



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

Sarajevo, July 2016

The present document is a compilation of the information contained in reports of the treaty bodies and special procedures, including recommendations collected during the two cycles of the Universal Periodic Review of Bosnia and Herzegovina. The document includes the full text of recommendations classified on the basis of violated rights and groups affected by human rights violations. In addition to this, the document also presents a compilation of texts taken from different human rights reports and an analysis following the classification of recommendations. It is prepared with the goal of providing a general overview of the implementation of recommendations in Bosnia and Herzegovina.

The views expressed in this publication are those of the author(s) and do not necessarily represent the views of the United Nations in Bosnia and Herzegovina.

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List of Abbreviations

- AIDS** - Acquired Immune Deficiency Syndrome
- BDBiH** – Brčko District of Bosnia and Herzegovina
- CAT** - The Committee Against Torture
- CCBDBiH** – Criminal Code of Brcko District of Bosnia and Herzegovina
- CCI** - Centres for Civic Initiatives
- CCPR** - The Human Rights Committee
- CEDAW** - The Committee on the Elimination of Discrimination against Women
- CEN** - Central Records of Missing Persons
- CERD** - The Committee on the Elimination of Racial Discrimination
- CESCR** - The Committee on Economic, Social and Cultural Rights
- CMW** - The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families
- CPT** - European Committee for the Prevention of Torture
- CRC** - The Committee on the Rights of the Child
- CRC OPAC** - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- CRC OPSC** - Optional Protocol to the Convention on the Rights of the Child on the sale of Children, child prostitution and child pornography
- CRPD** - The Committee on the Rights of Persons with Disabilities
- CSO** – Civil Society Organizations
- CSW** - Commission on the Status of Women
- DPO** - Data Protection Officer
- ESS** - European Statistical System
- EU** – European Union
- EUFOR** - European Union Force
- FBiH** – Federation of Bosnia and Herzegovina
- HIV** - Human Immunodeficiency Virus
- HJPC** - High Judicial and Prosecutorial Council
- ICMP** - International Commission on Missing Persons
- ICT** - Information and communications technology
- IDAHO** – International Day Against Homophobia and Transphobia
- IDP** - Internally displaced person
- ILO** – International Labour Organization
- IP** - Internet Protocol
- IPA** – Instrument for Pre-Accession Assistance
- IPEC** - International Programme on the Elimination of Child Labour
- IOM** – International Organization for Migration
- ISP** – Internet Service Provider
- LGBT** - lesbian, gay, bisexual, transgender
- LGBTI** - lesbian, gay, bisexual, transgender and intersex
- LGBTQ** – lesbian, gay, bisexual, transgender and queer
- MDG** – Millennium Development Goals
- MPI** - The Missing Persons Institute of Bosnia-Herzegovina
- NGO** – Non-governmental Organizations
- NPA** – National Plan of Action
- OHCHR** - Office of the United Nations High Commissioner for Human Rights
- OP CAT** - Optional Protocol to the Convention against Torture
- OZS** – Witness Protection Department
- PARCO** - Public Administration Reform Coordinator Office

- PISA** - Programme for International Student Assessment
- RS** – Republika Srpska
- SBS** - State Border Service
- SIPA** - State Investigation and Protection Agency
- UN** – United Nations
- UNDP** – United Nations Development Fund
- UNESCO** - United Nations Educational, Scientific and Cultural Organization
- UNICEF** - United Nations Children’s Fund
- UPR** – Universal Periodical Review
- WHO** - World Health Organization

Summary

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 Ombudsman 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.

Introduction

The Compilation of the Recommendations of the UN Human Rights Mechanisms and their Implementation in Bosnia and Herzegovina (UN Treaty bodies, special procedures and Universal Periodical Review) is a publication aimed at providing a clear and systematic review of the recommendations of international bodies in specific areas.

Grouping the largest number of recommendations around issues and rights monitored by international human rights mechanisms allowed for the initial division of the nine areas. Sub-sections were imposed during the systematisation of the recommendations. These are especially relevant to Bosnia and Herzegovina and should allow for an immediate and specialised approach for analysis of these recommendations.

In order to provide a complete overview of the recommendation related to specific issues, a number of recommendations, particularly those that in their content refer to more than one issue or subject, especially crosscutting violations of rights, are repeated in those sections where they remain relevant.

At the end of each recommendation there is an indication of where and in what part of the original text this recommendation can be found, marked, as in the original reports.

When defining the systematisation of the recommendations, the first compilation 'Bosnia and Herzegovina: Compilation of Recommendations of UN Human Rights Bodies' was consulted. Jasminka Dzumhur, who is the BiH Ombudsman and one of the authors of the first compilation, generously shared her experiences in this respect by providing input from the first compilation.

The guiding principle of this compilation was to create a tool that is simple to use and user friendly for academic purposes, developing policies and creating legal solutions and action plans for implementation of the recommendations of international bodies, in line with the international obligations of Bosnia and Herzegovina.

An overview of the current situation in those areas identified by the recommendations supplements the compilation of UN recommendations. The overview should be seen as a compilation of different analyses organised in accordance with insights from some of the key general and sectoral reports and other documents dealing with human rights in Bosnia and Herzegovina. A broad concept of the possible strategic directions aimed at implementation of the recommendations is provided for each section. The principal purpose is to give policymakers some initial considerations from which to start in their efforts to develop a comprehensive human rights action plan for Bosnia and Herzegovina.

This is followed by more inter-sectoral policy recommendations concerning implementation of the UN human rights recommendations.

This compilation is created for usage by the relevant institutions, non-governmental organisations, the academic community and all those who are engaged in work and who study and advocate for human rights.

Authors' Recommendations

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.

Roma are a specific vulnerable group and the goal with regards to the Roma people 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.

Concluding Policy Directions for Implementation of the UN Human Rights Recommendations

This Compilation represents a major step toward implementation of the UN human rights recommendations. It is therefore necessary at this point to offer an overview of some possible additional policy recommendations regarding their implementation 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 recommendations 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 positions 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 BiH.

Compilation of the Recommendations of the UN Human Rights Mechanisms

INSTITUTIONAL FRAMEWORK

1.1. Adequacy of the Legislation

a) Constitution

The State party should reopen talks on the constitutional reform in a transparent process and on a wide participatory basis, including all stakeholders, with a view to adopting an electoral system that guarantees equal enjoyment of the rights under article 25 of the Covenant to all citizens irrespective of ethnicity. **(CCPR 2006, 8)**

The Committee urges the State party to proceed with amending the relevant provisions of the State Constitution and the Election Law, with a view to ensuring the equal enjoyment of the right to vote and to stand for election by all citizens irrespective of ethnicity. **(CERD 2006, 11)**

The Committee urges that the State party ensure that all rights provided by law are granted, both in law and in fact, to every person within the territory of the State Party, irrespective of race or ethnicity. The Committee strongly recommends that the State party review and remove all discriminatory language from the State and Entity Constitutions, and from all legislative and other domestic law texts, including especially, but not limited to, distinctions between so-called “constituent peoples” and “Others.” **(CERD 2006, 12)**

The Committee recommends that the State party take the necessary legislative measures to ensure that the prohibition of ethnic discrimination contained in Article II (4) of the Constitution of Bosnia and Herzegovina applies with respect to the enjoyment of all of the rights and freedoms set forth in Article 5 of the Convention. **(CERD 2006, 10)**

While aware of the difficulties confronting the State party owing to the impact of the armed conflict and the political, economic and social transformation processes in the reconstruction period, the Committee is concerned that in the post-war period women’s enjoyment of their human rights has been negatively affected by several factors: the lack of a gender analysis of the consequences of the armed conflict and the lack of women’s participation in and gender analyses of the peace, reconstruction and transformation processes. The Committee is also concerned that the creation of a constitutional framework as well as of political and administrative structures based on ethnicity as the determining factor has contributed to a limited recognition and implementation of gender equality principles. **(CEDAW 2006, 11)**

To eliminate discriminatory provisions from the Constitution; to adopt comprehensive anti-discrimination legislation including, inter alia, protection against discrimination based on sex or gender; to strengthen the protection of persons against statelessness; and to adopt

measures to guarantee universal birth registration under all circumstances, including for Roma children (Czech Republic). **(UPR 2010, 31)**

To (Republika Srpska) repeal the death penalty from its Constitution (United Kingdom). **(UPR 2010, 52)**

To eliminate the provision of the death penalty from the Constitution of the Republika Srpska (Italy). **(UPR 2010, 53)**

To consider a moratorium on the death penalty as a step towards its effective abolition (Argentina). **(UPR 2010, 54)**

To amend the Constitution in keeping with the recent ruling by the European Court of Human Rights to recognize the equality of all citizens and prevent discrimination against minorities (United Kingdom). **(UPR 2010, 100)**

To move forward with constitutional reform, giving all peoples the equal right to run for elected office and the equal right to participation in the political system (Canada). **(UPR 2010, 101)**

To amend the Constitution and election laws to permit the members of communities other than the Bosniaks, Serbs and Croats to run for the Presidency or become members of the House of Peoples (Netherlands). **(UPR 2010, 102)**

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 8) that the State party should adopt an electoral system that guarantees equal enjoyment of the rights of all citizens under article 25 of the Covenant, irrespective of ethnicity. In this regard, the Committee recommends that the State party, as a matter of urgency, amend its Constitution and Election Law to remove provisions that discriminate against citizens from certain ethnic groups by preventing them from participating in elections. **(CCPR 2012, 6)**

While acknowledging the existing definitions in the gender equality law, the Committee is concerned that the Constitution does not at present include a comprehensive definition of discrimination against women, in line with article 1, or of the principle of equality between women and men, in line with article 2 of the Convention. **(CEDAW 2013, 13)**

In the light of the constitutional review process, the Committee recommends that the State party specifically incorporate into its new Constitution a definition of equality between women and men and a prohibition of direct and indirect discrimination against women in the public and private spheres, in accordance with articles 1 and 2 of the Convention. **(CEDAW 2013, 14)**

Make necessary amendments to the constitution to ensure full integration of all national minorities (Norway). **(UPR 2014, 107. 3)**

Abolish the death penalty in Republika Srpska (France). **(UPR 2014, 107. 55)**

Repeal the death penalty provision in the constitution of Republika Srpska, so that the existing moratorium gives way to the full abolition of the death penalty (Italy). **(UPR 2014, 107. 56)**

Make the necessary constitutional changes to end discrimination against minorities in exercising their right to full political participation (Australia). **(UPR 2014, 107. 119)**

The Government of Bosnia and Herzegovina and the entity governments join forces and amend the Constitution in order to ensure the full political participation of all citizens at all levels of governance, regardless of their national and ethnic origin, and take further steps towards the implementation of the Sejdić and Finci Decision of the European Court of Human Rights, including by establishing an implementation timeline (Czech Republic). **(UPR 2014, 107. 123)**

Bring the Constitution into line with the Sejdić and Finci Decision of the European Court of Human Rights (France). **(UPR 2014, 107. 124)**

Amend the national Constitution and the Electoral Law and to bring them into line with the European Court of Human Rights ruling on Sejdić and Finci (Germany). **(UPR 2014, 107.125)**

The Government of Bosnia and Herzegovina amend its Constitution and the Election Law to remove discrimination on the basis of ethnicity in politics, in line with the European Court of Human Rights judgments in both Sejdić and Finci v. Bosnia and Herzegovina and Azra Zornić v. Bosnia and Herzegovina (Netherlands). **(UPR 2014, 107. 126)**

Take all necessary measures to remove discriminatory provisions from the Constitution and the Electoral Law in line with the European Court of Human Rights judgment (Austria). **(UPR 2014, 107. 128)**

Amend without delay the Constitution with a view to the elimination of discrimination on the basis of ethnicity in public political life and access to public service jobs in conformity with the judgment of the European Court of Human Rights (Belgium). **(UPR 2014, 107. 129)**

b) Law

The Committee recommends that the State party take the necessary legislative, administrative and other measures to ensure that adoption procedures are in full conformity with article 21 of the Convention as well as to consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Furthermore, the Committee recommends that the State party submit disaggregated data in its next report on children involved in domestic and intercountry adoption. **(CRC 2005, 39)**

In the light of article 19 of the Convention, the Committee recommends that the State party: Make sure that the legislative measures currently being undertaken - namely, the new Family Law and the new Law on Protection from Domestic Violence - are expeditiously adopted and adequately implemented in both Entities. **(CRC 2005, 43 a)**

The Committee recommends that the State party take the necessary legislative measures to ensure that the prohibition of ethnic discrimination contained in Article II (4) of the Constitution of Bosnia and Herzegovina applies with respect to the enjoyment of all of the rights and freedoms set forth in Article 5 of the Convention. **(CERD 2006, 10)**

The Committee recommends that the State party enact comprehensive administrative, civil and/or criminal anti-discrimination legislation, which prohibits acts of racial discrimination in employment, housing, healthcare, social security (including pensions), education and public accommodations. **(CERD 2006, 13)**

The Committee calls upon the State party to harmonize the laws of the two entities and to speed up the formulation and adoption of by-laws and the establishment of relevant structures and institutions needed for implementation. In addition, it recommends that concrete measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and are skilled to respond to them in an adequate manner. The Committee also encourages the State party to collect data on incidences of domestic violence against women and, based on such data, continue to develop sustainable strategies to combat this human rights violation. **(CEDAW 2006, 26)**

Adopt effective measures to promptly harmonize lower-level legislation with the different framework laws on education. These measures should include operational guidelines addressed to all actors involved in the educative process, in order to facilitate the task of implementation. **(Vernor Muñoz 2008, 104 c)**

The Committee recommends that the State party take all necessary measures to harmonize its legislation with the Convention in order to implement its provisions. **(CMW 2009, 11)**

The Committee recommends that the State party review its legislation to ensure that migrant workers and members of their families in an undocumented or irregular situation enjoy the rights under Part III of the Convention. **(CMW 2009, 24)**

The Committee urges the State party to strengthen measures to facilitate voting by its nationals abroad. The Committee requests the State party to provide, in its second periodic report, additional information on the legislative framework for facilitating the exercise of this right, as well as its practical implementation in the case of workers resident outside of Bosnia and Herzegovina. **(CMW 2009, 30)**

The Committee encourages the State party to strengthen systematic prevention measures targeting children who are especially vulnerable or at risk in order to protect them from the offences under the Optional Protocol. In addition, the Committee recommends that the State party harmonize State and Entities legislation pertaining to civil registration and take immediate and effective measures to ensure the registration of all children at birth. **(CRC OPSC, 2010, 25)**

The Committee recommends that the State party take steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction over crimes under the Optional Protocol and recommends establishing extraterritorial jurisdiction over crimes under the Optional Protocol without the criterion of double criminality. The Committee further recommends that the State party consider the Optional Protocol to be a legal basis for extradition without the condition of the existence of a bilateral treaty. **(CRC OPSC, 2010, 31)**

The Committee recommends that the State party ensure, including through the adoption of relevant legislation, the seizure and confiscation of materials, assets and other goods used to commit or facilitate any of the offences under the Optional Protocol, the seizure and confiscation of proceeds derived from them, and the closure of premises used to commit such offences, in accordance with article 7 of the Optional Protocol. **(CRC OPSC, 2010, 33)**

To expedite its efforts to adopt the Law on the prohibition of all fascist and neo-fascist organizations and the use of their symbols (Pakistan). **(UPR 2010, 8)**

To intensify efforts to harmonize its national legislation with international standards, including by providing more training for judicial and law enforcement officials for the effective application of international standards (Malaysia). **(UPR 2010, 19)**

To adopt legislation to protect persons with physical disabilities to guarantee their well-being and their possible rehabilitation, without any kind of discrimination (Argentina). **(UPR 2010, 44)**

To amend laws that still contain provisions that discriminate against lesbians, gays, transsexuals and bisexuals (Netherlands). **(UPR 2010, 51)**

To create an appropriate legal framework to guarantee the rights of human rights defenders and to ensure that violence, threats and intimidation against them will be prosecuted (Belgium). **(UPR 2010, 93)**

The Committee recommends that the State party encourage the Entities to harmonize their legislation in order to ensure that migrant workers in the State party fully enjoy the rights enshrined in the Convention, especially in the areas of employment, education and social security. **(CMW 2012, 12)**

The Committee urges the State party to ensure that the new draft law amending the Law on Movement and Stay of Aliens and Asylum fully complies with the provisions of the Convention and to adopt it without delay. **(CMW 2012, 14)**

The Committee recommends that the State party accomplish the harmonization of its anti-discrimination legal framework within a clearly defined time frame, and to include in its next periodic report detailed information on the application of the Law on Prohibition of Discrimination in relation to migrant workers. **(CMW 2012, 20)**

Amend the Law on Movement and Stay of Aliens and Asylum to define the maximum length of administrative detention that is not derogable, with a view to preventing prolonged or indefinite detention. **(CMW 2012, 26 a)**

Furthermore, the State party should enact a law that prohibits the formation of associations that are founded on the promotion and dissemination of, inter alia, hate speech and racist propaganda. **(CCPR 2012, 20)**

The Committee recommends that the State party consider enacting a comprehensive child rights act at the national level, which fully incorporates the principles and provisions of the Convention and its Optional Protocols and provides clear guidelines for their consistent and direct application throughout the territory of the State party. **(CRC 2012, 10)**

Examine and adapt its legislative framework (civil, criminal and administrative) to ensure the legal accountability of companies and their subsidiaries, operating in or managed from the State party's territory, regarding abuses of human rights, especially child rights, and establish monitoring mechanisms, investigation, and redress of such abuses, with a view to improving accountability, transparency and prevention of violations. **(CRC 2012, 28)**

In accordance with article 2 of the Convention, the Committee urges the State party:

(a) To take further legislative measures to systematically harmonize its legislation with the requirements of its 2009 anti-discrimination Law, and raise public awareness on the legal remedies available in cases of discrimination, including by making available information on how to make complaints to the State party's Institution of the Human Rights Ombudsman in Bosnia and Herzegovina, especially in education and health-care institutions where children frequently encounter discrimination. **(CRC 2012, 30)**

The Committee recommends that the State party consider enacting national legislation prohibiting the disclosure of personal details of children by the media and/or journalists and ensuring commensurate penalties for such conduct. It also urges the State party to establish child-specific and child-friendly mechanisms for children to complain against breaches of their privacy, and to increase the protection of children involved in penal proceedings. Furthermore, the Committee recommends that the State party consider conducting campaigns to raise awareness of the Convention and the right of the child to privacy among journalists and other media professionals. **(CRC 2012, 38)**

The Committee recommends that the State party take concrete measures to ensure the harmonization of legislation on domestic violence in all its entities and territories. **(CRC 2012, 42)**

In the light of its general comment No. 9 (CRC/C/GC/9 and Corr.1, 2006), the Committee urges the State party to establish a clear legislative definition of disability and ensure conformity of the legislation, policies and practices in all its territories with, inter alia, articles 23 and 27 of the Convention, particularly for cognitive and mental disabilities, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:

Ensure that legal provisions on construction and their implementation address environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis. **(CRC 2012, 53c)**

Consider the expeditious adoption of its pending law on the right to legal aid free of charge, aimed at providing free legal aid for those unable to afford it, including persons in need of international protection, stateless persons, victims of trafficking and unaccompanied minors. **(CRC 2012, 67d)**

The Committee urges the State party to take the necessary steps, including by adopting adequate laws and a national action plan, to ensure a comprehensive and harmonized approach to the social protection system at the State level in order to eliminate existing disparities in the available social protection and assistance benefits between the Entities and between the Cantons and to reduce poverty taking into account the real needs of beneficiaries. The Committee also reiterates its recommendation to ensure that adequate funds from the overall resources of the Entities, Cantons and municipalities are allocated to the social welfare centres and that these centres are adequately staffed in order to ensure effective functioning. **(CESCR 2013, 22)**

The highly decentralized governance structures create inconsistencies of approach and legal protection of minorities and concerns relating to powers and responsibilities in key areas of minority concern. The Independent Expert on minority issues emphasizes that all levels of government must fully comply with national and international law relevant to minorities and urges an increase in efforts to harmonize approaches and political cooperation to ensure the implementation of minority rights. **(Rita Izsák, 2013, 79)**

The adoption of the Law on the Prevention of All Forms of Discrimination and the laws on the protection of the rights of persons belonging to national minorities at the State and

entity levels are positive steps. However, while these laws are relatively new, implementation in practice remains poor at all levels. The prevailing perception of minorities and returnee communities is that, while the laws meet international requirements, their implementation in practice remains a low political priority. Public awareness initiatives and training of judges and prosecutors is essential. **(Rita Izsák, 2013, 80)**

The State Law on the Protection of the Rights of Persons Belonging to National Minorities should not be interpreted in a restrictive manner. Article 3 allows for the protection under the law of other minority groups who meet specified criteria. The Independent Expert was informed about the existence in the country of a number of additional groups, and notes that more newly settled national, ethnic, religious and linguistic groups must not be excluded from minority rights protection. **(Rita Izsák, 2013, 81)**

Harmonize the Law on the Prohibition of Discrimination with the laws and provisions at entity, district and municipal levels and increase general awareness of the law (Estonia). **(UPR 2014, 107. 28)**

Bring all the national legislation into conformity with the 2009 Anti-Discrimination Law (France). **(UPR 2014, 107. 29)**

Reform laws that contain discriminatory provisions, in particular against Roma people (Iran (Islamic Republic of)). **(UPR 2014, 107.46)**

Continue strengthening legislation aimed at protecting victims of domestic violence (Latvia). **(UPR 2014, 107. 67)**

Set up clear regulatory frameworks for the activities of the security companies in order to ensure their legal accountability regarding human rights abuses (Iran (Islamic Republic of)). **(UPR 2014, 107. 104)**

Provide, in accordance with its obligations under international human rights law, effective protection for the family as the fundamental and natural unit of society (Egypt). **(UPR 2014, 107. 105)**

Review national legislation in order to ensure equal political participation for ethnic and religious minorities (Brazil). **(UPR 2014, 107.120)**

Bring the State legislation into line with CRPD (Angola). **(UPR 2014, 107. 148)**

Harmonize all laws and regulations in order to ensure equal treatment of persons with disabilities throughout the country and to eliminate differential treatment of persons with disabilities based on a cause of disability (Finland). **(UPR 2014, 107. 150)**

Adopt the draft revised law on displaced people and returnees and the draft law on anti-mine action. **(CERD 2015, 6c)**

The Committee recommends that the State party fully harmonize the legislation of its entities on citizenship with the latest amendments to the Law on Citizenship of Bosnia and Herzegovina. Furthermore, the Committee recommends that the State party enact safeguards to prevent statelessness and the discriminatory application of article 9 of the Law on Citizenship. **(CERD 2015, 10)**

b) 1. Criminal Law / Criminal Procedure Law

The State party should incorporate the crime of torture, as defined in the Convention, into the domestic law throughout the State and ensure that the legal definitions in the Republika Srpska and Brcko District are harmonized with the Criminal Code and the Criminal Procedure Code of Bosnia and Herzegovina through any necessary legal amendments. **(CAT 2005, 9)**

The Committee urges the State party to ensure the harmonization of the criminal law provisions of the Entities and of the Brcko District on the crime of domestic violence with the State Law on Gender Equality, as well as their application by judges, prosecutors and the police. The Committee also recommends that the State party take measures to sensitize law enforcement officials and the general public for the causes, criminal nature and the specific needs of victims of acts of domestic violence. **(CESCR 2006, 43)**

The Committee recommends that the State party adopt all legal measures necessary to ensure, at both State and Entity level, that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities are explicitly criminalized in the State party's criminal legislation. **(CRC OPAC, 2010, 14)**

The Committee urges the State party to amend its legislation to ensure that the crimes covered under the Optional Protocol are fully criminalized and harmonized in the Criminal Codes at the level of the State, Entities and Brčko District. In particular, the State party should criminalize:

- (a) The sale of children by offering, delivering or accepting, by whatever means, a child for the purpose of sexual exploitation, transfer of organs of the child for profit, or engagement of the child in forced labour or improperly inducing consent, as an intermediary, for the adoption of a child in violation of the applicable legal instrument on adoption;
- (b) Offering, obtaining, procuring or providing a child for child prostitution;
- (c) Producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography;
- (d) An attempt to commit any of these acts and complicity or participation in any of these acts;
- (e) The production and dissemination of material advertising any of these acts. **(CRC OPSC, 2010, 27)**

The Committee recommends that the State party, in accordance with article 8 of the Optional Protocol, adopt appropriate measures to protect the rights and interests of child victims and witnesses at all stages of the criminal justice process. In particular, the Committee recommends that the State party:

- (a) Ensure that the Federation of Bosnia and Herzegovina and District of Brčko adopt without delay the Law on Protection of Children and Minors in Criminal Procedures and ensure that the law, and the equivalent law in Republika Srpska, are implemented in practice;
- (b) Ensure that State and Entity legislation provides for the definition of the status of a child victim;
- (c) Provide appropriate support services to child victims throughout the legal process, including by adopting the draft law on the right to pro bono legal aid, and ensure the availability of legal aid as well as access to adequate procedures to seek compensation for damages from those legally responsible;
- (d) Ensure that child victims of offences under the Optional Protocol are neither criminalized nor penalized and that all possible measures are taken to avoid the stigmatization and social marginalization of these children;

(f) Take into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex) in the implementation of the above recommendations. **(CRC OPSC, 2010, 37)**

To amend the criminal code in order to include the definition of sexual violence, in accordance with international standards (Spain). **(UPR 2010, 7)**

The Committee, in line with its previous recommendations (CAT/C/BIH/CO/1, para. 9), urges the State party to speed up the process of the incorporation of the crime of torture, as defined in the Convention, into the State party laws as well as the harmonization of the legal definition of torture in the Republika Srpska and Brcko District with the Criminal Code of Bosnia and Herzegovina. The State party should also ensure that these offences are punishable by appropriate penalties which take into account their grave nature, as set out in article 4, paragraph 2, of the Convention. **(CAT 2011, 8)**

To, in line with the Committee's previous recommendation (CRC/C/15/Add.260, para. 26), develop, in consultation with the media, a code of conduct with a view to eliminating the stereotyping and stigmatization of minority and/or ethnic groups in the media. **(CRC 2012, 30 d)**

The Committee recommends that the State party:

- (a) Develop appropriate legislation and legal frameworks to ensure the effective pursuit of perpetrators as well as assistance for and protection of victims and witnesses;
- (b) Ensure commensurate sanctions for perpetrators of child sexual exploitation and abuse offences within its jurisdiction and throughout its territory;
- (c) Ensure the provision of adequate human, technical and financial resources for the implementation of the Action Plan for improving the system of protection against child pornography and other forms of sexual exploitation and sexual abuse of children through information and communication technologies in Bosnia and Herzegovina (2010-2012). **(CRC 2012, 44)**

The Committee reiterates its recommendation that the State party adopt all legal measures necessary to ensure, at the State, entity, and district levels, that the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in the State party's criminal legislation. **(CRC 2012, 69)**

The Committee reiterates its recommendations that the State party amend its legislation to ensure that the crimes covered under the Optional Protocol are fully criminalised and harmonised in the Criminal Codes at the level of the State, Entity and District and take steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction over crimes under the Optional Protocol and without the criterion of double criminality. The Committee further recommends that the State party consider the Optional Protocol to be a legal basis for extradition without the condition of the existence of a bilateral treaty (Article 5 (2)). **(CRC 2012, 75)**

The State party should revise the law that provides for the detention of persons who are subject to removal from the State party on grounds of national security to ensure that full legal security is guaranteed and that such persons are not held indefinitely. In this regard, the State party should also consider introducing other methods of surveillance in place of indefinite detention. The State party should also ensure that, in all cases involving refoulement, all appeals to courts have suspensive effect and all relevant information on the situation in the country of origin is duly taken into account by competent administrative and judicial organs. **(CCPR 2012, 14)**

The State party should consider removing from the Code of Criminal Procedure of Bosnia and Herzegovina the ill-defined concept of public security or security of property as a ground for ordering pretrial detention (CCPR 2006, 18). The Committee reiterates its previous concluding observation

(CCPR/C/BIH/CO/1, para. 18) and recommends that the State party should consider removing from the Code of Criminal Procedure of the State party the ill-defined concept of public security or security of property as a ground for ordering pretrial detention of individuals that are considered a threat to public security or property. **(CCPR 2012, 15)**

The Committee recommends that the State party:

- (a) Harmonize the Criminal Codes of both the Entities and the Brčko District with relevant State legislation;
- (b) Criminalize the sale and prostitution of children, including migrant children, in line with the recommendations of the Committee on the Rights of the Child. **(CMW 2012, 48)**

The Committee urges the State party to intensify its efforts, including through the adoption at State level of the draft law on amendments to the Criminal Law of the Federation of Bosnia and Herzegovina, which expands the definition of a hate crime, to ensure the sustainable return of refugees and internally displaced persons to their home communities by ensuring their equal enjoyment of Covenant rights, especially in the field of social protection, health care, education and employment. **(CESCR 2013, 12)**

Amend the Criminal Codes of both entities and of Brčko District to harmonize them with the relevant provisions of the Criminal Code of Bosnia and Herzegovina in order to ensure that acts of trafficking are adequately prosecuted. **(CEDAW 2013, 24 a)**

Amend the Criminal Code of Bosnia and Herzegovina to ensure it includes a definition of sexual violence that is in accordance with international standards and jurisprudence related to the prosecution of war crimes of sexual violence. **(Rashida Manjoo 2013, 105 II c)**

Remove from all criminal codes any conditions of force or threat of immediate attack, to recognize a sexual act as non-consensual, and include a specific prohibition of marital rape. **(Rashida Manjoo 2013, 105 II d)**

Make necessary reforms to the criminal justice system to ensure that:

(i) Courts impose sentences that are commensurate with the gravity of domestic violence offences. Sentencing below the prescribed minimum penalties in law should be an exception and always thoroughly justified. Clear explanations should be provided vis-à-vis the consideration of extenuating and aggravating circumstances in all cases of domestic violence. Furthermore, suspended sentences should be applied minimally and always following a thorough assessment of the consequences for the individual victims.

(ii) Prosecutors take into consideration any aggravated forms of violence, such as the use of weapons or causing grievous bodily harm, when classifying crimes. Prosecutors should ensure the necessary evidence is collected during the investigatory phase to reduce their reliance on victim testimonies.

(iii) Protection measures are speedily and effectively implemented independently from any sanctions against perpetrators of domestic violence. Women victims should be informed by the relevant authorities about their right to request such measures. **(Rashida Manjoo 2013, 105 II e)**

Maintain and strengthen the harmonization process of the criminal legislation of the country with international standards (Senegal). **(UPR 2014, 107. 4)**

Enact legislation and norms prohibiting the creation of associations that promote and disseminate hate speech and racism, consistent with appropriate international instruments (Chile). **(UPR 2014, 107. 41)**

Eliminate from legislation the concept of preventive detention on the grounds of threats to public security or property and ensure due process in all detentions (Mexico). **(UPR 2014, 107. 96)**

b) 1.1. Sexual Violence

Address serious problems associated with pursuing perpetrators of child pornography and other forms of sexual exploitation and sexual abuse of children and providing assistance for and protection of victims and witnesses (Iran (Islamic Republic of)); **(UPR 2014, 107. 77)**

Make necessary amendments to the national legislation in order to bring it into line with international obligations and commitments for the protection of children and in particular for their protection against sexual abuses, as well as against trafficking of persons (Switzerland). **(UPR 2014, 107. 78)**

Raise public awareness of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lithuania). **(UPR 2014, 107. 79)**

b) 1.2. Trafficking

Consider amending the Criminal Code and the Criminal Procedure Code to ensure that persons convicted of trafficking receive punishments that reflect the seriousness of the crime. **(CAT 2005, 21b)**

The Special Rapporteur welcomes the efforts at coordination undertaken by the Government, including through the appointment of the State Coordinator, and encourages the Government to achieve further progress along this path. **(Sigma Huda, 2005, 77)**

The impressive legislative reform accomplished in Bosnia and Herzegovina has provided a framework for the prevention of trafficking and the prosecution of perpetrators. However, the Special Rapporteur notes that there are still weaknesses and recommends further efforts to harmonize the provisions of entity-level criminal laws with the State criminal law. In this context, she recommends that further reforms be undertaken to ensure that the crime under article 187 of the Criminal Code is prosecuted as trafficking and that issues of jurisdiction be clarified. The Special Rapporteur further recommends necessary legislative reforms to ensure that prostitutes are not criminalized and that assets and illegally obtained property are confiscated, and that the proceeds go directly into a compensation fund for victims. **(Sigma Huda, 2005, 78)**

The Special Rapporteur believes that reforms are necessary on issues such as the employment of aliens and their access to health and social rights, so as to ensure that they do not become vulnerable to trafficking. **(Sigma Huda, 2005, 79)**

The Committee recommends that the State party continue its efforts to address trafficking, including through measures aimed at prevention as well as the care and rehabilitation of victims of trafficking. The Committee encourages the State party to continue to combat trafficking through the prosecution of those responsible. **(CMW 2009, 38)**

The Committee reminds the State party that its legislation must satisfy its obligation with regard to the sale of children, a concept which is not identical to trafficking in persons, in order to adequately implement the provision contained in the Optional Protocol. **(CRC OPSC, 2010, 9)**

Ensuring that trafficking is defined as a crime in all parts of the State party, in accordance with international standards, and that these offences are punishable by appropriate penalties which take into account their grave nature. **(CAT 2011, 23 a)**

The Committee recommends that the State party:

- (d) Allocate adequate resources to implementing strategies to combat trafficking;
- (e) Develop effective mechanisms to identify victims of trafficking, especially migrant women and children; and
- (f) Provide adequate assistance, protection and rehabilitation to all victims of trafficking in human beings, including migrant workers, by funding non-governmental organizations assisting those victims, and ensure that victims of trafficking are informed of their rights under the Convention. **(CMW 2012, 48)**

The Committee recommends that the State party:

Enact legislation to subject persons exploiting children through forced begging to criminal sanctions. **(CRC 2012, 71a)**

The Committee recommends that the State party:

- (a) Take measures, including by considering the establishment of an independent third party monitor, to ensure that all cases of trafficking are subject to due and proper investigations;
- (b) Ensure commensurate sanctions for perpetrators of trafficking-related cases, particularly those involving child victims;
- (c) Ensure that the age of a victim never constitutes the sole grounds for invalidating his/her testimony;
- (d) Allocate specific human, technical and financial resources for investigating trafficking for forced marriage and/or involuntary servitude. **(CRC 2012, 73)**

The Committee recommends that the State party promote the harmonization of legislation in the field of criminalization of trafficking in human beings at all levels of the State. The Committee also requests the State party to provide statistical data on the number of cases where charges were brought against law enforcement officials involved in trafficking, and on sentences imposed. **(CESCR 2013, 27)**

The Committee recommends that the State party develop and adopt amendments to the Laws on Social Protection and Labour in order, in accordance with international standards, to recognize victims of trafficking as an eligible group for social protection assistance. **(CESCR 2013, 28)**

Amend laws to explicitly prohibit all forms of human trafficking, with a specific focus on child labour and forced begging (United States of America). **(UPR 2014, 107. 81)**

b) 2. Gender Equality

The Committee recommends that the State party amend existing legislation in order to adequately reflect and implement the Law on Gender Equality of 2003 and that it increase the resources of the Agency for Gender Equality to enable it effectively to monitor and combat gender discrimination in the field of economic, social and cultural rights. **(CESCR 2006, 34)**

While aware of the difficulties confronting the State party owing to the impact of the armed conflict and the political, economic and social transformation processes in the reconstruction period, the Committee is concerned that in the post-war period women's enjoyment of their human rights has been negatively affected by several factors: the lack of a gender analysis of the consequences of the armed conflict and the lack of women's participation in and gender analyses of the peace, reconstruction and transformation processes. The Committee is also concerned that the creation of a constitutional framework as well as of political and administrative structures based on ethnicity as the determining factor has contributed to a limited recognition and implementation of gender equality principles. **(CEDAW 2006, 11)**

The Committee is concerned that the adoption of the Law on Gender Equality has not yet led to a harmonization, as required, of existing legislation with this law, although a large number of amendments have been formulated. **(CEDAW 2006, 15)**

The Committee recommends that the State party speed up the process of law harmonization in order to comply with its obligations under the Law on Gender Equality (art. 30, para. 2), and under all articles of the Convention and that it put in place procedures for the effective implementation and enforcement of these laws. **(CEDAW 2006, 16)**

To take the steps necessary to harmonize other legislation with the Gender Law in order to ensure women's access and participation in decision-making bodies (Norway). **(UPR 2010, 103)**

While acknowledging the existing definitions in the gender equality law, the Committee is concerned that the Constitution does not at present include a comprehensive definition of discrimination against women, in line with article 1, or of the principle of equality between women and men, in line with article 2 of the Convention. **(CEDAW 2013, 13)**

Establish effective institutional mechanisms to coordinate, monitor and assess the effectiveness of the impact of the strategies developed and measures taken with a view to ensuring the consistent application of the laws at all levels. **(CEDAW 2013, 22 a)**

Develop a confidential and safe system for filing complaints related to gender-based discrimination and sexual harassment in the workplace, and ensure that victims have effective access to such means of redress. **(CEDAW 2013, 34 e)**

Fully implement without further delay the provisions on the Law on Gender Equality and include the prohibition of discrimination against women in the new constitution (Austria). **(UPR 2014, 107. 33)**

Continue increasing concrete measures within the framework of the 2011–2015 Strategy and its plan of action, for the promotion and protection of gender equality and women's rights (Venezuela (Bolivarian Republic of)). **(UPR 2014, 107. 35)**

Adopt additional measures to achieve gender equality, in policy formulation and decision-making at all levels of Government (Bahrain). **(UPR 2014, 107. 131)**

b) 3. Election Law

The State party should harmonize the quota system of the Election Law with the requirements of the Gender Equality Law and take special measures in addition to statutory

quotas to enhance the representation of women in all legislative and executive bodies. **(CCPR 2006, 11)**

While noting that the Law on Gender Equality in Bosnia and Herzegovina provides for equal representation in decision-making processes, the Committee is concerned that the recent amendments to the election law did not incorporate this aspect and, furthermore, that the introduction of open lists of candidates in the last election resulted in a significant decrease of women in the Parliamentary Assembly of Bosnia and Herzegovina. The Committee is also concerned about the underrepresentation of women in elected and appointed bodies and about the underrepresentation of women, particularly at high levels, in the public administration and the judiciary, in administrative and managerial bodies of educational institutions, in State-owned companies or in business and professional associations and in political parties. **(CEDAW 2006, 29)**

The Committee urges the State party to harmonize the election law with the Law on Gender Equality and to strengthen and implement measures to increase the representation of women in elected and appointed bodies and in decision-making positions in public administration, the judiciary and in positions in State-owned companies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee also encourages the State party to sensitize private enterprises, trade unions and political parties as to the promotion of women in decision-making positions. **(CEDAW 2006, 30)**

The Committee reiterates its recommendation that the State party proceed with amending the relevant provisions of the State and entities' constitutions and the election laws, with a view to removing all discriminatory provisions and, in particular, to ensuring the equal enjoyment of the right to vote and to stand for elections by all citizens irrespective of their ethnic background. **(CERD 2010, 7)**

To undertake significant further activities to amend electoral legislation regarding the members of the Bosnia and Herzegovina Presidency and the delegates of the House of Peoples, to ensure full compliance with the European Convention on Human Rights (Slovenia). **(UPR 2010, 98)**

The use of the term "others" in the Constitution and electoral laws is inappropriate and implies a lower status given to minorities and persons who identify as Bosnian or not belonging to a constituent people. It is discriminatory in terms of protection of rights, as demonstrated by provisions that exclude "others" from election to certain offices. Revision of the Constitution should replace this term in favour of language in line with the Law on the Protection of the Rights of Persons Belonging to National Minorities. **(Rita Izsák, 2013, 89)**

The Committee urges the State party to make all efforts necessary to reach an agreement on constitutional changes as well as changes to the Electoral Law to abolish every discriminatory treatment on the basis of ethnicity and to amend the constitutions of the entities as well as local laws and regulations accordingly. In undertaking these measures, the Committee recommends that the State party ensure that representatives from all minority groups are integrated at all stages of the consultation processes. **(CERD 2015, 5)**

c) Conventions

The Committee, in the light of the Vienna Declaration and Programme of Action, recommends that the State party withdraw its reservation (to article 9, paragraph 1, of the Convention) as expeditiously as possible and that it take the necessary procedural measures to that effect. **(CRC 2005, 7)**

The Committee strongly recommends that the State party ratify the amendments to Article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111. In this regard, the Committee refers to General Assembly resolution 59/176 of 20 December 2004, in which the Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment, and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. **(CERD 2006, 27)**

The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay. **(CEDAW 2006, 41)**

The Committee emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of Goals and requests the State party to include information thereon in its next periodic report. **(CEDAW 2006, 42)**

The Committee commends the State party for having ratified the seven major international human rights instruments. The Committee notes that the State party's adherence to those instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. **(CEDAW 2006, 43)**

The Representative invites the authorities to consider accepting the competence of the Committee on the Elimination of Racial Discrimination to examine individual communications, by making the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. **(Walter Kälin, 2006, 60)**

The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolutions 61/148 and 63/243, in which the General Assembly strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. **(CERD 2010, 17)**

Strengthen its mechanisms for monitoring the adoption of children and to ratify the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. **(CRC OPSC, 2010, 23 c)**

The Committee recommends that the State party ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. In addition, the Committee recommends that the State party ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. **(CRC OPSC, 2010, 46)**

To sign and ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol to ICESCR, and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain). **(UPR 2010, 1)**

