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HUMAN RIGHTS
 COMMITTEE AGAINST
 TORTURE
 HUMAN RIGHTS
 COMMITTEE
 COMMITTEE ON THE ELIMINATION
 OF DISCRIMINATION AGAINST WOMEN
 COMMITTEE ON THE ELIMINATION
 OF DISCRIMINATION AGAINST
 RACIAL DISCRIMINATION
 COMMITTEE ON ECONOMIC
 Social and Cultural RIGHTS
 Committee
 on Enforced
 Disappearances

Brief Overview:

**Compilation of the Recommendations of the UN Human Rights
Mechanisms and their Implementation in Bosnia and Herzegovina**

COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL
 MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES
 COMMITTEE ON THE RIGHTS OF THE CHILD
 COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES
 UNIVERSAL PERIODIC REVIEW

BRIEF OVERVIEW OF THE COMPILATION

Compilation of the Recommendations of the UN Human Rights Mechanisms and their Implementation in Bosnia and Herzegovina

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The views expressed in this publication are those of the author and do not necessarily represent the views of the United Nations in BiH.

The electronic version of this brochure is available on the website of the United Nations in Bosnia and Herzegovina <<http://ba.one.un.org/>>.

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List of Abbreviations

BiH	Bosnia and Herzegovina
CAT	Committee against Torture
CCPR	Human Rights Committee
CED	Committee on Enforced Disappearances
CEDAW	Committee on the Elimination of Discrimination against Women
CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
CRC	Committee on the Rights of the Child
CRPD	Committee on the Rights of Persons with Disabilities
EU	European Union
FBiH	Federation of Bosnia and Herzegovina
LGBTQ	Lesbian, gay, bisexual, transgender and queer
NHRIs	National Human Rights Institutions
OP CAT	Optional Protocol to the Convention against Torture
RS	Republika Srpska
SPT	Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
UN	United Nations
UNDP	United Nations Development Programme
UPP	Universal Periodic Review



UNITED NATIONS
Bosnia and Herzegovina

I am honored to introduce the second edition of the “Compilation of the Recommendations of the UN Human Rights Mechanisms and their Implementation in Bosnia and Herzegovina”.

By ratifying all of the core UN international human rights treaties and most of their additional protocols, Bosnia and Herzegovina has assumed a legal obligation to implement, uphold and respect the rights reflected in those documents.

The recommendations of UN human rights mechanisms can serve as a useful road map for advancing the overall human rights situation in the country.

In this regard, the 2030 Agenda for Sustainable Development Goals – to which Bosnia-Herzegovina is as a signatory – offers a helpful framework for such work. As the UN Secretary-General Ban-Ki Moon noted, the 2030 Agenda “is a universal, integrated and transformative plan of action for peace and prosperity for all... Implementing the SDG Agenda will strengthen our collective ability to address short-term risks and build long-term resilience.”

The United Nations is committed to working with Bosnia-Herzegovina in order to help ensure that all human rights are enjoyed by everyone in the country. This includes the right to life; freedom from torture, slavery and discrimination; a right to freedom of religion, speech and assembly; a right to free and fair elections, a fair trial and education; a right to an adequate standard of living, to fair wages and safe working conditions; a right to decent housing, to the highest attainable standard of health, and to adequate protection when vulnerable by virtue of age, sickness or accident.

These rights are universal, indivisible, interdependent and interrelated; the societies they build are strong and prosperous.

We hope that this Compilation will serve as the foundation for the implementation of human rights obligations in Bosnia and Herzegovina.

Sezin Sinanoglu

The United Nations Resident Coordinator in Bosnia and Herzegovina

A handwritten signature in white ink, appearing to read 'Sezin Sinanoglu', is positioned below the text.

Introduction

COMPILATION OF THE RECOMMENDATIONS OF THE UN HUMAN RIGHTS MECHANISMS AND THEIR IMPLEMENTATION IN BOSNIA AND HERZEGOVINA

WHY AND FOR WHOM

The Compilation of the Recommendations of the UN Human Rights Mechanisms and their Implementation in Bosnia and Herzegovina (hereinafter: the Compilation) consists of a general and technical part (i.e. recommendations of the UN human rights mechanisms - UN treaty bodies, Special Procedures and the Universal Periodic Review; a compilation of texts taken from different human rights reports and an analysis according to the classification of recommendations as well an analysis of print media coverage of the UN human rights recommendations for Bosnia and Herzegovina during the period January 2005 to May 2016). The aim is to provide a clear and systematic review of the recommendations made by international bodies in specific areas. It is available at <<http://ba.one.un.org/>>.

This brochure covers just one part of the whole compilation. It includes an overview of the structure of the human rights mechanisms of the United Nations, specifically the treaty bodies, Special Procedures and the Universal Periodic Review, as well as the current situation in regard to those areas identified by the recommendations. The overview should be viewed as a compilation of the different analyses organised in accordance with insights from some of the key general and sectoral reports as well as other documents that deal with human rights in Bosnia and Herzegovina.

Furthermore, the brochure provides a broad concept for possible strategic directions aimed at implementation of the recommendations. The principal aim is to aid policymakers in their efforts to develop a comprehensive human rights action plan for BiH by highlighting some of the initial considerations. Lastly, the brochure suggests some potential next steps for implementation of the UN human rights recommendations in BiH.

The guiding principle of the Compilation has been to create a simple to use and user-friendly tool for academic purposes, policy development and for creating legal solutions and action plans in support of implementation of the recommendations of international bodies in line with the international obligations of Bosnia and Herzegovina.

