



UNITED NATIONS  
BOSNIA AND HERZEGOVINA



# **FOURTH UNIVERSAL PERIODIC REVIEW**

## **OF BOSNIA AND HERZEGOVINA**

Submission by the United Nations country team





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# Part I. Introduction

1. This submission highlights some of the main human rights issues identified by the United Nations country team (UNCT) in Bosnia and Herzegovina since the State's third universal periodic review (UPR). While not providing an exhaustive assessment, it highlights outstanding challenges and emerging trends, and proposes recommendations.
2. The UNCT notes an overall lack of progress in implementing recommendations from the previous review. The abolition of the death penalty in Republika Srpska<sup>1</sup> and the establishment by law of a National Preventive Mechanism (NPM)<sup>2</sup> are among the few recommendations that were implemented.
3. A deterioration of the environment due to prevailing identity-based politics has undermined the protection of human rights, with highly divisive rhetoric by some political leaders, including threats of secession in Republika Srpska; the further erosion of civic space in that entity; continued obstacles to truth, justice and reparation; entrenched discrimination on various grounds; and persistent hurdles to strengthen the rule of law and address corruption.
4. In March 2024, the European Union decided to open negotiations for the State's accession. Most priorities for accession coincide with UPR recommendations, including strengthening the rule of law, ensuring equality and non-discrimination for all, protecting civic space, and creating an environment conducive to reconciliation.<sup>3</sup>

## Part II. Cooperation with International Human Rights Mechanisms

5. Cooperation with international human rights mechanisms has notably increased. While there had been no Special Procedures visits since 2013, between October 2019 and April 2024, four Special Rapporteurs (on the human rights of migrants,<sup>4</sup> the promotion of truth, justice, reparation and guarantees of nonrecurrence,<sup>5</sup> the promotion and protection of human rights while countering terrorism,<sup>6</sup> and the rights to freedom of peaceful assembly and of association<sup>7</sup>), as well as the United Nations High Commissioner for Human Rights,<sup>8</sup> the Special Adviser on the Prevention of Genocide, and the Subcommittee on prevention of torture, visited the country.<sup>9</sup>

6. Follow-up to recommendations, decisions and communications from the human rights system has however been limited, and the Government is yet to implement a 2019 decision of the Committee against Torture<sup>10</sup> and to publish the report of the Subcommittee on prevention of torture.

### RECOMMENDATIONS

- Ensure systematic and prompt official replies to communications by the High Commissioner for Human Rights and the human rights mechanisms, and make them public.
- Systematically translate and broadly disseminate the reports, concluding observations, decisions and communications of the mechanisms.
- In consultation with civil society, develop a plan of action for the comprehensive and coordinated implementation of recommendations and decisions of the mechanisms.
- Consider establishing a National Mechanism for Reporting and Follow-up and a comprehensive human rights database.
- Accept outstanding individual complaints procedures.

# Part III. National Human Rights Framework

7. Unharmonized legislation and policies across the country generate uneven degrees of human rights protection. Limited cooperation and coordination between the various governance levels, insufficient monitoring and inadequate budgeting also affect protection. Furthermore, diverging political agendas often paralyze decision-making at the expense of public interest.

8. The absence of reliable and disaggregated data continues to impede the development of inclusive policy-making and effective monitoring of implementation of the State's human rights obligations and of the Sustainable Development Goals (SDGs). The fragmented statistical systems and lack of resources prevent the regular collection, standardization and consolidation of data.<sup>11</sup> The last population census was conducted in 2013. While it recorded around 3.5 million inhabitants<sup>12</sup>, recent estimates point to 3.2 down to 2.7 million inhabitants.<sup>13</sup>

9. In September 2022, the Human Rights Ombudspersons were appointed following a year-long delay. The impartiality of the appointment and selection of the Ombudspersons and the authorities' systematic implementation of their recommendations are critical to strengthen the institution. Internal procedures for decision-making affect the institution's efficiency. In 2023, amendments to the law on the Human Rights Ombudsman institution established the NPM as part of its mandate, but the mechanism remains to be operationalized.<sup>14</sup>

## RECOMMENDATIONS

- Ensure robust coordination and adequate funding for the effective implementation and monitoring of all action plans, across the country, related to human rights protection.
- Allocate adequate budgeting for the regular, centralized and standardized rights-based collection and analysis of disaggregated data to improve inclusive policy development and reporting to human rights mechanisms and on implementation of the SDGs.
- Enhance the impartiality of the selection and appointment of the Human Rights Ombudspersons; increase the financial autonomy of the institution; and ensure systematic and timely enforcement of its recommendations.
- Facilitate the prompt activation of a fully independent NPM.