To ratify the Convention on the Rights of Persons with Disabilities (Mexico). **(UPR 2010, 2)**

To consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, and accept the competence of the relevant committee (Argentina). **(UPR 2010, 3)**

To sign and ratify the Convention on the Rights of the Persons with Disabilities (Argentina). **(UPR 2010, 4)**

To ratify the Convention on the Rights of Persons with Disabilities (Qatar). **(UPR 2010, 5)**

The Committee encourages the State party, in order to further strengthen the fulfilment of children's rights, to accede to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and all core human rights instruments, including International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers. **(CRC 2012, 78)**

The Committee invites the State party to consider ratifying ILO Convention No. 189. **(CMW 2012, 8)**

The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention. **(CMW 2009, 14)** The Committee reiterates its recommendation that the State party make the declarations provided for in articles 76 and 77 of the Convention (CMW/C/BIH/CO/1, para. 14). **(CMW 2012, 10)**

The Government of Bosnia and Herzegovina has recognized the importance of upholding and protecting the human rights of women by signing and ratifying relevant international human rights instruments and enacting legislation that acknowledges the State's obligation to provide measures of prevention, protection, assistance and compensation. The success of these initiatives, however, is hampered by the high levels of fragmentation and the fact that no State-level authority has the jurisdiction to ensure the adequate implementation of these initiatives. This often results in the lack of effective redress for women who have been victims of violence, both past and present. **(Rashida Manjoo 2013, 102)**

Ratify the Council of Europe Convention on Violence against Women and Domestic Violence and ensure that the State and entity-level laws on Protection from Family Violence are adequately harmonized with these standards. **(Rashida Manjoo 2013, 105 II a)**

The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention. **(CEDAW 2013, 43)**

Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal). **(UPR 2014, 107. 1)**

Sign and ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Slovakia). **(UPR 2014, 107. 2)**

Proceed with the adaptation of legislation in all its national territory, in conformity with the provisions of the Second Optional Protocol to the International Covenant on Civil and Political Rights, signed and ratified by the country (Spain). **(UPR 2014, 107. 54)**

The Committee reiterates its recommendation contained in the previous concluding observations that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992 (CERD/C/BIH/CO/7-8, para. 17). **(CERD 2015, 17)**

The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention, recognizing the competence of the Committee to receive and consider individual complaints. **(CERD 2010, 16)** The Committee encourages the State party to consider making the optional declaration provided for in article 14 of the Convention, recognizing the competence of the Committee to receive and consider individual complaints. **(CERD 2015, 18)**

1.2. Human Rights Institutions

The Committee recommends that the State party further strengthen and support the Council for Children with adequate human and financial resources in order to empower it to develop and coordinate comprehensive and uniform implementation of all policies throughout the country. **(CRC 2005, 13)**

The Committee recommends that the State party take immediate measures to reactivate the Council for Children of Bosnia and Herzegovina and to establish a Department for Human Rights of Children under the BiH Ministry for Human Rights and Refugees. It further recommends that the State party consider placing the Council for Children or the new Department for Human Rights of Children, or another appropriate body, in charge of the coordination and evaluation of the implementation of the Convention and the two Optional Protocols and provide it with the human, technical and financial resources and authority within the Government to carry out its mandate effectively. **(CRC OPSC, 2010, 13)**

To consider in a timely manner the establishment of a national human rights institution, with accreditation status granted by the Intentional Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Slovakia). **(UPR 2010, 12)**

To take the measures necessary to accelerate the unification of the three national human rights institutions, which should have been completed at the end of 2006, in order to help avoid fragmented policies and administrative structures that hinder the fulfilment of human rights (Mexico). **(UPR 2010, 13)**

To strengthen the role of and provide the necessary resources to the National Council of Children (Austria). **(UPR 2010, 14)**

To strengthen the competence of the Communications Regulatory Agency to reduce the risk of inciting ethnic or religious hatred (Pakistan). **(UPR 2010, 15)**

To continue to strengthen its institutional mechanisms for the protection of human rights and freedoms (Egypt). **(UPR 2010, 18)**

To request and be extended all its assessed needs, including all possible technical, human and financial resources, to complement its efforts to strengthen the human rights infrastructure in accordance with its Constitution and international standards (Pakistan). **(UPR 2010, 124)**

The State party should, in line with the recommendations made by the Working Group on the Universal Periodic Review and accepted by the State party (A/HRC/14/16, para. 90 (recommendation 17) and A/HRC/14/16/Add.1, para. 10), expedite the establishment of the national preventive mechanism, in full compliance with the minimum requirements of the Optional Protocol. The national preventive mechanism should be granted sufficient financial, human and material resources with a view to assuming its mandate effectively. **(CAT 2011, 25)**

The Committee urges the State party to take the necessary measures:

(b) To reinforce the coordination role of the Ministry for Human Rights and Refugees by ensuring that the Ministry has sufficient authority and adequate human, technical and financial resources to effectively coordinate actions for children's rights across different sectors and from the national to the entity, district and canton levels;

(c) To strengthen the role and leadership of the Ministry for Human Rights and Refugees in advocacy for child rights, policy formulation, monitoring of implementation of programmes and mobilization of resources for children;

(d) To consider reinstating the Council for Children to assist in the above;

(e) To rationalize the work of the various child rights bodies and provide them with the necessary human and financial resources to carry out their role with efficiency. **(CRC 2012, 14)**

Taking into account the Committee's general comment No. 2 (CRC/GC/2002/2, 2002), the Committee recommends that the State party take appropriate measures to ensure that its Department for the Protection of Child Rights in the Federation of Bosnia and Herzegovina and its Ombudsman for Children in Republika Srpska are provided with adequate human, technical and financial resources as well as the immunities required for them to function effectively, including with regard to dealing with complaints from children in a child-sensitive and expeditious manner, and for ensuring adequate follow-up to recommendations issued by these child rights mechanisms. **(CRC 2012, 20)**

Councils of national minorities at the State and entity levels are important advisory and consultative bodies. To fulfil their potential it is essential that the powers afforded to them are appropriate to their status, and that their reports and recommendations are taken fully into account on matters relevant to minorities. Appointment to the councils should not be unduly influenced by political parties but based on a transparent process to appoint candidates who belong to a national minority and who represent the interests of that minority. **(Rita Izsák, 2013, 82)**

a) Ombudsman

The Committee recommends that the State party support the Ombudsmen offices in undertaking public-awareness campaigns targeting in particular parents and children with a view to informing them about the existence and functions of the child rights departments within the Ombudsmen office, and in particular on their power to receive and investigate complaints related to violations of children's rights. The State party is further encouraged to seek technical cooperation in this regard from, among others, the United Nations Children's Fund (UNICEF) and the Office of the United Nations High Commissioner for Human Rights (OHCHR). **(CRC 2005, 15)**

The Committee recommends to the State party that it ensure the financial autonomy and functional effectiveness of the Office of the Ombudsman, in accordance with the Paris Principles of 1993, and that in the event of a merger among the Ombudsman Offices of the State and its constituent entities, such consolidation proceed with a view towards ensuring a unitary rather than ethnically divided approach to defending fundamental human rights. **(CERD 2006, 9)**

The Committee recommends that the State party ensure the independence and impartiality of the Office of the State Ombudsman and adopt one common human rights approach. **(CESCR 2006, 30)**

The Committee recommends that the State party intensify efforts to consolidate the Ombudsman for Human Rights of Bosnia and Herzegovina and ensure a unitary approach to protecting and promoting human rights, and the Convention and its Optional Protocols in particular. **(CRC OPSC, 2010, 21)**

The Committee furthermore recommends that the State party intensify efforts to consolidate the Ombudsman for Human Rights of Bosnia and Herzegovina and ensure a unitary approach to protecting and promoting human rights, and the Convention and its Optional Protocols in particular. **(CRC OPAC, 2010, 11)**

The Committee recommends the State party to take the relevant political, professional, financial, technical and other measures to ensure effective independence and autonomy for the Office of the Human Rights Ombudsman in accordance with the Paris Principles of 1993 (A/RES/48/134 of 20 December 1993), and to enable the effective and efficient work of local national minorities' councils. **(CERD 2010, 9)**

To take further activities to improve the situation of the State-level Ombudsmen (Slovenia). **(UPR 2010, 9)**

To provide to the Ombudsman the material support necessary to ensure its effectiveness and independence (Poland). **(UPR 2010, 10)**

To strengthen the capacity and improve effectiveness of the State-level human rights Ombudsman, ensuring adherence to the Paris Principles (United Kingdom of Great Britain and Northern Ireland). **(UPR 2010, 11)**

The State party should increase its efforts to restructure and strengthen the Ombudsman by:

(a) Adopting a more consultative and open process for the selection and appointment of the Ombudsman in order to guarantee the independence of the Ombudsman in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles, General Assembly resolution 48/134);

- (b) Providing adequate human, material and financial resources;
- (c) Developing the Ombudsman's capacity to monitor all places of deprivation of liberty in Bosnia and Herzegovina, especially in the absence of an independent prisons inspectorate;
- (d) Ensuring the implementation of the Ombudsman's recommendations. **(CAT 2011, 11)**

The State party should strengthen its efforts to ensure that the Office of the Ombudsperson enjoys financial autonomy and is provided with adequate financial and human resources commensurate with the additional activities conferred upon it. **(CCPR 2012, 5)**

The Committee recommends that the State party ensure the independence and impartiality of the Ombudsman's institution in compliance with the principles relating to the status of national institutions (Paris Principles) and provide it with sufficient financial and human resources for the effective implementation of its mandate. **(CESCR 2013, 9)**

The Human Rights Ombudsman is an essential independent human rights institution. Consideration should be given to strengthening its role and activities relating to minority issues, including by providing more resources to allow proactive initiatives. Ensuring appropriate representation of minorities is essential. The necessary consultative and legal steps should be taken to enable the appointment of an ombudsperson representing minorities. Such a representative should not be affiliated with the three constituent peoples already represented. **(Rita Izsák, 2013, 83)**

Strengthen the capacities of the Ombudsman; intensify government support to this institution and take its recommendations into account (France). **(UPR 2014, 107. 6)**

Strengthen the capacity and improve the effectiveness of the national Ombudsman, ensuring full adherence to the Paris Principles (Germany). **(UPR 2014, 107. 7)**

Allocate adequate funding to strengthen the State level Human Rights Ombudsman and allow early implementation of Venice Commission recommendations (United Kingdom of Great Britain and Northern Ireland). **(UPR 2014, 107. 8)**

Provide the Ombudsman with the necessary financial resources, with a view to preserving its "A" status of accreditation (Morocco). **(UPR 2014, 107.9)**

Provide budgetary and legal support to the Ombudsman for Human Rights in order to ensure its effectiveness and institutional independence (Poland). **(UPR 2014, 107. 10)**

Enhance the independence of the Ombudsman, in accordance with the Paris Principles, ensuring adequate funding for its proper functioning (Portugal). **(UPR 2014, 107. 11)**

Provide the Ombudsman institution with adequate financial and human resources so that it can fulfil its mandate effectively (Slovakia). **(UPR 2014, 107. 12)**

In the light of its general recommendation No. 17 on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party allocate to the Institution of Human Rights Ombudsman of Bosnia and Herzegovina all the human, technical and financial resources necessary to efficiently carry out its mandate and eliminate references to the ethnicity of the Ombudsmen in the law on the Ombudsman for Human Rights, taking into account the principle of neutrality of such institutions and their mission to protect human rights for all. **(CERD 2015, 7)**

b) Gender Agency

While welcoming the efforts of the newly established Gender Equality Agency, the Committee expresses its concern that this national machinery for the advancement of women, which is understaffed and under resourced, is unable to fully carry out its wide-ranging mandate as described in the Law on Gender Equality and that its positioning within one State-level ministry may create obstacles to its effectiveness in working with other ministries. **(CEDAW 2006, 19)**

The Committee recommends that the State party strengthen the Gender Equality Agency by giving it greater authority vis-à-vis relevant ministries and the Council of Ministers in its assessments of laws, acts and by-laws from a gender perspective, as well as with additional human and financial resources. It also recommends that the State party review the appropriateness of the location of the Gender Equality Agency in the Ministry of Human Rights and Refugees and consider establishing it as a body that would directly report to the Council of Ministers of Bosnia and Herzegovina. The Committee further recommends that the State party continue to raise awareness and build capacity of all Government agencies at the State, entity, cantonal and municipal levels with respect to their collective responsibility to implement the Convention. **(CEDAW 2006, 20)**

While welcoming the continued cooperation between the Gender Equality Agency and the Gender Centres of the entities and the forthcoming adoption of a new gender action plan (2013-2017), the Committee is concerned about the limited cooperation between existing gender equality bodies and relevant ministries at all levels; insufficient gender mainstreaming within ministries at all levels; the resulting weak implementation of the gender action plan owing to, notably, an unclear division of responsibilities among the competent bodies; and the insufficient inclusion of disadvantaged women in the formulation of policies and programmes. The Committee also reiterates its concern that the Gender Equality Agency is not sufficiently visible and that its position within one State-level ministry may create obstacles to its effectiveness in working with other ministries. Furthermore, while noting that the mandate of gender equality bodies includes the submission of opinions prior to the adoption of new laws and regulations, the Committee is concerned about the limited human, financial and technical resources of the national machinery to efficiently promote, coordinate, monitor and evaluate national gender equality legislation and policies in the State party. **(CEDAW 2013, 17)**

In view of the implementation of the new gender action plan, the Committee calls upon the State party to establish effective cooperation mechanisms between the gender equality bodies and the relevant ministries in order to increase gender mainstreaming in all areas and at all levels, including with regard to disadvantaged groups of women. The Committee also calls upon the State party to strengthen the Gender Equality Agency by giving it greater visibility and authority vis-à-vis relevant ministries and the Council of Ministers. In addition, the Committee recommends that the State party provide the national machinery with the necessary human, financial and technical resources to improve its effective functioning, in particular by including technical capacity-building activities and capacity for enhanced cooperation with civil society, as well as introduce effective monitoring and accountability mechanisms at all levels in the context of its system for gender mainstreaming, including sanctions for non-compliance. **(CEDAW 2013, 18)**

The Committee recommends that the State party strengthen the Gender Equality Agency's involvement in the assessment of legal documents, from a gender equality perspective, proposed for the adoption by the State party's Council of Ministers. The Committee also recommends that the State party provide the national machinery in the field of gender equality with the necessary human and financial resources to improve its effective functioning. **(CESCR 2013, 14)**

1.3. Human Rights Action Plans

The Committee recommends that the State party implement effectively its national Action Plan for children, which should aim at the realization of the principles and provisions of the Convention and take into account, inter alia, the Declaration and the Plan of Action "A world fit for children" adopted by the General Assembly special session on children in May 2002. Furthermore, the Committee recommends that the State party take all necessary measures to ensure the effective functioning of the Council for Children, including appropriate follow-up to its recommendations by State authorities and bodies and that it consider extending membership in the Council to representatives of non-governmental organizations. **(CRC 2005, 11)**

While welcoming the formulation of a draft gender action plan for the State party, which integrates the previous draft national action plan on gender, based on the Beijing Declaration and Platform for Action, the Committee is concerned that its adoption may be delayed by political processes and that its implementation may be impeded by insufficient understanding of Government officials in the relevant ministries at all levels which are responsible for its implementation as well as by a lack of funds. **(CEDAW 2006, 21)**

The Committee recommends that the draft gender action plan be speedily submitted to the Council of Ministers and to the Parliamentary Assembly so that its adoption may take place before the next election in 2006. The Committee also recommends that the State party immediately undertake efforts to continue gender training of Government officials at all levels and to allocate funds for the Plan's implementation by creating budget lines within the ministries charged with implementation as well as by soliciting international donors. **(CEDAW 2006, 22)**

The Committee recommends that the State party develop a national plan of action aimed at addressing specifically all issues covered under the Optional Protocol and provide adequate human and financial resources for its implementation. In doing so, the State party should pay particular attention to the implementation of all provisions of the Optional Protocol taking into account the Declaration and Agenda for Action and the Global Commitment adopted at the First, Second and Third World Congresses against Commercial Sexual Exploitation of Children held in Stockholm, Yokohama and Rio de Janeiro in 1996, 2001 and 2008, respectively. **(CRC OPSC, 2010, 11)**

The Committee recommends that the State party:

Adopt a national plan for the prevention of sale of children, child pornography and child prostitution; **(CRC OPSC, 2010, 23 a)**

To fully implement the Gender Action Plan, to develop a more coordinated response to authorities, and to protect victims of domestic violence and provide them with adequate care (Australia). **(UPR 2010, 59)**

The Committee recommends that the State ensure that its Action Plan is provided with adequate human, technical and financial resources for its implementation in a comprehensive and consistent manner throughout the territory of the State party. Furthermore, the Committee recommends that the Action Plan be implemented in consultation with children and civil society. **(CRC 2012, 12)**

To take active measures to ensure the implementation of its Revised Action Plan on the Educational Needs of Roma, including by allocating adequate human, technical and financial

resources and establishing clear responsibility among relevant State entities and/or stakeholders. **(CRC 2012, 30 c)**

Ensure the provision of adequate human, technical and financial resources for the implementation of the Action Plan for improving the system of protection against child pornography and other forms of sexual exploitation and sexual abuse of children through information and communication technologies in Bosnia and Herzegovina (2010-2012). **(CRC 2012, 44)**

Recalling the recommendations of the United Nations study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (CRC/C/GC/13, 2011), and in particular:

(a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(b) Adopt a national coordinating framework to address all forms of violence against children. **(CRC 2012, 45)**

The Committee urges the State party to develop a national plan of action for human rights education to ensure such education throughout its territory, as recommended in the framework of the World Programme for Human Rights Education. In this regard, the Committee draws the State party's attention to its general comment No. 1. Furthermore, the Committee recommends that the State party take effective measures to include peace education in school curricula and to encourage a culture of peace and tolerance within schools. It also encourages the State party to include peace education in the training of teachers. **(CRC 2012, 65)**

Develop and implement a coordinated plan of action, drawing upon all available resources, both national and international, to fully implement the health-care measures set out in the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, to ensure that internally displaced and returnee children can enjoy the highest attainable standard of health care. **(CRC 2012, 67 b)**

The Committee recommends that the State party ensure the full implementation of Security Council resolution 1325 (2000) through the State party's action plan and develop concrete measures to enhance the participation of women in decision-making processes relating to post-conflict policies and strategies, taking into account the needs of women and girls, in particular as regards their social rehabilitation and reintegration. **(CEDAW 2013, 12)**

The Committee recommends that the State party adopt a national comprehensive action plan on human rights with time-bound measures as an instrument to foster a common human rights approach by the different levels of administration. **(CESCR 2013, 8)**

The Committee recommends that the State party revise the current Action Plan of Bosnia and Herzegovina for addressing issues of Roma in the area of employment, housing and health care in order to better reflect the needs of the Roma population. The Committee also urges the State party to comprehensively implement the Roma Health Care Action Plan. The Committee further urges the State party to continue its efforts in the registration of all Roma and issuance of identity documents, including those in refugee camps. **(CESCR 2013, 13)**

Adopt a comprehensive national plan for human rights as a comprehensive document that includes effective measures for all human rights issues (Croatia). **(UPR 2014, 107. 16)**

Develop and implement a national action plan for human rights in order to framework a systematic approach to the promotion and protection of human rights (Indonesia). **(UPR 2014, 107. 17)**

Draft and adopt a countrywide anti-discrimination strategy, in close cooperation with all relevant stakeholders, including with regard to sexual orientation and gender identity, and the Roma community (Germany). **(UPR 2014, 107. 27)**

Implement the Anti-Discrimination Law by adopting an anti-discrimination strategy and action plan (Serbia). **(UPR 2014, 107. 30)**

Allocate adequate resources for the full effectiveness of the gender plan of action (2013–2017) (Spain). **(UPR 2014, 107. 36)**

Draft a single national action plan on the rights of persons with disabilities, with an associated budget and a clear time frame for its implementation (Austria). **(UPR 2014, 107. 151)**

Further its efforts in promoting the rights of persons with disabilities, including through considering a consolidated national action plan and designating an implementation national focal point, and providing the necessary resources to further ensure inclusive education and accessibility for persons with disabilities (Egypt). **(UPR 2014, 107. 152)**

Step up the process of elaboration of the action plan on the implementation of the Convention on the Rights of Persons with Disabilities with a clearly defined time frame (Slovakia). **(UPR 2014, 107. 153)**

Adopt a national action plan to promote the rights of persons with disabilities, in line with CRPD, with special attention to the implementation of inclusive education and the promotion of labour market inclusion (Brazil). **(UPR 2014, 107. 155)**

1.4. Data Collection

The State party should provide in the next periodic report detailed statistical data, disaggregated by gender, ethnicity or nationality, age, geographical region, and type and location of place of deprivation of liberty, on complaints related to cases of torture and other ill-treatment, including those rejected by the courts, as well as related investigations, prosecutions, and disciplinary and penal sanctions, and on the compensation and rehabilitation provided to the victims. **(CAT 2005, 22)**

The Committee recommends that the State party urgently carry out a census of the population and develop a coordinated system for a comprehensive collection of data that should cover all children below the age of 18 years and be disaggregated by those groups of children who are in need of special protection. The State party should also develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies that affect children. The State party is encouraged to seek technical cooperation from UNICEF in this regard. **(CRC 2005, 19)**

The Committee recommends that the State party take the necessary legislative, administrative and other measures to ensure that adoption procedures are in full conformity

with article 21 of the Convention as well as to consider becoming a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Furthermore, the Committee recommends that the State party submit disaggregated data in its next report on children involved in domestic and intercountry adoption. **(CRC 2005, 39)**

The Committee recommends that the State party undertake a study to carefully analyse the causes and consequences of this phenomenon and use the outcome of this study to increase its efforts in order to prevent the use of illicit drugs and substances. **(CRC 2005, 68)**

The Committee requests the State party to include updated statistical data, disaggregated by age, ethnic group, social and other relevant status, on the representation of women in the public and private employment sectors, as well as on the salaries received by women as compared to those received by men for equal work. **(CESCR 2006, 33)**

The Committee recalls the State party's obligation to ensure access to safe drinking water within, or in the immediate vicinity, of each household. It invites the State party to identify disaggregated indicators and appropriate national benchmarks in relation to the right to water, in line with the Committee's general comment No. 15 on the right to water, and to include information on the process of identifying such indicators and benchmarks in its next report. **(CESCR 2006, 49)**

The Committee recommends to the State party that it endeavour to collect disaggregated statistical data on the ethnic composition of its population and establish adequate mechanisms for monitoring acts of ethnically motivated discrimination and violence among its different ethnic groups. **(CERD 2006, 8)**

The Committee recommends to the State party (...) to intensify its efforts to set up an effective mechanism for the collection of anti-trafficking data, and requests it to include updated information on the number of cases where charges were brought against traffickers and police officers involved in trafficking, and on the sentences imposed, in its next periodic report. **(CESCR 2006, 44)**

While commending the State party for the inclusion in article 18 of the Law on Gender Equality of the obligation to collect, record and process data disaggregated by sex in State and private bodies and institutions, the Committee remains concerned about the lack of up-to-date data on the general population and of data on women in particular, throughout the State party and in all areas covered by the Convention. **(CEDAW 2006, 17)**

The Committee requests the State party to prioritize data collection and include comprehensive sex-disaggregated statistical data in its next report so as to provide a full picture of the de facto enjoyment by women of their human rights. The Committee also recommends that the penalties foreseen for non-compliance under article 18 of the law on gender equality be applied. **(CEDAW 2006, 18)**

The Committee is also concerned about the absence of statistical data on acts of domestic violence against women and that such acts continue to be underreported and viewed as a private matter. **(CEDAW 2006, 25)**

The Representative invites the authorities and the international community to establish a mechanism to closely monitor the return situation and its sustainability by using reliable indicators and disaggregated data. **(Walter Kälin, 2006, 57)**

The Committee recommends that the State party expedite its efforts to integrate all migration-related databases in order to ensure the effective management of information and assist the development of sound migration policies. The Committee also recommends that the State party include, in its next report, information relating to transit migration. **(CMW 2009, 16)**

The Committee recommends that the State party:

Develop and implement a system of registration as well as a system of data collection on seasonal workers. **(CMW 2009, 34 a)**

The Committee recommends that appropriate measures be undertaken and adequate mechanisms established to ensure efficient methods of collection of data that will give complete and reliable disaggregated statistics on the ethnic composition of its population. It recalls its general recommendation No. 8 (1990) concerning the self-identification of members of racial and ethnic groups, which should be done without fear of repercussions. The State party is encouraged to seek technical cooperation from the United Nations Population Fund in this regard. **(CERD 2010, 6)**

The Committee recommends that the State party further develop and centralize its mechanisms for systematic data collection in all areas concerning the implementation of the Optional Protocol, including the establishment of a database within the Ministry of Human Rights and Refugees to monitor implementation of the Convention and the Optional Protocols. The Committee recommends that the State party develop a coordinated system for comprehensive data collection – disaggregated, inter alia, by age, sex, geographical location and socio-economic background – that cover all persons below the age of 18. In addition, the Committee reiterates its recommendation (CRC/C/15/Add.260, para. 19) that the State party carry out a census of the population. **(CRC OPSC, 2010, 7)**

The State party should compile statistical data, disaggregated by crime, ethnicity, age and sex, relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement and prison personnel, war-time rape and sexual violence, extrajudicial killings, enforced disappearances, trafficking and domestic and sexual violence, and on means of redress, including compensation and rehabilitation, provided to the victims. **(CAT 2011, 26)**

The Committee recommends that the State party pursue its efforts to ensure that the data collection system takes into account all aspects of the Convention and collect information and statistical data, disaggregated by sex, age, nationality and fields of occupation. In particular, it recommends that the State party include in its next periodic report disaggregated information on the number of Bosnian citizens working abroad, as well as migrant workers and members of their families, including those in an irregular situation, who are living in the State party; on the fields and conditions of employment of migrant workers; and on the enjoyment of their rights under the Convention. When precise information is not available, the Committee would appreciate receiving data based on studies or estimates. **(CMW 2012, 16)**

The Committee reiterates its previous recommendation that the State party urgently carry out a census of the population and develop a coordinated system for a comprehensive collection of data that should cover all children under the age of 18 and be disaggregated by those groups of children who are in need of special protection (CRC/C/15/Add.260, para. 19). In that light, the Committee specifically recommends that the data be disaggregated according to, inter alia, age, sex, ethnicity, disability, socioeconomic status and geographic location. **(CRC 2012, 18)**

Additionally, the Committee recommends that the State party establish a national database on all cases of domestic violence against children, with a view to undertaking a comprehensive assessment of the extent, causes and nature of such violence. **(CRC 2012, 42)**

The Committee reiterates its previous recommendation (CRC/C/15/Add.260, para. 39) and urges the State party to expedite the necessary legislative, administrative and other measures to ensure that adoption procedures are in full conformity with article 21 of the Convention as well as to consider becoming a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Furthermore, the Committee recommends that the State party:

Respond to the previous recommendation (CRC/C/15/Add.260, para. 39) and expeditiously collect disaggregated data on children involved in domestic and intercountry adoption and include this in its next report to the Committee. **(CRC 2012, 51 c)**

The Committee also requests the State party to provide statistical data on the number of cases where charges were brought against law enforcement officials involved in trafficking, and on sentences imposed. **(CESCR 2013, 27)**

Assess the impact of any laws and policies on the enjoyment of economic, social and cultural rights by individuals and groups living in poverty on the basis of regularly updated data, disaggregated by sex, age, ethnic background, social status and other relevant criteria, and that effective monitoring mechanisms be adopted and implemented to that effect. **(CESCR 2013, 31 c)**

Pursue a comprehensive approach to addressing the exploitation of prostitution, including by developing strategies to support and provide rehabilitation for women who wish to leave prostitution; and provide, in its next periodic report, comprehensive information and data on the prevalence of exploitation of prostitution. **(CEDAW 2013, 26 b)**

While welcoming the State party's increased efforts to combat domestic violence, the Committee reiterates its serious concern about the high prevalence of domestic violence and the lack of monitoring and accountability mechanisms regarding the implementation of existing strategies, at both the State and entity levels; insufficient data collection to assess the phenomenon of domestic violence; and insufficient support services dependent on non-governmental organizations and foreign funding. The Committee is also concerned about the inconsistent application of the laws regulating domestic violence by the courts of both entities, which undermines women's trust in the judicial system despite the comprehensive legislative framework in place; the underreporting of domestic violence; the limited number of protective measures issued; and the lenient sentencing policy, including a large percentage of suspended sentences. In addition, the Committee regrets the absence of information regarding Brčko District and the insufficient information on other forms of violence against women in the State party. **(CEDAW 2013, 21)**

Collect statistical data on domestic violence, including femicide, disaggregated by sex, age and relationship between victim and perpetrator, and undertake research on the extent of all forms of violence against women and its root causes. **(CEDAW 2013, 22 c)**

The Committee also recommends that the State party increase its cooperation with civil society organizations in this regard and requests that it include detailed information, including disaggregated data and information, on the situation of disadvantaged groups of women in its next periodic report. **(CEDAW 2013, 38)**

The Committee notes that the law on the census of the population, households and dwellings in Bosnia and Herzegovina was adopted 3 February 2012 and that, accordingly, a new

census will be undertaken in 2013. However, as acknowledged by the delegation, the Committee regrets that insufficient statistical data disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background were provided in many areas covered by the Convention, which has created gaps and inconsistencies in the legislative reforms undertaken, as well as in policies and programmes developed, and has misdirected available funding. It notes that such data are necessary for an accurate assessment of the situation of women and for informed and targeted policymaking with regard to all areas covered by the Convention. **(CEDAW 2013, 41)**

The Committee urges the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race, ethnicity, geographical location and socioeconomic background, in all areas covered by the Convention, as required under article 22 of the law on gender equality, including with respect to disadvantaged groups of women, in order to assess the progress made towards de facto equality, the impact of measures taken and the results achieved. The Committee also calls upon the State party to ensure that all relevant bodies comply strictly with article 22 and requests that such data be included in its next periodic report. **(CEDAW 2013, 42)**

The Committee requests the State party to provide information and statistical data in its next periodic report on the impact of the criminalization of domestic violence, as well as of the adoption of Strategy to Prevent and Combat Domestic Violence in Bosnia and Herzegovina, and of the measures taken for combating domestic violence. **(CESCR 2013, 30)**

The absence of accurate demographic and socioeconomic data constitutes a serious challenge to ensuring protection of minority rights. Accurate data will reveal the current picture of national, ethnic, religious and linguistic groups and provide key socioeconomic information. It will facilitate development of policy and programme measures to improve the situation of national minorities and returnee communities. The census should take place according to current schedules in April 2013 and be conducted according to European Union standards. **(Rita Izsák, 2013, 85)**

Census questions should allow open and multiple responses that enable respondents to self-identify according to their national, ethnic, religious and linguistic affiliation, including multiple identities. Civil society and councils of national minorities should have a role in outreach, training and monitoring of the census process, including to promote awareness of the importance of accurate responses. Ensuring accurate data for Roma is essential and should be facilitated through outreach and information for Roma communities and training of Roma census collection staff. **(Rita Izsák, 2013, 86)**

In light of the above, the Special Rapporteur would like to make the following recommendations to the Government at the State, entity and local level, as well as to the legislative and executive branches, as appropriate:

Statistics and data collection

(a) Carry out a thorough analysis of the first nationwide survey on domestic violence to identify and understand the magnitude, trends and patterns at both State and entity level. Review and incorporate the methodology into the country's periodic demographic and/or health surveys, to allow for continuous monitoring and evaluation of this phenomenon.

(b) Under the lead of the High Judicial and Prosecutorial Council, conduct a detailed analytical study of how State, entity, and local level courts are addressing violence against women, including femicides, in order to publicly assess the adequacy of the investigation, prosecutions and sentencing of such cases.

(c) Set up a unified and accurate database of women victims of rape or other forms of sexual violence during the war, including former camp detainees and victims living abroad. The

database should be set up through a transparent and participative process, yet ensuring the adequate protection of security and privacy rights of the victims. **(Rashida Manjoo 2013, 102)**

Create a national system for information management to collect data on human trafficking, including human traffickers and identified victims (Turkey). **(UPR 2014, 107. 80)**

Enhance efforts to establish and regularly update a countrywide database of human trafficking and enhance the support and assistance offered to the victims of trafficking (Italy). **(UPR 2014, 107. 85)**

1.5. From Reports and Analyses

Generally speaking, both legal and institutional framework for the observance of human rights is still in need of substantial improvements. No progress was achieved over the past year in addressing country wide reforms conducive to creating the conditions for the effective exercise of some human rights (**'Bosnia and Herzegovina 2015 Report' by the European Commission**).

Besides the Constitution of Bosnia and Herzegovina, which is the principal guarantee of human rights in the country, human rights are further guaranteed by the two entity constitutions, the Statute of Brcko District and the cantonal constitutions in the Federation of Bosnia and Herzegovina. The most relevant institutions responsible for the promotion and protection of human rights in the country are the Institution of the Ombudsman of Bosnia and Herzegovina, the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and the Gender Equality Agency of Bosnia and Herzegovina, together with the two gender equality agencies in the entities. There are also commissions and boards of the Parliamentary Assembly of Bosnia and Herzegovina and the assemblies of its entities, Brcko District, the cantons of the Federation and local community councils.¹

More specifically, on the promotion and enforcement of human rights, the Ombudsman for Human Rights in Bosnia and Herzegovina continues to be affected by a lack of adequate human and financial resources to perform its functions as national human rights institution (**'Bosnia and Herzegovina 2015 Report' by the European Commission**).

Furthermore, according to civil society actors in the country, there is a need and a call for the Institution of Ombudsman in the reform process, which includes the amendment of the Law on Ombudsman for Human rights in BiH, to be provided with a clearer and more effective role and structure with a specific emphasis on strengthening the Department for Elimination of all Forms of Discrimination (**'Alternative Progress Report for Bosnia and Herzegovina 2015' by the Initiative for Monitoring the European Integration of Bosnia and Herzegovina**).

The aforementioned address the obvious failure of the State to act in line with recommendations concerning the Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina. This has a major impact on implementation of other recommendations, since the Institution of the Ombudsman has the central position and responsibility within the human rights system in the country. Among other issues, this includes the responsibility to address submitted human rights complaints (by individuals and legal entities), act as a central anti-

¹ National minorities councils of the Parliamentary Assembly of Bosnia and Herzegovina and the entity parliaments, Council for Children of Bosnia and Herzegovina, Inter-Religious Council, Independent Commission for Monitoring conditions in Prisons and Detention Units, the Roma Committee, etc.

discrimination mechanism (for both the public and private sector), monitor implementation of the Free Access to Information legislation and to establish and maintain the state mechanism for the prevention of torture, under the CPT. Through its offices, the Institution of the Ombudsman covers the entire territory of Bosnia and Herzegovina and cooperates with domestic (legislative, executive and judicial) and international institutions and organisations, reports annually on human rights in general and discrimination in particular, and manages its administrative, financial, material and other general issues.

Moreover, the Institution of the Ombudsmen for Human Rights, which is supposed to protect against discrimination against national minorities, is by law discriminatory in structure, requiring the appointment of three representatives from the three main ethnic groups to serve as ombudsmen with no room for Roma, Jews, or other national minorities. (**‘Second Class Citizens: Discrimination against Roma, Jews, and Other National Minorities in Bosnia and Herzegovina’ by Human Rights Watch**)

Bosnia and Herzegovina still lacks a comprehensive anti-discrimination strategy. There are of course some strategies that partially address certain aspects of anti-discrimination efforts such as the strategy for the Prevention and Protection of Children from Violence (2008-2015) and the strategy for implementation of the Council of Europe Convention on Prevention and Combating Violence Against Women and Domestic Violence in Bosnia and Herzegovina (2014-2018), which have been submitted to the Council of Ministers of Bosnia and Herzegovina. In this regard, it is also possible to mention the Action plan for Children (2011-2014), the Action Plan for Roma Issues in areas of employment, housing and healthcare, and the Gender Action Plan (2013-2017).

Some strategies overlap (for example, justice reform covers the development of the free legal aid system, while criminal code reform addresses the issue of overburdened prison capacities) and there is no state human rights action plan to synchronise the existing strategies and determine key human rights priorities (**Bosnia and Herzegovina: Sectoral planning document for the justice sector and fundamental rights**).

Although the prohibition of discrimination is the primary target of these strategies it should be noted that these sectoral strategies fail to offer comprehensive coverage of the human rights agenda in Bosnia and Herzegovina and consequently fail to address another important set of UN recommendations related to the human rights action plan.

A significant part of the above-mentioned strategies and action plans related to human rights is reserved for activities such as the development and implementation of different legislative initiatives. Having this in mind, it is useful to present segments of the analysis related to legislative impact assessment. A general remark from this particular analysis is that there is an unsatisfactory level of quality in the process of the development and implementation of key laws. The lack of timely and adequate assessment of the legislative impact and especially the lack of analysis of the effects of the enacted legislation are crucial reasons for the presence of inappropriate legal solutions. The quality of a law is not assessed on the grounds of its effect or the degree of its implementation, the principal concerns are the quality of the legal text and the simple fact that the law is adopted and enacted. Two-thirds of key adopted legislation from the period 2010-2014 never underwent even the simplest form of legislative impact assessment or evaluation after a certain period of their implementation. A consequence of the difficulties and weaknesses within the process of drafting legislation is that 40 per cent of key legislation from 2010-2014 has already been amended or replaced. Another problem is the adoption of the necessary bylaws required for the successful implementation of the enacted legal solutions: 80 per cent of enacted key legislation from 2010-2014 required bylaws, while 33 per cent of them

still require additional bylaws to be prepared and enforced. Nine per cent of laws from the period 2010-2014 have still to be implemented in the appropriate manner. (**'Legislation Effects: Unknown in Bosnia and Herzegovina' by CCI**)

Even when prepared and enacted by the relevant authorities, the implementation of strategies and action plans depends largely on the ability of the public administration to execute defined policies, activities and measures and the political will to create the conditions necessary for their full implementation. It is therefore crucial to have in mind the actual state of the public administration in Bosnia and Herzegovina. The process of public administration reform in Bosnia and Herzegovina started in 2004 under the coordination of the Public Administration Reform Coordinator Office (PARCO), established through a Decision of the Council of Ministers of Bosnia and Herzegovina. Funds for public administration reform came exclusively from foreign donations up until 2012, when they were joined with funds coming from state, entity and Brcko District budgets. However, since 2006, when the Strategy for Public Administration Reform was adopted, progress in its implementation has related almost entirely to changes and interventions to the legislation, while concrete measures and activities designed to bring more tangible results for citizens have been quite poor in terms of implementation. More precisely, only 61 per cent of the strategy goals have been achieved after ten years of implementation. (**IPA II Bosnia and Herzegovina: Support to Public Administration Reform and Statistics Reform**)

Since data collection is also a subject of UN recommendations, it seems appropriate to underline the fact that possession of accurate and sufficient data is essential for planning human rights policies and monitoring and evaluating their impact. The demand for data collected by the statistical agencies in Bosnia and Herzegovina is becoming higher. There is a need to harmonise domestic statistics with the European Statistical System (ESS), with special accent placed on the quality and comparability of BiH statistics with those of other European countries. In 2013, required harmonisation was 8-14% and it is expected that by 2017 this will increase to 27-37%. (**IPA II Bosnia and Herzegovina: Support to Public Administration Reform and Statistics Reform**)

This represents a rather slow development yet it is highly unlikely that the data required for the proper development of human rights policies will be treated as a priority during the BiH statistical system upgrade.

In regard to data collection, it is worth mentioning that when this compilation was being conducted the results of the 2013 census of the population of Bosnia and Herzegovina had still not been published.