The Compilation is intended for use by the relevant institutions, non-governmental organisations, the academic community and all those who study, work toward and advocate for human rights.

Overview: Treaty-Bodies, the Special Procedures of the Human Rights Council and the Universal Periodic Review

This part provides a brief overview of the different human rights monitoring mechanisms within the United Nations system, more specifically the treaty bodies, the Special Procedures of the Human Rights Council and the Universal Periodic Review (UPR).

Timely reporting to these mechanisms along with effective follow-up on recommendations gives states a unique opportunity to self-assess the situation on the ground. This incorporates data collection and analysis as well as legislative and policy review.

TREATY-BASED BODIES

There are **nine core international human rights treaties**, the most recent entered into force on 23 December 2010 and deals with enforced disappearance.

There are **ten human rights treaty bodies, comprised of independent experts** of recognised competence in human rights, which the states parties nominate and elect for fixed renewable terms of four years: The Human Rights Committee (CCPR), which monitors implementation of the International Covenant on Civil and Political Rights (1966) and its optional protocols; the Committee on Economic, Social and Cultural Rights (CESCR), which monitors implementation of the International Covenant on Economic, Social and Cultural Rights (1966); the Committee on the Elimination of Racial Discrimination (CERD), which monitors implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965); the Committee on the Elimination of Discrimination against Women (CEDAW), which monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999); the Committee against Torture (CAT), which monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984); the Committee on the Rights of the Child (CRC), which monitors implementation of the Convention on the Rights of the Child (1989) and its optional protocols (2000); the Committee on Migrant Workers (CMW), which monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); the Committee on the Rights of Persons with Disabilities (CRPD), which monitors implementation of the International Convention on the Rights of Persons with Disabilities (2006);

the Committee on Enforced Disappearances (CED), which monitors implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (2006), and the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), which was established pursuant to the Optional Protocol to the Convention against Torture (OPCAT) (2002) and visits places of detention in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The treaty bodies perform a number of functions in accordance with the provisions of the treaties that established them. These include consideration of periodic reports by states parties, consideration of individual complaints and conducting country inquiries as well as the adoption of general comments on the interpretation of treaty provisions and the organisation of thematic discussions related to the treaties.

A country assumes the legal obligation to implement the rights recognised under a specific treaty once it has ratified that treaty. It therefore has the duty to take the necessary steps to ensure that everyone in the state is able to enjoy the rights set out in the treaty.

Along with the obligation to implement the substantive provisions of a treaty a country also has the responsibility to submit periodic reports to the relevant treaty body (except under the OPCAT) on how the respective rights are being implemented. All of the committees have issued reporting guidelines to assist states parties in the preparation of their reports. These guidelines are designed to ensure that reports are presented in a uniform manner. A number of committees have issued separate guidelines for initial and periodic reports.

In order to assist states parties to prepare and submit more focused reports in a timely manner, some committees, including CAT, CCPR and CMW, have adopted a simplified reporting procedure in the form of a list of issues prior to reporting. Under this optional procedure, a list of issues is transmitted to the state party prior to submission of its periodic report. The state party's response to the list of issues constitutes its periodic report under the convention and therefore any state party reporting under this new procedure will be deemed to have fulfilled its reporting obligation under the convention for the period under consideration. However, states parties may decide to continue to submit their reports in line with the standard procedure.¹

¹ For more information, please see, Overview of the human rights treaty body system and working methods related to the review of states parties, 12 April 2013, HRI/MC/2013/2.

In addition to a state party's report, the treaty bodies may receive information on a country's human rights situation from another source. These include National Human Rights Institutions (NHRIs), civil society organisations (both international and national), United Nations entities, other intergovernmental organisations, professional groups and academic institutions.

In line with this, the relevant treaty body examines the report in the presence of the state party's delegation.

All treaty bodies have developed the practice initiated by CERD of inviting states parties to send a delegation to attend the session at which the committee will consider their report. This is in order to allow them to respond to members' questions and provide additional information on their efforts to implement the provisions of the relevant treaty.²

Based on this constructive dialogue, the committee will then publish its concerns and recommendations; these are referred to as 'concluding observations'.

All of the treaty bodies request states parties to provide information on the implementation of the recommendations contained in their previous concluding observations in their periodic reports or those made during a constructive dialogue. While all of the committees make use of the regular reporting cycle to follow up on their previous concluding observations five treaty bodies (CCPR, CAT, CERD, CEDAW and CED) have adopted formal procedures in order to monitor more closely the implementation of specific concluding observations.³

CERD is one such example. It has set out a follow-up procedure whereby the Committee can request further information or an additional report on, inter alia, action taken by a state party to implement the recommendations of the Committee. The appointment of a Coordinator on Follow-up supplements this procedure. The Coordinator, who is appointed for a period of two years, works in cooperation with the country rapporteurs and presents the follow-up report to the Committee at the next session.⁴

CHARTER-BASED BODIES

The charter-based bodies include the Human Rights Council, the UPR and the Commission on Human Rights (replaced by the Human Rights Council) and encompass the Special Procedures of the Human Rights Council and the Human Rights Council Complaint Procedure. The Special Procedures and the UPR are the two mechanisms encompassed in the Compilation.

² For more information, please see, Overview of the human rights treaty body system and working methods related to the review of states parties, 12 April 2013, HRI/MC/2013/2.