# Part IV. Main Human Rights Issues

## 1. Discrimination<sup>15</sup> and hate speech

10. Discrimination persists in access to all human rights, mostly based on gender, ethnic and religious affiliation, sexual orientation, disability and other grounds. Discrimination based on the place of residence affects access to economic and social rights<sup>16</sup> and to justice. Ethnic-based discrimination emanating from the Constitution of Bosnia and Herzegovina restricts many citizens' civil and political rights.<sup>17</sup>

11. Hate speech on various grounds is widespread, fueled by some political leaders' divisive narratives and disinformation, and amplified by social media.<sup>18</sup> The phenomenon reflects entrenched patterns of discrimination and the failure to deal with the past. It includes denial of war crimes, crimes against humanity and of the genocide perpetrated in Srebrenica in 1995, and the glorification of individuals convicted of such crimes.<sup>19</sup> Since 2021, the criminal code of Bosnia and Herzegovina prohibits the justification, condoning, gross minimization and denial of atrocity crimes, and the glorification of individuals convicted of such crimes in final judgments of international and domestic courts, in a manner that incites violence or hatred, foreseeing higher sanctions for public officials.<sup>20</sup> Genocide denial however persists on social media and flared up around the adoption of the General Assembly resolution establishing an international day of reflection and commemoration on the 1995 genocide in Srebrenica.<sup>21</sup> In April 2024, the Republika Srpska legislature adopted a report denying the genocide.<sup>22</sup>

12. Impunity for hate crimes and hate speech prevails, and they are underreported due to fear of reprisal, distrust in the judiciary, and inadequate reporting and recording mechanisms.<sup>23</sup> Several attacks on returnees occurred in 2023 and 2024, especially in Republika Srpska.<sup>24</sup>

13. The prevailing impunity for discrimination, hate crimes and hate speech has allowed the perpetuation of such patterns while instilling a perception of insecurity, notably among returnees and minorities, contributing to deepening distrust in authorities and among communities. Data shows a steady decline in social ties between ethnic groups during the past decade. The segregated and divided education system has cemented this divide.<sup>25</sup>

14. Gender-based discrimination is rampant. A 2020 UNDP survey indicated that since the COVID-19 pandemic, 6.2% of women felt increased discrimination. The numbers more than doubled among single mothers, women with disabilities or chronic illnesses, and those living in relative poverty.<sup>26</sup>

15. Anti-gender narratives and initiatives to eliminate the concept of "gender" recently gained prominence in Republika Srpska.

## RECOMMENDATIONS

- Ensure that the judiciary and law enforcement agencies systematically, swiftly and adequately respond to incidents of discrimination, hate crimes and hate speech, in accordance with international human rights standards.
- Ensure a systemic approach to prevent and address discrimination and hate speech on all grounds, at all levels of governance and across the public sector.

## 2. Rule of Law

16. Political developments have affected the functioning of institutions and the rule of law, with recurrent blockages and delays in adopting key legislation, decisions and budgets. Since 2021, the leadership of Republika Srpska has intensified its secessionist rhetoric, generating uncertainty and fears. The entity's legislature adopted various laws contravening the rule of law, including on the non-implementation of the judgements of the Constitutional Court of Bosnia and Herzegovina.<sup>27</sup> In 2023, it pressured the remaining Republika Srpska-appointed judge of the Court to resign, and it has refused to fill the two vacant positions. Key judgments of the Constitutional Court of Bosnia and Herzegovina and of the European Court of Human Rights remain unimplemented.

17. Concerns remain about the overall independence and impartiality of the judiciary, notably to address cases of corruption, war crimes, hate speech constituting incitement, environmental issues, and attacks on civil society actors. Moreover, free legal aid is not available across the country.