2. NON-DISCRIMINATION and EQUALITY

In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat all discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate de facto discrimination against children, in particular children with disabilities, Roma children and children belonging to ethnic and/or religious minorities or other nationalities. The State party is also encouraged to develop,

in consultation with the media, a code of conduct with a view to eliminating stereotyping and stigmatization of minority and/or ethnic groups in the media. **(CRC 2005, 26)**

The Special Rapporteur recommends that measures be considered to achieve gender balance among officials, in particular those in law enforcement, working to prevent and suppress trafficking, so as to encourage and facilitate identification of victims. **(Sigma Huda, 2005, 83)**

The Committee strongly recommends that the State party review and remove all discriminatory language from the State and Entity Constitutions, and from all legislative and other domestic law texts, including especially, but not limited to, distinctions between so-called “constituent peoples” and “Others”. **(CERD 2006, 12)**

The Committee requests that the State party ensure that pension and health care benefits are provided on a non-discriminatory basis, without regard to ethnicity, especially where minority returnees are involved. The Committee further recommends that the State party review the deployment of its pension benefits and health care services and, for the time being, implement the Inter-Entity Agreement on health care. **(CERD 2006, 21)**

The Committee urges the State party to implement effectively the recommendations contained in the Action Plan on Educational Needs of Roma and Other National Minorities (2004), and to combat discrimination against Roma children and children belonging to other ethnic minority groups by teachers, school authorities, and classmates and their families. **(CERD 2006, 22)**

The State party should vigorously undertake programmes of public information to combat anti-Roma prejudice in society. It should also include in its next periodic report detailed information on the measures implemented to give effect to the linguistic and educational rights of the Roma that are protected under the Law on the Protection of Rights of Persons Belonging to National Minorities, the effectiveness of these measures, the number of Roma children receiving instruction in or of their language and on their culture, as well as data disaggregated by sex, age and place of residence, and information regarding the hours of instruction per week. **(CCPR 2006, 24)**

The State party should take effective measures to eliminate such discriminatory practices and implement the decision of the Constitutional Court of 31 March 2006 concerning the use of flags, coats of arms and anthems. **(CCPR 2006, 25)**

The Committee urges the State party to comply with its obligations under the Convention to eliminate discrimination against women without delay, to include women in all political, economic and social transformation processes at the State, entity, cantonal and municipal levels on a basis of equality with men and to make gender analyses an integral part of these processes. **(CEDAW 2006, 12)**

The Committee is concerned about the persistence of deep-rooted, traditional patriarchal stereotypes regarding the role and responsibilities of women and men in the family and in society at large, which are reflected in women’s educational choices, their situation in the labour market and their low level of participation in political and public life. **(CEDAW 2006, 23)**

The Committee urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women’s and men’s roles. It recommends that awareness-raising campaigns be addressed to both women and

men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres. **(CEDAW 2006, 24)**

(...) The Representative recommends that the authorities closely review and monitor recruitment practices in the public sector with a view to eliminating discrimination. Disproportionate underrepresentation of one ethnic group in a given public company should be taken as an indication of discrimination unless otherwise demonstrated. (...) **(Walter Kälin, 2006, 64)**

The Committee recommends that the State party include, in its next periodic report, detailed information on the effective application of the anti-discrimination provisions in practice. **(CMW 2009, 20)**

It is recommended that the right to non-discrimination be promoted and protected in any activities, and that all persons in Bosnia and Herzegovina should be treated equally, wherever they live and whatever their ethnic origin. Legislation and processes to promote equality and prevent discrimination should be a priority. **(Working Group on Enforced or Involuntary Disappearances, 2010, 71)**

To effectively regulate and implement the norms in force regarding the prohibition of discrimination on the basis of race, gender, disability or social condition (Argentina). **(UPR 2010, 32)**

To guarantee for everyone effective protection against all discrimination based on sexual orientation or gender identity, and to publicly condemn all acts of violence connected with such discrimination and prosecute those responsible (Switzerland). **(UPR 2010, 34)**

To take measures to fulfil recommendations made by the Committees (CEDAW and CERD) in respect of the lack of measures aimed at eliminating discrimination against women (Ukraine). **(UPR 2010, 36)**

To take the measures necessary to improve the level of representation of women (Albania). **(UPR 2010, 37)**

To make efforts to do away with imbalances in approaches to disability, depending on the geographic area and the cause of disability (Finland). **(UPR 2010, 42)**

To proceed without delay in effectively implementing the law against discrimination adopted in 2009 (Switzerland). **(UPR 2010, 45)**

To take the measures necessary to combat discrimination based on sexual orientation or gender identity (France). **(UPR 2010, 48)**

To express a strong commitment to protecting and advocating the fundamental human rights of members of the lesbian, gay, bisexual and transgender communities as equal citizens, in keeping with the country's commitments to international conventions (Norway). **(UPR 2010, 49)**

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 8) that the State party should adopt an electoral system that guarantees equal enjoyment of the rights of all citizens under article 25 of the Covenant, irrespective of ethnicity. In this regard, the Committee recommends that the State party, as a matter of urgency, amend its Constitution and Election Law to remove provisions that discriminate against citizens from certain ethnic groups by preventing them from participating in elections. **(CCPR 2012, 6)**

In accordance with article 2 of the Convention, the Committee urges the State party:

(a) To take further legislative measures to systematically harmonize its legislation with the requirements of its 2009 anti-discrimination law, and raise public awareness on the legal remedies available in cases of discrimination, including by making available information on how to make complaints to the State party's Institution of the Human Rights Ombudsman in Bosnia and Herzegovina, especially in education and health-care institutions, where children frequently encounter discrimination;

(d) To, in line with the Committee's previous recommendation (CRC/C/15/Add.260, para. 26), develop, in consultation with the media, a code of conduct with a view to eliminating the stereotyping and stigmatization of minority and/or ethnic groups in the media. **(CRC 2012, 30)**

In the light of its general comment No. 9 (CRC/C/GC/9 and Corr.1, 2006), the Committee urges the State party to establish a clear legislative definition of disability and ensure conformity of the legislation, policies and practices in all its territories with, inter alia, articles 23 and 27 of the Convention, particularly for cognitive and mental disabilities, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:

(a) Ensure that children with disabilities enjoy their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible, including by developing a disability education action plan to specifically identify current inadequacies in resources, and to establish clear objectives with concrete timelines for the implementation of measures to address the educational needs of children with disabilities;

(b) Strengthen support measures for parents to care for their children with disabilities, and, where placement in care is necessary, ensure that it is done with full regard for the principle of the best interests of the child and in care centres that are provided with adequate human, technical and financial resources to provide the services and support necessary for children with disabilities and their families;

(c) Ensure that legal provisions on construction and their implementation address environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis;

(d) Address the disparity between the protection afforded to persons with war-related disabilities and children with disabilities resulting from an accident, illness or existing since birth in order to ensure that equal protection and support is provided to the latter. **(CRC 2012, 53)**

While acknowledging the existing definitions in the gender equality law, the Committee is concerned that the Constitution does not at present include a comprehensive definition of discrimination against women, in line with article 1, or of the principle of equality between women and men, in line with article 2 of the Convention. **(CEDAW 2013, 13)**

In the light of the constitutional review process, the Committee recommends that the State party specifically incorporate into its new Constitution a definition of equality between women and men and a prohibition of direct and indirect discrimination against women in the public and private spheres, in accordance with articles 1 and 2 of the Convention. **(CEDAW 2013, 14)**

The Committee reiterates its concern about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society at large (see CEDAW/C/BIH/CO/3, para. 23). It notes that such attitudes and stereotypes constitute a significant impediment to the implementation of the Convention, as they are root causes of: (a) women's disadvantaged position in the State party in political and public life, especially in decision-making positions and elected offices, as well as in the labour market; (b) the prevalence of violence against women in the State party; and (c) gender

segregation as reflected in women and girls' educational choices. In addition, the Committee regrets the serious delays in addressing the remaining gender stereotypes found in school textbooks and materials. **(CEDAW 2013, 19)**

The Committee urges the State party to:

(a) Remove, as a matter of priority, gender stereotypes from educational textbooks and teaching materials;

(b) Disseminate the principles of non-discrimination and gender equality throughout the educational system, both formal and informal, with a view to enhancing a positive and non-stereotypical portrayal of women, by incorporating human rights and gender equality into training and educational materials and by providing training on women's rights to teaching staff;

(c) Develop a comprehensive, wide-ranging strategy across all sectors, with proactive and sustained measures, targeted at women and men, girls and boys, to overcome patriarchal and gender-based stereotypical attitudes about the roles and responsibilities of women and men in the family and in society, in particular in areas where women are in the most disadvantaged position, such as public and political life and employment;

(d) Intensify its cooperation with civil society and women's organizations, political parties, education professionals, the private sector and the media, and disseminate information to the general public and to specific audiences, such as decision-makers, employers, youth and disadvantaged groups of women, on women's rights in the private and public spheres. **(CEDAW 2013, 20)**

Adopt effective measures, including temporary special measures, to eliminate horizontal and vertical occupational segregation based on stereotypes related to gender. **(CEDAW 2013, 34 d)**

The Committee calls upon the State party to take effective measures to eliminate discrimination against Roma women, internally displaced women and minority returnee women, rural women, older women and women with disabilities, particularly in the areas of education, health and employment and in political and public life, by developing targeted strategies, including temporary special measures, to increase equality in those areas. The Committee also recommends that the State party increase its cooperation with civil society organizations in this regard and requests that it include detailed information, including disaggregated data and information, on the situation of disadvantaged groups of women in its next periodic report. **(CEDAW 2013, 38)**

Political divisions and the ethnicization of politics in Bosnia and Herzegovina blocks progress in several areas where political reform is required and perpetuates existing national, ethnic, religious and linguistic divisions. While the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement) established discriminatory provisions, ethnically biased political agendas and a prioritization of party and ethnic interests over the interests of all citizens has perpetuated a polarized and adversarial political environment which is not conducive to reform or the full protection and promotion of minority rights in practice. **(Rita Izsák, 2013, 78)**

National minorities and those within the category of "others" must have equal rights to stand for any government position. The judgment of the European Court of Human Rights in the case of *Sejdić and Finci v. Bosnia and Herzegovina* is a landmark decision for the rights of minorities, and constitutional reform is necessary to remove discriminatory provisions. This should not be portrayed as a threat to peace or the rights of any group, but as a positive, necessary process of change for a democratic country seeking European Union membership. **(Rita Izsák, 2013, 87)**

(a) Design and launch, in cooperation with women's organizations, targeted awareness-raising campaigns to educate and change societal attitudes, particularly those that foster patriarchal

ideas about the roles of women in society and that undermine the human rights of women under the guise of “family protection”. **(Rashida Manjoo, 2013, 105 III a)**

(b) Ensure State, entity and local level authorities address violence against women as an extreme form of inequality and gender-based discrimination. While it is important to continue addressing structural factors such as war-related mental health problems, poverty, unemployment, or substance addiction as triggers of violence against women, it is crucial to recognize as the main underlying cause of such violence the prevailing patriarchal understanding of the relationships between men and women. **(Rashida Manjoo, 2013, 105 III b)**

In cooperation with women’s organizations, train and sensitize the media on issues related to women’s rights generally and violence against women in particular, in order to contribute to changing the predominant social and cultural beliefs and attitudes that perpetuate harmful stereotypes and myths about women. **(Rashida Manjoo, 2013, 105 III d)**

Implement measures that ensure equality of rights and non-discrimination, especially on the grounds of gender, sexual orientation or gender identity (Uruguay). **(UPR 2014, 107. 37)**

Reinforce measures aimed at combating ethnic, racial and gender-based discrimination. Bearing in mind that Bosnia and Herzegovina is currently holding the chairmanship of the Decade for Roma Inclusion, undertake more measures to promote the inclusion of persons belonging to the Roma minority during the tenure of this initiative (Romania). **(UPR 2014, 107. 47)**

Continue its efforts to combat all forms of discrimination and religious fanaticism (Kuwait). **(UPR 2014, 107. 48)**

Step up measures to establish trust between religious communities within the country (Algeria). **(UPR 2014, 107. 49)**

Take measures to effectively combat discrimination based on sexual orientation or gender identity (France). **(UPR 2014, 107. 50)**

Step up efforts to achieve an effective participation of minorities in political life (Costa Rica). **(UPR 2014, 107. 121)**

The new Government, once formed, ensures equal rights to all citizens, enabling political representation in a way that would reflect the multi-ethnic richness of the country (Slovenia). **(UPR 2014, 107. 122)**

Continue efforts to eliminate all forms of discrimination against persons with disabilities, in line with best practices and international standards (Qatar). **(UPR 2014, 107. 158)**

2.1. Racial Discrimination

The Committee recommends that the State party continue consulting, and expanding its dialogue with, civil society organizations working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report. **(CERD 2010, 15)**

To continue its efforts to combat racial and ethnic discrimination, in particular through programmes promoting tolerance in public education (France). **(UPR 2010, 30)**

With regard to upcoming general elections and in accordance with the recent judgment of the European Court of Human Rights, to ensure that all citizens, without distinction as to their ethnic origin, are able to present themselves to the High Chamber of Parliament and the Presidency of the State (Switzerland). **(UPR 2010, 99)**

To continue to place priority on combating discrimination against ethnic minorities, in particular Roma, including by allocating sufficient resources to programmes to combat prejudice, and to establish monitoring mechanisms (Austria). **(UPR 2010, 111)**

To provide specific information in its next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child implemented by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No. 1 (CRC/GC/2001/1, 2001). **(CRC 2012, 30 e)**

Strengthen actions to ensure the effective implementation of legislation for protection against all forms of racial or ethnic discrimination, with a particular consideration to the creation of oversight mechanisms (Argentina). **(UPR 2014, 107. 38)**

Establish and strengthen programmes for combating prejudice and mechanisms for monitoring acts of ethnic-based discrimination and violence (Iceland). **(UPR 2014, 107. 39)**

Establish programmes for combating prejudice against ethnic minorities (Poland). **(UPR 2014, 107. 40)**

In the light of General Assembly resolution 68/237, in which the Assembly proclaimed the International Decade for People of African Descent, 2015–2024, and its resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in this framework, taking into account its general recommendation No. 34 on racial discrimination against people of African descent. **(CERD 2015, 15)**

The Committee recommends that the State party expand its dialogue with civil society working in the area of human rights protection, in particular in combating racial discrimination, not only in the preparation of its next periodic report but also outside that context. The Committee also recommends that the State party put in place measures to stimulate the development and strengthen the capacity of a civil society that truly reflects the different groups present in its territory. **(CERD 2015, 16)**

2.2. Segregation in Education

The Committee strongly urges the State party to end public school segregation, that is, that it eliminate mono-ethnic schools and schools that are structured as “two schools under one roof” as soon as possible. The Committee recommends that competent authorities within the State party unify previously segregated schools under one administration, intensify their efforts to remove ethnically discriminatory elements from textbooks, remove mono-ethnic or mono-religious symbols and flags from all schools, and implement a modernized common core

curriculum for all schools within the territory of the State party, which is sensitive to the diverse cultural attributes of the various ethnic groups within the territory of the State party. **(CERD 2006, 23)**

The Committee urges the State party to ensure that the practice of “two schools under one roof”, as well as the construction of separate schools for children belonging to different ethnic groups, be discontinued. The Committee recommends that the State party merge and teach one curriculum to all classes, irrespective of ethnic origins, and requests it to report on any steps taken in that regard in its next periodic report. **(CESCR 2006, 50)**

While noting the reform process directed at the harmonization and modernization of existing educational laws and curricula at all levels of the State party, the Committee remains concerned about prevalent discrimination in this area, in particular about the early drop-out rates of girls in rural areas, especially of Roma girls, the segregation of girls and boys in secondary education, in the disciplines in higher education and its consequences for women’s professional opportunities, and the high rate of illiteracy among elderly women and, in particular, among Roma women and girls. **(CEDAW 2006, 31)**

The Committee recommends that the reform process be continued in order to ensure consistency in educational opportunities for both sexes in both entities of Bosnia and Herzegovina, including in rural areas, and for marginalized groups of women and girls, in particular of the Roma minority. It also recommends that the State party encourage diversification of educational and professional choices for women and men. **(CEDAW 2006, 32)**

Limited, or lack of, access to the right to education constitutes a major obstacle to return, as IDPs are reluctant to return to areas where their children would face segregation and intolerance and have to attend schools with a curriculum that does not respect the cultural traditions of their own ethnic group. The Representative recommends that the authorities continue the process of harmonization of the educational system and gradually eliminate the system of “two schools under one roof”. Countrywide educational programmes aimed at creating an environment of tolerance, peace and understanding of diversity should be established. **(Walter Kälin, 2006, 62)**

Develop a plan of action to abolish the educational modalities and processes based on assimilation and segregation, especially those known as “two schools under one roof”. **(Vernor Muñoz 2008, 104 d)**

Organizations and trade unions should get involved in the education reform process and the fight against all forms and types of discrimination in schools, including segregation and assimilation practices. **(Vernor Muñoz 2008, 109)**

The Committee reiterates its recommendation to the State party to end the segregated system of mono-ethnic schools and to ensure that the same basic curriculum be taught to all children, promoting tolerance among the different ethnic groups in the country and appreciating their specificities. **(CERD 2010, 10)**

To develop a multi-ethnic learning environment in schools, aimed at reconciliation among ethnic groups (Italy). **(UPR 2010, 22)**

To take all steps necessary to remove ethnic segregation from schools, in order to encourage greater understanding among young people of different ethnicities (Canada). **(UPR 2010, 46)**

To end segregation in schools to ensure that one curriculum is taught to all children that promotes tolerance among the different ethnic groups in the country and appreciates their specificities (Netherlands). **(UPR 2010, 47)**

To take the steps necessary to resolve the problem of the fragmentation of the education system, including strengthening policy development and strategic planning, improving access to inclusive and high-quality education, promoting child participation, taking measures to prevent discrimination against and segregation of children, and promoting tolerance and respect for diversity in the education system (Norway). **(UPR 2010, 109)**

To review school curriculums to ensure that they are sensitive to the needs of minorities and promote human rights and pluralism (Canada). **(UPR 2010, 116)**

To immediately end the segregation of children in schools on the basis of ethnicity by discontinuing the policy of “two schools under one roof” and mono-ethnic schools, and in doing so ensure adequate support measures and properly trained education personnel to facilitate ethnic diversity and integration in schools. **(CRC 2012, 30)**

Implement the recommendations developed by the Federal Ministry of Education and Science, in collaboration with the education ministers of the Federation, with a view to eliminating the mono-ethnic school system. **(CEDAW 2013, 32 b)**

The Committee urges the State party to:

(a) Effectively implement the “Recommendations aimed at discontinuation of segregated or divided structures in educational institutions in the Federation of Bosnia and Herzegovina”;

(b) Adopt and sign at the cantonal level the Provisional Agreement on Meeting Special Needs and Rights of Returnee Children Implementation Plan;

(c) Promote the adoption and implementation, by all ministries of education, of rulebooks/instructions on implementation of Criteria on Names and Symbols of Schools, as a prerequisite for establishing a positive environment for all pupils; and

(d) Promote and facilitate the cooperation of cantons of the Federation of Bosnia and Herzegovina in implementing the criteria mentioned. **(CESCR 2013, 35)**

Segregation in the education system is entrenched and requires compromise and positive steps by all ethnic groups and their political representatives. Some political and community actors present segregation as essential for the protection and promotion of group and language identity. For minority communities and returnees the challenges presented by segregation are particularly acute, and provisions for them to enjoy culturally appropriate education are limited. **(Rita Issyk, 2013, 98)**

Education should be the foundation for unity, understanding and acceptance of differences. The existence of mono-ethnic schools and the two-schools-under-one-roof system works counter to such objectives and shapes a society in which divisions are perpetuated and opportunities for community and minority/majority relations to improve are diminished. Efforts should be intensified and measures strengthened at all levels of authority to improve integration within the school system. **(Rita Izsák, 2013, 99)**

Reforming the education system to end the segregation of pupils according to national/ethnic affiliation in both the two-schools-under-one-roof system and mono-national/ethnic schools is vital and urgent. For this, efforts must be pursued to implement a common core curriculum and to increase the number of subjects in which children learn together, regardless of background, including in those labelled “integrated schools” (where in fact interaction is minimal). The Special Rapporteur recommends that:

(a) Steps be taken to increase significantly the number of joint cultural activities between students across communities within two-schools-under-one-roof schools and between mono-national/ethnic schools;

(b) The right of all pupils and students to learn in their mother tongue and to have access to the cultural heritage of their particular community as well as those of all others be guaranteed. Children should learn the three official languages of Bosnia and Herzegovina, and both the Cyrillic and Latin alphabets, as necessary tools for full access to their cultural heritage. **(Farida Shaheed, 2014, 104)**

Develop as a matter of priority a multi-ethnic, inclusive and non-discriminatory common core curriculum, with all levels of Government ensuring that the content of school textbooks promotes and encourages tolerance among ethnic minority groups (Slovenia). **(UPR 2014, 107. 135)**

End school segregation on the basis of ethnicity, as well as review and revise school curriculums and textbooks with a view to promoting intercultural understanding and appreciation for the history and religion of all ethnic groups and national minorities (Canada). **(UPR 2014, 107. 140)**

The Government of Bosnia and Herzegovina and the cantons introduce a truly inclusive multi-ethnic educational system and launch an efficient coordination mechanism on education (Czech Republic). **(UPR 2014, 107. 141)**

Take measures to make schools more inclusive, without any form of discrimination (Italy). **(UPR 2014, 107. 142)**

Ensure access to joint and inclusive quality education, with special attention towards the Roma minority, persons with disabilities and LGBT issues (Norway). **(UPR 2014, 107. 143)**

Take all necessary measures to put an end to the system known as “two schools under the same roof” and eliminate ethnic segregation in the school system (Uruguay). **(UPR 2014, 107. 144)**

The Government and local entities expeditiously eliminate segregation and ethnic divisions in schools and promote a multi-ethnic learning environment that will allow students to learn their own languages, cultures, histories and religions (Thailand). **(UPR 2014, 107. 145)**

Implement a single harmonized national school core curriculum, agreed upon by the representatives of the country's ethnic groups and national minorities (Canada). **(UPR 2014, 107. 147)**

The Committee appreciates the establishment of multi-ethnic schools in Brčko District, where pupils are taught on the basis of the same curriculum. However, the Committee remains concerned about the significant ethnic segregation within the educational system in the State party's entities, such as the practice of "two schools under one roof", and reiterates its concern that segregated education in the territory of the State party perpetuates non-integration, mistrust and fear of the "other" (CERD/C/BIH/CO/7-8, para. 11). The Committee is also concerned about the development of national groups of subjects, which are frequently offered to the dominant ethnic groups only, and which thus forces children of minorities to follow a curriculum that does not respect their cultural specificities. Taking into account the intersectionality between religion and ethnic origin, the Committee regrets that religious education taught in public schools frequently covers the majority religion of the municipality only, and that children who do not attend religious education because they belong to a different faith or no faith are reportedly disadvantaged academically (arts. 2, 3, 5 (e) and 7).

The Committee recommends that the State party take all measures necessary to ensure that the system of "two schools under one roof" is not leading to segregation in education, and to increase the number of administratively and physically unified schools, where pupils are taught together on the basis of the same basic curriculum, while respecting their own language and cultural specificities. The Committee furthermore recommends that the State party fully ensure freedom of religion and conscience, including at school, and that no child is disadvantaged in any way for not attending religious education. **(CERD 2015, 11)**

2.3. Cultural Rights and Inter-Cultural Dialogue / Tolerance

The Committee encourages the State party to actively support programmes that foster inter-cultural dialogue, and emphasize tolerance and understanding with respect to the culture and history of different ethnic groups within Bosnia and Herzegovina. The Committee further encourages the State party to promote such programs in public education, and in political and media symposia, with a view towards fostering greater respect for, and appreciation of the role of diversity in forging a stronger sense of national unity in the context of a common, multi-ethnic concept of Bosnian citizenship. **(CERD 2006, 24)**

Establish a national programme for training professional staff in the education system, which should be based on intercultural education. **(Vernor Muñoz 2008, 104 h)**

To continue to strengthen, through concrete steps, national unity, tolerance and the peaceful coexistence of representatives of various nationalities and religious groups (Kazakhstan). **(UPR 2010, 21)**

The Committee reiterates its recommendation to the State party to continue fostering intercultural dialogue, tolerance and understanding, paying due attention to the culture and history of different ethnic groups within Bosnia and Herzegovina. **(CERD 2010, 13)**

The Committee recommends that the State party adopt a comprehensive national action plan on the promotion, protection and enjoyment of cultural rights by all at the State level, while at the same time observing cultural diversity. The Committee also calls upon the State party to address the important role of ensuring the enjoyment of cultural rights by all in the post-conflict peacebuilding process. The Committee further recommends that the State party allocate the necessary funds for cultural institutions in order to prevent their closure and to maintain their functioning, as well as to reopen the ones which have been closed due to financial constraints. **(CESCR 2013, 37)**

Twenty years after the war, divisions between communities in Bosnia and Herzegovina are much greater at the political level than on the ground. People, especially youth, often express a desire to overcome divisions that they see as imposed on them on a daily basis, creating absurd situations. **(Farida Shaheed, 2014, 97)**

While contrasting perspectives exist regarding the country's future and its political and administrative organization, the Special Rapporteur does not believe that such perspectives are irreconcilable. Building a common future for all citizens can be achieved while also addressing the concerns of those who fear being subjected to assimilation policies. **(Farida Shaheed, 2014, 98)**

Too often, however, culture and education are hijacked by the rhetoric of difference, with an immense, detrimental impact on artistic, cultural, scientific and academic life in the country, and on the right of all persons, without discrimination, to enjoy their cultural rights and to have full access to their cultural heritage in all its rich diversity. **(Farida Shaheed, 2014, 99)**

Cultural rights, including linguistic rights, have been seriously misinterpreted by a number of actors to justify policies of separation and the establishment of hermetically sealed communities. The right to be taught in one's mother tongue cannot justify segregation; no one should invoke cultural diversity to infringe upon human rights guaranteed by international law, nor to limit their scope. In particular, the three official languages and the two scripts officially recognized in Bosnia and Herzegovina must not be considered a reason for separation but rather an asset that facilitates communication and openness to others. **(Farida Shaheed, 2014, 100)**

Irrespective of the country's current structure or its future, it is essential, from a cultural rights perspective, that people be free to have access to their cultural heritage as well as to that of others, to engage freely in cultural cooperation with others, both within and across localities and entities, and to leave, join and create new communities of shared cultural values. It is the responsibility of the authorities, at all levels, to ensure and respect cultural diversity within each community, as well as between communities. **(Farida Shaheed, 2014, 101)**

The Special Rapporteur calls upon all stakeholders to urgently resolve the status of the seven major cultural institutions, enabling them to function without hindrance. She also warns against a system that would reinforce the divisions of people by confining cultural institutions to Bosnian, Croatian or Serbian cultural and artistic expressions and history, depending on the entity in which they are located. The various levels of government should create an environment conducive to cooperation and working relations among all cultural institutions, without interference from political actors. **(Farida Shaheed, 2014, 103)**

With regard to enhancing interactions among children and youth, what may not be immediately achievable inside classrooms can most certainly be achieved outside, through cultural events and systematized exchanges across communities. The Special Rapporteur recommends in particular that:

(a) Cross-community opportunities for engaging in activities in the field of culture, sports, science and arts be maximized through, for example, the rehabilitation of cultural and youth centres, and the creation of neutral spaces sheltered from politics and issues relating to ethno-national or religious affiliation. Such spaces should be established in locations where people feel free to come and interact;

(b) People associated with sports, in particular football teams and fan clubs, as well as artists in projects bridging communities, be engaged and supported. **(Farida Shaheed, 2014, 103)**

Institutions in the field of science and culture should be free to conduct their activities unencumbered by political agendas, and their independence guaranteed in law and in practice. The selection of cultural and art projects for public funding should be transparent and delegated to independent peer-review bodies.² **(Farida Shaheed, 2014, 110)**

Further efforts to foster intercultural dialogue, tolerance and understanding among the different communities and groups living in Bosnia and Herzegovina (Italy). **(UPR 2014, 107. 31)**

Share the experience of Bosnia and Herzegovina in the field of multi-ethnic teaching of tolerance in schools (Morocco). **(UPR 2014, 107. 167)**

2.4. From Reports and Analyses

Effective protection of human rights is undermined by the uneven implementation of the anti-discrimination legislation and the absence of a country-wide anti-discrimination strategy. On **non-discrimination** policies, no steps were taken to develop an anti-discrimination strategy at State level. The anti-discrimination law has not been amended to include age and disability as grounds for discrimination, nor have its provisions been adequately reflected or transposed into labour law or higher education. A working group, coordinated by the Ministry of Human Rights and Refugees and tasked with the revision of the antidiscrimination law was formed in August 2015. Implementation of the 2009 anti-discrimination law is hampered by procedural hurdles and low levels of knowledge of the law. A total of 144 judicial cases of discrimination were pending as of August. Hate crime and hate speech are not covered by the Federation's criminal law. Most hate incidents targeted returnees, LGBTI persons or were ethnically motivated. Information about hate crime acts is not systematically collected or tracked. **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

² See A/HRC/23/34.

The Sejdíć-Finci ruling of the European Court of Human Rights has still not been implemented, meaning that people not belonging to one of the three constituent peoples are still not allowed to stand for in the House of Peoples and the Presidency of Bosnia and Herzegovina. The Supreme Court of Federation passed two judgments and the Supreme Court of the Republika Srpska rendered one judgment in cases of discrimination in 2015. There is still a lack of consistent and comprehensive collection of data on discrimination. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

The failure to address this particular issue means that strong institutional foundations for discriminatory practices against the constitutional category 'Others' will remain in place. This represents a wide span of discriminatory practices ranging from employment in public administration to the education system and therefore stands for the continued neglect of recommendations concerning the human rights of Others in Bosnia and Herzegovina.

Moreover, discrimination entrenched in the state constitution trickles down to local constitutions and national public institutions, where important seats are explicitly and implicitly reserved for the main ethnic groups. Hence minority communities are also not represented in other important high offices and institutions, including, inter alia, the national human rights institution. Due to their limited participation in decision making processes, the needs of minorities are seldom considered as a priority and often completely ignored. This, combined with complicated institutional structures, makes the complex task of effectively protecting human rights virtually impossible, perpetuating entrenched discrimination against vulnerable minority communities in almost all areas of life. (**'Collateral Damage of the Dayton Peace Agreement: Discrimination Against Minorities in Bosnia and Herzegovina, Twenty Years On'**)

Legal provisions providing **equality between women and men** are broadly in place but are not being implemented in an effective manner. Cooperation between the State Agency and Entity Centres for Gender Equality remained good. Implementation of gender policies in Bosnia and Herzegovina is hampered by the fragmentation of powers and the multiple institutional bodies, as well as by limited budgetary resources. To date, financing is not in place to continue running the 2009-2014 Financial Mechanism for Implementation of the Gender action plan of Bosnia and Herzegovina. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

The continuation of gender stereotypes is a rather strong illustration of non-compliance with the UN recommendations on equality between men and women. While CEDAW 2013 recommendations require, as a matter of priority, the removal of gender stereotypes from educational textbooks and teaching material, simple initial research of primary school textbooks indicates the strong presence of gender stereotypes pertaining to the level of illustrations used in school textbooks. For example, the percentage of men contained in textbook illustrations is dominant (in Bosnian language primary school textbooks from the first to fourth grade the ratio of men to women is 75.54% to 24.46%) as is the highly stereotyped roles in which men are entitled to a wide range of activities and women are usually presented in caretaker roles.

The legal framework for the protection of **minorities** is largely in place and in line with the Council of Europe Framework Convention for the Protection of National Minorities. However, the lack of coordination between the State and Entity levels continued to hamper implementation of the law on national minorities. The presence and participation of national minorities in public debates and the media remain low. The effectiveness and impact of national minority councils at State and Entity level is hindered by insufficient resources and lack of political leverage in decision-making. Politicized appointment procedures also undermine the

legitimacy and ability of the councils to operate properly. (**Bosnia and Herzegovina 2015 Report' by the European Commission**)

In November 2014, the Federation Supreme Court confirmed the 2012 first instance verdict that the 'two schools under one roof' in Stolac constitutes ethnic segregation of pupils. Progress in eliminating the 'two schools under one roof' phenomenon continues to be slow and the number of mono-ethnic schools has not decreased. The common core curriculum is not yet applied throughout the country. (**Bosnia and Herzegovina 2015 Report' by the European Commission**)

This observation is of special importance as the request to end the phenomenon of 'two schools under one roof' is a landmark recommendation and constitutes a significant part of the UN recommendations under the non-discrimination principle; however, no progress has been achieved.

Bosnia and Herzegovina held the most recent chairmanship of the Decade for **Roma** Inclusion, which concluded in September 2015. The third Roma inclusion seminar, held in Sarajevo in June 2015, adopted specific recommendations in all five key policy priority areas. Significant progress was achieved towards completing the civil registration process. As of September 2015, only 77 identified persons at risk of statelessness remained to be registered. On education, free textbooks for Roma children in primary school continued to be provided to some Roma pupils. The drop-out rate has slightly decreased, but the number of Roma children included in the education system needs to be significantly increased. Further housing was provided to Roma in need in 60 municipalities. The assistance provided included co-financing by local authorities, including for those affected by the May 2014 floods. However, access to infrastructure is not provided to all rebuilt housing. (**Bosnia and Herzegovina 2015 Report' by the European Commission**)

Still, the overall social, economic and political position of the Roma community in Bosnia and Herzegovina is rather bad and need for government support is strongly required. (**Bosnia and Herzegovina: Sectoral planning document for the justice sector and fundamental rights**)

In general, anti-discrimination, both as human rights principle and constitutionally and legally granted freedom, is not sufficiently publicly acknowledged and accepted and, consequently, demanded. Also, and with due recognition of the fact that certain educational programmes are offered, law enforcement agencies, as well as legal professionals, are in strong need for further improvement of their knowledge and skills in this regard. (**Bosnia and Herzegovina: Sectoral planning document for the justice sector and fundamental rights**).

3. RULE OF LAW

3.1. Application of the Convention/Covenant

The Committee recommends that the State party continue its efforts aimed at ensuring uniform application of the principles and provisions of the Convention throughout the country and expedite the process of adoption of the legislation currently under review. (**CRC 2005, 9**)

The State should ensure that judges, prosecutors, lawyers and other personnel are fully aware of the State party's international obligations enshrined in the Convention, that fair treatment prevails in all judicial procedures and that independence of the judiciary is fully guaranteed and safeguarded, in particular in procedures relating to the protection of minorities and returnees. **(CAT 2005, 11)**

The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, "to the maximum extent of... available resources and, where needed, within the framework of international cooperation". The Committee further recommends that the State party harmonize the expenses for children's rights protection between the Entities so that a minimum level of social and health protection for all children throughout the country is guaranteed. **(CRC 2005, 17)**

The Committee urges the State party to ensure the justiciability of the Covenant rights in domestic courts and draws its attention to general comment No. 9 on the domestic application of the Covenant. It invites the State party to include information concerning case law on the application of the Covenant in its second periodic report. **(CESCR 2006, 31)**

To implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to incorporate it into the criminal justice system (Qatar). **(UPR 2010, 6)**

To expedite the establishment of its National Preventive Mechanism, in keeping with its obligations under the Optional Protocol to the United Nations Convention against Torture (United Kingdom). **(UPR 2010, 17)**

To establish a Council for Persons with Disabilities in Bosnia and Herzegovina (Finland). **(UPR 2010, 43)**

The Committee requests that the State party include in its next periodic report specific information on the justiciability of the rights enshrined in the Covenant, including the cases of direct application of the Covenant before domestic courts as well as information on the available remedies for individuals claiming a violation of their economic, social and cultural rights, as contained in the Covenant. In this respect, the Committee draws attention to its general comment No.9 (1998) on the domestic application of the Covenant. **(CESCR 2013, 7)**

In the light of the direct applicability of the Convention, the Committee is concerned about the limited number of court proceedings where provisions of the Convention were directly invoked or applied, as well as the low number of complaints related to gender-based discrimination brought before the Gender Equality Agency and the Institution of Human Rights Ombudsmen, which indicates a continuing lack of awareness among women themselves and among the judicial and legal professions about the rights of women and the remedies available under the State party's legal framework, the Convention and the Optional Protocol thereto, as well as about the Committee's general recommendations. The Committee is also concerned that the provision of legal aid remains fragmented and unregulated in some cantons of the Federation, that it continues to be provided largely by privately funded non-governmental organizations, and that the adoption of a State-level law on free legal aid is still pending. **(CEDAW 2013, 15)**

Expedite the establishment of its national preventive mechanism, in accordance with its obligations under OPCAT (the Former Yugoslav Republic of Macedonia). **(UPR 2014, 107. 13)**

Create a national mechanism to prevent torture in conformity with OPCAT (France). **(UPR 2014, 107. 14)**

Act on its previous commitment and establish a national preventative mechanism, as defined under OPCAT, and ensure the allocation of adequate resources for its functioning (Hungary). **(UPR 2014, 107. 15)**

Ensure the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women and actively promote gender equality (Switzerland). **(UPR 2014, 107. 32)**

Continue consolidating the social protection programmes for the application of the Convention on the Rights of Persons with Disabilities (Venezuela (Bolivarian Republic of)). **(UPR 2014, 107. 154)**

Fully implement the Convention on the Rights of Persons with Disabilities and in this regard designate a focal point as coordination mechanism based on appropriate consultation with DPOs (Germany). **(UPR 2014, 107. 156)**

Strengthen the application in all its territory of the Convention on the Rights of Persons with Disabilities, guaranteeing that the different measures initiated are in line with the approach defined in the Convention (Spain). **(UPR 2014, 107. 157)**

3.2. Application of the Laws

The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions, as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children. **(CRC 2005, 29)**

The Committee recommends that further efforts be made to ensure the implementation of the respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable and minority groups. This right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children. **(CRC 2005, 31)**

In the light of article 19 of the Convention, the Committee recommends that the State party:

Make sure that the legislative measures currently being undertaken - namely, the new Family Law and the new Law on Protection from Domestic Violence - are expeditiously adopted and adequately implemented in both Entities. **(CRC 2005, 43a)**

The Committee recommends that the State party:

Ensure the implementation of legislation fully covering article 32 of the Convention, and ILO Conventions No. 138 (1973) and No. 182 (1999). **(CRC 2005, 66 c)**

The Special Rapporteur further recommends that the identification of victims not be left totally to the discretion of SBS officers and other law enforcement officials, but that specific guidelines be developed. In defining guidelines for identification of victims, the Special Rapporteur recommends that the relevant chapter of the Legal Manual on Protection of Victims of Trafficking in Persons in Bosnia and Herzegovina prepared by the OHCHR Office in Bosnia and Herzegovina be taken into account. Rule books and procedures should also be developed on issues such as how to act in case of suspicion that a person is crossing the border irregularly. **(Sigma Huda, 2005, 81)**

In order to ensure effective prosecution, the Special Rapporteur further recommends that measures be taken to amend the standards required to prove that the victim-witness are genuinely unavailable at trial and to ensure that the definition of unavailability recognizes that the victim-witness can also be rendered unavailable through fear and that she should therefore not be subject to subpoena or arrest and/or detention as a material witness. **(Sigma Huda, 2005, 87)**

The State party should ensure the effective implementation of the legislation to combat domestic violence, intensify the training provided to judges, prosecutors and law enforcement officers on the application of such legislation, as well as to hospital and other staff working with victims of domestic violence and child abuse, introduce standard procedures for the collection of medical evidence of domestic violence, and enhance victim assistance programmes and access to effective remedies. **(CCPR 2006, 12)**

The Committee urges the State party to ensure the harmonization of the criminal law provisions of the Entities and of the Brcko District on the crime of domestic violence with the State Law on Gender Equality, as well as their application by judges, prosecutors and the police. The Committee also recommends that the State party take measures to sensitize law enforcement officials and the general public for the causes, criminal nature, and the specific needs of victims, of acts of domestic violence. **(CESCR 2006, 43)**

Although all international human rights treaties, including the Convention, are directly applicable in the State party, the Committee is concerned that the Convention has yet to be invoked by women in domestic litigation and applied by the judiciary. **(CEDAW 2006, 13)**

The Committee urges that the State party ensure the effective implementation of all legal provisions aimed at eliminating racial discrimination, and that it provide in its next report updated information concerning the application by courts within Bosnia and Herzegovina of criminal law provisions punishing acts of racial discrimination, in particular articles 145 and 146 of the Criminal Code of Bosnia and Herzegovina; such information should include the number and nature of cases brought, convictions obtained and sentences imposed, and any restitution or other remedies provided to victims of such acts. **(CERD 2006, 16)**

The Committee recommends that the State party speed up the process of law harmonization in order to comply with its obligations under the Law on Gender Equality (art. 30, para. 2), and under all articles of the Convention and that it put in place procedures for the effective implementation and enforcement of these laws. **(CEDAW 2006, 16)**

While recognizing the State party's legal and other efforts to address violence against women, the Committee is concerned that the legal texts adopted in both entities may allow for differing judicial interpretations and inconsistent application of penalties due to the fact that in the Federation of Bosnia and Herzegovina domestic violence is defined as a crime while in the

Republika Srpska it is defined both as a crime and a misdemeanor. In addition, the implementation of the law is hampered by the lack of necessary by-laws and structures. The Committee is also concerned about the absence of statistical data on acts of domestic violence against women and that such acts continue to be underreported and viewed as a private matter. **(CEDAW 2006, 25)**

The Committee recommends that the State party incorporate, in its next periodic report, detailed information on the practical implementation of the legal framework. **(CMW 2009, 10)**

To take all the measures necessary to ensure full respect for existing legislation for lesbians, gays, transsexuals and bisexuals (Netherlands). **(UPR 2010, 50)**

To conduct a standing information campaign to disseminate international obligations under international human rights law and international humanitarian law, and to intensify the training of law enforcement officials to ensure that they are aware of their obligation to apply in practice the principles of those international instruments (as acknowledged in the national report), with the assistance of OHCHR (Mexico). **(UPR 2010, 75)**

To adopt appropriate measures to widely disseminate and ensure full observance of the Declaration on Human Rights Defenders (Norway). **(UPR 2010, 90)**

The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is widely known and appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and all policies, programmes and projects relevant to and with an impact on children, particularly those deprived of a family environment. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate them to public and private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle. The Committee stresses the need for the State party, in doing so, to pay particular attention to ensuring primacy of the principle of the best interests of the child, particularly with respect to ensuring full regard for the principle when regulating and implementing the placement into different forms of alternative care, including institutions. **(CRC 2012, 32)**

The Committee draws the State party's attention to its general comment No. 12 (CRC/C/GC/12, 2009), and recommends that it take measures to strengthen the right of the child to be heard in accordance with article 12 of the Convention. It recommends that, in doing so, the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of children to express their views in relevant legal proceedings, including by considering establishing systems and/or procedures for social workers and courts to monitor compliance with the principle. **(CRC 2012, 34)**

While welcoming the State party's increased efforts to combat domestic violence, the Committee reiterates its serious concern about the high prevalence of domestic violence and the lack of monitoring and accountability mechanisms regarding the implementation of existing strategies, at both the State and entity levels; insufficient data collection to assess the phenomenon of domestic violence; and insufficient support services dependent on non-governmental organizations and foreign funding. The Committee is also concerned about the inconsistent application of the laws regulating domestic violence by the courts of both entities, which undermines women's trust in the judicial

system despite the comprehensive legislative framework in place; the underreporting of domestic violence; the limited number of protective measures issued; and the lenient sentencing policy, including a large percentage of suspended sentences. In addition, the Committee regrets the absence of information regarding Brčko District and the insufficient information on other forms of violence against women in the State party. **(CEDAW 2013, 21)**