³ For more information, please see, Other activities of the human rights treaty bodies and participation of stakeholders in the human rights treaty body process, 22 April 2013, HRI/MC/2013/3.

⁴ *ibid.*

The **Special Procedures** of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country specific perspective. The system of Special Procedures is a central element of the United Nations human rights machinery and covers all human rights: civil, cultural, economic, political and social.

With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader structural nature by sending communications to the pertinent states. They also conduct thematic studies and convene expert consultations, which contribute toward the development of international human rights standards, and engage in advocacy, raise public awareness and provide advice on technical cooperation. Special Procedures report annually to the Human Rights Council and the majority of the mandates include reporting to the General Assembly.

The **Universal Periodic Review** is a unique process that involves a review of the human rights records of all 193 UN Member States. It was created through the UN General Assembly on 15 March 2006 under resolution 60/251.

It is a state driven process under the auspices of the Human Rights Council. It provides each state party with the opportunity to declare what actions it has taken to improve the human rights situations in the country as well as to fulfil its human rights obligations. As one of the main features of the Council, the UPR is designed to ensure equal treatment for each country when human rights situations are assessed. The ultimate aim of this mechanism is to improve the human rights situation in all countries and to address human rights violations wherever they occur.

The UPR Working Group, which consists of the 47 members of the Council, conducts the reviews; however, any UN Member State can take part in the discussion/dialogue with the states party under review. A group of three states parties, known as 'troikas', who serve as rapporteurs, assist each states party review. Selection of the troikas for each states party review is done through a drawing of lots, following the elections for the Council membership at the General Assembly.

The documents on which the reviews are based are 1) information provided by the state party under review, which can take the form of a 'national report'; 2) information contained in the reports of independent human rights experts and/or groups, known as the Special Procedures, human rights treaty bodies and other UN entities; 3) information from other stakeholders, including NHRIs and non-governmental organisations.

Reviews take place through an interactive discussion between the state party under review and other UN Member States during a meeting of the UPR Working Group. During this discussion, any UN Member State can pose questions, comments and/or make recommendations to the state party under review. In order to ensure that the interactive dialogue takes place in a smooth and orderly manner the troikas can group issues or questions to be shared with the state party.

Following the review by the Working Group, the troika, with the assistance of the OHCHR, prepares a report with the involvement of the state party under review. This report, referred to as the 'outcome report', provides a summary of the actual discussion. It therefore consists of the questions, comments and recommendations made by states to the state party under review as well as the responses given by the reviewed state party.

Half an hour is allocated during the Working Group session to adopt each of the 'outcome reports' for the state party reviewed during that session. The reviewed state party has the opportunity to make preliminary comments on the recommendations, choosing to either accept or note them. Both accepted and noted recommendations are included in the report.

After the report has been adopted, a state party can, within the following two weeks, make editorial modifications to their own statements contained in the report. The report then has to be adopted at a plenary session of the Human Rights Council. During the plenary session, the state party under review can respond to any questions and/or issues that were not addressed sufficiently during the Working Group and respond to the recommendations that were raised by states during the review. Time is also allotted to member and observer states that may wish to express their opinion on the outcome of the review and for NHRIs, NGOs and other stakeholders that may wish to make general comments.

The state party under review has the primary responsibility to implement the recommendations contained in the final outcome report. The UPR ensures that all states parties are accountable for their progress or failure in implementing such recommendations. During subsequent reviews, the states parties are expected to provide information on what they have done to implement the recommendations made during the preceding review as well as on any developments within the field of human rights.

The international community will assist in implementing the recommendations and conclusions related to capacity-building and technical assistance in consultation with the states parties concerned.

All relevant information can be found at
[<http://ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>.](http://ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx)

State of Affairs

The unique experience of collecting and organising a compilation of United Nation human rights recommendations for Bosnia and Herzegovina is of great importance for an overall understanding of the problems and issues related to the system for the promotion and protection of human rights in the country. Human rights are among the founding principles of the constitutional setting in Bosnia and Herzegovina and therefore it is of great importance to map out accurately all human rights issues relevant to the country. This is exactly what a compilation of this kind makes possible by mapping human rights problems but also identifying key directions for further efforts aimed at their resolution.

It is more than obvious that Bosnia and Herzegovina is overwhelmed by the problem of human rights violations. This applies to all aspects of life, ranging from a wide assortment of the more basic political rights of participation to the more sophisticated issues within the sphere of economic and social rights.

Today, UN human rights bodies and their practice are very much focused on the issue of establishing and strengthening NHRIs and the creation of national action plans. It is therefore necessary to have a clear understanding of the UN human rights recommendations concerning the institutional framework for human rights in BiH. We associate legislation, NHRIs and human rights related action plans and data collection with the term 'institutional framework'.

UN human rights bodies have since 2006 reiterated in different forms and formulations their concerns related to **the institutional framework for human rights**:

- constitutional reform necessary to ensure equal enjoyment of the right to vote and stand for election for all citizens, irrespective of their ethnicity or place of residence;
- adoption, further development and full implementation of anti-discrimination legislation;
- adoption and adequate implementation of legislation and the establishment and effective functioning of institutions that deal with issues related to vulnerable and marginalised groups such as women, children, persons with disabilities, Roma and other minorities;
- disparities between the entities and the different cantons of the Federation of BiH in terms of the scale and availability of social protection and assistance;
- lack of a functional system of free legal aid in the country;
- development of a mechanism for systematic data collection on human rights;

- the need for more human and financial resources as well as more independence and authority for key NHRIs, such as the the Institution of Human Rights Ombudsman of Bosnia and Herzegovina and the Gender Agency and centres.