18. Corruption remains widespread, affecting all spheres of life. State legislation to strengthen the rule of law, including the High Judicial and Prosecutorial Council, and to counter corruption was adopted, and some high-level officials have been convicted. Institutions are however not capacitated to effectively combat corruption and whistleblowers are not protected in law and practice.

19. Electoral cycles remained marred by irregularities, which prompted the High Representative to enact amendments to the Election Law of Bosnia and Herzegovina to strengthen the integrity of electoral processes.<sup>28</sup>

20. These systemic issues heighten citizens' distrust and are triggers of mass emigration.

## RECOMMENDATIONS

- Further strengthen the impartiality and efficiency of the judiciary, law enforcement agencies and public services.
- Ensure that a harmonized and adequately funded free legal aid system is available throughout the country, and accessible, including to civilian victims of war, internally displaced persons, returnees, minorities, including Roma, persons with disabilities, victims of gender-based violence and trafficking, stateless persons, persons at risk of statelessness, refugees, asylum-seekers, migrants and children.

### 3. Truth, justice, reparation and guarantees of nonrecurrence

21. Bosnia and Herzegovina's eligibility to the Secretary-General's Peacebuilding Fund reflects the Government's commitment to sustaining peace. Progress in this area is critical as the failure to comprehensively deal with the past has been hampering peacebuilding and development. Three decades after the end of the conflict, revisionism by some political leaders has increased, exacerbating the suffering of survivors and families of victims.

22. There are various obstacles to domestic war crimes prosecution, including a backlog of cases, and concerns about the partiality of some courts, victims and witness protection, and lack of regional cooperation.<sup>29</sup> The law allows convicted war criminals whose sanction is less than a year of imprisonment to evade this punishment by paying a fine.

23. In January 2024, the Government of Bosnia and Herzegovina and the International Residual Mechanism for Criminal Tribunals (IRMCT) signed a memorandum of understanding to ensure the domestic registration of criminal convictions rendered by the International Criminal for the former Yugoslavia and the Mechanism.<sup>30</sup> Since 2024, individuals convicted of atrocity crimes are barred from running for elections and other public offices.<sup>31</sup>

24. Over 7,000 persons remain missing as a consequence of the conflict. The search for missing persons is hampered by the passage of time, lack of capacity of competent authorities, the reluctance of surviving witnesses to share information, and lack of regional cooperation.

25. There has been no political recognition of or apologies to civilian victims of war. Most have not sought or received justice or any form of reparation, or continue to face ordeals in pursuing these processes.<sup>32</sup> There have been no efforts to establish a comprehensive reparation framework for all victims, including survivors of wartime sexual violence and former camp detainees.<sup>33</sup> Reparations remain fragmented, uneven and inadequate. Deadlines have been imposed to claim the status of victim and expired in 2023 in Republika Srpska. In that entity, survivors are also still required to pay court fees due to statutes of limitations. Advocacy by associations of survivors contributed to the adoption of laws on the protection of civilian victims of war in the Brčko District (2022) and the Federation (2023) that include the recognition of children born as a consequence of conflict-related rape as victims. These laws however impose deadlines for submitting claims.

26. The segregated education system remains a main fuel of division and is subjected to politicization.<sup>34</sup> Moreover, different curricula and textbooks present divergent narratives about the conflict.<sup>35</sup>

#### RECOMMENDATIONS

- In consultation with civil society, including victims' associations, embrace a comprehensive, human rights and victims-centered approach to pursue truth, justice, reparations and guarantees of nonrecurrence.
- Present a collective public apology to all civilian victims of war at the highest level of the Government.

- Accelerate the prosecution of war crimes while respecting due process; ensure adequate sanctions for atrocity crimes; guarantee the protection of and sustained psychological support to victims and witnesses.
- Adequately support competent institutions and families to effectively pursue the search for and identification of missing persons.
- Establish a comprehensive State-level reparation system easily accessible to all civilian victims of war, without any discrimination, and with no deadlines; in the meantime, immediately remove deadlines to claim the status of victim and terminate the practice of court fees imposed on victims; ensure the recognition, in Republika Srpska legislation, of children born as a consequence of conflict-related rape; and implement the Committee Against Torture decision in the case of Ms. A.