Ensure the effective implementation of the new legislative framework and the timely prosecution and punishment of traffickers, as well as review its sentencing policy in trafficking cases. **(CEDAW 2013, 24 b)**

Take further measures in order to ensure the effective implementation of the international human rights instruments and to enhance the coordination between the different institutional levels involved (Italy). **(UPR 2014, 107. 5)**

Further strengthen the rule of law and institutions to enforce social cohesion, tolerance and equality in order to comprehensively guarantee human rights for her people, in particular the vulnerable groups (Viet Nam). **(UPR 2014, 107. 20)**

Implement the Law on Gender Equality and the gender action plan and ensure their adequate resourcing (Lithuania). **(UPR 2014, 107. 34)**

Ensure the effective implementation of existing legislation, including the provision of protection and assistance to victims and timely prosecution and punishment of traffickers (Iceland). **(UPR 2014, 107. 90)**

Take further steps to improve the enforcement of anti-trafficking laws (Iran (Islamic Republic of)). **(UPR 2014, 107. 91)**

Implement the European Court of Human Rights judgment in the case of Sejdić and Finci (Romania). **(UPR 2014, 107. 127)**

Take all necessary measures to raise the level of involvement of women in public and political life according to the quota stated in the relevant laws (Turkey). **(UPR 2014, 107. 130)**

3.3. Adjudication

The State party should ensure that all personnel involved in the administration of justice afford full implementation of the rights of those deprived of freedom and that such persons are guaranteed full equality of arms. **(CCPR 2006, 17)**

To further strengthen the law enforcement and judicial system in the effort to address impunity, and to prevent the incidence of trafficking and domestic violence, as well as the sexual abuse of women and girls (Malaysia). **(UPR 2010, 71)**

To implement the reforms necessary to improve the effectiveness of the justice system in order to guarantee the right to a fair trial, in particular to guarantee court access for and adequate court utilization by linguistic minorities (Mexico). **(UPR 2010, 74)**

To continue its efforts to ensure the independence of the judiciary (Pakistan). **(UPR 2010, 76)**

To ensure that the relationship between the executive and the judiciary is based on mutual trust and respect for non-interference in their respective prerogatives and functions (Australia). **(UPR 2010, 81)**

To take concrete measures to ensure that the Law on Protection of National Minorities will be effectively implemented, in order to overcome the social challenges facing the Roma people (Norway). **(UPR 2010, 113)**

The Committee recommends that the State party take all necessary legal and administrative safeguards to ensure that suspects are guaranteed the right to have access to a lawyer and an independent doctor, preferably of their own choice, to notify a relative, to be informed of their rights at the time of detention, and to be brought promptly before a judge in accordance with international standards irrespective of the nature of their alleged crime. **(CAT 2011, 10)**

Ensure adequate trained prosecutors, judges and staff in the justice systems of the Federation and of Republika Srpska, in order to make timely and efficient progress on war crime cases, including the sensitive handling of those dealing with sexual violence (United Kingdom of Great Britain and Northern Ireland). **(UPR 2014, 107. 64)**

Give priority to judicial system reform, especially to ensure equal access to justice, expeditious court proceedings and effective enforcement of court decisions, as well as to integrate human rights education into professional training programmes for judges and prosecutors (Thailand). **(UPR 2014, 107. 93)**

Provide additional and sustained political and financial support to the justice system, including the Prosecutor's Office (Australia). **(UPR 2014, 107. 92)**

3.4. Criminal Justice

In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to fully implement and incorporate the above-mentioned Optional Protocol (to the Convention on the sale of children, child prostitution and child pornography) in the criminal justice systems as well as to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to this field. Furthermore, the Committee should, inter alia:

Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials;

Launch awareness-raising and prevention campaigns targeting in particular children;

Seek assistance from UNICEF, among others. **(CRC 2005, 70)**

The Committee recommends that thorough, independent and effective investigations be carried out regarding the allegations that police officers may be involved in trafficking-related activities and to impose on them - if found guilty - appropriate penal and/or other sanctions. **(CRC 2005, 72)**

The Committee recommends that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends the State party in particular to:

- (a) Ensure systematic training for judges and councils for persons under 18;
- (b) Take all necessary measures to ensure that persons under 18 are only deprived of liberty as a last resort and for the shortest appropriate period of time and that when in custody they are in any case separated from adults;
- (c) Provide that persons under 18 placed in prisons - including remand prisons - are given a full programme of educational activities (including physical education);
- (d) Take urgent steps to substantially improve the conditions of detention of persons under 18 deprived of their liberty in conformity with international standards;
- (e) Set up more precise legal regulation on the process of diversion, as provided by article 40, paragraph 3, of the Convention;
- (f) Define more clearly the conditions of supervision of juvenile detainees ordered by the juvenile judge;
- (g) Consider amending the current prison sentences applicable to persons between 16 and 18 who have committed a crime, by eliminating the 1-year minimum term of imprisonment as well as by reducing the 10-year maximum term;
- (h) Establish the right to a defense counsel from the beginning of the criminal proceedings in the Republika Srpska;
- (i) Seek technical assistance from the UNICEF and OHCHR, among others. **(CRC 2005, 74)**

The Special Rapporteur recommends further efforts in the implementation of the new criminal procedure codes so as to clarify which crimes are to be prosecuted at the State level as trafficking rather than in the entity courts as offences carrying lesser penalties. In particular, law enforcement officials should receive training on when, how and at what stage to transmit a case to the State prosecutor. Training on investigative methods of gathering evidence should also be implemented for the police. Prosecutors should be sensitized to the need to conduct thorough investigations and to avoid precipitous prosecution for offences carrying lesser penalties. State investigations should also be strengthened, as well as cooperation between different levels of law enforcement. The Special Rapporteur strongly recommends that training be undertaken for law enforcement officials in detecting and properly investigating acts of trafficking. Steps should also be taken to increase cooperation among law enforcement agencies and between them and the prosecutors' offices so as to improve cooperation and information exchange and therefore achieve more effective prosecution. **(Sigma Huda, 2005, 86)**

The Special Rapporteur believes that proper protection must be provided to the victims who decide to cooperate with the prosecution so that they do not feel threatened or intimidated. The Special Rapporteur recommends that protection of victims be provided not only during trial but also before and afterwards. It should include temporary leave to remain in the country for the duration of civil proceedings and work permits. Agreements on relocation to third countries should also be sought. Proper allocations should be secured to ensure the implementation of the witness protection law and the Witness Protection Programme. The Special Rapporteur recommends that agreements be sought with the countries of origin of the victims on cost-sharing schemes in order to provide strengthened assistance to the victims. **(Sigma Huda, 2005, 88)**

The Committee recommends that the State party take all necessary measures to ensure that crimes are investigated and that alleged perpetrators are prosecuted and duly sanctioned in order to challenge impunity. **(CRC OPSC, 2010, 29)**

To increase its policing capacity and enhance judicial reforms to enable it to better fight organized crime and human trafficking (Canada). **(UPR 2010, 62)**

To contribute to an atmosphere supportive of a free and vibrant civil society, including by ensuring positive public communication and enhanced police capacity to provide protection and conduct investigations (Canada). **(UPR 2010, 96)**

To (the government of the Republika Srpska) effectively investigate and prosecute violations against human rights defenders (Norway). **(UPR 2010, 88)**

To forcefully denounce attacks against human rights defenders, and to ensure State authorities give human rights defenders legitimacy and recognition through supportive statements (Norway). **(UPR 2010, 89)**

To continue adopting measures to guarantee the protection of human rights defenders (Chile). **(UPR 2010, 91)**

To ensure that all assaults on human rights defenders, journalists and members of their families are properly investigated and that perpetrators are brought to justice (Netherlands). **(UPR 2010, 92)**

To ensure the protection of human rights defenders operating in the country, in accordance with the United Nations Declaration on Human Rights Defenders, to spare them intimidation and harassment (Slovakia). **(UPR 2010, 94)**

To improve the working conditions of human rights activists, to take all steps necessary to strengthen freedom of expression and freedom of the press and, in particular, to rigorously prosecute cases of intimidation against media representatives (Germany). **(UPR 2010, 95)**

To fully investigate all allegations of intimidation and violence against civil society actors, and to prosecute those responsible (Canada). **(UPR 2010, 97)**

To continue its efforts to combat corruption, in particular corruption involving law enforcement authorities (Poland). **(UPR 2010, 84)**

The Committee recommends that the State party bring the juvenile justice system fully into line with the Convention, in particular articles 37, 39 and 40, and with other relevant standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), the Guidelines for Action on Children in the Criminal Justice System, and the Committee's general comment No. 10 (CRC/GC/10, 2007). Furthermore, the Committee specifically recommends that the State party:

(a) Allocate the necessary human, technical and financial resources to ensure adequate alternative measures to detention and forms of rehabilitation for children in conflict with the law, and ensure that children are not detained together with adults;

(b) Avoid the use of pretrial detention for children and ensure that, when applied, this is kept to a minimum period of time;

- (c) Take measures to ensure access to education for persons under the age of 18 held in detention;
- (d) Expediently establish a national preventive mechanism to monitor the execution of juvenile prison sentences;
- (e) Provide comprehensive training on child rights and juvenile justice to professionals working with or for children in conflict with the law;
- (f) Raise public awareness of children in conflict with the law and enforce media and journalism codes of conduct to prevent their stigmatization by media and the general public;
- (g) Establish a comprehensive database on children in conflict with the law with a view to facilitating the analysis of their situation at the national level and using its results to improve the State party's juvenile justice system.

The Committee recommends that the State party take all possible measures to ensure that sufficient resources are allocated for the implementation of the Optional Protocol. In particular, law enforcement agencies and centres for social work should be provided with adequate human, technical and financial resources necessary for their activities. **(CRC OPSC, 2010, 19) (CRC 2012, 77)**

The Government of Bosnia and Herzegovina restrict the transfer of jurisdictions to the two entities, thus preventing further fragmentation of the judiciary in Bosnia and Herzegovina (Netherlands). **(UPR 2014, 107. 95)**

Continue aligning the juvenile justice system with international standards (Latvia). **(UPR 2014, 107. 101)**

Continue implementing the plan to fight corruption (Bahrain). **(UPR 2014, 107. 102)**

Continue strengthening anti-corruption policies and ensure wider access to justice for every citizen, including through the provision of free legal assistance to the most vulnerable groups (Italy). **(UPR 2014, 107. 103)**

Take immediate steps to ensure that allegations of threats and intimidation against journalists and the media are fully investigated (Australia). **(UPR 2014, 107. 113)**

Ensure the protection of journalists, media personnel and human rights defenders against any attacks, investigate and prosecute such attacks and bring those responsible to justice (Estonia). **(UPR 2014, 107. 114)**

Combat intimidation and pressure practices against journalists and human rights defenders (France). **(UPR 2014, 107. 115)**

Publicly condemn any attack or intimidation of journalists and human rights defenders, investigate such acts and bring perpetrators to justice (Lithuania). **(UPR 2014, 107.116)**

3.5. External / Internal Review

The State party should:

- (b) Allow and ensure regular and independent monitoring of the conduct of police and prison officials, inter alia, through existing channels such as the Offices of the Ombudsman and non-governmental organizations;

Ensure that the mechanisms of internal oversight of the police and prisons function properly and are independent and effective. **(CAT 2005, 13)**

The State party should ensure that the rules for interrogations, instructions, methods and practices concerning persons deprived of their liberty are systematically reviewed. Recommendations emerging from the Offices of the Ombudsman and others conducting regular monitoring should be implemented in a timely manner. **(CAT 2005, 18)**

The Committee recommends that the Parliamentary Military Commissioners be specifically mandated to ensure compliance with the Optional Protocol by the armed forces of Bosnia and Herzegovina, in close cooperation with the Ombudsman for Human Rights of Bosnia and Herzegovina. The Committee furthermore recommends that the State party intensify efforts to consolidate the Ombudsman for Human Rights of Bosnia and Herzegovina and ensure a unitary approach to protecting and promoting human rights, and the Convention and its Optional Protocols in particular. **(CRC OPAC, 2010, 11)**

3.6. Hate Speech and Hate Crimes

The Committee recommends that the State party continue to endeavor to combat inter-ethnic prejudices, by, inter alia, applying existing criminal provisions on hate speech and hate crimes, continuing to strengthen, and to promote, through awareness-raising campaigns, and other concrete steps, national unity, tolerance and the peaceful coexistence of members of various nationalities and religious groups, and by strengthening the monitoring powers of the Communications Regulatory Agency with regard to acts of public incitement to ethnic and religious hatred. **(CERD 2010, 10)**

To strictly apply criminal provisions on hate speech and hate crimes, and to conduct awareness-raising campaigns to promote tolerance (Czech Republic). **(UPR 2010, 33)**

The State party should strengthen its efforts to combat hate speech and racist attacks, particularly against the Roma, by, inter alia, instituting awareness-raising campaigns aimed at promoting respect for human rights and tolerance for diversity. The State party should also strengthen its efforts to ensure that alleged perpetrators of racist attacks are thoroughly investigated and prosecuted and, if convicted, punished with appropriate sanctions, and that the victims are adequately compensated. Furthermore, the State party should enact a law that prohibits the formation of associations that are founded on the promotion and dissemination of, inter alia, hate speech and racist propaganda. **(CCPR 2012, 20)**

The Committee urges the State party to intensify its efforts, including through the adoption at State level of the draft law on amendments to the Criminal Law of the Federation of Bosnia and Herzegovina, which expands the definition of a hate crime, to ensure the sustainable return of refugees and internally displaced persons to their home communities by ensuring their equal enjoyment of Covenant rights, especially in the field of social protection, health care, education and employment. **(CESCR 2013, 12)**

Combat hate speech and hate crime, including in the political sphere, and, to this end, collect and evaluate hate speech and hate crime data, and promote inter-ethnic and interreligious tolerance, in particular in the education system (Czech Republic). **(UPR 2014, 107. 42)**

Redouble its efforts to combat public manifestation of hate speech and intolerance (Indonesia). **(UPR 2014, 107. 43)**

Strengthen legislation to combat incitement to hate and discrimination on the grounds of ethnicity, culture, religion or nationality, particularly when it comes in political statements or from public officials (Mexico). **(UPR 2014, 107. 44)**

Investigate and prosecute incidents of hate speech (Sierra Leone). **(UPR 2014, 107. 45)**

The Committee recommends that the State party ensure that existing criminal provisions on hate speech and hate crimes are implemented appropriately in accordance with the Committee's general recommendation No. 35 on combatting racist hate speech, and continue to carry out awareness-raising campaigns at all levels to promote national unity, understanding and tolerance and the peaceful coexistence of members of various nationalities and religious groups. **(CERD 2015, 12)**

3.7. Child Victims

The Committee recommends that the State party strengthen measures to protect the rights and interests of child victims of all offences under the Optional Protocol, including through further development of guidelines on child protection work for social workers and law enforcement officials and ensure training on such guidelines. In particular, procedures should be strengthened to ensure a more proactive approach to identifying child victims vulnerable to the offences under the Optional Protocol, including by sensitizing and developing effective partnerships with parents and families of child victims. **(CRC OPSC, 2010, 35)**

The Committee recommends that the State party establish a unit within the Section on Victims of Criminal Offences specifically mandated to provide assistance and support to children victims of offences under the Optional Protocol and provide it with adequate human, technical and financial resource allocations. The Committee further recommends that the State party pay special attention through affirmative social action to the needs of children in vulnerable situations (para. 24). **(CRC OPSC, 2010, 39)**

The Committee recommends that the State party take all necessary measures to ensure that child victims of the offences under the Optional Protocol are provided with appropriate assistance, including for their full social reintegration and full physical and psychological recovery. In particular, the Committee encourages the State party to ensure the continuity of shelters specifically designated for child victims, including day-care centres for children involved in organized begging. The Committee recommends that the State party integrate the latter among its protection programmes for children. **(CRC OPSC, 2010, 41)**

Consider the possibility of using audio and video interviews of children in cases concerning the sale of children, child prostitution and child pornography and that these interviews must be conducted by specially trained police officers in child-friendly interview rooms. **(CRC OPSC, 2010, 37)**

3.8. Prisons/Prison System/ Detention/ Mental Health Institutions

The State party should take all necessary steps to improve the regime for prisoners. Activities could include work with a vocational value and regular physical exercise. **(CAT 2005, 17)**

The State party should:

- (a) Ensure, inter alia, that persons deprived of their liberty are aware of their rights and have the opportunity to complain;
- (c) Allow for and provide regular and confidential access to persons deprived of their liberty by competent individuals and bodies such as the judges of competent courts, the Office of the Ombudsman and non-governmental organizations. **(CAT 2005, 19)**

The State party should ensure that men, women and children are kept in separate facilities through their whole period of detention or confinement, in conformity with international standards in force. **(CAT 2005, 14)**

The State party should ensure that all persons detained are guaranteed a right to contact their families and have immediate access to an independent medical doctor and legal counsel from the very outset of the deprivation of liberty. **(CAT 2005, 15)**

The State party should investigate promptly all allegations of violence within detention or prison establishments, including forensic examinations, and take measures to prevent such incidents. **(CAT 2005, 16)**

The State party should improve the material and hygienic conditions in detention facilities, prisons and mental health institutions in both Entities and ensure sufficient staffing levels, as well as regular exercise and out-of-cell activities for inmates, and adequate treatment of mental health patients. It should transfer all patients from Zenica Prison Forensic Psychiatric Annex and, to that end, ensure that Sokolac Psychiatric Hospital meets international standards. **(CCPR 2006, 19)**

The State party should intensify its efforts to bring the conditions of detention in places of deprivation of liberty into line with the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolutions 663 C (XXIV) and 2076 (LXII)) and other relevant international and national law standards, in particular by:

- (a) Coordinating the judicial supervision of conditions of detention between competent organs and ensuring thorough investigations of all allegations of abuse or ill-treatment committed in detention facilities;
- (b) Drawing up a comprehensive plan to address the issue of inter-prisoner violence and sexual violence in all detention facilities, including Zenica Prison, and ensuring effective investigations into those cases;
- (c) Reducing prison overcrowding and considering non-custodial forms of detention;
- (d) Ensuring that solitary confinement is used only as a measure of last resort for as short a time as possible under strict supervision;
- (e) Strengthening the effort to improve the regime for prisoners, especially vocational and physical activities, and to facilitate their re-integration into society;
- (f) Ensuring that minors are detained separately from adults through their whole period of detention or confinement and offering them educational and recreational activities;
- (g) Providing adequate accommodation and psychosocial support care for detainees who require psychiatric supervision and treatment. **(CAT 2011, 19)**

The Committee recommends that the State party ensure that adequate psychosocial support by multidisciplinary teams is provided for patients in psychiatric institutions that all places where mental-health patients are held for involuntary treatment are regularly visited by independent monitoring bodies to guarantee the proper implementation of the existing safeguards, and that alternative forms of treatment are developed. Furthermore, the State

party should ensure the full and timely implementation of the recommendations made by the Ombudsmen, as contained in their special report on the situation in institutions for accommodation of mentally disabled persons. **(CAT 2011, 20)**

The State party should take urgent measures to address overcrowding in detention centres and prisons, including through increased resort to alternative forms of punishment, such as electronic monitoring, parole and community service. The State party should take practical measures to prevent inter-prisoner violence. In this regard, the State party should continue to ensure that all cases of inter-prisoner violence, especially those leading to deaths, are thoroughly investigated and that the perpetrators are prosecuted and punished with appropriate sanctions. **(CCPR 2012, 11)**

a. Torture

Establish an independent mechanism to investigate alleged torture or ill-treatment. **(CAT 2005, 19)**

The State party should ensure that every individual who alleges that he or she has been subjected to torture or ill-treatment has the right to complain to the competent authorities without any impediment and that such individuals have access to their medical file upon their request. Furthermore, in line with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, all detainees and prisoners should be provided with information on the possibilities for lodging complaints, including on the right to correspond on a confidential basis with outside judicial and complaints' bodies, and that closed complaints boxes be installed in the prisons (CPT/Inf (2010) 10, para. 36). **(CAT 2011, 21)**

3.9. Refoulement/Extradition/Asylum

The State party should ensure that it complies fully with article 3 of the Convention and that individuals under the State party's jurisdiction receive appropriate consideration by its competent authorities and guaranteed fair treatment at all stages of the proceedings, including an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition.

The State party should provide the Committee with information regarding cases of extradition where the risk of being subjected to torture has or has not been considered, including information on whether safeguards are in place to prevent extradition in such cases. **(CAT 2005, 12)**

The State party should:

(a) Ensure (i) procedural safeguards against refoulement and (ii) effective remedies with respect to refoulement claims in removal proceedings, including review by an independent judicial body concerning rejections;

(b) Ensure that a thorough review of each individual case is provided for asylum claims and that persons whose applications for asylum have been rejected can lodge an effective appeal with the effect of suspending the execution of the decision on the expulsion or deportation;

(c) Revise its current procedures and practices in the area of expulsion, refoulement and extradition and align its interpretation of key concepts of domestic asylum law fully with international refugee law and human rights standards;

(d) Continue to follow up on and keep the Committee informed of the case of the citizen of Bosnia and Herzegovina who remains in detention in Guantanamo Bay military base;

(e) Ensure that national security considerations do not undermine the principle of non-refoulement and that the State party fulfil its obligations to respect the principle of absolute prohibition of torture in all circumstances, in accordance with article 3 of the Convention. **(CAT 2011, 14)**

The State party should revise its practice regarding the prolonged detention of those individuals and fully respect their right to effectively challenge the decisions to revoke their citizenship, detain and deport them. Furthermore, the State party should guarantee key principles related to a fair and efficient asylum procedure, including adequate translation and interpretation services, free legal aid and access of applicants to their case file. **(CAT 2011, 15)**

The Committee recommends that the State party ensure that migrant workers who have been deprived of their citizenship have access to effective legal remedies to submit the reasons why they should not be expelled to a third country, in particular when they would face a risk of ill-treatment upon return to that country. **(CMW 2012, 28)**

The Committee recommends that the State party uphold all the procedural safeguards contained in article 22 of the Convention and consider extending the time limit for lodging appeals against decisions on expulsion. **(CMW 2012, 32)**

3.10. Training

The Special Rapporteur recommends greater coordination between the SBS and other law enforcement agencies, especially in the exchange of intelligence, including through joint training on the prevention of trafficking and assistance to victims. More training for law enforcement officials on the Rule Book is also necessary. The Special Rapporteur recommends that the Rule Book be revised to ensure that it addresses the question of protection of national victims and victims of trafficking for purposes other than prostitution. Measures should be taken to address the problem of corruption of local police, including introducing higher salaries, promoting internal mechanisms to report cases of corruption and ensuring that internal disciplinary measures are taken in cases of corruption. **(Sigma Huda, 2005, 82)**

Human rights training, including on the Guiding Principles on Internal Displacement, should be provided to officials of the Ministry for Human Rights and Refugees and their counterparts in the entities and municipalities. **(Walter Kälin, 2006, 60)**

The Representative recommends to the international community that it concentrate its efforts and resources towards the creation of an environment conducive to sustainable return. It could assist with human rights training and human rights-based capacity-building in areas such as administration of justice, employment policies, and the harmonization of the health and education systems. **(Walter Kälin, 2006, 61)**

Continue strengthening capacity-building and training activities for all those involved in providing services to women victims, including policymakers, judicial officers, health-care professionals and other service providers. **(Rashida Manjoo, 2013, 105 III c)**

a) Judges, Prosecutors, Lawyers, Law Enforcement, Social Workers

The Committee also recommends that the State party strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights of professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required. **(CRC 2005, 24)**

In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to fully implement and incorporate the above-mentioned Optional Protocol (to the Convention on the sale of children, child prostitution and child pornography) in the criminal justice systems as well as to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to this field.

Furthermore, the Committee should, inter alia:

Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials;

Launch awareness-raising and prevention campaigns targeting in particular children;

Seek assistance from UNICEF, among others. **(CRC 2005, 70)**

Conduct, on a regular basis, education and training of law enforcement personnel, including those in police and prison establishments, to ensure that all officers are fully aware of the provisions of the Convention, that breaches will not be tolerated and will be investigated, and that offenders will be prosecuted. All personnel should receive specific training on how to identify signs of torture. **(CAT 2005, 13 a)**

The Special Rapporteur recommends that further training be given to SBS officers on the identification of the victims of trafficking, on the Rule Book and the UNICEF Guidelines for the Protection of the Rights of Children Victims of Trafficking. **(Sigma Huda, 2005, 79)**

The State party should give wide publicity to the provisions of the Covenant, inter alia, by translating it into the official languages of Bosnia and Herzegovina and by improving training provided to judges, prosecutors and lawyers on the application of the Covenant. **(CCPR 2006, 9)**

The State party should ensure that the perpetrators of acts of trafficking in persons are effectively prosecuted; that judges, prosecutors and law enforcement officers receive intensified training on the application of anti-trafficking and anti-corruption standards; that sufficient funds are allocated from the State budget to victim assistance and witness protection programmes; and that effective measures are taken to combat the exploitation of children, especially Roma and other ethnic minority children, for the purpose of street begging or other forced labour. **(CCPR 2006, 16)**

The Committee calls upon the State party to harmonize the laws of the two entities and to speed up the formulation and adoption of by-laws and the establishment of relevant structures and institutions needed for implementation. In addition, it recommends that concrete measures be undertaken to empower women to report incidences of domestic violence and to ensure, through training programmes, that public officials, especially law enforcement personnel, the judiciary, health-care providers, social workers and teachers, are fully familiar with applicable legal provisions, are sensitized to all forms of violence against women and are skilled to respond to them in an adequate manner. The Committee also

encourages the State party to collect data on incidences of domestic violence against women and, based on such data, continue to develop sustainable strategies to combat this human rights violation. **(CEDAW 2006, 26)**

The Committee urges the State party to ensure the de facto justiciability of the Convention's rights in all domestic courts and other mechanisms. It calls upon the State party to take additional measures to disseminate information about the Convention and implement programmes for prosecutors, judges, ombudspersons and lawyers that cover the application of the Convention and, in particular, its concepts of direct and indirect discrimination and of equality. It also recommends that sustained awareness-raising campaigns and legal training targeting women and non-governmental organizations working on women's issues, be undertaken to encourage and equip women to avail themselves of procedures and remedies for violations of their rights under the Convention. **(CEDAW 2006, 14)**

The Committee encourages the State party:

(a) To strengthen and expand its training programmes to include all officials working in the area of migration, including social workers, judges and prosecutors and invites the State party to provide information in its second periodic report on any such training programmes;

(b) To take the necessary steps to ensure access by migrant workers to information about their rights under the Convention;

To work with civil society organizations in order to disseminate information on and to promote the Convention. **(CMW 2009, 18)**

The Committee recommends that the State party:

(a) Continue and strengthen education and training programmes on the Optional Protocol for members of the armed forces, including those deployed to international peacekeeping forces;

(b) Develop systematic education and training programmes on the provisions of the Optional Protocol for all relevant professional groups working with and for children and in particular among military officials involved in recruitment, judges, prosecutors, immigration officials, the Parliamentary Military Commissioners and social workers. **(CRC OPAC, 2010, 9)**

The Committee recommends that the State party allocate adequate and earmarked resources for the development of programmes and training materials on all areas covered by the Optional Protocol and ensure that such training is provided to all relevant professional groups, in particular to immigration and law enforcement officers, including members of SIPA, judges and prosecutors, social workers as well as members of the European Union Force (EUFOR) currently present in Bosnia and Herzegovina. **(CRC OPSC, 2010, 17)**

The Committee recommends that the State party allocate sufficient resources to ensure continuity and sustainability of these services and ensure that they are fully accessible and known to all children. The Committee further recommends that the State party conduct systematic training for persons operating the aforementioned hotlines (hotlines for children victims of offences) in order to effectively prevent and respond to cases of sale of children, child prostitution and child pornography. **(CRC OPSC, 2010, 43)**

To consider making further efforts to train law enforcement officials, judges and police officers in the area of human rights (Egypt). **(UPR 2010, 83)**

Increase its efforts to enforce anti-trafficking laws and train police officers, judges, prosecutors and social service providers on the existing legal framework. **(CMW 2012, 48 c)**

The Committee reiterates its previous recommendation to take primary responsibility for providing adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, in particular law enforcement officials, as well as parliamentarians, judges, lawyers, health personnel, teachers, school administrators and others as required (CRC/C/15/Add.260, para. 24). **(CRC 2012, 24)**

The Committee recommends that the State party improve its human rights training programmes so as to promote better knowledge, awareness and application of the Covenant, in particular among the judiciary, law enforcement officials and other actors responsible for the implementation of the Covenant, as well as among the rights holders. **(CESCR 2013, 7)**

The Committee recommends that the State party:

(a) Provide systematic and mandatory training to judges, prosecutors and lawyers on the gender equality law and the law on the prohibition of discrimination, as well as on the Convention, the Optional Protocol thereto and the Committee's general recommendations and views adopted on individual communications, encourage them to refer to the Convention to give it greater visibility, and ensure that they form an integral part of legal education;

(b) Increase women's awareness of their rights and the remedies available to enable them to seek redress in cases of gender-based discrimination;

(c) Expedite the adoption of the draft law on legal aid, aimed at unifying the provision of free legal aid in the State party in order to facilitate access to justice for all women, in particular those belonging to disadvantaged groups. **(CEDAW 2013, 16)**

Provide mandatory training for judges, lawyers and law enforcement officers on the uniform application of the existing legal framework, including on the definition of domestic violence and on gender stereotypes. **(CEDAW 2013, 22d)**

Provide mandatory and gender-sensitive training for judges, prosecutors, police officers and other law enforcement officers on applicable legal provisions, including regulations on the protection of witnesses of trafficking. **(CEDAW 2013, 24 c)**

The adoption of the Law on the Prevention of All Forms of Discrimination and the laws on the protection of the rights of persons belonging to national minorities at the State and entity levels are positive steps. However, while these laws are relatively new, implementation in practice remains poor at all levels. The prevailing perception of minorities and returnee communities is that, while the laws meet international requirements, their implementation in practice remains a low political priority. Public awareness initiatives and training of judges and prosecutors is essential. **(Rita Izsák, 2013, 80)**

Improve the programmes for human rights training, in particular those designed for judges and law enforcement agents (Algeria). **(UPR 2014, 107. 23)**

Develop a national plan to combat discrimination, including through training for law enforcement agents and legal professionals and a campaign to raise public awareness (France). **(UPR 2014, 107. 24)**

Take all necessary measures to ensure the application of all laws and the training of officials in the rights of the child (Libya). **(UPR 2014, 107. 25)**

Provide training to police officers about unacceptable conduct and adequately punish all cases of ill-treatment (United States of America). **(UPR 2014, 107. 57)**

Build upon developments in Sarajevo Canton police regarding training, coordination and awareness-raising in tackling discrimination of LGBT persons and implement these practices throughout the judiciary and the police (Norway). **(UPR 2014, 107. 51)**

The Committee recommends that the State party provide for adequate initial and regular in-service training for judges, prosecutors, lawyers and law enforcement officials on the provisions of the law on prohibition of discrimination, and provide an evaluation of such training in the next periodic report. The Committee also recommends that the State party conduct awareness-raising campaigns at all levels on the law on prohibition of discrimination, how to report cases of racial discrimination to the Ombudsmen and other relevant authorities and how to bring such cases before the courts. **(CERD 2015, 9)**

b) Correctional and Health Personnel

The Committee recommends to the State party to train the medical and psychological staff of the social welfare centres on the specific needs of victims of trafficking. **(CESCR 2006, 44)**

To improve training for police and detention centre personnel, and to modernize its facilities to meet the needs of all prisoners (United States of America). **(UPR 2010, 78)**

The Committee recommends that the State party:

(a) Ensure that medical personnel and others involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment are provided on a regular and systematic basis with trainings on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) and that the Manual is translated into all appropriate languages and applied as widely as possible;

(b) Develop and implement a methodology to assess the effectiveness and impact of such educational and training programmes on the reduction of cases of torture and ill-treatment and regularly evaluate the training provided to its law enforcement officials;

(c) Strengthen its efforts to implement a gender-sensitive approach for the training of those involved in the custody, interrogation or treatment of women subjected to any form of arrest, detention or imprisonment;

(d) Strengthen professional training in social-protection institutions for persons with mental disability and in psychiatric clinics. **(CAT 2011, 22)**

3.11. Independence of Judges and Lawyers

The State should ensure that judges, prosecutors, lawyers and other personnel are fully aware of the State party's international obligations enshrined in the Convention, that fair treatment prevails in all judicial procedures and that independence of the judiciary is fully guaranteed and safeguarded, in particular in procedures relating to the protection of minorities and returnees. **(CAT 2005, 11)**

3.12. From Reports and Analyses

Bosnia and Herzegovina's justice system has reached **some level of preparation**. Some progress was achieved in the last year, notably through the adoption of a justice sector reform strategy. In September at a ministerial meeting in the framework of the Structured Dialogue, the authorities reiterated their commitment to develop jointly key features of the reform of the judiciary.

However, politically motivated attacks against the judiciary continued, measures to ensure full accountability of judges and prosecutors remain to be adopted, there remains a need to develop specialized training and the efficiency of parts of the system is seriously hampered by a backlog and excessively lengthy proceedings. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

An updated and country-wide justice sector reform strategy for the 2014-2018 period was adopted in September 2015. The accompanying action plan that includes a comprehensive set of concrete actions together with completion indicators and financial resources has still to be adopted. In order to fill the gaps caused by the delayed adoption of the new strategy, the institutions responsible for implementing it need to achieve tangible results with consistent efforts and due pace. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

The **High Judicial and Prosecutorial Council (HJPC)** is the key institution administrating the judiciary throughout the country. It enjoys institutional independence and of its 15 members, 11 are appointed from among fellow judges and prosecutors. The four remaining members are appointed by the Council of Ministers, the Parliamentary Assembly and one per each bar association in the Entities. The HJPC manages the entry of judges and prosecutors into judicial careers and is also responsible for overseeing appraisals and career development. While the HJPC is generally allocated a budget commensurate with its immediate priorities, its secretariat needs to be given adequate resources. Judicial scrutiny of most of the HJPC's decisions on appointments or dismissals does not exist as it is possible only for violation of constitutional and human rights as result of disciplinary proceedings. The HJPC is only required to produce and publish on its website the annual activity reports it submits to the executive and legislative branches. In 2015 the HJPC decided to open its sessions to the public, though there are some restrictions. There remain shortcomings in the legal framework governing the HJPC. These need to be addressed based on the opinion of the Venice Commission and relevant recommendations issued by the European Commission as part of the EU-Bosnia and Herzegovina Structured Dialogue on Justice. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

The principles of **judicial independence and prosecutorial autonomy** are set out in the legislation at all levels and enshrined in Entity Constitutions but not in the State Constitution. While external and internal independence and autonomy have a legal basis, there is no effective oversight for their implementation. There are no formal procedures carrying penalties against undue influence or threats to judicial independence. The HJPC can only issue public statements or provide a non-binding opinion if a judge or prosecutor complains or if a threat contains elements of a criminal offence. As a result, unlawful and politically motivated attacks against the judiciary continue without proper legal or constitutional protection. The new Law on the HJPC should also address these problems, in the absence of constitutional guarantees for judicial independence at State level.

Legal safeguards exist in case of transfer of judges or prosecutors without their consent. These are laid down mainly in the rules on disciplinary proceedings. Appeals for a final disciplinary decision of the HJPC on transfer are possible only where there are violations of human or constitutional rights. As regards the principle of **immovability**, over the reporting period, the HJPC decided in only one case to apply a transfer without consent, as an alternative to the

removal requested by the Office of the Disciplinary Prosecutor. The 'case management system' performs **random allocation** of incoming cases to judges, while court presidents decide on parameters for case distribution. Regarding the **withdrawal of cases from judges**, despite the existence of an automated case allocation system, court presidents are entitled to reassign a case in order to guarantee impartiality. In such cases, the HJPC monitors the rationale behind each reassignment. Impartiality is also protected by exemption and disqualification mechanisms under the procedural laws in force. If judges fail to disqualify themselves in such situations this constitutes grounds for disciplinary action. Several judges have been sanctioned on this basis. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

Although the Office of the Disciplinary Prosecutor is an autonomous body, it is functionally dependent on the HJPC. The two-instance **disciplinary procedure** guaranteed by the law is also subject to final scrutiny by the HJPC, which has the right to revoke the disciplinary penalty imposed at second instance. However, the number of serious disciplinary penalties remains low. **Codes of ethics** for judges and prosecutors exist, but there is no formal enforcement mechanism. An ethics committee established within the HJPC has the power to issue consultative opinions and oversee implementation of the codes but has no power to initiate disciplinary cases. A breach of a code of ethics does not constitute a formal reason to initiate disciplinary action. Moreover, decisions of the Disciplinary Prosecutor cannot be appealed against.

Other aspects of accountability are at an early stage or do not exist. The integrity of legal practitioners is only checked when candidates apply for judicial vacancies. **Declarations of assets** are required for all judges and prosecutors, but no institution verifies their accuracy.

The issue of conflicts of interest in the judiciary has raised additional concerns regarding integrity and accountability. The rulebook on conflicts of interest for the members of HJPC, which has introduced a clear set of safeguards to prevent situations of conflict of interest, should be extended to the functioning of the entire judiciary. The new law on HJPC should work on providing clear rules that can be applied to the functioning of the entire judiciary. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

Procedures regulating entry or advancement in judicial careers based on merit and promotion are in place, with the focus on candidates' professionalism and competencies, which are assessed against objective indicators. For **appointments** to any position in the judiciary that would represent a **promotion** for a judge or prosecutor, candidates are evaluated in accordance with the criteria stipulated in the Law on the HJPC i.e. job performance in the lower-level position or results in the entrance exam and written test (for candidates from outside the judiciary). However, there is no effective and systematic application of objective criteria for final appointments to posts of judicial office holders and management-level positions. Dismissal is also regulated by objective criteria under the Law on the HJPC, although very few dismissals have actually occurred. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

Training for judges and prosecutors in Bosnia and Herzegovina is provided through the judicial and prosecutorial training centers in the Entities. These centers also provide induction training for new members of the judiciary when they are appointed. Training standards, methodology and delivery need upgrading, particularly on building specific capacities to handle complex cases, such as in cases of human trafficking, financial and organized crime. Management training and training for specialized judicial or prosecutorial functions are not systematically provided. The country has observer status in the European Judicial Training Network. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

In the area of the rule of law, education and training constitute landmark UN recommendations; however, one must conclude that sufficient implementation is lacking in this respect. Human resources capacities differ across the country. The centres for the education of judges and prosecutors are taking steps in this regard yet further improvement is needed in terms of the form and content of education and training. **(IPA II Bosnia and Herzegovina: Improvement of Justice and Cooperation in the Rule of Law Area)**

In the absence of a State-level supreme court, **consistency of jurisprudence** is ensured only within the Entities and Brčko District, but not across the various levels of authority. Regular meetings are held of joint panels of the highest-level courts throughout the country. These have helped to achieve better harmonization of case law in civil matters but not yet in administrative or criminal law. Public access to online jurisprudence is limited to the information published by the courts themselves on their web pages, while judicial professionals wanting to access full case law have to request a specific access code and pay a subscription fee.

On **availability of alternative dispute resolution methods**, commercial arbitration and judicial conciliation are regularly used, while the use of in-court and out-of-court mediation needs to be further promoted. Mediation is rarely promoted by judges. Only five cases went to mediation in the reporting period compared with 5, 418 cases adjudicated using judicial conciliation, thus amounting to barely 1% of cases solved through alternative dispute resolution methods. Aligning Bosnia and Herzegovina legislative framework with the relevant EU legislation and achieving a more significant reduction in case backlog through the use of mediation needs to be further enhanced. **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

In general, most of the institutions within the prison and detention system are poor and inadequate and are not in line with European and international standards and requirements. A significant number are waiting to serve their sanctions, for example, in March 2015 in the Federation of Bosnia and Herzegovina this number was 545. At the same time, juvenile correctional facilities face a critical situation and even though the legal provisions for their usage are in place alternative sanctions are rarely applied. **(IPA II Bosnia and Herzegovina: Improvement of Justice and Cooperation in the Rule of Law Area)**

It is also important to underline the problem of the material conditions for the work of the courts and prosecutorial offices in Bosnia and Herzegovina. The lack of space is a pressing issue, followed by the question of dysfunctional archives and an outdated infrastructure. At the same time, the public perception of the judiciary is characterised by a high degree of distrust toward judicial institutions in regard to their competence and independence. **(IPA II Bosnia and Herzegovina: Improvement of Justice and Cooperation in the Rule of Law Area)**

The need to improve the status of the victims of sexual violence (in particular rape), war crimes (especially sexual violence that occurred during the war), gender-based violence and measures for witness protection is obvious. Yet the relevant legal regulations for the protection of the rights of victims of torture, including implementation of UN resolutions and recommendations (CEDAW and CAT), are still lacking. **(Bosnia and Herzegovina: Sectoral planning document for the justice sector and fundamental rights)**

A free legal aid system is to be considered another landmark UN recommendation in relation to the area of the rule of law. Yet the legal framework for free legal aid has not been completed in all parts of the country and the proper functioning of the free legal aid system in those parts of the country where legal framework has been adopted is under question, while state legislation on free legal aid is yet to be enacted. Financial support for and the capacities of those granted the responsibility to deliver free legal aid are inadequate and require further and significant

improvement. The position of civil society organisations within the system of the free legal aid is a matter for reconsideration, due to fact that they have an important role in dealing with categories such as asylum seekers, refugees, victims of trafficking and victims of discrimination. **(Bosnia and Herzegovina: Sectoral planning document for the justice sector and fundamental rights)**

BiH criminal laws are too vague in defining the criminal offense of incitement to hatred, which is a significant problem when identifying and determining whether certain behaviour violates the laws under this standard. Additional problems in the prosecution of the criminal act of incitement to hatred include the absence of a consistent definition of the term 'hatred' in all BiH jurisdictions and a too broad list of protected characteristics in the existing definitions of the CCBD BiH. Moreover, the BiH criminal codes do not define even the basic concepts such as 'incitement', 'discord' and 'intolerance', which certainly represents a problem when interpreting these terms and ultimately in the prosecution of the criminal acts of incitement to hatred, discord and intolerance. Another shortcoming of the relevant BiH legislation is the fact that the criminal codes of BDBiH and RS do not include 'public' (expression) as an essential element of the offense of incitement to national, racial or religious hatred, discord or intolerance. The criminal code of BiH does, but without a definition of 'public' (expression). Furthermore, the almost identical definitions of the offense of incitement to hatred in the legislative solutions at the state and entity level causes confusion and problems when determining the territorial jurisdiction at both levels (between the state/entity and BDBiH levels, and between the different entity/BDBiH prosecutions). The problem is further complicated by the fact that neither the existing regulations nor the limited BiH judicial practice set clear boundaries between the concepts of freedom of expression and hate speech, which does not necessarily constitute a crime, and hate speech that constitutes the crime of incitement to hatred and intolerance. All of these deficiencies cause problems in the implementation of the given standards and directly affect the (non) prosecution of hate crimes.