The above can be regarded as flagship issues identified within UN recommendations that, according to our findings, remain unresolved. Therefore, they constitute both the subject and priorities for further work on human rights in BiH.

If one keeps in mind the structure of the UN human rights bodies then it follows that the majority of recommendations based strictly on dealing with the issues of **non-discrimination and equality** relate to the socio-political and economic status and position of women and children, Roma and other minorities.

One of the most pressing and consistent concerns relates to the entrenched patriarchal attitudes and deeply rooted stereotypes that exist in relation to the roles and responsibilities of men and women within the family and in society. As a result, UN human rights bodies have since 2006 continued to repeat their call for change to the content of school textbooks and school curricula, implementation of awareness raising campaigns and strict respect for a code of conduct when it comes to media reporting on vulnerable and marginalised groups.

According to the UN, a permanent matter of concern is the numerous disparities that exist in terms of benefits and the enjoyment of rights related to the place of residence and socioeconomic status of individual members of groups at high risk of discriminatory practices. In this regard, a reiterated recommendation calls for the harmonisation of legislation related to the regulation of social and health protection and assistance.

The unresolved issue of segregation within education is a constant focus of the UN human rights mechanisms. More precisely, this relates to the practice known as ‘two schools under one roof’ or the system of segregation of children in schools on the basis of ethnicity. Since its introduction the practice of segregation in schools has provoked a number of policy recommendations, issued by government and non-governmental institutions; however, these recommendations have yet to be accepted or implemented.

Closely connected to this issue is the UN call for inter-cultural dialogue, tolerance and understanding, which is a recommendation of the highest priority. It is the view of the UN treaty bodies and the Special Rapporteurs that this recommendation be incorporated into the school curricula and textbooks in order to guarantee legally that inclusiveness is implemented in practice.

Usually the sphere of **rule of law** is examined from the perspective of specific procedures and the groups that are considered at high risk of human rights violations. Key target groups in this regard are women, children (especially child victims and children deprived of their liberty), prisoners and persons treated in mental health institutions.

When reviewing the general application of conventions as a specific segment of the concept of the rule of law, the UN human rights mechanisms usually direct their recommendations as calls for uniform application and domestic actors being aware of the relevant conventions. Often these mechanisms express their concern over the fact that only a limited number of court proceedings exist wherein the provisions of conventions are invoked or applied directly. As far as the application of laws is concerned, as previously mentioned, there is the open issue of the fragmented and unregulated provision of free legal aid in some cantons of the Federation of BiH along with the issue of free legal aid at the state level (at which level the Law on Free Legal Aid was recently adopted). Furthermore, more than a few recommendations request that all relevant stakeholders have a clear understanding of specific human rights legislation. This is accompanied by a request for adequate and effective implementation of the legislation and a demand for its further harmonisation.

Concerns over the inconsistent application of laws are expressed repeatedly. In 2005, for example, it was concluded that the juvenile justice system must be brought into line with the Convention on the Rights of the Child. The same concerns were repeated in 2012. In 2010, CERD underlined the need for implementation of criminal provisions regarding hate speech and hate crimes as well as the need for awareness raising campaigns on these issues. CERD reiterated this in its conclusions from 2015.

Another repeated matter of concern for the UN is the level of general observation of conditions in the state prison system and mental health institutions, including the rights of prisoners. In spite of constant recommendations in this regard, the situation in this specific segment of the rule of law remains overwhelmed by difficulties and problems.

Considerable attention, through recommendations, is given to the issue of training. All professionals working with vulnerable and marginalised groups exposed to a high risk of human rights violations require adequate and systematic training. Education and training are required on a regular basis. Furthermore, adequate and systematic training for these groups of professionals requires augmentation by awareness raising campaigns aimed at the general population and vulnerable and marginalised groups in particular. The current level of education and training provided for these groups of professionals cannot be described as systematic or needs based. It is for these reasons that this particular call for systematic and adequate training is the subject of reiteration.

Since 2005 and 2006, the UN treaty bodies have called for the resolution of certain issues relevant to transitional justice in BiH. The first issue relates to the need to ensure all necessary preconditions for the domestic trying of war crimes, with special attention given to the recommendations on ensuring sufficient human and other resources required for war crimes trials and a fully functional witness protection system. In addition to this, treaty bodies have for countless years pointed to the issue of civilian victims of war. More precisely, their personal disability benefits and unregulated and disadvantaged position in comparison with the status and benefits of war veterans. Special matters of concern are their right to compensation and rehabilitation and its implementation through domestic legislation, the recognition of sexual violence as a war crime, and issues related to missing persons and enforced migration.

By 2011, the majority of the issues mentioned above remained unresolved and were the subject of reiteration by the different treaty bodies. The wartime victims of sexual violence had still not received recognition in 2013 and consequently lacked adequate access to social protection and assistance as well as proper rehabilitation. The demand for witness protection currently focuses on proper implementation of the enacted legislation and the establishment of sustainable and operational witness protection measures at the District and cantonal level. Bringing domestic legislation into line with international standards for the prosecution of the war crime of sexual violence remains a priority as does the request to expedite the adoption of laws and programmes designed to ensure effective access to justice for all wartime victims. It is worth mentioning that despite its preparation the relevant authorities have yet to adopt the draft Transitional Justice Strategy for Bosnia and Herzegovina.