## 4. Civic space

### 4.1. Participation in public affairs

27. Divergent political agendas prevent implementation of the European Court of Human Rights judgments regarding active and passive suffrage,<sup>36</sup> maintaining the identity-based election system that privileges individuals identifying with one of the three “constituent peoples” recognized by the Constitution of Bosnia and Herzegovina – Bosniaks, Croats and Serbs. Many citizens, including from national minorities, therefore remain unable to run for the State Presidency and Parliament and other public functions. Many more cannot vote for a person of their genuine choice.

28. While the Election Law of Bosnia and Herzegovina requires that women represent 40 per cent of candidates, they remain underrepresented in political parties. Out of 42 per cent of women candidates in the 2020 local elections and the 2022 general elections, only 18 and 19 per cent were respectively elected. Violence affects 60.2 per cent of women politicians,<sup>37</sup> discouraging their engagement.

29. The participation of persons with disabilities and belonging to minorities in political life is very limited, with meagre efforts to facilitate their access to information and inclusion.

## RECOMMENDATIONS

- Based on inclusive consultations, undertake necessary revisions of the Constitution and Election Law of Bosnia and Herzegovina to implement the European Court of Human Rights judgments and ensure equality of all citizens in exercising their active and passive electoral rights.
- Expand affirmative action measures to promote gender equality, including quotas and gender-targeted measures for the public financing of political parties.
- Ensure effective systems to facilitate inclusive and meaningful participation of civil society in public affairs, including the most vulnerable, and of women in peacebuilding efforts.

## 4.2. Freedoms of opinion and expression, association and peaceful assembly

30. In Republika Srpska, the erosion of civic space since 2023 has further inhibited the work of civil society with the recriminalization of defamation<sup>38</sup> and the initiation of a draft Law on the special registry and publicity of non-profit organizations, foreseeing a particular regime for those receiving foreign funding and assistance.<sup>39</sup>

31. Stigmatization of civil society actors expressing critical views or engaged on issues deemed sensitive is frequent, often triggering ostracization and threats. Women have been increasingly targeted.<sup>40</sup> Strategic lawsuits against public participation (SLAPPs) have emerged, mainly filed by politicians and business entities, and mostly targeting environmentalists and independent media.<sup>41</sup> There is also a lack of financial, legal and psychological support to victims.

32. Journalists and other media workers have reported economic and political pressure, verbal attacks by politicians, discrediting campaigns, online threats, physical attacks, administrative harassment and mobbing within some media outlets.<sup>42</sup> Attacks on journalists have increased, with a few incidents of physical assaults and damage to property.<sup>43</sup>

33. Since 2019, the judiciary has been tracking cases of attacks and threats against journalists, which should be expanded to human rights and environmental defenders as such acts are underreported, or rarely investigated and sanctioned. An emblematic case is the lack of progress in investigating an attack on human rights defenders and LGBTI activists that occurred on 18 March 2023, in Banja Luka.

34. Institutions and public companies frequently fail to respond to requests for information of public interest. While introducing proactive transparency, the 2023 Law on freedom of access to information of Bosnia and Herzegovina includes numerous exemptions and foresees an appeal mechanism under the Council of Ministers, raising concerns about its independence.

35. Legislation and practices regulating public gatherings remain uneven, but new laws compliant with international standards were adopted in the Brčko District (2021) and the Zenica-Doboj (2023) and Una-Sana cantons (2024). In Republika Srpska and the Sarajevo canton, restrictions to the right to peaceful assembly remain applied selectively on the grounds of security, depending on the topic of the gatherings.

### RECOMMENDATIONS

- Withdraw legislation criminalizing defamation; refrain from adopting any laws restricting freedoms of opinion and expression, association and peaceful assembly; and introduce policies and mechanisms to prevent SLAPPs.
- Expand efforts to ensure systematic and prompt investigations and accountability for any threats and attacks (physical, verbal, online and offline) on civil society actors, including journalists and human rights and environmental defenders; and pursue protection and

support mechanisms for victims.