The research into the *problems in prosecutors' practice* has led to the identification of several factors that significantly affect the (non) prosecution of hate crimes. The difficulties arise from the very beginning, i.e. when police officers register a specific criminal act. Given the fact that police officers are the first people to come to the site and register the facts of a committed criminal offense, any flaws at that stage are extremely difficult to correct later. There are several reasons for failure in the process of the registration of crimes, i.e. entering the facts into the police report. Firstly, if the police officers are not sensitised to hate crimes then this can directly affect the identification of and thus the inclusion of the bias motive in their reports. Furthermore, the failure to include bias as a motive in the police report can clearly be attributed to the personal attitudes of the police officers, which could be influenced by their social environment or the dominant values in a particular community. Given that the initial stage of investigation does not require investigation of the motives of hate crime offenders, this can also present an insurmountable obstacle to any further work on such cases.

The practical lack of appropriate indicators for identifying bias motive often impedes the police and prosecutors in the recognition and identification of the bias motive for an offense. In addition, the absence of defined criteria and specified methods of investigation for bias motivated crimes causes a series of problems and inconsistencies in criminal proceedings. Some of the problems that prosecutors experience in relation to the perception of the ubiquitous nature of these crimes, which are highly expressed in the BiH context, result in difficulties in distinguishing between 'relevant' and 'irrelevant' hate crimes. This reflects directly in the identification of hate crimes as well as in making decisions on whether to include the bias motive in indictments.

Closely related to the previous problem are certain problems of a practical nature. Firstly, there is a lack of training at all levels on hate crime. There is an evident lack of training programmes for prosecutors, professional associates and the police on hate crime. Training for prosecutors and police officers on hate crime is sporadic, unorganised and unsystematic and there is an evident absence of planned activities and constructive dialogue among participants of the prosecution process. One of the practical problems is most certainly a lack of or inaccessibility to practical literature and case law in the area of hate crimes in BiH, the region, before the European courts and beyond. This literature could provide guidance and help in resolving practical problems and dilemmas related to the prosecution of such crimes.

The prosecution of hate crimes in BiH is certainly also affected by certain *structural problems*. The major problem being the lack of protocol/instructions/guidelines on hate crime criminal proceedings, which would include appropriate guidance and solutions to practical problems. None of the four jurisdictions in BiH provides a document that would clarify doubts concerning the obligations of the competent authorities involved in identifying, processing and monitoring hate crime prosecution or the manner and content of cooperation between these bodies and their other activities and obligations in this area. A substantial failure in the existing model of conduct for participants in hate crime prosecutions is the lack of cooperation between the prosecutors and the police and various civil society actors. Although a number of civil society organisations in BiH do focus on hate crimes (keeping records, assisting victims, building tolerance and restoring broken relationships within the community, etc.), formal and systematic cooperation between the prosecutors' offices and police and such organisations is totally absent. The concept of community based policing certainly represents untapped potential for improving hate crime prosecution (and prevention). So far, this concept for the prevention and repression of hate crimes has not been applied in BiH and this must be corrected. The comprehensive application of this concept would enable a reduction in the aforementioned difficulties that police and prosecutors encounter in their work in this area. **(Prosecution of Hate Crimes in Bosnia and Herzegovina: The Prosecutors' Perspective)**

4. TRANSITIONAL JUSTICE

The State party should:

(a) Take effective measures to ensure prompt and impartial investigations into all allegations of torture and other cruel, inhuman or degrading treatment, the prosecution and punishment of the perpetrators, irrespective of their ethnic origin, and the provision of fair and adequate compensation for victims;

(b) Extend full cooperation to the International Criminal Tribunal for the Former Yugoslavia, inter alia, by ensuring that all indicted persons are apprehended, arrested and transferred to the custody of the Tribunal, as well as granting the Tribunal full access to requested documents and potential witnesses;

(c) Provide information in connection with criminal proceedings, extending mutual judicial assistance to and cooperating with other relevant countries and the Tribunal, as required by the Convention;

(d) Enforce relevant legislation, including providing protection of witnesses and other participants in proceedings, and ensure that testimonies by victims of torture and ill-treatment are provided with fair treatment at all stages of the proceedings;

(e) Develop legal and other measures, enforceable throughout the State, including an official programme for the rehabilitation of victims of torture including sexual violence, providing them recognition as victims and the capacity to pursue redress and their right to fair

and adequate compensation and rehabilitation in accordance with the requirements of the Convention. **(CAT 2005, 10)**

The Special Rapporteur further recommends greater coordination between the Government, NGOs and IOM to ensure that data are made available on the situation of victims after repatriation, so as to enable better assessment of the impact of identification, referral, assistance and repatriation programmes. **(Sigma Huda, 2005, 85)**

Legislation should be harmonized and simplified, especially in the areas of pensions and employment, access to health, education, the use of symbols in public institutions and the recognition of the status of civilian victim of war. **(Walter Kälin, 2006, 60)**

The State party should intensify its efforts to adopt a systematic approach to re-establishing mutual trust between different ethnic groups and accounting for past human rights abuses. **(CCPR 2006, 10)**

The State party should allocate sufficient funds and human resources to the district and cantonal courts trying war crimes and ensure the effective application of the State and Entity Laws on Protection of Witnesses. **(CCPR 2006, 13)**

The State party should ensure that victims of mental torture are granted victim of war status in both Entities and that the personal disability benefits received by civilian victims of war are harmonized among the Entities and cantons and adjusted to the personal disability benefits received by war veterans. The State party should include in its next periodic report updated statistical information on the number of victims of mental torture and/or sexual violence receiving disability benefits, disaggregated by sex, age, ethnic group and place of residence, as well as on the amount of such benefits. **(CCPR 2006, 15)**

The Committee encourages the State party to promote the adoption of the proposed Law on Amendments to the Law on Social Protection, Civilian War Victims, and Families with Children, which is currently in the parliamentary procedure in the Federation of Bosnia and Herzegovina. It provides for the transfer of the budget for the social protection of civilian war victims and persons with disabilities not related to armed conflict from the cantons to the Federation, in order to eliminate inequalities resulting from the diverging availability of funds in the cantons. It also requests the State party to ensure that the authorities of the Federation of Bosnia and Herzegovina extend this budgetary transfer to other categories of social protection beneficiaries. **(CESCR 2006, 40)**

The Committee recommends that the State party take steps to ensure that domestic legislation enables it to establish and exercise extraterritorial jurisdiction over war crimes of conscription and enlistment of children in hostilities, taking into account the Rome Statute of the International Criminal Court to which it is a party, and further recommends establishing extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party. **(CRC OPAC, 2010, 16)**

The Committee recommends that the State party adopt the Law on the Rights of Victims of Torture and Civil Victims of War without delay and that it ensures that child victims of armed conflict or its consequences are not discriminated against, including in the distribution of personal disability benefits in order to ensure their full physical and psychological recovery and their social reintegration. **(CRC OPAC, 2010, 18)**

Consider establishing special rehabilitation programmes for children affected by the explosion of mines and other consequences of the armed conflict and ensure that all affected children have access to such programmes, including through increased allocation of resources to centres for social work and by increasing the coverage of the system of personal disability benefits;

Establish procedures for the adequate identification and referral for appropriate assistance of all children who have been involved in armed conflict, in accordance with article 6, paragraph 3, of the Optional Protocol. **(CRC OPAC, 2010, 20 b, c)**

The Committee recommends that the State party:

(a) Continue and strengthen cooperation with relevant international and regional organizations as regards the control of and eradication of surplus small arms and light weapons, including those in the possession of the civilian population;

(b) Intensify campaigns undertaken by law enforcement agencies at State and Entity levels to ensure that all small arms and light weapons are collected from civilians;

(c) Ensure the explicit prohibition of trade and export of small arms and light weapons to countries where children are known to have been or are involved in armed conflict;

(d) Ensure that illicit activities, including the manufacturing and trafficking of small arms and light weapons, are criminalized, that records are maintained and firearms marked, taking into account the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. **(CRC OPAC, 2010, 24)**

Fifteen years after the end of the war, the Working Group on Enforced or Involuntary Disappearances acknowledges the immense progress made by Bosnia and Herzegovina in the search and identification of the disappeared, reparations for victims and the prosecution of this heinous crime. However, taking into account the huge proportion of the problem, the Working Group is also aware that much remains to be done to achieve the rights to the truth, the right to justice and the right to reparation for the disappeared and their families. **(Working Group on Enforced or Involuntary Disappearances, 2010, 70)**

The number of prosecutors working on exhumations and war crimes prosecutions is extremely low. They also have few resources and staff. In this connection:

(a) Additional staff should be appointed to accelerate the process;

(b) Those working on exhumations should be provided with needed assistance and equipment;

(c) To speed up the process, needed additional forensic pathologists should be provided;

(d) More resources should be given to the people working in this area to enable them to complete these grueling tasks. **(Working Group on Enforced or Involuntary Disappearances, 2010, 79)**

Other processes to arrive at the truth should be explored. This could include a truth mechanism (possibly a national truth and reconciliation commission or other more localized bodies of inquiries), but not as a substitute for justice. In this connection:

(a) The Bosnia and Herzegovina National Strategy for Transitional Justice should be fully supported and funded;

(b) It is crucial that a transitional justice strategy should cover non-judicial mechanisms – truth-telling, reparations and institutional reforms. **(Working Group on Enforced or Involuntary Disappearances, 2010, 82)**

As far as reparations are concerned, a lot remains to be done to provide integral reparation to the disappeared and their families. **(Working Group on Enforced or Involuntary Disappearances, 2010, 83)**

On the institutional side, the Working Group heard from different stakeholders that the presence of international judges was considered an important asset in the functioning of the Court.

The Working Group therefore recommends that this component be kept for as long as necessary to ensure that justice is delivered and is seen to be delivered in an impartial manner. **(Working Group on Enforced or Involuntary Disappearances, 2010, 88)**

At the local level, the Working Group is aware that most of the local courts are not well prepared to prosecute and try perpetrators of international crimes. The capacities of cantonal and districts courts to try war criminals should be strengthened so as to enable them to try most of the cases in the future in appropriate conditions. **(Working Group on Enforced or Involuntary Disappearances, 2010, 89)**

To continue investigating crimes of sexual violence arising from the armed conflict, to prosecute those responsible and to provide reparations to victims (Chile). **(UPR 2010, 67)**

To increase its efforts to fight impunity for war crimes, in particular sexual violence, by, inter alia, including a definition of sexual violence in the criminal code (Austria). **(UPR 2010, 72)**

To proceed to implement, as soon as possible and effectively, the national strategy regarding war crimes, and to formulate and adopt a national strategy regarding transitional justice (Switzerland). **(UPR 2010, 77)**

The Committee recommends that the State party amend the Criminal Code to include a definition of sexual violence in accordance with international standards and jurisprudence related to the prosecution of war crimes of sexual violence and remove the condition of “force or threat of immediate attack” from the present definition. Also, the State party should include in its next report the statistical data on the unresolved cases related to war-time rape and other sexual violence. **(CAT 2011, 9)**

The Committee urges the State party to fight impunity by ensuring prompt and effective investigation into all allegations of war-time crimes and prosecuting and punishing the perpetrators with appropriate penalties commensurate with their grave nature. In that regard, the State party is encouraged to provide mutual judicial assistance in all matters of criminal proceedings and to continue to enhance cooperation with the International Criminal Tribunal for the Former Yugoslavia. Furthermore, it is necessary to fully implement the Constitutional Court’s judgments without further delay, in particular with regard to cases on enforced disappearances, and to prosecute failure to comply with such judgments. **(CAT 2011, 12)**

The Committee recommends that the State party adopt the draft law on the rights of victims of torture and civil victims of war and the strategy for transitional justice without delay in order to fully protect the rights of victims, including the provision of compensation and as full a rehabilitation as possible, with the aim of obtaining physical and psychological recovery and their social reintegration. To that end, the State party is strongly encouraged to reduce politicization of these efforts, to finalize a plan of action with clearly identified activities and corresponding responsibilities among State and entity authorities and to ensure the allocation of adequate financial resources. **(CAT 2011, 18)**

The State party should compile statistical data, disaggregated by crime, ethnicity, age and sex, relevant to the monitoring of the implementation of the Convention at the national level, including data on complaints, investigations, prosecutions and convictions of cases of torture and ill-treatment by law enforcement and prison personnel, war-time rape and sexual

violence, extrajudicial killings, enforced disappearances, trafficking and domestic and sexual violence, and on means of redress, including compensation and rehabilitation, provided to the victims. **(CAT 2011, 26)**

The State party should expedite the prosecution of war crime cases. The State party should also continue to provide adequate psychological support to victims of sexual violence, particularly during the conduct of trials. Furthermore, the State party should ensure that the judiciary in all entities strongly pursues efforts aimed at harmonizing jurisprudence on war crimes and that charges for war crimes are not brought under the archaic Criminal Code of the former Socialist Federal Republic of Yugoslavia, which does not recognize certain offences as crimes against humanity. **(CCPR 2012, 7)**

The Committee is concerned about the lack of effectiveness of the Security Council resolution 1325 (2000) action plan regarding women's participation in peace, reconciliation and rehabilitation processes. **(CEDAW 2013, 11)**

The Committee recommends that the State party amend all relevant criminal codes to include definition of wartime sexual violence, including rape, as a war crime and crime against humanity. The Committee urges the State party to grant, in the legislation on a social protection system at the level of State and the Entities, wartime victims of sexual violence the recognition and status of an eligible category of persons for social protection and various forms of social assistance as deemed necessary. **(CESCR 2013, 24)**

Evidence indicates that numerous cases of alleged war crimes perpetrated against civilians have not come before the courts, and consequently victims, who are often minorities and returnees, have not received the financial or psychological support they may require or are entitled to. Outstanding cases should be brought to completion without further delay. No undue restrictions or administrative barriers should be imposed on individuals seeking to claim their rights and allowances as "civilian victims" in their places of residence, and laws should be harmonized in favor of victims. **(Rita Izsák, 2013, 104)**

The Special Rapporteur recommends that the respective competencies and relationships of the Commission to Preserve National Monuments and the two institutes for the protection of monuments be clarified and revisited, and that the mandate of the Commission be integrated more clearly into transitional justice strategies. The independence of the Commission and of the institutes should be guaranteed. **(Farida Shaheed, 2014, 111)**

Authorities have a key role to play for successful memorialization.³ The Special Rapporteur recommends that:

(a) Memorialization processes be fully integrated into the broader framework of transitional justice strategies;

(b) The steps regarding memorialization processes envisaged in the transitional justice strategy elaborated with the support of UNDP be implemented, in particular the enactment of a framework law and policy at the State level to fully regulate the issue;

(c) Stakeholders encourage processes of memorialization of those who refused to participate in mass or grave violations of human rights, resisted oppression and helped others across community divides. **(Farida Shaheed, 2014, 112)**

Harmonize domestic legislation with international standards in relation to crimes of sexual violence during armed conflicts, continuing with investigations and ensuring the protection of witnesses and victims of these crimes (Uruguay). **(UPR 2014, 107. 58)**

³ See A/HRC/25/49.

Amend the criminal code in order to ensure that the definition of war crimes of sexual violence is in accordance with international standards and to implement the National War Crimes Strategy (Lithuania). **(UPR 2014, 107. 63)**

Adopt a law on reparation and compensation for victims of torture during the war (France). **(UPR 2014, 107. 97)**

Continue efforts to fight impunity for serious violations of human rights committed during the armed conflict (Argentina). **(UPR 2014, 107. 98)**

Modify the criminal codes with a view to harmonizing them and bringing them into conformity with international criminal law obligations and commitments in the sphere of proceedings against perpetrators of international crimes, in particular war crimes involving sexual violence (Switzerland). **(UPR 2014, 107. 99)**

Harmonize the penal code applied in cases of war crimes, in addition to the review of verdicts where appropriate. In addition, it is necessary to define adequately the condition of victims of war and to provide necessary reparation (Chile). **(UPR 2014, 107. 100)**

4.1. Missing Persons

The State party should intensify its efforts to establish the Institute for Missing Persons and the Fund for Support to the Families of Missing Persons, and the Central Record of Missing Persons. The State party should also ensure that available avenues for compensation are used in a non-discriminatory manner. **(CAT 2005, 20)**

The State party should take immediate and effective steps to investigate all unresolved cases of missing persons and ensure without delay that the Institute for Missing Persons becomes fully operational, in accordance with the Constitutional Court's decision of 13 August 2005. It should ensure that the central database of missing persons is finalized and accurate, that the Fund for Support to Families of Missing Persons is secured and that payments to families commence as soon as possible. **(CCPR 2006, 14)**

The Working Group acknowledges that, with regard to finding missing persons, there have been major developments and advances. A great deal of effort has been made and a great deal of success has been achieved in the quest to determine the fate and the whereabouts of the missing persons. Steps taken include the actions of the International Commission on Missing Persons (ICMP), the enactment of the Law on Missing Persons of 2004; the establishment of the Missing Persons Institute (MPI); and the significant number of exhumations and identifications carried out. **(Working Group on Enforced or Involuntary Disappearances, 2010, 74)**

The Working Group however notes that there are also several shortcomings. In particular, while the Law on Missing Persons provides for the Central Records of Missing Persons (CEN), this has not yet been completed. The Working Group recommends that this should be done as soon as possible and be made public with the listing of the ethnic origin of those classified as missing. **(Working Group on Enforced or Involuntary Disappearances, 2010, 75)**

The Working Group notes that the role of ICMP in Bosnia and Herzegovina has been crucial. It has been a key part in the discovery and identification of the missing. ICMP should remain actively engaged with this work in Bosnia and Herzegovina in the future. **(Working Group on Enforced or Involuntary Disappearances, 2010, 76)**

Other institutions that have played a role include the United Nations, the Office of the High Representative, the Organization for Security and Cooperation in Europe, the International Committee of the Red Cross, the European Union and others. These organizations should continue to work on the problem of enforced disappearances and missing persons in Bosnia and Herzegovina. In this connection:

(a) Other institutions should continue to assist Bosnia and Herzegovina and the families of the disappeared to realize the right to truth, the right to justice and the right to reparation;

(b) In particular, clarifying most cases of missing persons should be a priority in the dialogue between Bosnia and Herzegovina and the European Union. **(Working Group on Enforced or Involuntary Disappearances, 2010, 77)**

Domestically, the MPI plays a major role in the search of the disappeared. The Working Group recommends that:

(a) The MPI be supported and strengthened. In particular, its independence should be guaranteed;

(b) More resources be put at the disposal of the MPI to allow it do its work;

(c) All available technology necessary to detect graves and to exhume them be provided to the institution;

(d) The Council of Ministers also strengthen the independence and autonomy of MPI by detailing these issues in the law;

(e) More independence and autonomy be given to the MPI by amending the relevant legislation;

(f) The vacant posts of the management board of the MPI be filled;

(g) The MPI be provided with more political and financial support;

(h) MPI be supported to a greater extent by the Republika Srpska authorities.

(Working Group on Enforced or Involuntary Disappearances, 2010, 78)

Plea agreements may assist the discovery of truth recovery as information that is unknown may be revealed. When plea bargains occur with a person suspected of having information on missing persons, providing such information should be part of the agreement. **(Working Group on Enforced or Involuntary Disappearances, 2010, 80)**

Other countries could assist in the information gathering process to locate further grave sites. In this connection:

(a) More could be done in other countries in the region to investigate cases perpetrated by people who now live on their territory;

(b) More assistance could be rendered where prosecutions are occurring, for example by other countries ensuring the provision of evidence, etc.;

(c) Such countries could also conduct their own trials, but not for political reasons.

(Working Group on Enforced or Involuntary Disappearances, 2010, 81)

The Working Group recommends that:

(a) The Fund for Support to the Families of Missing Persons provided for by the Law on Missing Persons be established as a matter of priority;

(b) The State, in cooperation with entity authorities, take steps, including the amendment of legislation, to ensure that all relatives of disappeared people have access to social benefits and other

measures of social support irrespective of where they live. Such legislation should be adopted on the State level in order to avoid the continuation of the current situation in which there exists discrimination in access to and levels of social benefits depending on the entity;

(c) More assistance be given to associations of families of disappeared persons at the State level, without any discrimination as to ethnic origin. Measures should be taken in order to ensure that members of families of disappeared persons are entitled to social benefits and other measures of social support irrespective of where they live, including health care, special education programmes and psychological assistance;

(d) A national programme on reparations for relatives of victims of enforced disappearance that includes compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition be established. Reparation programmes should take into account a gender perspective, considering that most family relatives of missing persons are women;

(e) To commemorate the issue of missing persons, without choosing a day that is acceptable to one community only, 30 August (International Day of the Disappeared) be declared as the national day for commemorating the memory of all missing persons in Bosnia and Herzegovina;

(f) More apologies from more actors are needed. They must however be part of a process that is necessary to ensure reconciliation. In addition more should be done on the issue of preventing future cases of enforced disappearances;

(g) A national law on the issue of memorials be enacted. This law on memorials should set out the criteria and the process to establish such memorials.

(Working Group on Enforced or Involuntary Disappearances, 2010, 84)

The Law on Missing Persons stipulates that all persons registered in the CEN Bosnia and Herzegovina shall be considered dead. While the CEN is not yet operating, when it is, this provision will be problematic, as it declares people dead possibly against the wishes of their loved ones. It must be remembered that an enforced disappearance is a continuous crime until the person's fate or whereabouts is determined.

It should therefore be clarified what the impact of this provision will be for families and for investigations and prosecutions. **(Working Group on Enforced or Involuntary Disappearances, 2010, 85)**

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 14) and recommends that the State party should expedite the investigation of all unresolved cases involving missing persons. Furthermore, the State party should take all necessary measures to ensure that the Missing Persons Institute is adequately funded and able to fully implement its mandate with a view to completing the resolution of these cases as soon as possible. The State party should also continue to provide adequate psychological support to families of missing persons during the conduct of exhumations. **(CCPR 2012, 9)**

The State party should abolish the obligation in cases of disappearance which makes the right to compensation dependent on the family's willingness to have the family member declared dead. The State party should ensure that any compensation or other form of redress adequately reflects the gravity of the violation and the harm suffered. **(CCPR 2012, 12)**

4.2. Enforced Disappearances

The Committee strongly recommends, in line with the preliminary recommendations of the Working Group on Enforced or Involuntary Disappearances, that the State party:

(a) Take all necessary measures to implement the Strategy for Transitional Justice, especially by finalizing an action plan with clearly identified activities and corresponding responsibilities among State and Entity ministries and institutions, and by allocating adequate financial resources;

(b) Strengthen efforts for the investigation, prosecution, uncovering of sites, witness protection, and judicial mechanisms and complete and publicize the Central Record of the Missing Persons, in order to reduce politicization obstructing the identification and establishing the truth about the fate of missing persons;

(c) Ensure that the families of children who were subjected to enforced or involuntary disappearance have access to redress and compensation, especially by establishing the Fund for Families of Missing Persons foreseen in the Law on Missing Persons;

(d) Ratify the International Convention for the Protection of All Persons from Enforced Disappearances, which it has already signed. **(CRC OPAC, 2010, 22)**

The Working Group recalls that “[t]he right to the truth in relation to enforced disappearances means the right to know about the progress and results of an investigation, the fate or the whereabouts of the disappeared persons, and the circumstances of the disappearances, and the identity of the perpetrator(s)” (general comment on the right to the truth in relation to enforced disappearances, para. 1). **(Working Group on Enforced or Involuntary Disappearances, 2010, 73)**

While great progress has been made to bring domestic legislation into conformity with international law, there are still gaps and problems, in particular on the issue of enforced disappearances. **(Working Group on Enforced or Involuntary Disappearances, 2010, 86)**

Domestic criminal legislation still needs to be improved. In particular, the Working Group recommends that:

(a) The Court of Bosnia and Herzegovina interpret the definition of enforced disappearances as a crime against humanity, contained in article 172, paragraph 1-i of the Bosnia and Herzegovina Criminal Code, in line with the more adequate definition provided for in article 2 of the 2006 International Convention for the Protection of All Persons from Enforced Disappearance; or for the Bosnia and Herzegovina Parliament to amend the Criminal Code to that effect;

(b) In accordance with the Declaration and the Convention, the Code be amended to include enforced disappearances as an autonomous crime, so that it can be punished in situations where it cannot be qualified as a crime against humanity;

(c) The Criminal Code be amended to remove the possibility of granting amnesty for serious international crimes;

(d) The criminal codes at the entity and district levels be harmonized with the Criminal Code at the State level, so that they provide for the repression of enforced disappearances both as a crime against humanity and as an autonomous crime and sets the appropriate penalties. The penalties should correspond to the level of those applied for the most serious crimes;

(e) The local courts change their position on the issue of the non-retroactivity of the new criminal codes, as far as international crimes are concerned.

(Working Group on Enforced or Involuntary Disappearances, 2010, 87)

The Committee recommends that, in line with the preliminary recommendations made by the Working Group on Enforced or Involuntary Disappearances following its fact-finding mission to Bosnia and Herzegovina in June 2010, the State party:

(a) Ensure the full independence of the Institute for Missing Persons and provide the Institute with adequate material, financial and human resources, including available technology necessary to detect and exhume graves;

(b) Ensure that the fund for families of missing persons is established without any further delay and that its financing is entirely secured;

- (c) Complete the Central Record of Missing Persons (CEN) without further delay and make it available to the public;
- (d) Respect the right of families of missing persons, including those who live outside Bosnia and Herzegovina, to know the truth by keeping them informed of the progress made in the processes of exhumation and identification of mortal remains and provide them with psychosocial assistance during the process;
- (e) Fulfil its obligation to investigate all cases of enforced disappearances;
- (f) Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance. **(CAT 2011, 24)**

4.3. Victims of Sexual Violence

The Committee recommends that the State party ensure that victims of sexual violence suffered during the armed conflict of 1992-1995 obtain the status of civilian war victims, to devise and implement a coherent strategy at State level to protect the economic, social and cultural rights of victims of sexual violence and their family members, and to ensure the participation of victims of sexual violence in any decision-making processes affecting them. **(CESCR 2006, 41)**

The Committee is concerned at the situation of victims of sexual violence of the 1992-1995 armed conflict, most of whom are women, who may suffer from additional disadvantages as female heads of household and internally displaced persons. The Committee is concerned that they and their specific type of suffering are not sufficiently recognized in the respective legal frameworks for civilian war victims in both entities. The Committee is also concerned that there is no coherent strategy to support these women and they have only limited or no access to health insurance and financial benefits, as well as to general health services or specific health services relating to their traumatic experiences. The Committee is also concerned at the pending threat of eviction from their accommodations in the Federation of Bosnia and Herzegovina of women who are civilian victims of sexual violence and internally displaced persons. **(CEDAW 2006, 37)**

The Committee urges the State party to explicitly recognize and adequately protect women who were civilian victims of sexual violence during the armed conflict through a State law as well as through the allocation of financial resources for adequate social provisions for them, including health insurance and housing, so that their rights and entitlements are guaranteed in the entire State party at a level comparable to that applicable to military victims of war. It also urges the State party to review its current regulations and plans on accommodation issues for women who are civilian victims of war and displaced persons in order to prevent additional forms of indirect discrimination. **(CEDAW 2006, 38)**

The Working Group met with several victims who expressed various concerns and who sometimes felt left aside by the official institutions. The Working Group deems that the justice system in Bosnia and Herzegovina should give more attention to the victims. In this connection:

- (a) An effective public system of free legal aid should be established to enable relatives of disappeared persons to receive legal support if they cannot afford it;
- (b) Offices of the prosecutors and courts at all levels should have consistent rules in dealing with the public in general and with families of the disappeared in particular. In particular, families of victims should be more regularly given information on the process of investigation, the results of those investigations and whether trials might be forthcoming;
- (c) Special personnel should be appointed to meet with families and inform them, on a regular basis, of progress made in their cases;

(d) Greater training for all public servants working on issues related to enforced disappearance should be held to allow them to be better informed on the issues and to provide the victims with a better service;

(e) More should be done to protect and offer assistance to victims and witnesses, in particular women. In particular, the programme for the protection of witnesses should be improved and expanded at the State level, and similar programmes should be created at the local level;

(f) Programmes of psychological assistance should be generalized and strengthened where they already exist. Such programmes should also include a gender perspective and give special attention to the specific trauma suffered by members of the family of a disappeared person;

(g) Measures of vetting should be improved and/or systematized. Whereas such measures have been taken in the past, it is not clear whether those identified as perpetrators have been dismissed from public offices, including police forces. Similar vetting procedures should be organized to bar perpetrators from holding high-level offices in public companies. **(Working Group on Enforced or Involuntary Disappearances, 2010, 90)**

To develop support measures for women victims of sexual abuse committed during the war (Spain). **(UPR 2010, 68)**

The State party should take practical measures to ensure that survivors of sexual violence and torture have access to justice and reparations. Furthermore, the Committee reiterates its previous recommendation (CCPR/C/BIH/CO/1, para. 15) and urges the State party to harmonize disability benefits among entities and cantons so that personal disability benefits received by civilian victims are adjusted to ensure they are in line with the personal disability benefits received by war veterans. **(CCPR 2012, 8)**

While recognizing the State party's efforts to improve the situation of women in post-conflict situations, the Committee is deeply concerned about:

(a) The slow pace of prosecutions and very low level of conviction rates of perpetrators of sexual violence, which result in pervasive impunity, despite the implementation of the 2008 national war crimes prosecution strategy;

(b) The inadequate definition, at both the State and entity levels, of acts of sexual violence as war crimes and crimes against humanity, in particular the elements of the crime of rape, which are not in line with international standards; the large number of cases at the district and cantonal levels, at which rape continues to be prosecuted as an ordinary crime, without taking into account the dimension of the armed conflict; and the parallel applicability of different criminal codes, resulting in inconsistent jurisprudence and lenient sentencing practices;

(c) Long delays in adopting measures to address the needs of a large number of women victimized by the conflict;

(d) The lack of adequate victim reparation in war crimes trials, where victims are being referred to initiate separate civil proceedings, while such claims can be submitted and ruled upon during criminal proceedings;

(e) The deficiencies of witness protection measures in cases prosecuted at the district and cantonal levels, where the law on the witness protection programme is not applicable;

(f) Women's inadequate and unequal access to compensation, support and rehabilitation measures for violations suffered during the war, such as enforced disappearances. These measures include sustained psychological and medical support as well as financial and social benefits, which are regulated differently in the entities;

(g) The lack of measures taken to address the systematic stigmatization faced by women victims of wartime sexual violence, which hampers their access to justice and social reintegration. **(CEDAW 2013, 9)**

The Committee recommends that the State party:

(a) Speed up the implementation of the national war crimes strategy and increase the number of prosecutions of war crimes cases by allocating more financial resources and investigative capacities to address the large backlog of cases;

(b) Amend all relevant criminal codes to include a definition of wartime sexual violence in line with international standards, including a specific definition of rape as a war crime and a crime against humanity, in order to adequately reflect the gravity of the crimes committed and intensify its efforts to harmonize the jurisprudence and sentencing practices of its courts throughout the State party, by establishing effective cooperation mechanisms between prosecutors and courts competent to deal with war crimes at all levels of the State party;

(c) Expedite the adoption of pending draft laws and programmes designed to ensure effective access to justice for all women victims of wartime sexual violence, including adequate reparation, such as the draft law on the rights of victims of torture and civilian war victims, the programme for victims of sexual violence in conflict and torture (2013-2016) and the draft strategy on transitional justice aimed at improving access to justice;

(d) Ensure the effective implementation of the new law on the witness protection programme and establish sustainable and operational witness protection measures at the district and cantonal levels;

(e) Develop a comprehensive approach to improve the status and position of all women victims of the war, including by combating the stigma attached to sexual violence; and expand the provision of compensation, support and rehabilitation measures and benefits, and ensure equal access to such services for all women victims, irrespective of their place of residence.

(CEDAW 2013, 10)

It is crucial for government authorities at all levels to recognize the existence of civilian women victims of rape and torture, regardless of their ethnic or religious backgrounds, and to ensure that they have equal access to remedies and services, regardless of their physical location within the country. There is also a need for society, including the media, to recognize and affirm these victims. Efforts should be made to create greater awareness, at both State and non-State levels, that violence against women is more than just domestic violence. **(Rashida Manjoo, 2013, 104)**

Expedite the enactment of the Law on Civilian War Victims and Victims of Torture. **(Rashida Manjoo, 2013, 105 II b)**

Expedite the implementation of the National Strategy for War Crimes Processing and ensure that any crimes of sexual violence are prioritized and prosecuted. Courts and prosecutors at the State, entity and cantonal levels should be provided with political and financial support to undertake these proceedings while ensuring witness support and protection measures and programmes for victims. Courts should also ensure the right of women to make any financial compensation claims during criminal proceedings.

(j) Finalize and launch the Programme for Victims of Wartime Rape, Sexual Abuse and Torture, and their Families 2013-2016 and ensure allocation of necessary financial and human resources for its implementation. The programme should be implemented with the full participation of relevant entity-level authorities and in consultation with civil society and victims' organizations.

(k) Finalize the launch of a nationwide Transitional Justice Strategy that includes:

(i) Fact-finding and truth-telling activities that acknowledge the war crimes experienced by women, regardless of their religious or ethnic background, and also recognize how shame, trauma or fear of stigmatization have restricted victims from speaking out.

(ii) Memorialization activities that foster the widespread societal recognition of the harms suffered by women during wartime, as well as the disparate and disproportionate consequences that these crimes had on them.

(iii) Reparations programmes that target the rehabilitation and de-victimization of survivors, as well as the improvement of their psychosocial and physical health, including by better coordinating the existing services provided by both State and CSOs. A clear differentiation should also be made between any reparations programmes and the social welfare provisions to which women are entitled.

(iv) Compensation schemes that avoid the differentiated treatment currently being received by civilian victims of war throughout the country. Such schemes should broadly include employment, housing and financial incentives for women survivors of wartime violence. **(Rashida Manjoo, 2013, 105 II i-k)**

Bring its legislation into line with the international standards related to the prosecution of war crimes of sexual violence (Finland). **(UPR 2014, 107. 59)**

Expedite the adoption of laws and programmes designed to ensure effective access to justice for all victims of wartime sexual violence, including adequate reparation (Iceland). **(UPR 2014, 107. 60)**

Thoroughly investigate acts of sexual violence committed during the conflict, with a view to holding perpetrators to account, ensure reparation and full reintegration into society of victims of wartime rape and other sexual violence, and take action to counter any manifestations of stigma and exclusion directed against them (Ireland). **(UPR 2014, 107. 611)**

The judiciary and other relevant authorities to provide justice, reparation and rehabilitation to the victims of wartime rape and sexual violence (Norway). **(UPR 2014, 107. 62)**

4.4. Civilian War Victims

The Committee urges the State party to ensure a more equitable allocation of existing funds to social protection, in particular of civilian war victims, with a view to reducing the discrepancy between, inter alia, the budgets for civilian and for military victims of war. **(CESCR 2006, 39)**

To adopt further measures to provide victims of war crimes with effective remedies, including improved access to and affordability of health services and the establishment of psycho-social support centres (Austria). **(UPR 2010, 73)**

The Committee urges the State party to ensure a more equitable allocation of existing funds for social protection, in particular of disabled war veterans, civilian war victims and of persons with disabilities in general, with a view to reducing discrepancies between the allocated budgets for each of the categories mentioned. **(CESCR 2013, 23)**

4.5. Witness Protection

To establish a comprehensive witness protection scheme for cases involving war crimes, with sufficient safeguards including an identity protection system and psychological support (Spain). **(UPR 2010, 20)**

To allocate the resources necessary to develop programmes for an effective witness support network (Australia). **(UPR 2010, 82)**

The Committee urges the State party to ensure that victims are effectively protected, that they are not further distressed or pressurized to withdraw their testimony and that they are not threatened by alleged perpetrators, in particular by:

- (a) Strengthening the capacity of the competent organs, in particular the State Investigation and Protection Agency and its Department for Witness Protection (OZS), and ensuring that they respect the right to privacy of the survivors and provide witnesses at serious risk with long-term or permanent protection measures, including changing their identity or relocating them within or outside of Bosnia and Herzegovina;
- (b) Giving more attention to the psychological needs of witness in order to minimize possible re-traumatization of survivors in court proceedings;
- (c) Ensuring that witnesses have appropriate means to travel to and from the court and providing escorts for their travel, as necessary. **(CAT 2011, 17)**

The State party should take practical measures to increase the effectiveness of the witness protection programme to ensure the full protection of witnesses. The State party should also ensure that witnesses continue to receive adequate psychological support in entities where war crimes have been transferred. The State party should further ensure that authorities fully investigate cases of suspected intimidation of witnesses to put an end to the climate of fear that stifles efforts to prosecute war crimes at the entity level in the State party. **(CCPR 2012, 13)**

Ensure that all the courts and the prosecutors' offices of various entities take adequate measures to support and protect witnesses, in order to avoid the transfer of files to these entities resulting in impunity, particularly in cases of sexual violence (Belgium). **(UPR 2014, 107. 94)**

4.6. From Reports and Analyses

Implementation of the National Strategy for the Processing of War Crimes Cases has to be accelerated without further delay, especially for complex Category II cases that the International Criminal Tribunal for Former Yugoslavia transferred to the Prosecutor's Office of Bosnia and Herzegovina. The Prosecutor's Office submits regular reports on the processing of these cases. It can be said that war crimes cases are the priority for all prosecutor's offices and courts in Bosnia and Herzegovina. The efficient and strict management of all such transferred cases helps to establish a final and accurate number of cases for all levels of government. It also contributes toward a proper assessment of their actual capacity to achieve their strategic goals. The track record on the efficiency of investigation, criminal prosecution and final decisions on the perpetrators in cases of corruption and war crimes needs improvement as does the existing levels of communication, coordination and cooperation between the judicial bodies and the law enforcement agencies. **(Bosnia and Herzegovina: Sectoral planning document for the justice sector and fundamental rights)**

5. FREEDOM AND SECURITY OF PERSON

To continue the fight against impunity, and to provide justice for victims of crimes (Germany). **(UPR 2010, 80)**

5.1. Trafficking in Human Beings

The State party should:

- (a) Take the necessary measures to ensure that all law enforcement officials fully and promptly investigate all alleged cases of trafficking in persons and that offenders are prosecuted;

- (c) Ensure the full implementation of the Law on the Movement and Stay of Aliens and its by-law on protection of victims of trafficking;
- (d) Ensure that victims of trafficking obtain redress and have an enforceable right to fair and adequate compensation. **(CAT 2005, 21 a, c, d)**

The Special Rapporteur welcomes the revision of the NPA and encourages the Government to take the lead in its implementation, including in supporting shelters and rehabilitation programmes, and to use it as a tool to sustain efforts to combat trafficking, also drawing on the recommendations contained in this report. **(Sigma Huda, 2005, 76)**

The Special Rapporteur welcomes the strengthened border controls and the fact that the State Border Service has developed the capacity to keep track of foreigners within the territory of the State. In this connection, she wishes to recommend that measures be taken to ensure better control of the border with Serbia and to prevent the misuse of the right to cross the border only with an identity card. She also recommends that when irregular aliens are intercepted, efforts be undertaken to determine their situation individually and to ensure that they have access to asylum procedures, if relevant, and that if they are victims of trafficking they receive adequate assistance and are not immediately deported. **(Sigma Huda, 2005, 80)**

The Special Rapporteur also strongly recommends that steps be taken to ensure the existence of organized legal counselling, to be made available to victims upon identification so that they are aware of the alternatives at their disposal. The Special Rapporteur recommends that legal assistance be made available to victims so that they can seek compensation under the civil procedure, while being accommodated in shelters and provided with assistance, training and rehabilitation. **(Sigma Huda, 2005, 84)**

The Special Rapporteur believes that greater attention should be devoted to addressing the root causes of trafficking in persons into Bosnia and Herzegovina. In this context, the Special Rapporteur encourages initiatives in the countries of origin of trafficked victims, such as supporting the development of women's cooperatives, promoting women's entrepreneurship, and supporting the creation of women's economic networks to provide advocacy, training and information to businesswomen, unemployed women and women in agriculture, among others. Long-term prevention should also include anti-discrimination measures, job opportunities for women, legal migration projects targeting women, awareness-raising and programmes targeting violence against women. **(Sigma Huda, 2005, 89)**