Since 2005, the UN recommendations relating to the establishment and work of the Missing Persons Institute, support for the families of missing persons and the system for the collection of data related to missing persons and enforced disappearances have been used to address the issues of missing persons and enforced disappearances.

When evaluating the country's progress in the area of **freedom and security of person** the UN human rights mechanisms are concerned with the issues of human trafficking, violence against women and children, and protection against landmines.

The major concerns in relation to trafficking in human beings have since 2006 been implementation of the existing law, fair and adequate provision of compensation for victims, victim assistance, witness protection and combating the exploitation of children as well as the provision of training for officials that deal with these issues. The recommendations from 2011 still apply and continue to underline the need for training, rehabilitation programmes and genuine access to healthcare and counselling.

This discussion continued in 2013 yet, despite certain progress made regarding the new legislation, the problem of the low number of prosecutions related to different forms of trafficking remains. Furthermore, an additional discussion related to concerns about the lack of effective victim identification procedures and the fact that most shelters providing adequate services for the victims of trafficking are operated by non-governmental organisations that rely on external funding remains. According to observations by the UN human rights bodies, throughout the period 2006-2013 Bosnia and Herzegovina remained a country of origin, destination and transit for trafficking in human beings.

In relation to violence against women and children, UN bodies have called for effective implementation of the legislation to combat domestic violence and the provision of support for intensive education and training for judges, prosecutors and law enforcement officers since 2006. The recommendations from 2006 note that the existing legislation needs to be harmonised with international standards and the Law on Gender Equality. Furthermore, the request for effective and full implementation of the existing laws was repeated in 2011 along with a call to implement national strategies on the prevention and combating of domestic violence and combating violence against children. The request for harmonisation of the legislation along with the demand for effective investigation of these crimes and the rehabilitation of the victims of such crimes were repeated continuously between 2012 and 2014.

Mine protection within the context of the UN human rights procedures has always been focused on the need to ensure proper awareness raising campaigns.

Concerning the analysis of **respect for basic freedoms** in Bosnia and Herzegovina, recommendations issued by the UN human rights mechanisms focused on two specific topics: (1) concern for freedom of opinion and expression, and (2) the participation of women in political life. As far as freedom of expression is concerned, the role of the Communications Regulatory Authority was emphasised. The need for full respect of its independence was stressed in particular. Freedom of the press and other media is a subject that requires proper investigation and responses in relation to human rights violations.

Although there are adequate legal solutions in place designed to ensure the participation of women in political life the low and stagnant level of representation of women in parliament and government remains a problem. This can be linked to insufficient visibility given to female candidates by the media and by political parties in pre-election campaigns as well as with the problem of their absence from important decision-making processes.

Labour rights issues have since 2006 been represented in UN recommendations through issues such as workers on waiting lists, respect for contractual obligations, support for labour inspection units, gender equality in labour, labour rights of

minorities (in particular the Roma), trade unions and unemployment. Specific recommendations related to respect for legal obligations toward employees and the demand for more resources for labour inspection units were reiterated in 2013.

The recommendations also address the need to repeal sanctions imposed against persons working in the informal sector and the demand for regular adjustment of the minimum wage to align with the cost of living.

As expected, the dominant and reiterated remarks related to gender equity in the labour market relate to the issues of equal pay for equal work, discriminatory practices against women in public and private employment, and the concentration of women in certain sectors of employment and the informal sector.

The content of recommendations related to unemployment remained almost identical over the period from 2006 until 2013. They stress the need for specific targeted programmes and active employment policies, such as requalification and local employment initiatives, with particular focus on reducing unemployment among disadvantaged and marginalised groups.

Within the general area of ensuring an **adequate standard of living**, which includes housing, social care, healthcare, education and access to water, it should be noted that the UN human rights recommendations are directed mostly at improving the situation in these areas for disadvantaged and marginalised groups. A call was made for the provision of support and material assistance for those in a state of need. It is therefore unsurprising that the recommendations ask for the provision of adequate resources for the social welfare centres. Inter-entity agreements without limitation are required in order to ensure access to pension benefits and healthcare. Disparity in the enjoyment of benefits and rights in all of these areas remains an open issue, with recurring recommendations for the removal of such inequalities. The recommendations require poverty reduction strategies, housing and social housing plans, targeted social and healthcare programmes and inclusive and modernised education.

A review of the condition of the human rights of **vulnerable groups** resulted in a basic set of recommendations demanding the imposition of the above measures in order to eliminate discrimination against vulnerable groups, more precisely Roma, children and LGBTQ. A more specific stance was adopted in relation to groups such as refugees, internally displaced persons, asylum-seekers and migrant workers. Such recommendations require the full implementation of the existing legislation as well as the development of new legislative solutions, adequately funded assistance (legal and other) and clear and sound procedures that are harmonised with the relevant international standards.

It is clear that the above recommendations address the essential social, economic and political problems of contemporary BiH. However, such recommendations receive very limited public attention. Our media analysis of the presence of UN human rights recommendations for Bosnia and Herzegovina in the print media over the period January 2005 to May 2016 supports this argument.

Given the fact that there were only 211 results in our search query it is more than obvious that the subject was not that well covered during the period in question. Once all irrelevant articles had been removed (those that did not substantially cover the subject of the recommendations of the UN committees) about eighty articles remained. Around half of those remaining articles actually covered concrete recommendations and the State's response to them. The other half covered the state of human rights in the country more generally or the State's violations of individual human rights.