- Amend the Law on free access to information to ensure prompt access to information of public interest and an independent appeal mechanism.

## 5. Violence against women

36. Violence against women, including online, remains widespread but underreported. About 50 per cent of women have experienced some form of violence<sup>44</sup> and over 27 per cent have faced sexual harassment. It is estimated that annually, 10 women are killed by intimate partners or ex-partners. In 2022, 2,235 cases of domestic violence were reported to prosecutors' offices, but there were about 800 indictments and 681 perpetrators were convicted.<sup>45</sup>

37. In May 2024, Republika Srpska failed to adopt a bill on protection from domestic and gender-based violence.<sup>46</sup> In the Federation of Bosnia and Herzegovina and the Brčko District, criminal law provisions on domestic violence do not apply to intimate partners who have not shared a household, and legislative loopholes prevent the effective prosecution of rape, female genital mutilation, sexual harassment and stalking.

38. Following increased femicide cases in the Federation of Bosnia and Herzegovina since 2023, public funding for safe houses doubled.<sup>47</sup> There are however no official minimum quality standards for shelters and not all necessary support services are available.

### RECOMMENDATIONS

- Ensure harmonization of criminal legislation with the Istanbul Convention across the country.
- Define minimum gender-sensitive quality standards to address various forms of violence – including online - against women.
- Ensure adequately funded support services and comprehensive, mandatory training for all relevant professionals dealing with violence against women.
- Establish accessible crisis and referral centres for survivors of sexual violence.

## 6. Economic and social rights

39. The decentralized competences on economic and social matters entail uneven laws, policies and funding which perpetuate inequalities.<sup>48</sup> Discrimination in access to economic and social rights, on various grounds, is widespread.

## 6.1. Adequate standard of living

40. The COVID-19 pandemic has significantly impacted standards of living, especially among vulnerable groups. Women were more adversely affected than men, with 55.5% experiencing a deteriorating financial situation.<sup>49</sup> In 2023, over 18,000 people regularly relied on soup kitchens.<sup>50</sup>

## 6.2. Decent work

41. In 2023, 41.5% of the working age population was employed, and the unemployment rate stood at 13.2% - down 4.2% over two years.<sup>51</sup> Lack of access of Roma and persons with disabilities to sustainable formal employment persists due to intertwined barriers, including discrimination.

42. The gender gap has been growing due to enduring gender stereotypes, insufficient childcare facilities, differing maternity leave schemes, and the heavy care burden placed on women.<sup>52</sup> In 2020, 58 per cent of women with children under 6 years old were unemployed. Recent data show that women occupy 24.1% of senior and middle management posts and 8.2% of senior posts in the private sector.<sup>53</sup>

### RECOMMENDATIONS

- Increase the employability of women through adequate labour market policies, training and the development of accessible, quality social and health care services; close the gender wage gap.

## 6.3. Health

43. Much progress is needed to achieve universal health coverage despite positive steps, including the adoption of Laws on Health Care<sup>54</sup> and Mandatory Health Insurance in Republika Srpska<sup>55</sup> and of the Development Strategy of the Federation of Bosnia and Herzegovina (2021-2027).<sup>56</sup> Access to healthcare, including immunization services, remains low for Roma communities due to limited access to facilities, discrimination, and cultural factors. Availability of sexual and reproductive health services is uneven.<sup>57</sup> Mental health has been overlooked despite the extensive conflict-related and intergenerational trauma.

44. Bosnia and Herzegovina has one of the highest air pollution rates globally, and the fifth mortality rate caused by this issue.<sup>58</sup>

45. There is limited public health preparedness to various emergencies and hazards (natural and man-made) of increasing frequency and scale.



## RECOMMENDATIONS

- Ensure access to quality universal health care - including immunization, sexual and reproductive health, maternal healthcare, mental health - with special attention to persons with disabilities, Roma, and people on the move.
- Ensure access to clean water for all and strengthen waste management systems.
- Intensify measures to reduce air pollution.
- Foresee adequate budgets for emergency preparedness, including to protect vulnerable people.

## 6.4. Education

46. The UNCT welcomes the Government's commitment, at all levels, to quality education. Yet, the education system is not inclusive, with very low levels of enrollment of children with disabilities and from Roma communities.