The Special Rapporteur recommends that awareness-raising programmes be undertaken, especially in rural areas, in the main countries of origin of victims by the respective Governments, the civil society and the international community. **(Sigma Huda, 2005, 90)**

The Special Rapporteur recommends that increased attention be devoted to prevention of internal trafficking and trafficking from Bosnia and Herzegovina to other countries, with particular attention to the root causes of the phenomenon. In particular, the Special Rapporteur believes that measures to combat trafficking should take into account the Law on Gender Equality and the Poverty Reduction Strategy, as gender-based discrimination and poverty can turn Bosnia and Herzegovina into a country of origin of trafficking and foster internal trafficking. **(Sigma Huda, 2005, 91)**

The Special Rapporteur recommends increased efforts to combat international and internal trafficking of children, including through the allocation of funds specifically for this purpose. The Special Rapporteur further recommends increased regular surveillance of premises suspected of harboring trafficked children and intensified efforts to detect and identify child victims. Special training on trafficking of children and the protection to which they are entitled under national and

international law, as well as child-focused methods of intervention, detection, identification, and assistance should be provided to all relevant actors (social workers, NGOs, the media, the judiciary). The Special Rapporteur further recommends that needs in terms of shelters and structures for child victims of trafficking be analysed and measures taken to ensure that children receive the assistance and protection to which they are entitled. **(Sigma Huda, 2005, 92)**

The Special Rapporteur endorses the recommendations of UNICEF concerning the need to increase general prevention measures to identify children vulnerable to becoming victims of trafficking and to make use of the Guidelines for the Protection of the Rights of Children Victims of Trafficking concerning detection, registration, referral, shelter, protection and follow-up for children from Bosnia and Herzegovina and from other countries. The Special Rapporteur recommends increased efforts to sensitize potential users of services provided by trafficked children about the human suffering of the victims, as well as teenage girls about the risks related to trafficking. Also, public campaigns with children and youth in rural areas are recommended to prevent them from becoming victims of trafficking. **(Sigma Huda, 2005, 93)**

The Special Rapporteur further recommends that police methods for dealing with children living or working in the streets, children in conflict with the law and children who are victims of crime be modernized through greater focus on proactive outreach work, confidence-building measures and cooperation with social services. The Special Rapporteur recommends outreach assistance for children living and working in the streets and members of high-risk groups, as well as the investigation of the involvement of criminal networks in begging. Professionals coming into contact with children living or working in the streets, as well as the general population, should be sensitized to the Roma culture and child protection. **(Sigma Huda, 2005, 94)**

The Special Rapporteur welcomes community watch programmes, as well as programmes undertaken by NGOs, UNICEF and IOM to tackle domestic violence and address the root causes of trafficking in children. **(Sigma Huda, 2005, 95)**

The State party should ensure that the perpetrators of acts of trafficking in persons are effectively prosecuted; that judges, prosecutors and law enforcement officers receive intensified training on the application of anti-trafficking and anti-corruption standards; that sufficient funds are allocated from the State budget to victim assistance and witness protection programmes; and that effective measures are taken to combat the exploitation of children, especially Roma and other ethnic minority children, for the purpose of street begging or other forced labour. **(CCPR 2006, 16)**

Despite the adoption of a number of legal and other measures, including a national plan of action, with respect to trafficking of persons, and the reported positive impact of these measures in reducing the number of cases, the Committee is concerned that trafficking in women remains a problem in the State party as a country of origin, transit and destination. The Committee is also concerned about new forms of trafficking of women into Bosnia and Herzegovina, including through fake arranged marriages. The Committee is further concerned that current protection measures do not apply to women nationals of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution. **(CEDAW 2006, 27)**

The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It recommends the strengthening of measures aimed at improving the economic situation of women and raising awareness so as to eliminate their vulnerability to traffickers, as well as enhancing social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. The Committee recommends that

protection be extended to also cover women of Bosnia and Herzegovina who have been trafficked internally and women who have been trafficked for purposes other than prostitution. It calls on the Government to ensure that traffickers are punished to the full extent of the law and to ensure that trafficked women and girls have the support they need so that they can provide testimony against their traffickers before, during and after the proceedings. The Committee requests the State party to provide in its next report comprehensive information and data on trafficking in women and girls as well as an analysis of emerging forms of trafficking of women into Bosnia and Herzegovina and the measures in place to confront these new developments. **(CEDAW 2006, 28)**

Ensure concerted and coordinated activities by law enforcement agencies to prevent and eliminate domestic trafficking in children. **(CRC OPSC, 2010, 23 b)**

To strengthen its efforts in the fight against women trafficking, a phenomenon that remains of concern (France). **(UPR 2010, 60)**

To increase efforts to combat the trafficking in human beings, including through the development of international cooperation with interested governments, international organizations and non-governmental organizations (Belarus). **(UPR 2010, 61)**

To work on long-term preventive programmes targeting the trafficking of persons, especially women and children (Germany). **(UPR 2010, 63)**

To continue efforts to prevent internal trafficking and trafficking from the country to other countries, in accordance with the recommendation of the Special Rapporteur on the trafficking in persons, especially women and children (Kazakhstan). **(UPR 2010, 64)**

To put in place a national plan to effectively combat the trafficking in human persons, and to cooperate with neighboring countries (Qatar). **(UPR 2010, 65)**

To expand its efforts to establish and implement a sustainable and uniform system to assist in data retention, direct aid and assistance to victims in trafficking (Israel). **(UPR 2010, 66)**

The State party should strengthen its efforts to combat trafficking in persons, especially in women and children, in particular by:

(b) Improving the identification of trafficking victims and providing them with appropriate rehabilitation programmes, genuine access to health care and counselling;

(c) Providing training to law enforcement personnel and other relevant groups, and raising awareness of the problem among the public. **(CAT 2011, 23)**

While noting the new legislative framework in place at the State level, the Committee remains concerned about the low number of prosecutions, undue delays in proceedings and the leniency of sentences, despite the growing trend of internal and international trafficking in the State party. It is particularly concerned that the Criminal Codes of the entities and of Brčko District have not been harmonized with the State Criminal Code and therefore do not allow adequate prosecutions at the entity and district levels with corresponding punishments and convictions of acts of trafficking, especially internal trafficking. Furthermore, while noting the adoption of regulations protecting victims and witnesses and the development of a new strategy for combating trafficking in human beings, the Committee is concerned about the lack of effective victim identification procedures, especially regarding women and girls from Roma communities and internally displaced women who are increasingly affected, and that most of

the shelters providing adequate services to victims of trafficking, are operated by non-governmental organizations that rely on external funding. **(CEDAW 2013, 23)**

Strengthen mechanisms aimed at the early identification and referral of victims of trafficking, with a special focus on Roma and internally displaced women, as well as preventive measures such as raising awareness about the risks of trafficking for disadvantaged groups of women. **(CEDAW 2013, 24 d)**

Ensure adequate funding for anti-trafficking activities undertaken by non-governmental organizations. **(CEDAW 2013, 24 e)**

The Committee expresses concern at the fact that the State party remains a country of origin, destination and transit for trafficking in human beings, in particular women and girls, for purposes of sexual exploitation. It is also concerned at the fact that prostitution that is punishable as an administrative offence, as well as at the absence of research and data on the prevalence of exploitation of prostitution in the State party and the lack of policies and programmes to address that phenomenon. **(CEDAW 2013, 25)**

Amend its legislation to ensure that women victims of prostitution are no longer punished by a fine; ensure the investigation, prosecution and punishment of those who exploit prostitution; and take measures to discourage the demand for prostitution. **(CEDAW 2013, 26 a)**

[...] and develop an effective national plan to combat human trafficking in cooperation with neighbouring countries (Saudi Arabia). **(UPR 2014, 107. 73)**

Prosecute the exploitation and trafficking of children, in particular of girls from ethnic minorities forced into early marriage (Sierra Leone). **(UPR 2014, 107. 76)**

Strengthen the work on the fight against the trafficking of persons (Uruguay). **(UPR 2014, 107. 82)**

Continue efforts to combat the trafficking of persons, in particular of women and children, with the prosecution of perpetrators (Costa Rica). **(UPR 2014, 107. 83)**

Maintain its efforts in the area of combating trafficking in persons, especially women and children, including through a victim-oriented approach and an enhanced level of international and regional cooperation (Egypt). **(UPR 2014, 107. 84)**

Strengthen efforts aimed at combating and punishing trafficking in persons, particularly children and women, for labour and sexual exploitation (Mexico). **(UPR 2014, 107. 86)**

Continue efforts to implement the existing strategies and action plans to combat trafficking in human beings and to establish channels and mechanisms for international cooperation in this field (Qatar). **(UPR 2014, 107. 87)**

Adopt measures to address the problems of exploitation and domestic trafficking of children and ensure that all cases of trafficking are subject to proper investigation (Portugal). **(UPR 2014, 107. 89)**

5.2. Violence against Women and Children

The State party should ensure the effective implementation of the legislation to combat domestic violence, intensify the training provided to judges, prosecutors and law enforcement officers on the application of such legislation, as well as to hospital and other staff working with victims of domestic violence and child abuse, introduce standard procedures for the collection of medical evidence of domestic violence, and enhance victim assistance programmes and access to effective remedies. **(CCPR 2006, 12)**

The Committee urges the State party to ensure the harmonization of the criminal law provisions of the Entities and of the Brcko District on the crime of domestic violence with the State Law on Gender Equality, as well as their application by judges, prosecutors and the police. The Committee also recommends that the State party take measures to sensitize law enforcement officials and the general public for the causes, criminal nature, and the specific needs of victims, of acts of domestic violence. **(CESCR 2006, 43)**

To make the fight against violence against women a priority in its strategies, and to seek as much international assistance as needed in that regard (Morocco). (UPR 2010, 55)

To monitor the effective implementation of laws preventing violence against women (Belgium). **(UPR 2010, 56)**

To further invest in the fight against domestic violence by, inter alia, establishing shelters for victims and providing support to non-governmental organizations working in that field (Belgium). **(UPR 2010, 57)**

To put in place adequate channels for the reporting of child abuse, with a view to criminal persecution, and to provide physical and psychological assistance for the victims of such violence (Brazil). **(UPR 2010, 58)**

The Committee recommends that the State party enhance its efforts to prevent, prosecute and punish all forms of violence against women and children, including domestic violence, and ensure effective and full implementation of the existing laws and the national strategies adopted to that end, including the Strategy for Preventing and Combating Domestic Violence and the National Strategy to Combat Violence against Children. The State party should provide support for victims through the establishment of additional shelters, the provision of free counselling services and such other measures as may be necessary for the protection of victims. Furthermore, the State party is encouraged to conduct broader awareness-raising campaigns and training on domestic violence for law enforcement personnel, judges, lawyers and social workers who are in direct contact with the victims as well as for the public at large. **(CAT 2011, 13)**

The Committee recommends that the State party take all appropriate measures to explicitly prohibit corporal punishment in all settings, including the domestic context, throughout its territory. Furthermore, it recommends that the State party strengthen and expand awareness-raising and education programmes, including campaigns, in order to promote positive and alternative forms of discipline and respect for children's rights with the involvement of children, while raising awareness about the adverse consequences of corporal punishment. **(CRC 2012, 40)**

The Committee recommends that the State party take concrete measures to ensure the harmonization of legislation on domestic violence in all its entities and territories. Additionally, the

Committee recommends that the State party establish a national database on all cases of domestic violence against children, with a view to undertaking a comprehensive assessment of the extent, causes and nature of such violence.

The Committee also reiterates its previous recommendations to the State party to strengthen awareness-raising and education programmes, including campaigns, with the involvement of children in order to prevent and combat child abuse (CRC/C/15/Add.260, para. 43 (d)). In addition, the State party should strengthen measures to encourage the reporting of instances of child abuse and prosecute perpetrators of those acts (*ibid.*, para. 43 (f)). **(CRC 2012, 42)**

Recalling the recommendations of the United Nations study on violence against children (A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee further recommends that the State party take into account general comment No. 13 (CRC/C/GC/13, 2011), and in particular:

- (a) Develop a comprehensive national strategy to prevent and address all forms of violence against children;
- (b) Adopt a national coordinating framework to address all forms of violence against children;
- (c) Pay particular attention to the gender dimension of violence;
- (d) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations institutions. **(CRC 2012, 45)**

Encourage women to report incidents of domestic violence by de-stigmatizing victims and raising awareness about the criminal nature of such acts, and intensify its efforts to ensure that all reported cases of domestic and sexual violence against women and girls are effectively investigated and that perpetrators are prosecuted and sentenced commensurate with the gravity of the crime. **(CEDAW 2103, 22 b)**

Provide adequate assistance, protection and rehabilitation to women victims of all forms of violence, including by strengthening the capacity of existing shelters and by enhancing cooperation with and funding for non-governmental organizations providing shelter and rehabilitation to victims. **(CEDAW 2103, 22 e)**

Furthermore, and according to interviewees, fewer victims are reporting cases of domestic violence, while the killing of women has increased. It is of concern that this drop in reporting rates may be due to the perceived ineffectiveness of the available services. **(Rashida Manjoo, 2013, 103)**

Conduct a thorough review of the way CSWs are addressing cases of violence against women and make the necessary reforms to ensure that:

- (i) All CSWs are led by qualified and professional staff irrespective of any political considerations.
- (ii) Staff receive the necessary training and sensitization to ensure the individual human rights of women victims of domestic violence are placed above any considerations for family preservation.
- (iii) The necessary safeguards are established to ensure women victims are not mandated, either by law or practice, to participate in any counselling and/or mediation processes without their full and informed consent.
- (iv) Cases of verbal abuse and psychological violence are taken seriously and addressed by the authorities, before they escalate into instances of physical violence.
- (v) The removal of perpetrators from the family home is preferred over the removal of victims and their children. Police and CSWs must ensure that children are automatically removed from the care of perpetrators of domestic violence. **(Rashida Manjoo 2013, 105 II f)**

Strengthen and disseminate existing public-private partnerships, such as the establishment of “mobile teams” to respond jointly to reports of domestic violence. This will ensure that authorities benefit and learn from the expertise and knowledge of civil society and women’s organizations that work with victims. **(Rashida Manjoo 2013, 105 II g)**

Guarantee the continued support of NGO-run safe houses in all areas of the country. State and local level authorities should recognize the valuable work of these organizations and provide support and cooperation by, inter alia, providing the financial support mandated by law, referring victims to shelters in a timely manner, and supporting the establishment of much-needed shelters in new locations. **(Rashida Manjoo 2013, 105 II h)**

Implement the recommendations of the Committee on the Elimination of Discrimination against Women, establishing a monitoring system and implementing legislation to combat domestic violence and other forms of violence against women (Uruguay). **(UPR 2014, 107. 65)**

Take measures to monitor the implementation of measures aimed at protecting victims of domestic violence (Bahrain). **(UPR 2014, 107. 66)**

Continue its positive measures in combatting domestic violence, including by ensuring effective investigation of domestic violence cases, bringing the perpetrators to justice and providing victims with the necessary assistance and protection (Malaysia). **(UPR 2014, 107. 68)**

Further ensure on its territory harmonized legislation on domestic violence and continue strengthening the referral mechanisms in order to provide protection to victims of domestic violence (Republic of Moldova). **(UPR 2014, 107. 69)**

Step up its efforts to address the prevalence of violence against women by adopting a strategy for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Hungary). **(UPR 2014, 107. 71)**

Revise and harmonize legislation on sexual and domestic violence with a view to penalizing all acts of violence committed against women (Sierra Leone). **(UPR 2014, 107. 72)**

Ensure the explicit legal prohibition of corporal punishment of children in all settings (Croatia). **(UPR 2014, 107. 74)**

Enact legislation explicitly prohibiting all corporal punishment in all settings, including the home, in the District of Brčko and in the Federation of Bosnia and Herzegovina (Sweden). **(UPR 2014, 107. 75)**

5.3. Mine Protection

The Committee recommends the State party to continue carrying out mine-awareness campaigns, undertake as a matter of priority demining programmes and extend the psychological and social assistance to children who have been affected by the explosion of mines and other consequences of the armed conflict. **(CRC 2005, 64)**

The Committee calls on the State party to continue its efforts and to seek further international assistance for the clearing of anti-personnel mines in all parts of its territory. **(CESCR 2006, 48)**

(..) The Representative recommends that the authorities continue, and possibly accelerate, with the support of the international community, the process of mine clearance with a priority on return areas(...) **(Walter Kälin, 2006, 58)**

The Committee recommends that the State party:

(a) Continue and strengthen mine-awareness campaigns and demining activities, in particular by strengthening funding for demining activities undertaken by the armed forces of Bosnia and Herzegovina (...) **(CRC OPAC, 2010, 20)**

To consider the possibility of seeking international assistance to eliminate anti-personnel mines (Algeria). **(UPR 2010, 69)**

To continue to carry out mine-awareness campaigns and undertake, as a priority, demining programmes to demine the approximately 30,000 minefields throughout the country, as well as lend psychological and social assistance to the children affected, as recommended by the Committee on the Rights of the Child (Israel). **(UPR 2010, 70)**

5.4. From Reports and Analyses

Concerning **trafficking in human beings**, regional monitoring teams continue to meet regularly and improve their capacity through training. International cooperation by law enforcement agencies in Bosnia and Herzegovina, primarily State Investigation and Protection Agency, through joint investigation teams, joint activities and use of the international legal assistance mechanism is satisfactory but requires further improvement. Training of law enforcement agencies, especially border police, on human trafficking issues has continued. Police academies' official 2014 curricula now include subjects related to human trafficking based on the EU *acquis* and best EU practices. The prosecution of perpetrators and the identification and proactive protection of victims need to be further improved. Cooperation between the four regional monitoring teams and the Task Force for combating human trafficking needs to be strengthened further to ensure investigations are properly coordinated and assistance provided to victims. Neither the Department for Combating Trafficking in Human Beings within the national coordinator's office, nor the database on victims are fully operational. As regards **trafficking in human beings**, there is still no legislation in this area at Federation level. At the same time, national legislation, especially on penalties, has yet to be aligned with the *acquis*. Bosnia and Herzegovina continues to be a country of origin, transit and destination for **trafficking in human beings**. Implementation of the strategy and action plan for 2013-2015 is continuing. A comprehensive, multidisciplinary and victim-oriented approach to trafficking still needs to be developed and identification of victims needs to be improved. The country lacks a comprehensive system to identify the overall trends and challenges in addressing human trafficking.

(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)

A strategy for implementing the Council of Europe Convention on preventing and combating violence against women and domestic violence for the period 2015-2018 was adopted in July. Legislation on safe houses is not adequately implemented and lacks sufficient funding, undermining protection and assistance to women victims of violence. There is no comprehensive State-level legal framework on sexual assault and rape and no appropriate compensation mechanism in place for victims. There is no effective data collection mechanism for monitoring domestic violence and no specialized police units. Women's political

participation across the country has slightly improved. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

The exploitation of children and child begging remain issues of concern and violence against children continues to be widespread. Reporting of violence against children remains weak, resulting in few cases being brought before the courts and no such specific cases were reported to the Ombudsperson. Data collection on violence against children remains weak. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

A national strategy against juvenile offending has yet to be adopted. The legal framework on juvenile justice is in place but has still not been harmonised across the country. The Federation law on protection and treatment of children and juveniles in criminal proceedings entered into force in February 2015 but pre-conditions for its full implementation including relevant by-laws are not in place. Separate units for juveniles exist in prisons and juvenile educational-correctional facilities, but the absence of separate units during pre-trial detention and in police stations across the country continues to be a serious concern. The alternatives to juvenile detention laid down by law continue to be underused and there is insufficient coordination between the responsible authorities. The Orašje educational-correctional facility, while ready for immediate use, is not running due to problems with its electricity supply. Child-friendly proceedings in civil and administrative cases are still not ensured in a harmonised and non-discriminatory way and measures for child victims and witnesses, while in place, are not systematically applied. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

6. BASIC FREEDOMS

To appoint a new Board and Director General of the Communications Regulatory Authority (Italy). (**UPR 2010, 16**)

To intensify the existing efforts to protect religious freedom and freedom of expression (Italy). (**UPR 2010, 85**)

To intensify its efforts to ensure the full and unhindered exercise of the freedom of expression, particularly in the context of freedom of the press and the media (Poland). (**UPR 2010, 86**)

To take the measures necessary to ensure freedom of expression, promote diversity of opinion and prevent all interference with freedom of the press and, inter alia, systematically investigate aggression or threats against journalists and bring to justice those responsible (Switzerland). (**UPR 2010, 87**)

To continue its socio-economic programmes, reforms and initiatives with a view to enhancing the protection and promotion of fundamental human rights and freedoms (Nigeria). (**UPR 2010, 107**)

The Committee recalls its general comment No. 34 (2011) on freedoms of opinion and expression and urges the State party to ensure that the Communications Regulatory Authority's independence is fully respected. The State party should, therefore, desist from any acts of influence over the conduct of affairs by the Communication Regulatory Authority to ensure that it undertakes its mandate independent of any external influence from any person or body. (**CCPR 2012, 18**)

The State party should ensure that restrictions on freedoms of expression and assembly comply with the strict requirements of articles 19 and 21 of the Covenant respectively. In this regard,

the State party should conduct investigations regarding the legality of prohibitions to conduct commemorations in the town of Prijedor in May 2012. **(CCPR 2012, 19)**

The Committee notes with satisfaction that article 20 of the Gender Equality Law requires the State party to ensure 40 per cent participation of women in political life, that the electoral law provides for a mandatory 40 per cent quota of female candidates on political parties' lists, that the law on the financing of political parties was amended to encourage political parties to promote female candidates running for national parliamentary elections, and that the representation of women in the judiciary and the civil service has increased. However, the Committee notes with concern the stagnant low representation of women in Parliament and in government positions at the State, entity, district, cantonal and municipal levels, particularly at the decision-making level. The Committee is also concerned that female candidates are not given sufficient visibility by the media and by political parties in pre-election campaigns and that women are often absent from important decision-making processes, such as the ongoing discussions about constitutional reforms. **(CEDAW 2013, 27)**

The Committee recommends that the State party:

(a) Develop effective mechanisms for the application of quotas in order to increase women's political representation, by placing women in winnable positions and establishing benchmarks with a concrete timetable and sanctions for non-compliance;

(b) Introduce procedures to ensure the implementation of article 20 of the Gender Equality Law at the State, entity, district and municipal levels to promote, inter alia, the participation of Roma women and rural women in elected office and appointed bodies; and promote women in leadership positions in the executive branch and the public service, through the use of temporary special measures where appropriate;

(c) Increase its efforts to provide training and capacity-building to enable women to enter public office, and enhance awareness-raising campaigns on the importance of women's full and equal participation in political and public life, including activities targeting leaders of political parties;

(d) Continue providing incentives for political parties to nominate equal numbers of women and men as candidates, and harmonize their statutes with the Gender Equality Law;

(e) Encourage the media to ensure that female and male candidates receive equal visibility, especially during pre-election campaigns, including by fully implementing the relevant provisions of the law on public broadcasting service regarding the equal appearance and representation of both men and women in programming content and programming policy. **(CEDAW 2013, 28)**

Ensuring that minorities and returnees can participate effectively in political life at the municipal, canton and entity levels remains a challenge. Even where they do not meet the threshold for seats in municipal government, steps are required to ensure that minorities and returnees have a voice in decisions concerning them and their regions. Minority women are particularly poorly represented in political life and measures are required to promote their participation. **(Rita Izsák, 2013, 90)**

Minorities have the right to freely and peacefully associate and assemble and this must be respected in practice. No undue obstacles or restrictions should be imposed, including for constituent peoples and minorities in all localities who wish to peacefully protest or commemorate dates or events significant to them while fully respecting relevant laws relating to peaceful assembly. **(Rita Izsák, 2013, 106)**

Develop and encourage tolerance between religious groups and fully guarantee the right to freedom of conscience and religion (Russian Federation). **(UPR 2014, 107. 110)**

Take the necessary measures to guarantee, in all circumstances, full respect for freedom of expression and freedom of the press (France). **(UPR 2014, 107. 111)**

Take steps to further ensure freedom of speech and freedom of access to information both online and offline (Latvia). **(UPR 2014, 107. 112)**

Use international good practices as specific benchmarks for progress to improve the situation of the media community, as proposed by the media freedom representative of the Organization for Security and Cooperation in Europe, Dunja Mijatović (Lithuania). **(UPR 2014, 107. 117)**

Protect freedom of assembly and hold accountable any police officers involved (Lithuania). **(UPR 2014, 107. 118)**

6.1. From Reports and Analyses

There is **some level of preparation** on the right to freedom of expression. However, the country has been **backsliding** in this area. Although the legal provisions are generally in place, the institutional and political environment is not conducive to creating the conditions for full freedom of expression. The financial stability of the system of public service broadcasting remains to be addressed. Political pressure and intimidation towards journalists continued during the reporting period. Transparency on media ownership continues to be lacking. Recent legislative developments in Republika Srpska raise concerns over possible limitation of online freedom of expression. **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

The new Law on Public Peace and Order, adopted by National Assembly of Republika Srpska on February 5, 2015, raised fears that the authorities might in the future seek to clamp down on online expression such as Tweets or Facebook posts. It criminalises social media postings that disturb public order or contain indecent, offensive or insulting content and has a kind of a sweeping character, which hands prosecutors and judges almost unlimited power to clamp down on online expression.

Political and financial pressure on the media continued during 2015. Intimidation and threats against journalists and editors and polarization of the media along political and ethnic lines continued during and after the October general elections. Cases were recorded of political statements putting pressure on journalists and police raids on media outlets. In December 2014, the police of Republika Srpska and the Sarajevo Canton raided the offices of a news portal over a criminal investigation involving the Prime Minister of Republika Srpska. The courts subsequently ruled that the raid was unlawful and in violation of both the European Convention on Human Rights and national law. The follow-up by the authorities to threats to media freedom and journalists has been insufficient. Cases were reported of verbal attacks by politicians towards journalists. **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

Legal provisions guaranteeing freedom of expression are in place. However, there are serious concerns that the implementation of the newly adopted Republika Srpska Law on Public Peace and Order may limit the freedom of expression online and possibly affect freedom of assembly and association. The implementation of the Freedom of Access of Information Act remains

uneven and is frequently limited by the right to privacy and the protection of the commercial interests of companies dealing with governments, without running the test of public interest.

Republika Srpska's Law on Public Peace and Order, adopted in February 2015, raises concerns about the potential for arbitrary implementation of certain of its provisions related to online social networks. The law opens up the possibility for potential abuses through vague provisions related to minor offences committed on the internet and the setting of a low standard of proof in proceedings for minor offences. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

On the **freedom of assembly and association**, cases of attacks and intimidation against human rights activists continue to be reported. Such cases are often not adequately investigated and prosecuted by the authorities. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

In the 2014 general elections, 19.03 % of candidates elected at all levels were women. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

7. LABOUR RIGHTS

The Committee urges the State party to ensure that the claims of all workers who were dismissed from their jobs and/or placed on waiting lists during the armed conflict because of their ethnicity are resolved expeditiously and that the recommendations of the Entity and cantonal Commissions are implemented promptly and in good faith. (**CERD 2006, 18**)

The Committee recommends that the State party take effective measures to ensure that employers respect their contractual obligations towards their employees, namely by refraining from arbitrarily dismissing them or by paying their salaries or social security contributions on time. The Committee further recommends to the State party to ensure that labour inspection units are sufficiently staffed and resourced in order to enable them to effectively combat abuses of workers' rights. (**CESCR 2006, 36**)

The Committee encourages the State party to strengthen the legal framework available to migrant workers for the effective redress of such complaints. It recommends that the State party ensure that, in legislation and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress before the courts. (**CMW 2009, 22**)

In line with article 25 of the Convention, the Committee recommends that the State party:

- (a) Ensure that labour inspections monitor the working conditions of migrant domestic workers;
- (b) Increase fines and other penalties for employers exploiting migrant domestic workers or subjecting them to forced labour and abuse, especially in the informal economy; and
- (c) Ensure that migrant domestic workers have access to effective mechanisms for bringing complaints against employers, and prosecute and punish those responsible for abuses against them, in line with the Committee's general comment No. 1 (2010) on migrant domestic workers. (**CMW 2012, 34**)

The Committee requests the State party to:

- (a) Collect data on the number of seasonal workers in the State party;

- (b) Expedite the adoption of the amendment of article 84 of the Law on Movement and Stay of Aliens and Asylum, establishing a system of registration of seasonal workers;
- (c) Monitor employment practices, in particular in the construction industry, agriculture and domestic work, as well as the working conditions of seasonal workers employed in the State party, including by strengthening labour inspections;
- (d) Ensure that seasonal workers enjoy the rights protected in part IV in the Convention that can be applied to them by reason of their presence and work in the State party, taking into account that they do not have their habitual residence in the State party; and
- (e) Pursue its efforts to sign further bilateral agreements. **(CMW 2012, 42)**

The Committee recommends that the State party take measures to repeal the sanction imposed on persons working in the informal sector, i.e. the suspension of their registration with the employment bureau for a period of 12 months. **(CESCR 2006, 37)** The Committee recommends that the State party take measures to repeal the sanction imposed on persons working in the informal sector, i.e. the suspension of their registration with the employment bureau for a period of six months. **(CESCR 2013, 17)**

The Committee reiterates its recommendation that the State party take effective measures to ensure that employers abide by their legal obligations towards their employees, namely by paying their salaries or social security contributions in time and by refraining from arbitrary dismissal, in particular, in relation to pregnant women and women who are on maternity leave. The Committee also reiterates its recommendation that the State party ensure that labour inspection units are sufficiently staffed and resourced. **(CESCR 2013, 19)**

The Committee requests that the State party take measures to ensure that the minimum wage is regularly adjusted to the cost of living and that it enables employees and their families to enjoy a decent living, in accordance with article 7 (a) (ii) of the Covenant. The Committee also recommends that the State party take the necessary steps to eliminate differences in the amount of the minimum wage between the Entities. **(CESCR 2013, 20)**

7.1. Gender Equity in Labour

The Committee expresses concern at women's particularly low representation in the labour market, the high rate of unemployment of educated women and persistent patterns of direct and indirect discriminatory practices against women in public and private employment with respect to recruitment, promotion, pay, maternity protection and employment termination, as well as sexual harassment. The Committee is also concerned at women's concentration in certain employment sectors, which receive less pay than male-dominated sectors, and in lower-paid jobs in general, as well as at women's significant representation in the informal "grey economy" and in small agricultural enterprises, which negatively affects their eligibility for social security and health care. **(CEDAW 2006, 33)**

The Committee urges the State party to implement the relevant sections of the Law on Gender Equality and the relevant recommendations from the project on implementation of this law and to bring to justice public and private employers who violate equality provisions under the Law on Gender Equality and labour regulations. The Committee also urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women fully benefit from all planned programmes to support entrepreneurship, including through favorable credit conditions. It recommends that efforts be strengthened to increase women's representation in the formal economy and to eliminate occupational segregation, both horizontal and vertical; to

narrow and close the wage gap between women and men in the public sector; and to ensure women's access to vocational training. **(CEDAW 2006, 34)**

Discriminatory practices in employment, especially prevalent in the public sector of municipalities, discourage minority returns. Returnees excluded from the formal labour market have to resort to the informal economy or other coping mechanisms. The Representative recommends that the authorities closely review and monitor recruitment practices in the public sector with a view to eliminating discrimination. Disproportionate underrepresentation of one ethnic group in a given public company should be taken as an indication of discrimination unless otherwise demonstrated. Programmes and initiatives aimed at creating employment opportunities specifically for IDP and female returnees who are heads of household should be created. Such measures might include vocational training for women as well as training for employers on gender equality. Authorities should also take steps towards creating an environment conducive to economic growth and development in return areas, and ensure that the privatization process is conducted in a transparent and accountable manner. Past incidents of discrimination in employment need to be addressed by providing those unfairly made redundant with re-employment or compensation. **(Walter Kälin, 2006, 64)**

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 11) to strengthen its efforts to increase the participation of women in the public sector through appropriate temporary special measures to give effect to the provisions of the Covenant. **(CCPR 2012, 10)**

The Committee also urges the Government to undertake comprehensive reform to empower women through gender-sensitive labour policies aiming at hiring of women in non-traditional professions, enhancing their access to vocational and technical education and ensuring equal conditions of work. In this respect, the State party is encouraged to analyse determining factors of women's entry and stay in the labour market, including in the informal economy, and sociocultural factors affecting women's professional choices. **(CESCR 2013, 15)**

The Committee recommends that the State party put in place mechanisms to ensure effective implementation of the principle of equal pay for work of equal value provided for in the Law on Gender Equality in Bosnia and Herzegovina. **(CESCR 2013, 18)**

The Committee notes that the State party has taken various measures to support the participation of women in the labour market, as part of the Bosnia and Herzegovina strategy for employment (2010-2014) and the entities' employment strategies; that the gender action plan of Bosnia and Herzegovina for the period 2013-2017 gives priority to women's economic participation by developing measures aimed at facilitating the reconciliation of private and professional life; and that a framework law was enacted in order to unify and harmonize the social sector in the State party, including through maternity protection. However, the Committee remains concerned about:

(a) The markedly low participation rate of women in the labour force, in spite of their high level of education, as reflected by the disproportionately high unemployment rate among women;

(b) The concentration of women in such sectors as health care, education and agriculture, in the informal sector and in the "grey economy", and the large number of women employed with temporary contracts; and the exclusion from the formal labour market of disadvantaged groups of women, such as internally displaced women, rural women and Roma women;

(c) The lack of an institutional framework to enforce the prohibition of gender-based discrimination and sexual harassment at work and the lack of measures to facilitate the reporting of such acts and to inform women of their rights;

(d) The lack of childcare facilities, which constitutes an obstacle to the full exercise of women's right to work;

(e) The 12 different existing regimes with different regulations on maternity protection depending on women's place of residence, which have a negative impact on their ability to participate in the labour force and reinforce the unequal division of family responsibilities between women and men. **(CEDAW 2013, 33)**

Adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and with the Committee's general recommendation No. 25, aimed at achieving de facto equal opportunities for women and men in the labour market, including disadvantaged groups of women; and establish special training programmes and counselling for different groups of unemployed women, including by promoting women's entrepreneurship. **(CEDAW 2013, 34 a)**

Take effective measures to integrate disadvantaged groups of women and women working in the "grey economy" into the formal labour market. **(CEDAW 2013, 34 b)**

Closely monitor the working conditions of women in the informal sector and those employed with temporary contracts, by strengthening labour inspections; ensure their access to social services and social security; and consider ratifying International Labour Organization Convention No. 189 (2011), concerning decent work for domestic workers. **(CEDAW 2013, 34 c)**

Enhance the availability and affordability of childcare facilities to help women exercise their right to work, in order to increase women's access to the labour market. **(CEDAW 2013, 34 f)**

Ensure that the implementation of the framework law regulating the social sector results in the harmonization of pregnancy and maternity protection in the State party, in order to guarantee paid maternity leave for all women. **(CEDAW 2013, 34 g)**

Carry out awareness-raising and education initiatives for both women and men on the sharing of domestic and family responsibilities between women and men and provide incentives for active participation by men in such responsibilities, e.g., by introducing special non-transferable paternity leave. **(CEDAW 2013, 34 h)**

Fully ensure gender equality in labour recruitment and appointments to political posts (Russian Federation). **(UPR 2014, 107. 132)**

Include affirmative measures for women in employment policies and programmes at all governance levels and ensure women's social protection and access to socioeconomic rights (Germany). **(UPR 2014, 107. 133)**

7.2. Labour Rights of Minorities

The Committee recommends that the State party improve the employment of ethnic minorities, including in particular the Roma, in the public and private labour sectors, by implementing strategies that include offering training to qualify such persons for jobs in the labour market, providing incentives to employers for hiring such persons, and establishing an independent mechanism at the State level to address discrimination in the hiring and promotion practices in the public and private employment/labour sectors. **(CERD 2006, 19)**

7.3. Children

In the light of Human Rights Council resolutions 8/7 of 18 June 2008, in which the Council endorsed the “Protect, Respect and Remedy Framework”, and 17/4 of 16 June 2011, in which it is noted that the rights of the child should be included when exploring the relationship between business and human rights, the Committee recommends that the State:

(b) Take measures to ensure that private enterprises, particularly those of the steel industry and those providing security services, including when contracted by the State, operate under adequate regulatory safeguards to ensure compliance with the Convention and its Optional Protocols. **(CRC 2012, 28)**

7.4. Trade Unions

The Committee recommends that the employees’ right to form and join trade unions, as guaranteed by the Constitution of the State party and by the Covenant, is duly ensured and monitored by the State party’s labour inspection units. **(CESCR 2013, 21)**

7.5. Unemployment

The Committee urges the State party to increase its efforts to combat unemployment through special targeted programmes, including programmes aimed at reducing unemployment among youth, women, especially female heads of households, as well as unemployment among disadvantaged and marginalized groups. **(CESCR 2006, 35)**

The Committee urges the State party to reduce unemployment through additional measures of active employment policy such as requalification, local employment initiatives, incentives and tax benefits to employers, including targeted programmes aimed at reducing unemployment of disadvantaged and marginalized groups. **(CESCR 2013, 16)**

7.6. From Reports and Analyses

On **labour and trade union rights**, the fragmentation of the legal framework and the absence of a harmonised approach to social allowances hamper effective exercise of social rights across the country. **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

Challenges in relation to the labour market remain considerable. Some programmes exist to support the employment of Roma and other target groups, notably in Republika Srpska. There is an urgent need to strengthen the financial and administrative capacity to implement active labour market measures both at the level of Entity governments and public employment services. Labour market participation marginally increased in 2014 to 59.2 %, with both male and female participation rates growing slightly. The employment rate also rose somewhat to 43.2 % in 2014, but female employment dropped marginally from 32.2 % to 31.9 %. Job creation remained modest and the overall unemployment rate remained unchanged at 27.5 % in 2014. However, the male unemployment rate fell to 25.2 % and the slight increase in the female participation rate was hence entirely reflected in a somewhat higher unemployment rate for women, which increased to 31.2 %. Unemployment among young people (15-24 years old) further increased to 63 % in 2014. Overall, more than 80 % of unemployment remains long-term (i.e. unemployed for one year or more). **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

Labour inspectorates remain understaffed and are unable to perform their tasks properly.
(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)

The situation characterised by the concentration of women in such sectors as healthcare, education and agriculture and in the informal sector and the ‘grey economy’ as well as the large number of women employed under temporary contracts remains unchanged. The same applies to disadvantaged groups of women, such as internally displaced women, rural women and Roma women, excluded from the formal labour market. The lack of childcare facilities remains an important obstacle to the full exercise of the women’s rights to work. The twelve different existing regimes with different regulations on maternity protection, depending on a woman’s place of residence, are still present in Bosnia and Herzegovina. Employed mothers or fathers enjoy full salary compensation for twelve months of parental leave in Republika Srpska, while in the Federation of Bosnia and Herzegovina the situation remains fragmented and varies among the cantons.

Efforts aimed at combating unemployment through special targeted programmes and active employment policies are present, but remain rather poor in terms of their quality and quantity. They are also without serious success when it comes to reducing unemployment among disadvantaged and marginalised groups.

The difficult situation in the area of labour rights of minorities is especially complex for the Roma population in Bosnia and Herzegovina. The Revised Action Plan for Resolving Problems of Roma in the Area of Employment, Housing and Health Care 2013-2016 defines Roma employment as a strategic goal. The Revised Action Plan did not achieve significant results in 2013 and 2014. Funds for the stimulation of Roma employment are budgeted at the level of the Ministry for Human Rights and Refugees of Bosnia and Herzegovina and allocated through the entity and Brcko District employment agencies. Programmes for the requalification and education of Roma are not systematic or developed on the basis of sound methodology. The employment agencies submit data on Roma who are registered as users of their programmes and projects, but fail to submit data on Roma who are actually registered in their databases as unemployed. No public campaigns on Roma employment were registered during 2013 and 2014. **(Report on Implementation of the Revised Action Plan for Resolving Problems of Roma in the Area of Employment, Housing and Health Care 2013-2016 for the period 2013-2014)**

In the Federation of Bosnia and Herzegovina (FBiH) a new Labour Code came into force in August 2015. It was adopted through an urgent procedure without public discussion and without the participation of social partners. Under the Law, workers' rights are reduced or even abolished and the Law provided for the automatic cancellation of all existing collective agreements 90 days after it came into force. Currently, a slow and difficult process of negotiation regarding the harmonisation of general and branch collective agreements is taking place.

In Republika Srpska (RS), the Government also adopted a new Labour Code. The Confederation of Trade Unions of RS, branch trade unions and workers in Republika Srpska have expressed strong concerns regarding the new law.

In terms of tripartite social dialogue, there was no significant progress and no steps were taken toward the establishment of an Economic and Social Council at the state level of BiH; this was due to the fact that there are no legal provisions on the representativeness of social partners at this level. Tripartite bodies do operate at the regional and local entity level.

Although there is no official data that could accurately indicate the actual number of members of trade unions and the ratio between this number and the number of registered employees, the level of trade union density in BiH, according to estimates, is currently around 50 per cent. When making this estimate one definitely needs to take in to account the fact that no accurate data on trade union membership in BiH is currently available. This is a consequence of the existence of a great number of firms where workers have not received their salaries for several months/years. Consequently, payment of the membership fee, as one indicator of membership, is either irregular or less regular than it should be, given the actual number of members of trade unions in those firms. In addition, there are workers who are members of trade unions but who due to economic problems in their companies have the status of 'waiting'. Such workers do not receive any salary and consequently cannot pay their membership fees. It is for these reasons that records on paid membership fees cannot be treated as accurate records of actual membership.