There is one dominant characteristic of public discourse regarding the UN human rights recommendations and it relates to the fact that government representatives respond positively in the print media when speaking about the progress achieved, whereas NGOs, who urge the State to implement or pass such laws and recommendations, have a predominantly negative tone. The violations and recommendations most often mentioned are those concerning child rights, women's rights and the rights of people with disabilities. The year that proved most frequent in terms of these search results was 2006.

To conclude, the recommendations of the UN human rights mechanisms should be seen as maximizing potential for the advancement of human rights in Bosnia and Herzegovina and it deserves full exploration. The UN human rights recommendations, especially those reiterated by the UN mechanisms over the years, must serve as the foundation for any further strategic and action planning in the area of human rights. Furthermore, they require broad distribution and promotion in order to ensure that all government and non-governmental human rights institutions rely on them when elaborating frameworks or baselines for their future programmes, projects and activities.

The curricula of both academic and non-formal human rights education programmes must underline the importance of these recommendations. Media reports on human rights should include cases of human rights violations and non-application of the recommendations should be seen within the context of the credibility of BiH when it comes to respect for the human rights of its citizens.

In order to achieve all of the above, NHRIs and key human rights NGOs in the country need to perform a key role as the principal advocates of mainstreaming UN human rights recommendations in Bosnia and Herzegovina.

Recommendations and Potential Next Steps

INSTITUTIONAL FRAMEWORK

The analysis of the institutional framework for human rights clearly points to the need to achieve several strategic goals over the forthcoming period. It begins with a **fully independent and resourced (both in terms of human and financial resources) Institution of the Human Rights Ombudsman of Bosnia and Herzegovina**. This particular strategic goal is to be achieved through more specific activities established under this goal:

(a) The first will involve the **development of, public consultation on and a campaign for a legal initiative that will bring about amendments to the Law on the Institution of the Human Rights Ombudsman of Bosnia and Herzegovina**, with the capacity to guarantee the independence and sustainability of the Institution;

(b) The second will include the **development of, public consultation on and establishment of internal documents to regulate the new and increased organisation of the Institution**, capable of promoting and protecting a wide spectrum of human rights in Bosnia and Herzegovina.

The second strategic issue relates to the need to achieve a **fully operational system of gender mainstreaming**. This means that the legislative procedure has to be established in such a way that it allows the gender agencies to conduct screening of all relevant governmental, legal and policy initiatives and to address any gender issues within them. The specific objective is to **define gender-mainstreaming amendments for the laws regulating the decision-making processes of government at all administrative levels**. This is in order to ensure that opinions issued by the relevant gender agencies, prior to the government taking a final position on them, supplement gender relevant legal and policy initiatives.

Concerning recommendations related to the human rights actions plans, it seems appropriate to define **socio-political and consensual acceptance of the Human Rights Agenda for Bosnia and Herzegovina** as a strategic goal. This would be similar to the Reform Agenda and require a document with a comprehensive overview of the political and socioeconomic measures that need to be implemented in order to achieve implementation of UN and EU human rights recommendations in key areas. These would include the human rights institutional framework, non-discrimination and equality, rule of law, freedom and security, transitional justice, basic freedoms, socioeconomic rights and vulnerable groups.

The obvious problem of human rights data collection has the potential to be framed within the strategic goal, defined as a **fully operational and comprehensive system for the collection and dissemination of human rights indicators**. It is crucial to have a **defined framework that contains consensually agreed and accessible human rights indicators relevant to Bosnia and Herzegovina** in order to reach this strategic goal.

NON-DISCRIMINATION AND EQUALITY

It appears that the anti-discrimination legal framework has been largely established in Bosnia and Herzegovina, regardless of its ineffectual implementation. Therefore, the recommended strategic goal in this regard relates to the demand side of combatting anti-discrimination. This requires an environment in which the **population of Bosnia and Herzegovina is aware of discriminatory practices in different areas of life and familiar with the anti-discriminatory mechanisms for use in such situations**. This will require a **comprehensive intensive and creative national public anti-discrimination campaign** that is precise in its description of all forms of discriminatory practice from everyday life and informative in regard to the available anti-discriminatory mechanisms and their accessibility. When it comes to the discriminatory practices that are significantly present in the public, it is necessary to pay special attention to the problem of ‘others’ in the Constitution of Bosnia and Herzegovina and pupils who attend education institutions that constitute ‘two schools under one roof’.

Operational and easily accessible anti-discriminatory mechanisms are another strategic goal that is of high relevance for this particular area. Of course, they must stand for both government and non-governmental institutions with the mandate or mission to address discriminatory practices. This strategic goal requires measures aimed at **providing resources for and building the capacities of these institutions** to deliver legal advice and representation (including strategic litigation), manage anti-discrimination legislative initiatives and policies, monitor and report, etc. An important element of this particular effort should be the establishment of a **system of training** for judges, prosecutors, lawyers, law enforcement officers and human rights activists. The centres for the education of judges and prosecutors as well as professional associations of legal experts and the academic community should play a very active role in this.

