Odžak. The basic courts in the Republika Srpska in the first instance, and the district courts in the second instance.

*(b) What measures exist to ensure that return applications are will be dealt with expeditiously at first instance and on appeal?*

The courts are obliged to treat applications for the return as a matter of priority, as it is envisaged by the Convention.

*(c) What facilities are available to foreign applicants to assist them in bringing their applications before the courts, and in particular, is legal aid available, and if so, on what conditions?*

The foreign applicants enjoy the same rights in the court procedures in BiH as the BiH nationals. Legal aid is available to the applicants if circumstances so require by reason of their indigence.

#### **V Enforcement procedures**

*What procedures and measures exist for the enforcement of:*

*(a) a return order?*

Enforcement is conducted in accordance with the provisions of the Laws on Enforcement Procedure, which are in force in the Federation of BiH, the Republika Srpska and Brčko District of BiH.

*(b) a contact / access order?*

Enforcement is carried out in accordance with the provisions of the Laws on Enforcement Procedure, which are in force in the Federation of BiH, the Republika Srpska and Brčko District of BiH.

#### **VI Substantive law**

*(a) What are the legal criteria by which custody and contact determinations are made?*

Custody and access are regulated by family laws which are in force in the Federation of BiH and the Republika Srpska.

*(b) Is there a difference in the legal status of mothers and fathers in custody or contact cases?*

No.

### **VII Social services and child protection services**

*Please describe the services which exist for the assessment, care for, and protection of children in the context of international child abduction.*

The Centers for Social Work are social services which participate in the procedures in connection with international abduction of children.

*Please indicate the services available for the protection (if necessary) of returning children, as well as the services available (including legal advice and representation) to a parent accompanying the child on return.*

The Centers for Social Work are social services which participate in the procedures in connection with international abduction of children.

### **VIII Information and training**

*What measures are being taken to ensure that persons responsible for implementing the Convention (e.g. judges and Central Authority personnel) have received appropriate information and training?*

There is no separate department in the BiH Justice Ministry which would be an exclusive Central Enforcement Authority of BiH in terms of the Convention. One judge and one representative of the Central Enforcement Authority of BiH took part in the work of the Fourth Special Commission of the Hague Conference on Private International Law in charge of monitoring the implementation of the Hague Convention of 25 October 1980, which met in the Hague in March 2001.

*Note: The Permanent Bureau may be contacted for information in relation to forms of assistance which may be available for this purpose.*