47. Early childhood education enrolment is at 42 per cent,<sup>59</sup> involving 1.3% of children with disabilities. Although mandatory, preschool education in the year preceding primary school stands at 46 per cent,<sup>60</sup> and two per cent of Roma children are enrolled in early childhood education and care.<sup>61</sup> Vulnerable groups, notably Roma children and children with disabilities, face challenges in primary and secondary school attendance and are at higher risk of drop-out; 69 per cent of Roma children attend primary school and 23 per cent attend secondary school, with a lower enrolment rate for girls. Despite progress, not all children on the move have access to primary and secondary education.<sup>62</sup>

48. The education system remains segregated. Most schools are monoethnic or largely monoethnic, and over 50 "two schools under one roof" still operate in some cantons.<sup>63</sup>

## RECOMMENDATIONS

- Strengthen access to quality education at all levels, including for children with disabilities, Roma, refugees, asylum seekers and migrants, and prevent dropout.
- Develop and initiate a human rights education programme across the education system.

## 7. Specific groups

### 7.1. Persons with disabilities

49. There is no unified definition of disability, no centralized database on the number of persons with disabilities, and no comprehensive and harmonized strategies and budgets to improve the exercise of their rights.



50. Physical accessibility remains a major obstacle to personal mobility, education, health and participation in political, economic and cultural life. There is no strategy on inclusive education and access remains low due to physical barriers, an insufficient number of trained personnel and discrimination.

51. There is still no legislation or budget to ensure deinstitutionalization. Despite a European Court of Human Rights judgment in that regard,<sup>64</sup> the institutionalization of persons with mental disabilities persists, and the deprivation of their legal capacity is frequent.

52. Persons with disabilities are insufficiently involved in decision-making processes and accessibility of information remains limited for persons with hearing and vision impairment and with mental disabilities.

53. Two cantons of the Federation have initiated periodic child disability reassessments,<sup>65</sup> together with increased access to basic social services.

## RECOMMENDATIONS

- Establish an independent monitoring mechanism under the Convention on the Rights of Persons with Disabilities; fully align domestic legislation and strategies with the Convention, based on a harmonized concept of disability and an adequately funded State-level strategy.
- Take concrete measures to ensure access to information and meaningful inclusive participation of persons with disabilities in political, economic and cultural life.
- Invest in de-institutionalization.
- Only consider institutionalization and deprivation of legal capacity as measures of last resort, and ensure regular reviews of such measures.
- Expand the reform of child disability assessments across the country.

## 7.2. Minorities

54. There is no recent data on minorities which, according to the 2013 census, constituted around three per cent of the population.<sup>66</sup> Their representation in elected and other public functions is low and decreasing. Roma communities represent the most marginalized minority despite the Action Plan for Social Inclusion of Roma for 2021-2025.

## RECOMMENDATIONS

- Support improved participation and representation of national minorities, including Roma, and particularly women, in decision-making processes and economic and cultural life.

### 7.3. Internally displaced persons and returnees

55. In 2024, 91,223 internally displaced persons (IDPs) were still registered, including one third in need of assistance to achieve durable solutions. The fragmented administrative procedures and inconsistent application of legislation still hampers IDPs' access to health care, social protection, adequate housing, employment and education. Housing solutions have improved with the adoption of laws on social housing in some parts of the country, and housing projects. The Regional Housing Programme, completed in 2023, allowed the construction of 2,800 units.<sup>67</sup>

#### RECOMMENDATIONS

- Harmonize social protection legislation to facilitate IDPs and returnees' access to social assistance; allocate sufficient funding to ensure their access to adequate housing and local integration programmes.

### 7.4. Stateless persons

56. The Government has pledged to resolve all cases of statelessness<sup>68</sup> and reported 20 persons at risk of statelessness in early 2024. Birth registration of children born abroad improved in the Federation of Bosnia and Herzegovina through amendments to the Law on Extrajudicial Procedure.

#### RECOMMENDATIONS

- Ensure that all children are systematically registered at birth, irrespective of their parents' migration status.
- Ensure access to free legal aid for stateless persons and persons at risk of statelessness to facilitate birth and citizenship registration in administrative and court procedures.
- Further facilitate in law and in practice late birth registration procedures when required documents are missing.