RULE OF LAW

It is obvious through both the UN recommendations and available analyses that a critical point in the future of the rule of law in Bosnia and Herzegovina is the independence of its judicial institutions. Therefore, under the strategic goal defined as an **independent judiciary**, there is a need to define specific objectives. These should include a **resource enabled system of education and training and guidance for judges, prosecutors and law enforcement officials**, especially in the areas of hate crimes and hate speech, organised and financial crime, sexual violence and discriminatory practices. This area further requires the **development and acceptance of new legislative initiatives to ensure the further independence of judicial institutions**, especially the High Judicial and Prosecutorial Council, **completion of the strategic and action framework related to judicial reform, development and implementation of formal procedures based on existing legal solutions, which are designed to discourage and prevent undue influence over judicial institutions and personalities**. **Procedures and resources for effective implementation of victim and witness protection are also required.**

TRANSITIONAL JUSTICE

It is of paramount importance from the perspective of human rights in Bosnia and Herzegovina to highlight the **adoption of the Transitional Justice Strategy for Bosnia and Herzegovina** as a strategic goal.

FREEDOM AND SECURITY OF PERSON

Ensuring effective systematic management of anti-trafficking measures and measures to combat domestic violence constitutes an obvious strategic goal in this area. It will require **new legislative solutions to ensure the functional management of shelters and rehabilitation programmes**, supported by adequate government funding and strong partnerships with non-governmental organisations. Furthermore, it is necessary to introduce **additional legislative initiatives aimed at the harmonisation of criminal law provisions** that address the issues of human trafficking and domestic violence in general. Another priority for the next period is a **defined strategic and action framework aimed at the establishment of an operational juvenile justice system.**

BASIC FREEDOMS

Ensuring the further development and independence of the Communications Regulatory Authority is a strategic determination that is required in the area of human rights. As in the case of the High Judicial and Prosecutorial Council, strengthening of the existing legal framework is required through formal procedures and the provision of adequate funding for their implementation. This will serve the purpose of discouraging and preventing any undue political influence over the media and rights related to freedom of expression and a free press.

An additional strategic goal worthy of serious consideration is the **comprehensive enhancement of media visibility in terms of human rights issues in general.**

LABOUR RIGHTS

Although labour rights cover a wide area that contains a lot of open issues and problems it is of strategic importance from the general perspective of human rights **to ensure the capacities of the human rights institutions (Ministry, Ombudsman and the gender agencies) to effectively oversee and monitor implementation of economic and social rights in BiH.** Their full attention should be directed toward the issues of implementation of active labour market policies (especially those designed to assist vulnerable and marginalised groups), the work of the labour inspection units, equal access to balanced social benefits, trade union organisations and the effect of new labour legislation on the human rights situation in Bosnia and Herzegovina.

RIGHT TO AN ADEQUATE STANDARD OF LIVING, HOUSING, WATER, HEALTHCARE, EDUCATION AND SOCIAL CARE

Human rights issues listed in this part of the Compilation come under the responsibility of a wide network of governmental institutions at all administrative levels in Bosnia and Herzegovina. Therefore, from the general perspective of human rights, the strategic goal is to ensure the legal, human and material preconditions for **NHRIs to be able to monitor and oversee implementation and progress in these areas** as well as the **development of a specific set of human rights indicators** that will enable effective monitoring of progress.

VULNERABLE GROUPS

Empowerment and equal access to benefits and rights represent a key strategic goal when it comes to ensuring the human rights of vulnerable persons. This is closely connected to the strategic goals already defined in regard to non-discrimination and ensuring an adequate standard of living. However, additional legislative initiatives will be required in order to ensure the **proper legal definition of issues such as gender identity and sexual orientation** as well as their proper positioning within the existing criminal legislative framework.

The goal regarding the Roma, as one of the vulnerable groups, is to ensure a comprehensive and detailed strategic and action framework that will engage significant social resources in order to fight the overall problem of Roma poverty in Bosnia and Herzegovina.

POTENTIAL NEXT STEPS

This Compilation represents a step toward implementation of the UN human rights recommendations. It is therefore necessary at this stage to provide a few potential next steps in relation to implementation of the recommendations in Bosnia and Herzegovina.

The first on the list is the wide distribution of the Compilation among governmental, non-governmental and international institutions in order for them to use the Compilation within their future strategic and action planning:

- More specifically, government institutions should be asked to define their strategic and action frameworks, which belong to their mandates, while incorporating the relevant UN recommendations. At the same time, non-governmental organisations should be asked to define their advocacy, monitoring, reporting and policymaking in line with the recommendations. As far as the international community in BiH is concerned, it is expected to determine its human rights assistance and support based on clear input from its counterparts regarding the UN recommendations and to incorporate this into its project proposals and initiatives.

The second set of the next steps relates to a comprehensive human rights action plan for Bosnia and Herzegovina:

- The UN human rights mechanisms require such a plan and therefore a working group has been created within the Ministry for Human Rights and Refugees of BiH. This working group is tasked with drafting the action plan for human rights. The action plan should reflect the entire structure of the UN human rights recommendations, although it is obvious that the responsibility for certain aspects of the plan will remain outside of the competency of the Ministry for Human Rights and Refugees of BiH.
- The action plan has to serve as a central registry for all human rights measures and activities to be implemented throughout the country. As previously mentioned, it has to invoke the connection with the UN human rights recommendations but retain a clearly indicated connection with other strategic documents and action plans that deal with specific human rights issues. However, the measures and actions from those strategies and plans are also to be an integral part of this central and comprehensive human rights action plan. This will ensure that the action plan also performs the role of a human rights monitoring and oversight tool. Once developed, it will only require periodic updates on progress.
- The human rights action plan will require its own outreach or communication strategy. The policy proposal in this regard is to brand the action plan as a human rights agenda with a specific set of human rights measures equally important to the reform agenda and complementary to its content. This is particularly relevant to the set of economic and social rights, which will be under pressure if the reform agenda is duly implemented. Of course, key points in the human rights agenda are to be subject to the aforementioned flagship recommendations:
 - human rights based constitutional reform;
 - further development and full implementation of anti-discrimination legislation;
 - harmonised legislation and an operational and resource enabled institutional infrastructure dealing with vulnerable and marginalised groups, such as women, children, persons with disabilities, Roma and other minorities;
 - a system of free legal aid in the country;
 - equal access to social protection, assistance and benefits for all citizens, regardless of their place (entity or canton) of residence;

