

COMPLIANCE MATRIX
(Bosnia and Herzegovina)

Treaty	Treaty Requirement	Self assessment			Relevant legislation and institutional framework in place ¹	Difficulties in implementing specific requirements ²
		Not implemented Yes/No	Partially implemented Yes/No	Fully in compliance Yes/No		
CoE Criminal Law Convention on Corruption	Criminalization of Offences/and Provision of:	Yes/No	Yes/No	Yes/No		
	Active and passive bribery ³			Yes.	Art. 217 and 218 of CC of BiH, Art. 380 and 381 of the CC of FBiH, 351 and 352 of CC of RS, 374 and 375 of CC of BD.	
	Money-laundering of proceeds from corruption			Yes.	Art. 209 of CC of BiH, Art. 272 of CC of FBiH, Art. 280 of CC of RS, Art. 265 of CC of BD. There is also a Law on Prevention of Money Laundering of BiH. This Law at the state level replaced the Entity Laws on Prevention of Money Laundering.	
	Accounting corruption related offences			Yes. In neither one of the four CCs there is criminal offence called corruption. Instead there are more offences which are all considered as offences of corruption.		
	Effective and dissuasive sanctions and measures			Yes. Confiscation of illegally obtained property, imprisonment, fine.		
	Legal entities criminal and non-criminal liability			Yes.	Chapter 14, Art. 126-148 of CC of F BiH, Chapter 14, Art. 122-144 of CC of BiH, Chapter 14, Art. 125-146 of CC of RS and Chapter 14, Art. 126-148 of the CC of BD.	
	Liability of legal persons			Yes.	Chapter 14, Art. 126-148 of CC of F BiH,	

¹ When applicable please only provide the Law/Act title, Nr. and date of entry into force

² Please list the specific areas/notions

³ Please note that which subjects are covered by active and passive bribery (i.e., public officials, civil servants, international officials, private sector etc)

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		Not implemented	Partially implemented	Fully in compliance		
	Setting up of specialised anti-corruption bodies	No.			Chapter 14, Art. 122-144 of CC of BiH, Chapter 14, Art. 125-146 of CC of RS and Chapter 14, Art. 126-148 of the CC of BD.	
	Protection of collaborators of justice			Yes.	Law on Protection of witnesses under threat and endangered witnesses. Criminal Procedure Codes of BiH, F BiH, RS and BD.	Granting of immunity is regulated in all four CPCs in BiH, but the precise procedure for it is not defined.
	Investigating or prosecuting authorities, gathering of evidence and confiscation of proceeds			Yes.	Criminal Procedure Codes of BiH, F BiH, RS and BD.	
	International co-operation: mutual assistance, extradition & provision of information during proceedings re: corruption offences			Yes.	Extradition is regulated exclusively in the CPC of BiH. Other forms of international co-operation are equally regulated by all CPCs.	
CoE Civil Law Convention on Corruption	Provision of:	Yes/No	Yes/No	Yes/No		
	compensation for damage			Yes.	Laws on Obligations	
	liability (including State liability for acts of corruption committed by public officials);			Yes.	CCs of BiH, F BiH, RS and BD.	
	contributory negligence:					

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	reduction or disallowance of compensation, depending on the circumstances					
	validity of contracts;			Yes.	CCs of BiH, F BiH, RS and BD.	
	protection of employees who report corruption			Yes.	Laws on Protection of witnesses under threat and endangered witnesses.	
	clarity and accuracy of accounts and audits			Yes.		
	acquisition of evidence			Yes.	Laws on Civil Procedure.	
	court orders to preserve the assets necessary for the execution of the final judgment and maintenance of status quo pending resolution			Yes.	Regulated in Criminal Procedure Codes, Laws on Civil Procedure and Laws on Enforcement Procedure. Recognition of foreign judgments if regulated by international agreements and by the Law on Resolving the Conflict of Laws with regulations of other countries in specific relations.	
	international co-operation			Yes.	Laws on Civil Procedure and Law on Ministries and Other Bodies of Administration of BiH.	
CoE Additional Protocol to the Criminal Law Convention on Corruption	Provision of:	Yes/No	Yes/No	Yes/No		
	measures to establish, as criminal offences, the active and passive bribery of domestic and foreign arbitrators and jurors	Yes.		Yes.	CCs of BiH, FBiH, RS and BD.	
UN Convention against Corruption	Provision of:	Yes/No	Yes/No	Yes/No		
	Preventive measures Criminalization and law enforcement	To the extent of compliance of these measures with measures defined in Criminal Law Convention of Corruption, these measures are incorporated in internal legislation.				

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		Not implemented	Partially implemented	Fully in compliance		
	International cooperation					
	Asset recovery					
	Technical assistance and information exchange					

List of Laws

- Criminal Code of Bosnia and Herzegovina (“Official Gazette BiH” no. 37/03). Came into force on 1 March 2003.
Criminal Procedure Code of Bosnia and Herzegovina (“Official Gazette BiH” no. 36/03). Came into force on 1 March 2003.
Criminal Code of Federation of Bosnia and Herzegovina (“Official Gazette FBiH” no. 36/03). Came into force on 1 August 2003.
Criminal Procedure Code of Federation of Bosnia and Herzegovina (“Official Gazette FBiH” no. 35/03). Came into force on 1 August 2003.
Criminal Code of Republika Srpska (“Official Gazette RS” no. 49/03). Came into force on 1 July 2003.
Criminal Procedure Code of Republika Srpska (“Official Gazette RS” no. 50/03). Came into force on 1 July 2003.
Criminal Code of Brcko District of BiH (“Official Gazette BD BiH” no. 10/03). Came into force on 1 July 2003.
Criminal Procedure Code of Brcko District of BiH (“Official Gazette”, 10/03). Came into force on 1 July 2003.
Law on Prevention of Money Laundering of Bosnia and Herzegovina (“Official Gazette BiH” no. 29/04). Came into force on 28 January 2005.
Law on Ministries and Other Bodies of Administration of Bosnia and Herzegovina (“Official Gazette BiH” no.05/03).
Law on Protection of Witnesses under Threat and Endangered Witnesses of Bosnia and Herzegovina (“ Official Gazette BiH, no. 3/03, 21/03, 61/04).
Law on Civil Procedure in front of the Court of Bosnia and Herzegovina (“Official Gazette BiH” no.36/04.)
Law on Enforcement Procedure in front of the Court of Bosnia and Herzegovina (“Official Gazette BiH” no. 18/03).
Law on Enforcement Procedure of Federation of BiH (“ Official Gazette FBiH” no. 32/03).
Law on Civil Procedure of Federation of BiH (“Official Gazette FBiH” no. 53/03).
Law on Obligations of Federation of BiH (“Official Gazette FBiH”, no 29/03).
Law on Enforcement Procedure of Republika Srpska (“Official Gazette RS” no. 59/03).
Law on Civil Procedure of Republika Srpska (“Official Gazette RS” no. 58/03).
Law on Civil Procedure of Brcko District of BiH (“Official Gazette BD BiH” no 5/00, 1/01, 10/01).
Law on Enforcement Procedure of Brcko District of BiH (“Official Gazette BD BiH” no 8/00, 1/01, 5/02, 8/03).