### 7.5. Refugees, asylum-seekers and migrants

57. Between 2019 and 2023, the authorities recorded 122,924 irregular arrivals.<sup>69</sup> Following the adoption of a new Strategy and Action Plan on Migration and Asylum (2021-2025),<sup>70</sup> the Government has increasingly albeit slowly taken ownership of migration and asylum management. However, non-governmental and international organizations are the main providers of assistance to vulnerable individuals. Moreover, while reception conditions for children improved, gaps remain in applying Best Interest Determination procedures.

58. The processing of asylum requests has improved since 2022.<sup>71</sup> Between 2020 and 2023, 10 persons were granted refugee status and 168 received subsidiary protection.<sup>72</sup> The latter however cannot obtain travel documents or pursue family reunification and naturalization.

Refugees from Ukraine were granted entry and residence “on humanitarian grounds”<sup>73</sup>, preventing access to health, education and work. Although competent to decide on the merit of cases, the Court of Bosnia and Herzegovina only reviews appeals against first instance decisions concerning asylum via written procedures. Sending the cases back to the asylum authorities has delayed access to rights.

59. The 2023 amendments to the Law on Foreigners<sup>74</sup> fail to address key protection concerns, including the ineligibility of those granted subsidiary protection to apply for permanent residence, expulsion measures upon entry through summary proceedings, and the administrative detention of minors. The continued lack of information at entry points on asylum and free legal aid compounds these concerns.

**RECOMMENDATIONS**

- Strengthen mechanisms to identify people in need of international protection at borders, including at airports; secure their prompt access to asylum procedures, free legal aid, and adequate support in case of special needs.
- Ensure that asylum-seekers can register an application on their own initiative; and that those qualifying are granted refugee status, or have access to travel documents, family reunification and pathways to local integration, including naturalization.
- Ensure that the Court of Bosnia and Herzegovina decides on the merits of cases and is able to hear asylum-seekers.
- Provide sustainable protection-sensitive accommodation for vulnerable categories of asylum-seekers and migrants.
- Secure prompt Best Interest Determination Procedures, appointment of legal guardians, and access to education for all children on the move; and prohibit administrative detention of minors in law and practice.
- Institute capacity development to detect and investigate smuggling of migrants and trafficking in human beings through rights-based, victim-centered and gender-sensitive approaches.

**7.6. LGBTI persons**

60. The adoption of the Action Plan for the Promotion of Human Rights and Fundamental Freedoms of LGBTI persons in Bosnia and Herzegovina (2022)<sup>75</sup> is a positive development. Discrimination against LGBTI persons nevertheless persists in all spheres, and homophobic comments by some politicians are common. Since 2019, pride marches have been regularly held in Sarajevo, although the cantonal police continues to impose on organizers requirements not demanded for other gatherings. Legislation on same-sex partnerships is in early drafting stages in the Federation.

**RECOMMENDATIONS**

- Implement the Plan of Action for the Promotion and Protection of Human Rights and Fundamental Freedoms of LGBTI persons.
- Adopt legislation on the legal recognition of LGBTI persons and on same-sex partnership.



## 7.7. Children

61. Procedures for child protection lack clarity, leading to many children living in alternative care due to poverty, single parenthood, disability or violence. The implementation of the deinstitutionalization roadmap is therefore critical.

62. There has been progress in protecting children in conflict with the law, including the creation of Child Friendly Rooms in several courts and prosecutors' offices, but challenges in the context of criminal proceedings persist.

### RECOMMENDATIONS

- Adopt a new action plan on child protection, including measures for children without parental care and with disabilities, and on juvenile justice.
- Prohibit all forms of violence against children, including sexual abuse, child marriage and corporal punishment; and develop a unified State-level helpline number.
- Strengthen access to mental health and psychological support services for minors exposed to violence, neglect and abuse.



**ENDNOTES**

# ENDNOTES

## ENDNOTES

- 1 Constitutional Court of Bosnia and Herzegovina, Case No. U-7/19, 3 October 2019, <https://www.ustavisud.ba/en/116th-plenary-session>
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