- more human and financial resources as well as more independence and authority for key NHRIs, such as the Ombudsman Institution and the Gender Agency and centres;
- human rights based reform of school textbooks and school curricula;
- abolishment of the system of segregation of children in schools;
- human rights education for all;
- human rights training for professionals, especially those in the judicial system;
- combating human trafficking and domestic violence;
- poverty reduction measures and actions;
- promotion and protection of the rights of Roma and other minorities;
- effective monitoring of progress covering a wide area of economic and social rights in Bosnia and Herzegovina.

Lastly, a key feature for the future success of the promotion of the human rights agenda in Bosnia and Herzegovina is a system for the collection and dissemination of human rights indicators in the country:

- In this regard, an immediate priority is to define a specific set of human rights indicators that are relevant, among other things, for measuring progress on implementation of the UN human rights recommendations. When the human rights indicators have been developed in line with the needs and specific context of Bosnia and Herzegovina they then have to be followed by the development and adoption of clear and sound procedures aimed at establishing a system for the collection of human rights indicators in the country.

Annex

COUNTRY PROFILE FOR BOSNIA AND HERZEGOVINA

Status of Ratifications

HUMAN RIGHTS INSTRUMENT: (DATE INTO FORCE)	RATIFICATION STATUS	DECLARATION
International Convention on the Elimination of All Forms of Racial Discrimination :1969	Signature: NA, Ratification/Accession: 1993	
International Covenant on Civil and Political Rights :1976	Signature: NA, Ratification/Accession: 1993	✓
Optional Protocol to the International Covenant on Civil and Political Rights :1976	Signature: 1995, Ratification/Accession: 1995	
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty :1991	Signature: 2000, Ratification/Accession: 2001	
International Covenant on Economic, Social and Cultural Rights :1976	Signature: NA, Ratification/Accession: 1993	
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights :2013	Signature: 2010, Ratification/Accession: 2012	
Convention on the Elimination of All Forms of Discrimination against Women :1981	Signature: NA, Ratification/Accession: 1993	
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women :2000	Signature: 2000, Ratification/Accession: 2002	

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :1987	Signature: NA, Ratification/Accession: 1993	✓
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006	Signature: 2007, Ratification/Accession: 2008	✓
Convention on the Rights of the Child :1990	Signature: NA, Ratification/Accession: 1993	✓
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict :2002	Signature: 2000, Ratification/Accession: 2003	✓
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :2002	Signature: 2000, Ratification/Accession: 2002	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014	Signature: NA, Ratification/Accession: NA	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003	Signature: NA, Ratification/Accession: 1996	
International Convention for the Protection of all Persons from Enforced Disappearance :2010	Signature: 2007, Ratification/Accession: 2012	✓
Convention on the Rights of Persons with Disabilities :2008	Signature: 2009, Ratification/Accession: 2010	
Optional Protocol to the Convention on the Rights of Persons with Disabilities :2008	Signature: 2009, Ratification/Accession: 2010	

DECLARATIONS

RATIFICATIONS (ACRONYM)	DECLARATIONS
<p>International Covenant on Civil and Political Rights (ICCPR)</p>	<p>“The Republic of Bosnia and Herzegovina in accordance with article 41 of the said Covenant, recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State Party to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant.”</p>
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</p>	<p>4 June 2003 “The State of Bosnia and Herzegovina...., accepts without reservations the competence of the Committee Against Torture [in accordance with article 22].”</p>
<p>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT)</p>	<p>23 March 2012 Declaration: “In accordance with article 24 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Bosnia and Herzegovina postpones the implementation of its obligations under part IV of the present Optional Protocol, related to the designation of the national preventive mechanism, for a period no longer than three years.”</p>
<p>Convention on the Rights of the Child (CRC)</p>	<p>„.....“</p>
<p>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC)</p>	<p>Declaration: “The State of Bosnia and Herzegovina will not permit voluntary recruitment into its national armed forces of any person under age of 18. Such provision is incorporated into the Law on Defense of Federation of Bosnia and Herzegovina (“Official Gazette of Federation of Bosnia and Herzegovina” No. 15/96, 23/02, 18/03) and Law on Army of Republika Srpska (“Official gazette of Republika Srpska” No 31/96, 96/01), and is in compliance with Optional Protocol to the Convention on the Rights of the Child that was ratified by Bosnia and Herzegovina.”</p>

**International Convention for the Protection
of all Persons from Enforced Disappearance
(CPED)**

13 December 2012

Article 31

“Bosnia and Herzegovina hereby declares that in accordance with article 31 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, December 20, 2006, Bosnia and Herzegovina recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation of provisions of this Convention by Bosnia and Herzegovina.”

13 December 2012

Article 32

“Bosnia and Herzegovina hereby declares, in accordance with article 32 of the International Convention for the Protection of All Persons from Enforced Disappearance, adopted in New York, December 20, 2006, that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under the Convention.”