There is a higher trade union density in the public sector, while trade unions in the private sector most often exist only in companies that used to have organised trade unions before they were privatised. It is rarely the case in newly established private companies that employers allow union organisation of workers. Especially prominent are the problems faced by trade unions attempting to organise in multinational companies that entered the BiH market.

According to the Law, workers in Bosnia and Herzegovina are given the opportunity to be represented at work through trade union organisations and Works Councils. Trade union membership is voluntary and a worker becomes a trade union member by registering for membership in the trade union of the respective activity, namely the branch. Any employed worker can become a member of a trade union upon signing a membership application form, whereby he/she accepts the rights and obligations arising from the trade union statute. Employers cannot be members of a trade union.

As for the employees' councils, i.e. Works Councils, their organization is regulated in entity laws. In order for an employees' council to be formed, the employer must have at least 15 workers employed on a full-time basis. In FBiH, an employees' council can be organized upon request of the trade union or a minimum 20 per cent employees of a single employer; in RS, the decision on establishment of a workers' council can be made by a minimum one-third of the total number of workers of a single employer. Rights and obligations of employees' councils and trade unions, as well as the obligations of employers towards these representatives of employees, are laid down in the legal regulations and trade union acts. **(2015 Annual Review of Labour Relations and Social Dialogue: Bosnia and Herzegovina)**

It is also stipulated that if there is no organized trade union within an employer, powers and obligations of the trade union are assumed by the workers' council (RS), and if there is no employees' council in FBiH, its rights and powers are assumed by the trade union. In general, there is a low level of organization of employees' councils in BiH, and especially so in RS, and they are organized only sporadically. Workers still have more confidence in trade unions as their legitimate representatives, which is partly due to the long-standing tradition of organizing in trade unions. Generally, the problem of the low level of organization in employees' councils and of the low activity of workers in trade unions is a consequence of the fact that workers'

representatives are denied their legal right to participate in co-decision processes. **(2015 Annual Review of Labour Relations and Social Dialogue: Bosnia and Herzegovina)**

8. RIGHT TO ADEQUATE STANDARD OF LIVING, HOUSING, WATER, HEALTH, EDUCATION AND SOCIAL CARE

To re-enforce the promotion and protection of the civil and political rights and economic, social and cultural rights of persons who have returned to their regions of origin and are now minorities in those places (Switzerland). **(UPR 2010, 117)**

8.1. Adequate Standard of Living

The Committee recommends that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including targeted programmes with regard to the neediest groups of families, in order to guarantee the right of all children to an adequate standard of living. **(CRC 2005, 55)**

The Committee urges the State party to take all necessary measures to address those recommendations from the previous concluding observations (CRC/C/15/Add.260) that have not been implemented or sufficiently implemented, particularly those relating to coordination, family environment, adoption, health, social security and standard of living. **(CRC 2012, 8)**

The Committee requests that the State party take measures to ensure that the minimum wage is regularly adjusted to the cost of living and that it enables employees and their families to enjoy a decent living, in accordance with article 7 (a) (ii) of the Covenant. The Committee also recommends that the State party take the necessary steps to eliminate differences in the amount of the minimum wage between the Entities. **(CESCR 2013, 20)**

Step up its measures in combating poverty, including by providing adequate funds for its social protection system and its national employment strategy to reduce unemployment (Malaysia). **(UPR 2014, 107. 137)**

Provide the necessary resources to address the extreme poverty and marginalization faced by Roma (Poland). **(UPR 2014, 107. 138)**

8.2. Social Security

The Committee urges the State party to ensure that adequate funds from the overall resources of the Entities, cantons and municipalities be allocated to the social welfare centres and that the number of social workers, psychologists and other qualified personnel of these centres be increased in order to better respond to the specific needs of children without parental care, female heads of households, persons with disabilities and victims of trafficking in persons, especially women and children. **(CESCR 2006, 38)**

The Committee urges the State party, in addressing the problem of poverty, to ensure, on a priority basis, that adequate social assistance be provided to individuals and groups living below the poverty line, that the impact of any laws and policies on the economic, social and

cultural rights of such individuals and groups be assessed on the basis of regularly updated data, disaggregated by gender, age, ethnic background, social status and other relevant criteria, and that effective monitoring mechanisms be adopted and implemented to that effect. In this regard, the Committee refers the State party to the statement adopted by the Committee on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights. **(CESCR 2006, 45)**

The Committee recommends that the State party ensure that all children benefit from a direct right to social security, including social insurance, and take the necessary measures to achieve the full realization of this right. The Committee also reiterates its previous recommendation that the State party take all necessary measures to provide support and material assistance to economically disadvantaged families, including targeted programmes with regard to the neediest families, in order to guarantee the right of all children to an adequate standard of living (CRC/C/15/Add.260, para. 55).

The Committee recommends that, in doing so, the State party:

(a) Establish poverty reduction strategies and programmes at the local and community levels, ensuring equitable access to basic services, such as adequate nutrition, housing, water and sanitation, as well as to social and health services and education;

(b) Adopt temporary special measures and affirmative action and take measures to improve the availability of employment for youth and children to raise the standard of living among its most needy children and families disproportionately affected by poverty;

(c) Consider introducing a universal child allowance scheme to redress disparities and guarantee an adequate standard of living for all children in its territory. **(CRC 2012, 61)**

The Committee urges the State party to intensify its efforts to address disparities in the level of enjoyment of economic and social rights, in particular social protection, social services and access to health care between Republika Srpska, the Federation of Bosnia and Herzegovina and the Brcko District, as well as between Cantons within the Federation. **(CESCR 2013, 11)**

The Committee urges the State party to take the necessary steps, including by adopting adequate laws and a national action plan, to ensure a comprehensive and harmonized approach to the social protection system at the State level in order to eliminate existing disparities in the available social protection and assistance benefits between the Entities and between the Cantons and to reduce poverty taking into account the real needs of beneficiaries. The Committee also reiterates its recommendation to ensure that adequate funds from the overall resources of the Entities, Cantons and municipalities are allocated to the social welfare centres and that these centres are adequately staffed in order to ensure effective functioning. **(CESCR 2013, 22)**

The Committee reiterates its recommendation that the State party promote the adoption of an inter-Entity agreement on pension rights and to ensure the implementation of the inter-Entity agreement on health insurance with a view to guaranteeing access to pension benefits and health care by persons who move from one Entity to another. **(CESCR 2013, 25)**

The Committee reiterates its previous recommendation and urges the State party to:

(a) Develop the official determination of the poverty line and its yearly adjustment;

(b) Address extreme poverty faced in particular by members of marginalized groups, including minorities, and to ensure, on a priority basis, that adequate social assistance be provided to individuals and groups living below the poverty line;

(c) Assess the impact of any laws and policies on the enjoyment of economic, social and cultural rights by individuals and groups living in poverty on the basis of regularly updated data, disaggregated by sex, age, ethnic background, social status and other relevant criteria, and that effective monitoring mechanisms be adopted and implemented to that effect;

(d) Develop strategies to address the regional disparities that affect the equal enjoyment of economic, social and cultural rights; and

(e) Allocate sufficient funds for the implementation of these strategies, drawing attention to the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10), adopted by the Committee on 4 May 2001. **(CESCR 2013, 31)**

Continue implementing its development plans, since development is an inalienable right, and support practical efforts to achieve development and to strengthen institutional capacities, focusing on the Government's priorities which are education, social welfare and health services, (...) (Saudi Arabia). **(UPR 2014, 107. 73)**

8.3. Housing

The Committee recommends to the State party to adopt, at the State level, a housing law and a national housing strategy to address the housing needs of the population. The Committee also recommends that the State party allocate sufficient resources for the provision of social housing, especially for the low-income and disadvantaged and marginalized groups. **(CESCR 2006, 46)**

The State party should proceed with the phasing-out of collective centres for IDPs and provide adequate alternative housing to the residents of such centres. **(CCPR 2006, 21)**

8.4. Safe Drinking Water

The Committee recalls the State party's obligation to ensure access to safe drinking water within, or in the immediate vicinity, of each household. It invites the State party to identify disaggregated indicators and appropriate national benchmarks in relation to the right to water, in line with the Committee's general comment No. 15 on the right to water, and to include information on the process of identifying such indicators and benchmarks in its next report. **(CESCR 2006, 49)**

The Committee recommends that the State party take the necessary steps to implement the Water Management Strategy of the Federation of Bosnia and Herzegovina. It also urges the State party to promote the speedy adoption of the Framework Plan for the Development of Water Resources in Republika Srpska by the National Assembly of Republika Srpska. In this regard, the Committee invites the State party to take into account its general comment No. 15 (2002) on the right to water. **(CESCR 2013, 33)**

8.5. Right to Healthcare

The Committee recommends that the State party undertake all necessary measures to ensure that all children enjoy the same access and quality of health services, with special attention to children belonging to vulnerable groups, especially Roma. Furthermore, the Committee recommends that the State party strengthen its efforts in improving the health situation of children in the State party, including through:

- (a) Strengthening its efforts to ensure that all children have access to basic health-care services;
- (b) Strengthening vaccination programmes;
- (c) Improving the nutritional status of children;

(d) Promoting exclusive breastfeeding for six months after birth with the addition of appropriate infant diet thereafter;

(e) Seeking technical assistance from, among others, UNICEF and WHO in this regard. **(CRC 2005, 49)**

The Committee recommends that the State party strengthen measures to address the issue of alcohol and tobacco consumption among children, to improve its health promotion programmes, and to provide for mental and reproductive health counselling and services for adolescents. **(CRC 2005, 51)**

The Committee is concerned about the status of women's health and women limited access to health-care services in general and of unemployed women, women working in the grey economy and other vulnerable groups of women. It is concerned that regulations and financial resources with respect to access to and provision of health care vary between the entities and among the cantons of the Federation of Bosnia and Herzegovina, which, inter alia, seem to contribute to a high rate of maternal mortality. The Committee is also concerned at the lack of family-planning education and the difficulty in accessing contraceptives, which result in a high rate of abortions and teenage pregnancies. **(CEDAW 2006, 35)**

The Committee urges the State party to continue its efforts to harmonize and improve the country's health-care regulations and services and to integrate a gender perspective into all health sector reforms so that all women in every part of its territory have equal access to appropriate and adequate health services and that, in particular, maternal mortality rates are reduced. The Committee also recommends that measures be taken to guarantee effective access of women and girls to information and services regarding sexual and reproductive health in order to prevent recourse to abortion and protect women from its negative health effects. It further recommends that programmes and policies be adopted to increase knowledge of and access to contraceptive methods with the understanding that family planning is the responsibility of both partners. **(CEDAW 2006, 36)**

The right to health is undermined by inconsistencies in health insurance schemes between entities, which mainly affect IDPs and returnees who suffered the most acute consequences of the war and who are in need of specific physical and psychological assistance. The Representative recommends that the authorities implement the 2001 agreement between the entities and the Brčko District health insurance funds, to ensure that all those insured by one entity can receive health coverage in another. Specific resources need to be allocated to assist persons suffering from post-traumatic stress disorder. State-level legislation recognizing the status of victim of torture, creating specific protection measures and granting victims specific entitlements, should be enacted. **(Walter Kälin, 2006, 63)**

In keeping with CEDAW recommendations, to ensure that women have access to adequate health and social services, and to take a concrete step to reduce maternal mortality rates (Kazakhstan). **(UPR 2010, 35)**

To take measures to guarantee effective access for women and girls to information and services regarding sexual and reproductive health (Brazil). **(UPR 2010, 106)**

The Committee reiterates its previous recommendation that the State party take all necessary measures to ensure that all children enjoy access to quality health services, with special attention paid to children in vulnerable situations, especially Roma children (CRC/C/15/Add.260, para. 49). Furthermore, the Committee recommends that the State party:

(a) Take urgent and specific measures to ensure that the 2010 Law on Health Care of the Federation of Bosnia and Herzegovina is implemented in a manner that ensures the health insurance coverage of all Roma persons;

(b) Allocate adequate human, technical and financial resources for strengthening its vaccination programmes with clear timelines and targets, and with special attention paid to children in vulnerable situations;

(c) Consider establishing a national iron supplements programme using iron supplements to treat iron deficiency anaemia, and in doing so, consider seeking technical assistance from the World Health Organization;

(d) Consider reinstating its breastfeeding promotion programme, funding for its baby-friendly hospital initiative and enforcing the International Code of Marketing of Breast-milk Substitutes at the national level, with effective monitoring mechanisms and commensurate sanctions for violations of the Code. **(CRC 2012, 55)**

The Committee urges the State party to promptly assess the condition of the uranium-contaminated sites, to evacuate persons living in these sites with due regard to their human rights and relocation needs, and undertake a concrete programme for the decontamination of the sites. The Committee further urges the State party to expeditiously assess the possible impact of this uranium contamination and identify possible victims thereof, especially pregnant women and children, with a view to ensuring the prompt provision of necessary health services for them. **(CRC 2012, 57)**

With reference to the Committee's general comment No. 4 (CRC/GC/2003/4, 2003), the Committee recommends that the State party systematically collect information on the consumption of alcohol, tobacco and illegal drugs among adolescents, and take measures necessary for the effective enforcement of the prohibition of the sale of such products to children. The Committee also recommends that the State party consider prohibiting all forms of advertisements promoting alcohol and tobacco products on television, radio and the Internet and in publications and other media commonly accessed by children. **(CRC 2012, 59)**

The Committee recommends that the State party intensify its efforts to ensure that disadvantaged and marginalized groups have equal access to health-care services and adequate health insurance throughout the State party, including through harmonizing its health-care system. The Committee also recommends that the State party raise awareness of contraceptive methods, with age appropriate education on sexual and reproductive health and rights, in the school curricula, with the aim of preventing early pregnancies. **(CESCR 2013, 34)**

The Committee is concerned at the absence of unified laws and policies in the area of health, resulting in unequal access to health-care services and health insurance coverage, depending on the place of residence of women and the financial capacities of the district and/or canton concerned, which disproportionately affects Roma women and rural women. The Committee is also concerned about the low rate of modern contraceptive use in the State party, resulting in high numbers of teenage pregnancies. While noting the implementation of the young people's health policy (2008-2012) in Republika Srpska and the 2010 strategy to improve sexual and reproductive health and rights in the Federation, the Committee is concerned about the absence of information on the measures taken and the results achieved. **(CEDAW 2013, 35)**

The Committee recommends that the State party:

(a) Intensify its efforts to harmonize its health-care system and to integrate a gender perspective into all health sector programmes and reforms, in order to ensure that women, including disadvantaged groups of women, have equal access to health-care services and adequate health insurance coverage throughout the State party;

(b) Raise awareness of and enhance effective access to affordable modern contraceptive methods, including in rural areas, so that women and men can make informed choices about the number and spacing of their children;

(c) Introduce age-appropriate education on sexual and reproductive health and rights in school curricula, including issues relating to gender relations and responsible sexual behaviour, with the aim of preventing early pregnancies and the transmission of sexually transmitted diseases, including HIV;

(d) Undertake systematic gender impact assessments of current strategies and policies, and include such information in its next periodic report. **(CEDAW 2013, 36)**

All levels of Government in Bosnia and Herzegovina consider providing equal access to sexual and reproductive health education and services, including affordable modern methods of contraception (Slovenia). **(UPR 2014, 107. 139)**

8.6. Right to Education

The Committee recommends that the State party:

(a) Strengthen its efforts to harmonize legislation on education and ensure its effective and uniform implementation throughout the country;

(b) Take all necessary measures to ensure that articles 28 and 29 of the Convention are fully implemented, in particular with regard to children belonging to the most vulnerable groups (i.e. minority groups, those living in poverty, refugee and returnee children, Roma children, children with disabilities, etc.);

(c) Improve the efficiency of the educational system, paying particular attention to the high drop-out rates;

(d) Provide access to preschool education throughout the country, including to children living in rural areas;

(e) Increase the availability of vocational training programmes for young people, with the view of facilitating their access to the labour market;

(f) In the light of article 29 on the aims of education, harmonize the educational system throughout the country, eliminate the so-called system of “two-schools-under-one-roof” and establish adequate programmes and activities with a view to create an environment of tolerance, peace and understanding of cultural diversity shared by all children to prevent intolerance, bullying and discrimination in schools and society at large;

(g) Ensure that adequate space and facilities are provided to children for their rest and leisure, as well as for recreational and cultural activities;

(h) Seek technical assistance from UNESCO and UNICEF. **(CRC 2005, 59)**

The Committee urges the State party to promote equal access by Romani children to primary, secondary and tertiary education, e.g. through the grant of scholarships and the reimbursement of expenses for schoolbooks and of travel expenses to attend school, and to closely monitor school attendance by Romani children. **(CESCR 2006, 51)**

Implement the first stage of the World Programme for Human Rights Education, approved by the General Assembly. **(Vernor Muñoz 2008, 104 a)**

Define a comprehensive policy that involves education authorities at all levels on equal access to primary education. This policy must define the responsibilities of each education authority, at the

national, entity, cantonal and municipality levels, as well as the concrete measures that should be adopted by each of them. **(Vernor Muñoz 2008, 104 b)**

Establish a national programme for the development and application of education indicators in close cooperation with State bodies and entities, cantons and municipalities. These indicators should guide public policies regarding education and determine the factors that form the basis of discrimination, segregation and assimilation. **(Vernor Muñoz 2008, 104 e)**

Invest more resources in infrastructure for education, including that for primary, secondary and tertiary education. **(Vernor Muñoz 2008, 104 f)**

Provide support for schools through financial means and expert support, for the implementation of the framework laws. **(Vernor Muñoz 2008, 104 g)**

Provide support for teachers, through professional development, for the implementation of the framework laws. **(Vernor Muñoz 2008, 104 i)**

Universities responsible for teacher training should include in their study programmes intercultural education and improvement of practical programmes in teacher training curricula. Universities should evaluate the possibility of including teaching practices in the syllabus of programmes aimed at instructing teachers. **(Vernor Muñoz 2008, 105)**

The Special Rapporteur recommends that the international community, donor countries and institutions:

Support the implementation of the Agency for Preschool, Primary and Secondary Education, as well as teacher training programmes, by funding and by building capacities, including technical assistance.

Offer technical and financial assistance for the development of a plan of action to abolish the educational modalities and processes based on assimilation and segregation, especially those known as “two schools under one roof”. **(Vernor Muñoz 2008, 106)**

The Special Rapporteur recommends that civil society organizations strengthen and expand networks of activists working on the right to education, in order to allow progress in awareness raising and sensitivity to current needs of the right to education. **(Vernor Muñoz 2008, 107)**

Students should establish a national independent organization for the defence, protection and promotion of their rights. **(Vernor Muñoz 2008, 108)**

While noting that human rights education is included in the curricula of primary and secondary schools, the Committee is concerned that there are no programmes to systematically include peace education in the school curricula. With reference to its general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party undertake efforts to include peace education in the school curricula, with special reference to crimes covered by the Optional Protocol. **(CRC OPAC, 2010, 12)**

To enhance human rights education (Jordan). **(UPR 2010, 110)**

The Committee recommends that the State party:

(a) Ensure that all children of migrant workers have access to primary and secondary education on the basis of equality of treatment with nationals of the State party;

(b) Take measures to eliminate discrimination against children of migrant workers in the educational system; and

(c) Include in its next periodic report information on the measures taken in that regard and on the enrolment rates of children of migrant workers, including those in an irregular situation. **(CMW 2012, 38)**

In the light of its general comment No. 9 (CRC/C/GC/9 and Corr.1, 2006), the Committee urges the State party to establish a clear legislative definition of disability and ensure conformity of the legislation, policies and practices in all its territories with, inter alia, articles 23 and 27 of the Convention, particularly for cognitive and mental disabilities, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:

Ensure that children with disabilities enjoy their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible, including by developing a disability education action plan to specifically identify current inadequacies in resources, and to establish clear objectives with concrete timelines for the implementation of measures to address the educational needs of children with disabilities. **(CRC 2012, 53 a)**

The Committee recommends that the State party:

(a) Take into full account article 28, paragraph 1 (e), of the Convention in its ongoing education reforms involving the closing of satellite schools in rural areas and its implication for child access to education in these areas;

(b) In accordance with article 28, paragraph 1 (b), of the Convention, take measures to make secondary education available and accessible to every child, such as the introduction of free education and the provision of financial assistance in case of need;

(c) Ensure the allocation of adequate resources to guarantee that its schools have adequate standards of hygiene, equipment and didactic material;

(d) Adopt specific measures to combat discrimination against Roma children in access to education, including through the provision of additional language lessons and support, school readiness programmes and support programmes to address the educational needs of Roma children and other children in a minority situation, and in doing so ensure that such additional measures are not provided in a manner that exacerbates stigmatization or segregation;

(e) Further improve the quality and coverage of its early childhood care and education, including by prioritizing the provision of such care to all children between the age of 0 and 3 years and with a view to ensuring that such care is provided in a holistic manner that includes overall child development and the strengthening of parental capacity;

(f) Specifically allocate human, technical and financial resources for improving the quality of education in rural areas, and revise and strengthen its national teacher training and qualification process with a view to improving the overall quality of education. **(CRC 2012, 63)**

The Committee urges the State party to develop a national plan of action for human rights education to ensure such education throughout its territory, as recommended in the framework of the World Programme for Human Rights Education. In this regard, the Committee draws the State party's attention to its general comment No. 1. Furthermore, the Committee recommends that the State party take effective measures to include peace education in school curricula and to encourage a culture of peace and tolerance within schools. It also encourages the State party to include peace education in the training of teachers. **(CRC 2012, 65)**

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 24) that the State party should take necessary measures to give effect to the linguistic and education rights of the Roma as protected under the Law on the Protection of Rights of Persons Belonging to National Minorities. The State party should strengthen efforts to ensure that Roma children can

receive education instruction in their mother tongue. The State party should also take practical measures to improve the rights of the Roma with regard to access to housing, health care, employment and their participation in the conduct of public affairs. **(CCPR 2012, 21)**

While commending the State party for the high level of education of women and girls, the Committee remains concerned about the persistent segregation of fields of study at the post-secondary level, with women concentrated in traditionally female-dominated areas and underrepresented in technical/vocational education. The Committee is also concerned about the existing mono-ethnic school system, which discriminates against girls on the basis of their ethnicity and has a negative impact on their education opportunities. In addition, the Committee expresses concern about the low enrolment rates and high dropout rates of Roma girls at the primary school level. **(CEDAW 2013, 31)**

Further encourage young women to choose non-traditional fields of study and professions and implement programmes aimed at counselling boys and girls on educational choices. **(CEDAW 2013, 32 a)**

Integrated State education in which children from different ethnic and religious groups attend the same school and classes and learn and interact together should be the ultimate objective. The possibility of integration is frequently framed as an insurmountable legal, political and practical challenge. A successful process of educational reform may best be achieved via evolutionary rather than revolutionary means, however it must be set in motion without delay. **(Rita Izsák, 2013, 100)**

Methodologies that respect and accommodate distinct cultural, linguistic and religious identity in an integrated, tolerant learning environment should be implemented, including school catchment and enrolment policies that promote integration. National consultations should be held towards establishing a single, harmonized and ethnically and religiously neutral State curriculum for all schools. Where the two-schools-under-one-roof system exists, steps to achieve administrative and classroom integration should be based upon dialogue and confidence-building across communities. **(Rita Izsák, 2013, 101)**

A number of positive steps have been taken, despite the difficult political climate. Many efforts have been made in the area of education to establish a common core curriculum and new pedagogical methodologies. The authorities must also be congratulated for organizing the census of population and households in 2013. **(Farida Shaheed, 2014, 102)**

Neither history nor literature should be manipulated to indoctrinate students into believing in mutually exclusive and antagonistic identities. **(Farida Shaheed, 2014, 105)**

Efforts should be increased to ensure a comparative and multi-perspective approach in history teaching, to develop a multi-voice narrative that acknowledges different viewpoints, and to promote critical thinking, analytic learning and debate among students.⁴ The Special Rapporteur recommends that:

- (a) Authorities at all levels pursue their efforts to raise the quality of history textbooks;
- (b) A wide array of textbooks by a range of publishers be accredited. The curriculum should allocate a certain amount of time (at least 30 per cent) for teachers to introduce supplementary material, especially primary historical resources, without prior approval by the ministry;

⁴ See A/68/296.

(c) Transparent approval and accreditation procedures and criteria for textbook selection be adopted, relying on expertise in history and pedagogy, not particular ideological and political requirements. Those procedures should include, for example, open tenders in which all publishers may bid equally, and independent expert committee reviews to ensure that textbooks meet required standards.

(d) Cooperation among researchers of various communities be envisaged and promoted, such as inviting them to review each other's textbooks for comments. **(Farida Shaheed, 2014, 106)**

The State and the entities should ensure that children have access to literature offering diverse viewpoints and mutual understanding. **(Farida Shaheed, 2014, 107)**

Respecting, protecting and promoting academic freedoms across the whole territory of Bosnia and Herzegovina is vital. This includes the freedoms to choose research subjects, to have access to information, including archives, without discrimination, to collaborate and exchange views with others, to disseminate results and to travel for such purposes. It is equally important that a better economic status be ensured for researchers. The Special Rapporteur recommends that:

(a) The authorities of the State and of entities proactively encourage (and refrain from discouraging) meetings between academics and researchers in all fields, including history;

(b) The authorities of the State and entities, and other relevant stakeholders, including the international community, pay particular attention to academic freedoms and the country's higher education system, which should be free from political interference. **(Farida Shaheed, 2014, 108)**

Continue strengthening education measures and policies for the integration of Roma students in the education system, as well as strengthening literacy campaigns for the population (Venezuela (Bolivarian Republic of)). **(UPR 2014, 107. 159)**

8.7. Right to Social Care

The Committee recommends that the State party provide the social work centres with adequate human and financial resources, ensure systematic training of its staff and take all other necessary measures to guarantee quality, efficiency and transparency of all activities of these institutions. **(CRC 2005, 37)**

The Committee reiterates its recommendation that the State party provide the social work centres with adequate human, technical and financial resources, ensure systematic training of its staff and take all other necessary measures to guarantee the quality, efficiency and transparency of all activities of these institutions (CRC/C/15/Add.260, para. 37). It further recommends that training and capacity-building on the prevention of family dissolution be prioritized and that a clearer mandate, focused on the provision of support services, be provided to the social work centers. In this context, the Committee also recommends that the State party consider establishing a separate mechanism for managing the administrative work relating to the registration of beneficiaries and the evaluation of formal legal criteria for the realization of the right to social assistance. **(CRC 2012, 47)**

8.8. From Reports and Analyses

In June a State-level Action Plan for Children 2015–2018 was adopted focusing on social protection and healthcare for children, pregnant women and childbearing women. In general, vulnerable groups including children, Roma, returnees, internally displaced persons and disabled people are not adequately protected by the State, the Entities, the Brčko District or the cantons. **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

When UN recommendations address the issue of housing it is usually mentioned within the context of social housing for low-income, disadvantage or marginalised groups as well as the need to develop an overall housing strategy for the population of the country. In this respect, it should be noted that Bosnia and Herzegovina, at the state and entity level, has neither a legal nor an institutional framework to define housing policy. Accordingly, it is not possible to speak about the existing model or models for social housing. Because of the constitutional organisation of the country, it is obvious that issues related to social housing come under the jurisdiction of the entities, cantons and municipalities. Consequently, it is important to conclude that, in spite of the fact that the existing legislation does not prevent the development of social housing, the complexity of regulations makes social housing a rare choice for local, cantonal and entities authorities. Where it does exist, the practice of social housing usually relates to implementation of Annex VII of the Dayton Peace Agreement and therefore targeted at refugees and internally displaced persons. However, these are ad hoc solutions aimed at addressing the urgent and immediate needs of local communities and cannot be regarded as systematic models of social housing. **(Study: 'Analysis of Existing Models of Social Housing with Recommendations for Integral Model of Self-sustainable System of Social Housing in Bosnia and Herzegovina')**

In the field of **public health policy**, in May Bosnia and Herzegovina ratified the Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings. Republika Srpska made some progress in implementing the e-health strategy.

A web application was developed for family medicine teams and installed in 48 health centers. Overall cooperation between the Entities' ministries in implementing health sector reforms needs to be strengthened.

Projects to limit tobacco and alcohol consumption, improve diet and increase physical activity are being implemented with World Bank support, but efforts in the area of *tobacco control* overall need to be reinforced. **('Bosnia and Herzegovina 2015 Report' by the European Commission)**

Taking into account the constitutional framework of Bosnia and Herzegovina, education is under full and undivided responsibility of the Republika Srpska, ten cantons in the Federation of BiH and Brcko District of BiH. Each of these twelve administrative units has its own ministry of education, education legislation, education budgets, creates its education policy and has all other rights and obligations arising from the mandate of a competent education authority, responsible for the organization and functioning of education within its area of competence. There is the Federal Ministry of Education and Science at the level of the Federation of BiH that has a coordinating role over the cantonal ministries of education. **(Education for All 2015 National Review Report: Bosnia and Herzegovina)**

The enforcement of legal obligations and strategic commitments related to the provision of basic rights to education results in a number of difficulties which are primarily manifested in the lack of financial resources for the implementation of all legal provisions: difficult social and economic situation, unemployment and education structure of parents, irrational network of primary schools, difficulties related to the registration of children (especially when it comes to Roma children and children from socially marginalized families), traffic-separated areas, poor infrastructure and lack of support for children with disabilities are some of the most important reasons why children leave education before finishing primary school or remain excluded from education. **(Education for All 2015 National Review Report: Bosnia and Herzegovina)**

As for ethnic minorities, almost 80% of Roma females do not complete even primary school, and only 4.5% of them complete high school, compared to 9.2% of Roma males. Only 47% of Roma girls were enrolled in primary school. The fact that the literacy rate among Roma women is consistently below the rate of literacy of Roma men is particularly worrisome because the wellbeing of a family, especially children, is closely associated with the level of education of the mother. The literacy of young Roma women aged between 15 and 24 in BiH was 68.9% compared to the rate of 90.4%, which corresponds to their peers. While the rate of primary school attendance of Roma is approximately equal, with 70.9% for boys and 67.8% for girls, this rate increased to 18% for girls, compared to 26.6% for boys, for secondary education. The most vulnerable groups from the perspective of education and poverty are minority groups (especially Roma girls), children with disabilities and displaced persons. The percentage of illiterate women in rural areas is high. **(Education for All 2015 National Review Report: Bosnia and Herzegovina)**

On education, the action plan for implementing the 'baseline qualifications framework' was adopted in October. Some elements of the qualification framework for higher education were developed (qualification and occupational standards for study programmes dealing with agriculture, food processing and ICT, as well as teacher education, mechanical engineering and management). There are 46 higher education institutions registered in Bosnia and Herzegovina, of which 16 are accredited and 16 are in the process of being accredited.

Bosnia and Herzegovina's strategic development platform for adult education in the context of lifelong learning for 2014-2020 was adopted in October 2014. Four cantons (Zenica-Doboj, Una-Sana, Podrinje and Tuzla) adopted laws on adult education. Further efforts should be deployed to establish national educational statistics. The education sector remains a high-risk area for corruption.

Coordination between bodies responsible for quality assurance is weak at the level of preschool, primary and secondary education due to the relevant agency's lack of capacity. Bosnia and Herzegovina still does not participate in the Programme for International Student Assessment (PISA). BiH participation is important as PISA results are an EU benchmark and an internationally accepted assessment of the basic skills of 15 year old children. The national pre-school enrolment rate for children aged 3-6 is still very low at 14% and far from the EU target of 95% by 2020. Increasing this rate requires both infrastructure and teacher training. **(Bosnia and Herzegovina 2015 Report' by the European Commission)**

According to the MDG Report 2013 for BiH, the coverage of children with preschool education ranged from 4.3% in 2000/2001, 6.4% in 2007, 9.9% in 2009 and 13.1% in 2011/2012. The Millennium Development Goal for 2015 is 25%, which is quite uncertain due to the trend observed in this period.

According to the official statistics for the school year 2012/2013, there were 243 preschool institutions with 18,817 children in BiH. Compared to the previous school year, the number of preschool institutions is higher by 8.9%, the number of children of preschool institutions increased by 8.8%, while the number of employees increased by 4.3%.

Today, it is estimated that all institutional forms and preschool programs together comprise a total of 14% of preschool population. BiH is the second country in the Central and Eastern Europe in the number of children not enrolled in preschool institutions. The awareness of the importance of preschool education for the overall socio-economic growth is small. The access to preschool institutions and quality preschool programs is directly conditioned by the financial

power of parents. This means further deepening of inequalities and endangering the right to early education, and thus strengthening the poverty and the absence of mechanisms of social inclusion for marginalized and disadvantaged groups. **(Education for All 2015 National Review Report: Bosnia and Herzegovina)**

Some cantons have yet to adopt legislation on pre-school education and vocational education which would further develop legal frameworks across the country as well as fully harmonise them, including with the State-level framework law. An effective coordination mechanism has not been established in the Federation of Bosnia and Herzegovina and the two existing coordination bodies are still acting in parallel.

Bosnia and Herzegovina participates actively in the Western Balkans Platform on Education and Training. Bosnia and Herzegovina continues to participate in Erasmus+ and the Western Balkans Youth Window. In view of the very high youth unemployment rate in Bosnia and Herzegovina it is all the more important that the country uses Erasmus+ Youth in Action to foster young people's non-formal learning at international level so as to enhance their competences, skills and employability. **(‘Bosnia and Herzegovina 2015 Report’ by the European Commission)**

9. VULNERABLE GROUPS

The Committee urges the State party to ensure that adequate funds from the overall resources of the Entities, cantons and municipalities be allocated to the social welfare centres and that the number of social workers, psychologists and other qualified personnel of these centres be increased in order to better respond to the specific needs of children without parental care, female heads of households, persons with disabilities and victims of trafficking in persons, especially women and children. **(CESCR 2006, 38)**

While noting the efforts of the Gender Equality Agency in mainstreaming gender perspectives into the midterm development strategy for poverty reduction, the Committee remains concerned that there are groups of women, mainly those who are single heads of household, elderly women, internally displaced women, returnees, disabled women and minority women, including Roma women, who are particularly adversely affected by poverty. **(CEDAW 2006, 39)**

The Committee requests the State party to ensure that all national poverty alleviation programmes developed through the midterm development strategy for poverty reduction and implemented by the relevant ministries fully benefit women, in particular marginalized groups of women, according to their needs and circumstances, and to provide in its next periodic report information on the results of the measures taken. **(CEDAW 2006, 40)**

To improve weak administrative and judicial systems that pose obstacles to safeguarding the rights of members of religious minorities (United States of America). **(UPR 2010, 79)**

To accord special attention to the fight against unemployment and poverty, especially on behalf of vulnerable groups (Algeria). **(UPR 2010, 104)**

To redouble its efforts in the areas of wealth distribution and poverty eradication by allocating adequate human and financial resources to the vulnerable segments of society (Malaysia). **(UPR 2010, 105)**

To continue to strengthen its activities to integrate persons with special needs into social life, bearing in mind that need (Ukraine). **(UPR 2010, 108)**

The Committee expresses concern about the situation of various disadvantaged groups of women, including Roma women, internally displaced women, many of whom continue to live in collective accommodation, so-called minority returnee women, rural women, older women and women with disabilities, who are more vulnerable to poverty and are at risk of intersectional forms of discrimination in terms of education, health care, employment and public and political participation. It regrets the insufficient information provided by the State party in this regard and the limited information provided on the use of temporary special measures. **(CEDAW 2013, 37)**

The Committee calls upon the State party to take effective measures to eliminate discrimination against Roma women, internally displaced women and minority returnee women, rural women, older women and women with disabilities, particularly in the areas of education, health and employment and in political and public life, by developing targeted strategies, including temporary special measures, to increase equality in those areas. **(CEDAW 2013, 38)**

Challenges for religious minorities include discrimination and the vandalism and targeting of places of worship. Religious education is commonly only provided in the majority religion. Measures to avoid discrimination are required, including the recruitment of religious teachers to appropriately address the religious education requirements of minorities. No child should be penalized academically or otherwise for not attending religion classes. The Inter-Religious Council constitutes a positive practice and its role in mediating among communities should be strengthened. Efforts should be made to also consult young people, whose views and visions for the future are essential, and to support youth initiatives towards unity and integration. **(Rita Izsák, 2013, 84)**

Efforts must be intensified to move beyond a political impasse and to implement the Sejdić and Finci ruling in full consultation with minorities, the councils of national minorities and other representative and consultative bodies, and the international community, which has a valuable advisory role. The Independent Expert notes her willingness to assist the Government and all relevant parties to achieve a speedy and appropriate solution. **(Rita Izsák, 2013, 88)**

The challenges facing those who remained in or have returned to their pre-war homes are manifested in physical, social, economic and psychological difficulties, exclusion and discrimination. Special attention must be paid by all responsible authorities to the rights and needs of such potentially vulnerable, isolated and marginalized communities. Attention must also be given to the needs of Roma and other non-constituent peoples with legitimate claims to property and reconstruction whose needs have sometimes been overlooked. **(Rita Izsák, 2013, 103)**

Continue its efforts to promote and protect the rights of vulnerable groups and provide them with more equal opportunities for advancement (China). **(UPR 2014, 107. 26)**

Ensure that all people in Bosnia Herzegovina including returnees, people with disabilities or Roma, have access to public services, including health care and education without discrimination (Belgium). **(UPR 2014, 107. 134)**

Strengthen programmes for the promotion of work, food and social assistance aimed at national minorities and other vulnerable sectors of the population in the fight against poverty and social inequality (Venezuela (Bolivarian Republic of)). **(UPR 2014, 107. 136)**

Further improve the social status of persons with disabilities (Afghanistan). **(UPR 2014, 107. 149)**

9.1. Refugees, Asylum-seekers, Migrants

The Committee recommends that the State party:

(a) Continue its efforts aimed at the safe return of displaced and refugee children and their parents and prevent, as much as possible, violent attacks against returnees and displaced persons and/or their property;

(b) Address the special needs and rights of displaced and refugee children, and in particular to ensure proper accommodation arrangements for these children as well as social and professional reintegration of their parents;

(c) Harmonize legislation at the Entity level with the refugee legislation at the State level;

(d) Look into the issue of children whose parents are asylum-seekers, temporarily admitted persons or recognized refugees, when neither the parents, nor the child are in possession of adequate documentation, and ensure them access to the rights prescribed for these categories of persons;

(e) Continue to seek technical cooperation from UNHCR in this regard. **(CRC 2005, 62)**

To take the steps necessary to ensure that all the victims of the conflict, including internally displaced persons, can receive appropriate assistance in order to prevent a further worsening of their human rights situation, as well as A/HRC/14/16 22 to create favourable conditions for the return of internally displaced persons to their places of origin (Japan). **(UPR 2010, 122)**

The Committee recommends that the State party intensify its efforts to facilitate returns of refugees and displaced persons, including by constructing housing and the accompanying infrastructure and addressing the specific situation of those who would otherwise have difficulties in benefiting from the reconstruction assistance. The State party should take all necessary measures to effectively tackle the identified obstacles and ensure that all crimes and acts of violence against refugees and internally displaced persons are properly and promptly investigated and prosecuted. In addition, it is necessary to fully implement the recommendations made by the Representative of the Secretary-General on the human rights of internally displaced persons in the report on his mission to Bosnia and Herzegovina (E/CN.4/2006/71/Add.4). **(CAT 2011, 16)**

Consistently and rigorously implement the revised strategy for the implementation of Annex VII of the Dayton Peace Agreement and make all efforts to improve the living conditions of internally displaced persons and returnees (Czech Republic). **(UPR 2014, 107. 165)**

Ensure that IDPs and returnees can fully enjoy their rights relating to social protection, health care, education, housing, employment and physical security (Hungary). **(UPR 2014, 107. 166)**

The Committee, in the light of its general recommendation No. 30 on discrimination against non-citizens, recommends that the State party find an alternative to detention of asylum seekers and ensure that, if detention is applied, it is always used as a measure of last resort and is limited by statute to the shortest time reasonably necessary. The Committee furthermore recommends that the State party end the practice of issuing orders to expel asylum seekers before assessing their asylum application, and to:

(a) Allow unhindered access to detention facilities by international organizations, including UNHCR, as well as its domestic legal partners;

(b) Carry out a full and impartial assessment of the risk of refoulement of persons currently detained for representing an alleged threat to national security, and provide them with all the information necessary with which to challenge the order of expulsion or detention;

(c) Take all measures necessary to ensure asylum seekers' access by law and in practice to education, employment, social welfare, adequate food and health care;

(d) Increase financial assistance provided to refugees and persons granted subsidiary protection to an adequate level, and provide integration opportunities, such as language classes, vocational training or employment schemes;

(e) Finalize and adopt without delay the new law on asylum. **(CERD 2015, 13)**

9.1.1. Migrants

The Committee encourages the State party to strengthen the legal framework available to migrant workers for the effective redress of such complaints. It recommends that the State party ensure that, in legislation and in practice, migrant workers and members of their families, including those in an irregular situation, have the same rights as nationals of the State party to file complaints and to obtain effective redress before the courts. **(CMW 2009, 22)**

The Committee recommends that the State party review its legislation to ensure that migrant workers and members of their families in an undocumented or irregular situation enjoy the rights under Part III of the Convention. **(CMW 2009, 24)**

The Committee recommends that the State party take steps to ensure that migrant workers and members of their families who are held in detention centres have access to legal aid and consular services, that they are not detained except in accordance with clear legal criteria and that their treatment is otherwise in full compliance with the Convention. **(CMW 2009, 26)**

The Committee recommends that the State party:

Take adequate measures to combat misleading propaganda relating to migration, via, inter alia, the full implementation of article 33 of the Convention;

Take such steps as may be necessary to protect migrant workers from any abuses due to misleading information on the migration process. **(CMW 2009, 28)**

The Committee recommends that the State party consider the establishment of such procedures (special needs, aspirations and obligations of the State party's migrant workers and members of their families abroad) and institutions in accordance with article 42, paragraph 1) of the Convention and provide, in its next report, information on any measures taken pursuant to that provision. **(CMW 2009, 32)**

The Committee recommends that the State party:

Develop and implement a system of registration as well as a system of data collection on seasonal workers;

Consider negotiating bilateral and multilateral agreements with neighbouring and other countries, as appropriate, with a view to promoting sound, equitable and humane conditions in connection with the migration of seasonal workers and in accordance with the Convention;

Take all necessary steps to ensure to seasonal workers the enjoyment of the right to the same treatment as national workers, particularly in respect of remuneration and conditions of work, and to ensure systematic monitoring by the relevant authorities of compliance with international standards in this regard. **(CMW 2009, 34)**

The Committee recommends that the State party, with a view to improving the coordination and implementation of measures to protect the rights of migrant workers and their families, take the necessary steps to ensure effective coordination between its ministries and agencies at all levels of government. **(CMW 2009, 36)**

The Committee recommends that the State party encourage the Entities to harmonize their legislation in order to ensure that migrant workers in the State party fully enjoy the rights enshrined in the Convention, especially in the areas of employment, education and social security. **(CMW 2012, 12)**

The Committee recommends that the State party take the necessary steps to ensure access by migrant workers and members of their families to information about their rights under the Convention. **(CMW 2012, 18)**

The Committee urges the State party to:

(a) Ensure that migrant workers and members of their families, including those in an irregular situation, have equal opportunities to nationals of the State party to file complaints and obtain effective redress in the courts in case that their rights under the Convention have been violated; and

(b) Inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them. **(CMW 2012, 22)**

Taking into account article 22 of the Convention, the Committee requests the State party to:

(a) Ensure that current and future readmission agreements concluded between the State party and host countries include appropriate procedural guarantees for migrant workers; and

(b) Implement the Agreement with the European Community in accordance with the provisions of the Convention and provide the Committee with information on its implementation in its next periodic report, which should also include examples of individual cases and statistical data on migrant workers readmitted under this Agreement. **(CMW 2012, 24)**

In accordance with article 16 of the Convention, the Committee recommends that the State party:

(a) Amend the Law on Movement and Stay of Aliens and Asylum to define the maximum length of administrative detention that is not derogable, with a view to preventing prolonged or indefinite detention;

(b) Consider extending residence permits for the period during which an appeal against a decision of the Service for Foreigners' Affairs on the legality of a migrant's stay is pending before the competent administrative or judicial authorities;

(c) Ensure that detention orders against migrant workers, including those in an irregular situation, are only taken as a last resort, on a case-by-case basis, and strictly in compliance with applicable international standards;

(d) Ensure that migrant workers have access to legal aid and information on available remedies to appeal decisions ordering their detention, and provide information thereon in its next periodic report, including examples of cases where migrant workers in an irregular situation have received legal aid; and

(e) Ensure timely access by detained migrant workers to effective legal remedies. **(CMW 2012, 26)**

The Committee recommends that the State party give priority to alternatives to the placement of children of detained migrant workers in immigration centres and ensure that custodial measures are only taken as a last resort, when non-custodial measures are unavailable to uphold the right to family life. **(CMW 2012, 30)**

In line with article 25 of the Convention, the Committee recommends that the State party:

(a) Ensure that labour inspections monitor the working conditions of migrant domestic workers;

(b) Increase fines and other penalties for employers exploiting migrant domestic workers or subjecting them to forced labour and abuse, especially in the informal economy; and

(c) Ensure that migrant domestic workers have access to effective mechanisms for bringing complaints against employers, and prosecute and punish those responsible for abuses against them, in line with the Committee's general comment No. 1 (2010) on migrant domestic workers. **(CMW 2012, 34)**

The Committee recommends that the State party:

(a) Intensify its efforts to ensure that all children of migrant workers are registered at birth and issued personal identity documents;

(b) Provide training to the relevant law enforcement officers on the systematic birth registration of all children of migrant workers; and

(c) Raise awareness on the importance of birth registration among migrant workers and members of their families, especially those in an irregular situation. **(CMW 2012, 36)**

The Committee recommends that the State intensify its efforts to improve the coordination between ministries and agencies at State and Entity levels for the effective implementation of the rights protected under the Convention as well as the new migration strategy for the period 2012–2015. **(CMW 2012, 44)**

The Committee recommends that the State party take measures to assist in the durable reintegration of returning migrant workers into the economic, social and cultural fabric of the State party, and to inform the Committee thereof in its next periodic report. **(CMW 2012, 46)**

9.2. Returnees

The State party should increase its efforts to create the necessary conditions for sustainable returns, i.e. by combating discrimination against minority returnees, ensuring the social re-integration of returnees and their equal access to employment, education, and social and public services, such as water and electricity, and by further de-mining areas with significant returnee populations. **(CCPR 2006, 20)**

The Committee calls on the State party to intensify its efforts to ensure the sustainable return of returnees to their home communities by ensuring their equal enjoyment of the Covenant rights, especially in the fields of social protection, health care and education. **(CESCR 2006, 32)**

The Committee requests the State party to promote the adoption of an inter-Entity agreement on pension rights and to ensure the implementation of the inter-Entity agreement on health insurance with a view to guaranteeing access to pension benefits and health care by returnees who move from one Entity to the other. **(CESCR 2006, 42)**

The Representative is concerned about the deplorable living conditions of IDPs, especially those belonging to particularly vulnerable groups, such as the elderly without family support, traumatized victims, disabled or sick persons, female-headed households and families of missing persons, witnesses in war crimes investigations and trials, or members of the Roma and other minorities, who still live in collective centres, irregular settlements and other forms of temporary shelter, often experience multiple discrimination and are unlikely to be able to return to their original homes. **(Walter Kälin, 2006, 54)**

The Representative urges national and local authorities, in collaboration with international agencies and donors, to seek durable solutions for these persons, including the creation of adequate housing and appropriate institutional arrangements such as foster families, social housing projects or homes. He urges the international community and donors to support such projects. **(Walter Kälin, 2006, 55)**

Vulnerable groups of IDPs and returnees are particularly affected by human rights violations. These groups include female-headed households, disabled persons, victims of torture and severely traumatized individuals, elderly persons without family support, unaccompanied children, the Roma and other minorities. Multiple discrimination along ethnic, gender, age, class and other lines results in an accumulation of rights deprivation. The Representative recommends to the authorities that they mainstream the protection needs of vulnerable groups when formulating all policies and measures affecting them and devise specific measures to find durable solutions. The international community should provide additional durable solutions for vulnerable groups among the displaced and returnees and make sure that their rights are not adversely affected as international aid further diminishes. **(Walter Kälin, 2006, 56)**

Sustainable return in Bosnia and Herzegovina is dependent on: (a) ensuring the safety of life and limb of returnees; (b) property repossession and reconstruction of houses; and (c) a political, social and economic environment that respects human rights and addresses the special needs of returnees. While impressive results have already been achieved, many challenges remain. The Representative recommends that all necessary measures be taken to ensure the effective protection of human rights of displaced persons and returnees, including by implementing his recommendations. He calls upon the international community to ensure that assistance programmes entail a transfer of responsibilities and capacities to national and local stakeholders and that during this process the human rights of displaced persons and returnees are mainstreamed into all relevant parts of the administration. The Representative invites the authorities and the international community to establish a mechanism to closely monitor the return situation and its sustainability by using reliable indicators and disaggregated data. **(Walter Kälin, 2006, 57)**

Most returnees now enjoy physical security. Concerns remain about the widespread presence of landmines as well as threats against witnesses in war crimes investigations and

trials and members of ethnic minority groups. The Representative recommends that the authorities continue, and possibly accelerate, with the support of the international community, the process of mine clearance with a priority on return areas. Law enforcement institutions should take effective measures to ensure that all crimes and acts of violence against IDPs and returnees are properly investigated and prosecuted. A functional witness protection programme should be established. **(Walter Kälin, 2006, 58)**

Despite the huge progress made in solving property disputes, restitution of houses and reconstruction of buildings, a considerable number of cases remain to be solved. Vulnerable groups and minorities are disproportionately affected by unsolved cases and deficiencies in infrastructure, and they have difficulties accessing aid for reconstruction and connection to public services. The Representative recommends that the authorities continue, with the support of the international community, the reconstruction process and reconnection of houses to services in a non-discriminatory manner, and examine carefully unsolved cases of property repossession, in particular where members of vulnerable groups are affected. **(Walter Kälin, 2006, 59)**

The unwillingness of local authorities to sufficiently respect, protect and fulfil the human rights of returnees, in particular their economic and social rights, continues to pose a major obstacle to sustainable return. These obstacles often originate in widespread and persistent discrimination along ethnic lines which still penetrates all spheres of public and private life in many regions of the country. Despite recent efforts, non-harmonized laws and regulations at different levels remain and have also hampered return and integration. The Representative recommends that existing legislation be reviewed at all levels in the light of human rights provisions relevant to IDPs and returnees, with support from the international community. A comprehensive policy of non-discrimination, possibly designed with the assistance of the international community, should be adopted to address discrimination in all spheres, particularly education, health, social protection, employment, access to justice, public participation and the media. It should include legislative measures as well as effective mechanisms for redress and compensation, a system monitoring the situation of vulnerable groups, codes of conduct and public campaigns. The participation of all sectors of society, including the private sector, would be essential for the successful implementation of the policy. Legislation should be harmonized and simplified, especially in the areas of pensions and employment, access to health, education, the use of symbols in public institutions and the recognition of the status of civilian victim of war. Human rights training, including on the Guiding Principles on Internal Displacement, should be provided to officials of the Ministry for Human Rights and Refugees and their counterparts in the entities and municipalities. At the same time, measures should be taken to better inform IDPs and returnees of their rights and existing mechanisms with which to seek redress. All IDPs and returnees, in particular the Roma, should be provided with the documents necessary to allow them equal access to administrative procedures. Further, the Representative recommends that the authorities make the necessary budget allocations for the implementation of laws affecting the situation of returnees and displaced persons, especially in the areas of social welfare and health. Municipalities should likewise allocate an adequate budget for return. The Representative invites the authorities to consider accepting the competence of the Committee on the Elimination of Racial Discrimination to examine individual communications, by making the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination. **(Walter Kälin, 2006, 60)**

The Representative recommends to the international community that it concentrate its efforts and resources towards the creation of an environment conducive to sustainable return. It could assist with human rights training and human rights-based capacity-building in areas such

as administration of justice, employment policies, and the harmonization of the health and education systems. **(Walter Kälin, 2006, 61)**

Mass returns of refugees from abroad, repatriation to areas of unsustainable conditions, evictions of temporary occupants during the property repossession process and the closing of settlements may pose the risk of renewed or multiple displacement. **(Walter Kälin, 2006, 65)**

The Representative recommends that the authorities avoid depriving IDPs of their current accommodation without offering an adequate alternative solution. The Sarajevo Declaration should be implemented so as to facilitate sustainable return of internally displaced persons and avoid successive displacement. Further dialogue and collaboration on displacement at the regional level could be facilitated by the international community. The Representative calls upon the authorities to raise concerns related to the sustainability of return with the competent authorities of countries of asylum, with a view to avoiding the displacement of deportees and repatriates once they are returned to Bosnia and Herzegovina. The international community is also called upon to alert asylum States concerned of existing risks and to appeal to them to proceed cautiously with returns to Bosnia and Herzegovina, in particular of persons belonging to ethnic minorities. **(Walter Kälin, 2006, 66)**

The Committee encourages the State party to continue implementing measures to accelerate the sustainable return of refugees and internally displaced persons to their places of origin, *inter alia*, by improving their reception conditions. The Committee recommends that further activities be devised to improve the socio-economic integration of those who have returned, and by ensuring equal enjoyment of their social, economic and cultural rights, especially in the field of social protection and pension, health care, equal employment and equal education. Returnees should receive appropriate assistance or compensation, as the case may be, in order to prevent a further worsening of their human rights situation. **(CERD 2010, 8)**

To ensure that measures are taken to accelerate the sustainable return of refugees and internally displaced persons to their places of origin, by improving their reception conditions (Algeria). **(UPR 2010, 118)**

To undertake further activities to improve the socio-economic integration of those who have returned (refugees and internally displaced persons) (Slovenia). **(UPR 2010, 119)**

To provide, as a matter of priority, support to ensure the sustainable return of refugees and internally displaced persons (Czech Republic). **(UPR 2010, 120)**

To intensify its efforts to ensure the sustainable return of returnees to their home communities, by ensuring their equal enjoyment of their social, economic and cultural rights, especially in the field of social protection, health care and education (Brazil). **(UPR 2010, 121)**

The Committee reiterates its previous recommendations (CCPR/C/BIH/CO/1, paras. 20 and 21) and recommends that the State party should expedite efforts for the resettlement and return of refugees, returnees and internally displaced persons in order to complete the phasing-out of collective centres. In this regard, the State party should continue to take practical measures aimed at providing adequate alternative housing to the residents of collective centres and the creation of the necessary conditions for sustainable returns and resettlement. **(CCPR 2012, 16)**

The Committee recommends that the State party:

(a) Fully implement the measures set out in the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement and the Action Plan on Roma Housing so that internally displaced, returnee and Roma children can enjoy an adequate standard of living;

(b) Develop and implement a coordinated plan of action, drawing upon all available resources, both national and international, to fully implement the health-care measures set out in the Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, to ensure that internally displaced and returnee children can enjoy the highest attainable standard of health care;

(c) Provide financial support to facilitate access to education for minority returnee, internally displaced and Roma children, including taking measures to ensure that all children have unimpeded access to education without fear of discrimination;

(d) Consider the expeditious adoption of its pending law on the right to legal aid free of charge, aimed at providing free legal aid for those unable to afford it, including persons in need of international protection, stateless persons, victims of trafficking and unaccompanied minors. **(CRC 2012, 67)**

The Committee recommends that the State party continue its efforts to ensure the sustainable return of refugees and internally displaced persons to their pre-war houses by facilitating the reconstruction of housing units, infrastructure and continued clearance of mines. The Committee urges the State party to duly implement the Joint Declaration on Resolving Protracted Displacement in Bosnia and Herzegovina which addresses, inter alia, the issue of collective centre residents and according to which all collective centres are expected to be closed by the end of 2014 and current occupants placed in adequate housing units with significantly improved living conditions. **(CESCR 2013, 32)**

Seventeen years after the war, attention to returnees is fading and communities are struggling to become fully viable. Considerable efforts were made by national authorities and the international community to facilitate the return of many displaced persons. Nevertheless, substantial additional efforts and resources are required to fully implement annex 7 to the Dayton Agreement. The Independent Expert urges the full implementation of the 2010 revised strategy for the implementation of annex 7 and highlights the continuing role of the international community, and urges international donors to continue to provide funding to support sustainable returns. **(Rita Izsák, 2013, 102)**

Responsible authorities should put in place comprehensive long-term strategies for the improvement and sustainability of returnee communities in compliance with annex 7. Strategies should include key support for economic opportunities, infrastructure projects, enjoyment of cultural life, and social cohesion and inclusion. Returnee communities should be assisted to integrate into wider society, and discrimination, including in employment and service provision, must be rigorously addressed in compliance with non-discrimination laws. **(Rita Izsák, 2013, 105)**

The Committee, recalling its general recommendation No. 22 (1996) on article 5 of the Convention on refugees and displaced persons, recommends that the State party intensify its efforts to ensure the sustainable reintegration of returnees and to combat direct and indirect discrimination against minority returnees, inter alia, by accelerating the implementation of the Revised Strategy for the Implementation of Annex 7 of the Dayton Agreement, through a more coordinated approach at all levels. The Committee recommends that the State party:

(a) Improve access to adequate infrastructure by returnees, remove all legal and practical barriers hampering their full access to social services, and ensure non-discriminatory allocation of return assistance;

(b) Consider offering extrajudicial settlements to temporary users of occupied properties for investments made to such properties and ensure that settlements reached are in line with principle 17 of the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons;

(c) Adopt the draft revised law on displaced people and returnees and the draft law on anti-mine action. **(CERD 2015, 6)**

Reinvigorate efforts to fulfil article VII of the Dayton Accords, guaranteeing refugees the right to return to their homes of origin (United States of America). **(UPR 2014, 107. 164)**

9.3. Children

The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention, by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups, “to the maximum extent of... available resources and, where needed, within the framework of international cooperation”. The Committee further recommends that the State party harmonize the expenses for children’s rights protection between the Entities so that a minimum level of social and health protection for all children throughout the country is guaranteed. **(CRC 2005, 17)**

In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat all discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate de facto discrimination against children, in particular children with disabilities, Roma children and children belonging to ethnic and/or religious minorities or other nationalities. The State party is also encouraged to develop, in consultation with the media, a code of conduct with a view to eliminating stereotyping and stigmatization of minority and/or ethnic groups in the media. **(CRC 2005, 26)**

The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions, as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children. **(CRC 2005, 29)**

The Committee recommends that further efforts be made to ensure the implementation of the respect for the views of the child. In this connection, particular emphasis should be placed on the right of every child to participate in the family, at school, within other institutions and bodies, and in society at large, with special attention to vulnerable and minority groups. This right should also be incorporated in all laws, judicial and administrative decisions, policies and programmes relating to children. **(CRC 2005, 31)**

In the light of article 7 of the Convention, the Committee urges the State party to continue to strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory - irrespective of the nationality and status of the parents - of all children born abroad by parents who are citizens of the State party and to take specific steps to ensure the registration of Roma children. **(CRC 2005, 33)**

The Committee recommends that the State party take all possible measures to guarantee the conditions for respecting the right to privacy for children. **(CRC 2005, 35)**

The Committee recommends that the State party ensure that institutionalization is used only as a measure of last resort, meaning that it is professionally indicated and in the best interests of the child, and that it systematically conduct periodic reviews of the placement of children, in conformity with article 25 of the Convention. The Committee also recommends that the State party develop quality standards for foster care and significantly decrease the time spent in institutions by children without parental care. It further recommends that adequate resources be allocated for the proper functioning and monitoring of the care institutions and foster care. **(CRC 2005, 41)**

In the light of article 19 of the Convention, the Committee recommends that the State party:

(a) Make sure that the legislative measures currently being undertaken - namely, the new Family Law and the new Law on Protection from Domestic Violence - are expeditiously adopted and adequately implemented in both Entities;

(b) Undertake a comprehensive study on violence against children, more particularly, on sexual abuse in order to assess the extent, the causes, scope and nature of this phenomenon;

(c) Expressly prohibit corporal punishment at home and in institutions;

(d) Strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse and to promote positive, non-violent forms of discipline and respect for children's rights, while raising awareness about the negative consequences of corporal punishment;

(e) Evaluate the work of existing structures and provide training to the professionals involved in these types of cases;

(f) Strengthen measures to encourage reporting of instances of child abuse and to prosecute the perpetrators of these acts;

(g) Provide care, full physical and psychological recovery and reintegration for child victims of violence. **(CRC 2005, 43)**

The Committee encourages the State party to actively pursue its current efforts and to continue to:

(a) Review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and of the Committee's recommendations adopted at its day of general discussion on children with disabilities (see CRC/C/69);

(b) Make efforts to detect disabilities within the educational system and ensure better evaluation of the overall needs of students with disabilities;

(c) Take concrete and specific measures to ensure that children with disabilities may exercise their right to education to the maximum extent possible and facilitate inclusion in the mainstream education system, including vocational education;

(d) Undertake greater efforts to make available the necessary professional (i.e. disability specialists) and financial resources, especially at the local level, and to promote and expand community-based rehabilitation programmes, including parent support groups;

(e) Strengthen public awareness campaigns to change negative public attitudes towards persons with disabilities. **(CRC 2005, 46)**

The Committee recommends that the State party undertake all necessary measures to ensure that all children enjoy the same access and quality of health services, with special attention to children belonging to vulnerable groups, especially Roma. Furthermore, the Committee recommends that the State party strengthen its efforts in improving the health situation of children in the State party, including through:

- (a) Strengthening its efforts to ensure that all children have access to basic health-care services;
 - (b) Strengthening vaccination programmes;
 - (c) Improving the nutritional status of children;
 - (d) Promoting exclusive breastfeeding for six months after birth with the addition of appropriate infant diet thereafter;
 - (e) Seeking technical assistance from, among others, UNICEF and WHO in this regard.
- (CRC 2005, 49)**

The Committee recommends that the State party:

- (a) Increase its efforts to prevent the spread of HIV/AIDS, taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights (E/CN.4/1997/37);
- (b) Launch campaigns and programmes to raise awareness about HIV/AIDS among adolescents, particularly among those belonging to vulnerable groups as well as the population at large, so as to reduce discrimination against children infected and affected by HIV/AIDS;
- (c) Seek further technical assistance from, inter alia, the United Nations Joint Programme on HIV/AIDS and UNICEF. **(CRC 2005, 53)**

The Committee recommends that the State party:

- (a) Undertake a comprehensive national survey of the number, composition and characteristics of working children and of children living and working in the streets in order to design and implement comprehensive strategies and policies to prevent and combat their economic exploitation;
- (b) Ensure that street children are provided with adequate nutrition, clothing, housing, health-care and educational opportunities, including vocational and life-skills training, in order to support their full development;
- (c) Ensure the implementation of legislation fully covering article 32 of the Convention, and ILO Conventions No. 138 (1973) and No. 182 (1999);
- (d) Seek assistance from the ILO International Programme on the Elimination of Child Labour (IPEC) and UNICEF, among others. **(CRC 2005, 66)**

In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party further strengthen its efforts to fully implement and incorporate the above-mentioned Optional Protocol (to the Convention on the sale of children, child prostitution and child pornography) in the criminal justice systems as well as to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to this field.

Furthermore, the Committee should, inter alia:

- 4.1.1 Provide adequate and systematic training to all professional groups concerned, in particular law enforcement officials;
 - 4.1.2 Launch awareness-raising and prevention campaigns targeting in particular children;
- Seek assistance from UNICEF, among others. **(CRC 2005, 70)**

The Committee recommends that the State party take effective measures to protect the full enjoyment of the rights of children belonging to ethnic minority groups and undertake special measures to stimulate a process of reconciliation and confidence-building, including wide-ranging educative and awareness-raising campaigns. **(CRC 2005, 76)**

The Committee encourages the State party to strengthen systematic prevention measures, targeting children who are especially vulnerable or at risk, in order to protect them from the offences under the Optional Protocol. In addition, the Committee recommends that the State party harmonize State and Entities legislation pertaining to civil registration and take immediate and effective measures to ensure the registration of all children at birth. **(CRC OPSC, 2010, 25)**

To intensify its efforts to progressively implement the recommendations of the Committee on the Rights of the Child, in collaboration with the relevant United Nations agencies (Morocco). **(UPR 2010, 23)**

To implement the recommendation of the Committee on the Rights of the Child to improve support for street children, in particular shelter, nutrition, health care and educational opportunities (Austria). **(UPR 2010, 24)**

To take further activities to improve the situation of women and to secure children's rights (Slovenia). **(UPR 2010, 38)**

To continue the implementation of comprehensive strategies aimed at the protection of children's rights (Belarus). **(UPR 2010, 39)**

To continue to enhance its efforts to take into account the needs of children, and to continue to take the measures necessary to guarantee children's rights in the field of social protection and education (Libyan Arab Jamahiriya). **(UPR 2010, 40)**

To intensify efforts to implement the country's international commitments, as well as the corresponding national strategies and plans of action regarding children's rights (Slovakia). **(UPR 2010, 41)**

The Committee urges the State party to take the necessary measures:

To ensure respect for children's rights across the State party at all levels of government: national, entity, district and canton. **(CRC 2012, 14 a)**

The Committee reiterates its previous recommendation (CRC/C/15/Add.260, para. 17) to harmonize expenses for children's rights protection between the entities to ensure a minimal level of social and health protection for all children throughout the State party. Furthermore, in the light of the Committee's recommendations during its day of general discussion of 2007 on "Resources for the rights of the child – responsibility of States", the Committee recommends that the State party:

(a) Establish a budgeting process which adequately takes into account children's needs at the national and territory levels, with clear allocations to children in the relevant sectors and agencies, as well as specific indicators and a tracking system;

(b) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention;

(c) Enact legislation for regulating equitable funding and social benefits for children and their families throughout the territory of Bosnia and Herzegovina. **(CRC 2012, 16)**

The Committee, while reminding the State party of its primary obligation to ensure that children enjoy their rights under the Convention, urges it to consider according civil society and NGOs a more conducive context for their work, inter alia, through funding and lower tax rates. The Committee further recommends that the State party take a more active role in providing basic services for children, which currently are provided primarily by NGOs. **(CRC 2012, 26)**

The Committee urges the State party to strengthen its efforts to ensure that the principle of the best interests of the child is widely known and appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings and all policies, programmes and projects relevant to and with an impact on children, particularly those deprived of a family environment. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance for determining the best interests of the child in every area, and to disseminate them to public and private social welfare institutions, courts of law, administrative authorities and legislative bodies. The legal reasoning of all judicial and administrative judgments and decisions should also be based on this principle. The Committee stresses the need for the State party, in doing so, to pay particular attention to ensuring primacy of the principle of the best interests of the child, particularly with respect to ensuring full regard for the principle when regulating and implementing the placement into different forms of alternative care, including institutions. **(CRC 2012, 32)**

The Committee draws the State party's attention to its general comment No. 12 (CRC/C/GC/12, 2009), and recommends that it take measures to strengthen the right of the child to be heard in accordance with article 12 of the Convention. It recommends that, in doing so, the State party:

(a) Take measures to ensure the effective implementation of legislation recognizing the right of children to express their views in relevant legal proceedings, including by considering establishing systems and/or procedures for social workers and courts to monitor compliance with the principle;

(b) Undertake programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, community and schools, including within student council bodies, and with particular attention to children in vulnerable situations;

(c) Ensure the provision of adequate human, technical and financial resources for the effective function of its Enhancing the Social Protection and Inclusion System for Children programme. **(CRC 2012, 34)**

The Committee urges the State party to take immediate and concrete steps to implement the Zagreb Declaration, including by reviewing its birth registration process in detail to ensure that all children born in its territory are registered at birth, and that no child is disadvantaged due to procedural barriers to registration. In this context, the Committee recommends that the State party:

(a) Consider increasing the number of birth registration offices in rural and outlying areas;

(b) Issue birth certificates free of charge;

(c) Provide special support to facilitate birth registration for illiterate persons or persons without documentation;

(d) Issue birth certificates for all children born in its territory, regardless of the immigration status of the child or his/her parents;

(e) Raise awareness, especially among the Roma population, of the importance of birth registration. **(CRC 2012, 36)**

The Committee recommends that the State party take all appropriate measures to explicitly prohibit corporal punishment in all settings, including the domestic context, throughout its territory. Furthermore, it recommends that the State party strengthen and expand awareness-raising and education programmes, including campaigns, in order to promote positive and alternative forms of discipline and respect for children's rights with the involvement of children, while raising awareness about the adverse consequences of corporal punishment. **(CRC 2012, 40)**

The Committee urges the State party:

(a) To facilitate and support family-based care for children wherever possible, and in doing so ensure that children are not placed in out-of-family care on the sole basis of socioeconomic hardship;

(b) To thoroughly and periodically review placements of children in institutions and, in doing so, pay particular attention to signs of maltreatment of children; and, where in the best interests of the child, facilitate contact between the child and her/his biological family to encourage and support reunification wherever possible;

(c) To ensure equal access to health care and education for children in care;

(d) To increase the number of social workers to ensure that the individual needs of each child can be effectively addressed, and develop criteria for the selection, training, support and evaluation of childcare workers;

(e) To establish a comprehensive and coherent national system of foster care and ensure the provision of adequate and timely funds and support for foster families to complement other forms of alternative care;

(f) To adequately prepare and support young people prior to their leaving care by providing for their early involvement in the planning of transition as well as by making assistance available to them following their departure;

(g) To facilitate the reunification of children with their biological families whenever viable;

(h) To provide all the human, technical and financial resources required for improving the situation of children in alternative care placements. **(CRC 2012, 49)**

The Committee reiterates its previous recommendation (CRC/C/15/Add.260, para. 39) and urges the State party to expedite the necessary legislative, administrative and other measures to ensure that adoption procedures are in full conformity with article 21 of the Convention as well as to consider becoming a party to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Furthermore, the Committee recommends that the State party:

(a) Facilitate adoptions, including by simplifying and streamlining procedures for adoption while ensuring safeguards required by the Convention, and establish a universal integrated database for its social protection institutions with information on potential adoptees and adopters nationwide;

(b) Consider increasing the upper age limit for adoption in the Republika Srpska;

(c) Respond to the previous recommendation (CRC/C/15/Add.260, para. 39) and expeditiously collect disaggregated data on children involved in domestic and intercountry adoption and include this in its next report to the Committee. **(CRC 2012, 51)**

In the light of its general comment No. 9 (CRC/C/GC/9 and Corr.1, 2006), the Committee urges the State party to establish a clear legislative definition of disability and ensure conformity of the legislation, policies and practices in all its territories with, inter alia, articles 23 and 27 of the Convention, particularly for cognitive and mental disabilities, with the aim of effectively addressing the needs of children with disabilities in a non-discriminatory manner. Furthermore, the Committee recommends that the State party:

(a) Ensure that children with disabilities enjoy their right to education, and provide for their inclusion in the mainstream education system to the greatest extent possible, including by developing a disability education action plan to specifically identify current inadequacies in resources, and to establish clear objectives with concrete timelines for the implementation of measures to address the educational needs of children with disabilities; (b) Strengthen support measures for parents to care for their children with disabilities, and, where placement

in care is necessary, ensure that it is done with full regard for the principle of the best interests of the child and in care centres that are provided with adequate human, technical and financial resources to provide the services and support necessary for children with disabilities and their families;

(c) Ensure that legal provisions on construction and their implementation address environmental barriers that hinder the full and effective participation of children with disabilities in society on an equal basis;

(d) Address the disparity between the protection afforded to persons with war-related disabilities and children with disabilities resulting from an accident, illness or existing since birth in order to ensure that equal protection and support is provided to the latter. **(CRC 2012, 53)**

The Committee recommends that the State party:

(a) Enact legislation to subject persons exploiting children through forced begging to criminal sanctions;

(b) Develop a national framework for intersectoral cooperation among its relevant government organizations and agencies to address the issue of economic exploitation, including through forced begging;

(c) Provide adequate protection and assistance for recovery and reintegration to children in street situations and develop a comprehensive strategy addressing the root causes, in cooperation with organizations assisting these children;

(d) Raise public awareness of the rights and needs of children in street situations and combat misconceptions and prejudices;

(e) Ensure that children in street situations are consulted when planning programmes designed for their protection and the improvement of their development. **(CRC 2012, 71)**

Continue with further efforts to guarantee children's rights, particularly in the field of social protection and education (Vietn Nam). **(UPR 2014, 107. 18)**

After the implementation of the action plan for children in Bosnia and Herzegovina for the period 2002–2010, continue developing programmes for the protection of children, particularly on the fight against child exploitation for begging, their possible recruitment and use in armed conflicts, their protection in judicial processes, as well as their separation from adults in places of detention (Chile). **(UPR 2014, 107. 19)**

Implement measures to reduce and eliminate child, early and forced marriage, including by addressing factors leading to high school drop-out rates among Roma children (Canada). **(UPR 2014, 107. 70)**

Implement the 2011–2014 action plan for children and the Strategy for combating violence against children 2012–2015, provide sufficient resources for the Strategy, enact a comprehensive national law on the rights of the child, ensure effective means of reporting violence against children and provide material and psychological assistance to victims of such violence (Saudi Arabia). **(UPR 2014, 107. 88)**

Ensure that all children born in the country, who have not been registered, are provided with birth certificates and personal documents (Czech Republic). **(UPR 2014, 107. 106)**

Ensure that all children are registered at birth and provide unregistered children with personal documents (Estonia). **(UPR 2014, 107. 107)**

Take further steps to ensure registration of all births and provide identity documents to all persons whose birth was not registered (Romania). **(UPR 2014, 107. 108)**

Consider stepping up efforts to achieve free and universal birth registration by, among other measures, harmonizing State and local Government entities' legislation pertaining to civil registration and eliminating remaining obstacles that prevent Roma women from registering births and obtaining birth certificates for their children (Philippines). **(UPR 2014, 107. 109)**

9.4. Roma

In the light of article 7 of the Convention, the Committee urges the State party to continue to strengthen, as a matter of priority, its efforts to establish a system ensuring the registration of all children born within its territory - irrespective of the nationality and status of the parents - of all children born abroad by parents who are citizens of the State party and to take specific steps to ensure the registration of Roma children. **(CRC 2005, 33)**

The Committee recommends that the State party undertake all necessary measures to ensure that all children enjoy the same access and quality of health services, with special attention to children belonging to vulnerable groups, especially Roma. Furthermore, the Committee recommends that the State party strengthen its efforts in improving the health situation of children in the State party, including through:

- (a) Strengthening its efforts to ensure that all children have access to basic health-care services;
 - (b) Strengthening vaccination programmes;
 - (c) Improving the nutritional status of children;
 - (d) Promoting exclusive breastfeeding for six months after birth with the addition of appropriate infant diet thereafter;
 - (e) Seeking technical assistance from, among others, UNICEF and WHO in this regard.
- (CRC 2005, 49)**

The State party should remove administrative obstacles and fees in order to ensure that all Roma are provided with personal documents, including birth certificates, which are necessary for them to have access to health insurance, social security, education and other basic rights. **(CCPR 2006, 22)**

The State party should reconsider the relocation plan for the Roma settlement at Butmir, taking into account the residence entitlements of the inhabitants of the settlement which has existed for 40 years, as well as alternative solutions to prevent pollution of the water supply. The State party is reminded that any relocation must be carried out in a non-discriminatory manner and must comply with international human rights standards, including the rights of individuals concerned to an effective remedy, compensation, and provision of adequate alternative housing. **(CCPR 2006, 23)**

The State party should vigorously undertake programmes of public information to combat anti-Roma prejudice in society. It should also include in its next periodic report detailed information on the measures implemented to give effect to the linguistic and educational rights of the Roma that are protected under the Law on the Protection of Rights of Persons Belonging to National Minorities, the effectiveness of these measures, the number of Roma children receiving instruction in or of their language and on their culture, as well as data disaggregated by sex, age and place of residence, and information regarding the hours of instruction per week. **(CCPR 2006, 24)**

The Committee recommends that the State party strengthen the role of the Roma Council by providing sufficient funds for the Council to effectively carry out its mandate, and that the Council be consulted in connection with any decision-making processes that impact the rights and interests of the Roma population, in accordance with the Committee's General Recommendation 27. **(CERD 2006, 14)**

The Committee recommends that the State party review the National Strategy for Roma to ensure that it identifies specific measures, establishes adequate budgetary allocations, and identifies the bodies responsible for its implementation. **(CERD 2006, 15)**

The Committee urges the State party to take immediate steps, e.g. by removing administrative obstacles, to ensure that all Roma have access to personal documents that are necessary for them to enjoy, *inter alia*, their economic, social and cultural rights, such as employment, housing, health care, social security and education. **(CERD 2006, 17)**

Referring specifically to General Recommendation 27, the Committee urges the State party to facilitate the return of all people of different ethnic origin, especially the Roma, to their pre-armed conflict homes, to ensure their ability to occupy and reside in informal Roma settlements legally and safely, and where necessary, to provide adequate alternative housing or compensation for displaced Roma, including to pre-armed conflict tenants who have been evicted from their settlements or whose homes have been destroyed. **(CERD 2006, 20)**

The Committee urges the State party to implement effectively the recommendations contained in the Action Plan on Educational Needs of Roma and Other National Minorities (2004), and to combat discrimination against Roma children and children belonging to other ethnic minority groups by teachers, school authorities, and classmates and their families. **(CERD 2006, 22)**

While noting the reform process directed at the harmonization and modernization of existing educational laws and curricula at all levels of the State party, the Committee remains concerned about prevalent discrimination in this area, in particular about the early drop-out rates of girls in rural areas, especially of Roma girls, the segregation of girls and boys in secondary education, in the disciplines in higher education and its consequences for women's professional opportunities, and the high rate of illiteracy among elderly women and, in particular, among Roma women and girls. **(CEDAW 2006, 31)**

While noting the efforts of the Gender Equality Agency in mainstreaming gender perspectives into the midterm development strategy for poverty reduction, the Committee remains concerned that there are groups of women, mainly those who are single heads of household, elderly women, internally displaced women, returnees, disabled women and minority women, including Roma women, who are particularly adversely affected by poverty. **(CEDAW 2006, 39)**

The Committee urges the State party to ensure the right of the Roma people to repossess their pre-armed-conflict property, to guarantee security of tenure to inhabitants of Romani settlements and to ensure that adequate alternative housing or compensation is provided to the Roma people and to pre-armed-conflict tenants who have been evicted from their settlements and homes, in line with the Committee's general comment No. 7. **(CESCR 2006, 47)**

The Committee urges the State party to promote equal access by Romani children to primary, secondary and tertiary education, e.g. through the grant of scholarships and the

reimbursement of expenses for schoolbooks and of travel expenses to attend school, and to closely monitor school attendance by Romani children. **(CESCR 2006, 51)**

All IDPs and returnees, in particular the Roma, should be provided with the documents necessary to allow them equal access to administrative procedures. **(Walter Kälin, 2006, 60)**

The Committee reiterates its recommendations to the State party, with reference to its general recommendation No. 27 (2000), to continue to endeavor to combat prejudices against Roma, and to ensure that all Roma have access to personal documents that are necessary for them to enjoy their civil and political rights, as well as their economic, social and cultural rights. The Committee recommends also that the State party fully implement its various Roma strategies and action plans in line with the declaration and programme of work of the Decade of Roma Inclusion 2005-2015, with action mainly devoted to ensuring adequate housing, health care, employment, social security and education for Roma people. **(CERD 2010, 12)**

To strengthen the Roma Council, and to ensure that the Council is consulted in connection with any process that has an impact on Roma rights (Austria). **(UPR 2010, 112)**

To take the measures necessary to guarantee that the Roma ethnic minority has access to identity documentation, without mentioning their ethnic group (Argentina). **(UPR 2010, 114)**

To create and implement public information programmes to combat anti-Roma prejudice, as recommended by the Human Rights Committee, and to harmonize civil registration procedures, as indicated by the United Nations High Commissioner for Refugees (Israel). **(UPR 2010, 115)**

Adopt specific measures to combat discrimination against Roma children in access to education, including through the provision of additional language lessons and support, school readiness programmes and support programmes to address the educational needs of Roma children and other children in a minority situation, and in doing so ensure that such additional measures are not provided in a manner that exacerbates stigmatization or segregation. **(CRC 2012, 63 d)**

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 22) and recommends that the State party should increase its efforts to improve birth registration and the provision of birth certificates, particularly among the Roma, through appropriate interventions such as awareness-raising programmes aimed at changing mindsets regarding the need to register births or obtain birth certificates. **(CCPR 2012, 17)**

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 24) that the State party should take necessary measures to give effect to the linguistic and education rights of the Roma as protected under the Law on the Protection of Rights of Persons Belonging to National Minorities. The State party should strengthen efforts to ensure that Roma children can receive education instruction in their mother tongue. The State party should also take practical measures to improve the rights of the Roma with regard to access to housing, health care, employment and their participation in the conduct of public affairs. **(CCPR 2012, 21)**

The Committee recommends that the State party revise the current Action Plan of Bosnia and Herzegovina for addressing issues of Roma in the area of employment, housing and health care in order to better reflect the needs of the Roma population. The Committee also urges the State party to comprehensively implement the Roma Health Care Action Plan. The

Committee further urges the State party to continue its efforts in the registration of all Roma and issuance of identity documents, including those in refugee camps. **(CESCR 2013, 13)**

The Committee recommends that the State party take the necessary steps to raise awareness of the legal age to enter marriage in the State party and conduct widespread educational campaigns, especially among the Roma community, on the harmful effects of early marriage. **(CESCR 2013, 29)**

The Committee urges the State party to promote cooperation among municipal institutions, centres for social work, Roma associations and schools in order to obtain information on Roma children that should be enrolled in primary education. The Committee also urges the State party to allocate adequate financial resources for the implementation of the Revised Action Plan on the Educational Needs of the Roma and Other Ethnic Minorities. The Committee further recommends that the State party adopt a systematic approach to providing disadvantaged pupils with schoolbooks and meals at school. **(CESCR 2013, 36)**

Strengthen mechanisms aimed at the early identification and referral of victims of trafficking, with a special focus on Roma and internally displaced women, as well as preventive measures such as raising awareness about the risks of trafficking for disadvantaged groups of women. **(CEDAW 2013, 24 d)**

The Committee is concerned about the lack of effective implementation of universal birth registration in the State party, in particular among Roma women and girls, which places them at risk of statelessness and hinders their access to basic services. It notes with concern that the lack of information, as well as the existence of administrative and financial obstacles, may prevent Roma women from registering births and obtaining birth certificates. **(CEDAW 2013, 29)**

Ensure that all children born on the territory of the State party, in particular Roma children, are registered at birth, as a means of preventing statelessness and to ensure their access to education, social services, health care and citizenship; and develop measures to identify unregistered children and ensure that they are provided with personal documents. **(CEDAW 2013, 30 a)**

Strengthen its public awareness-raising campaigns to ensure that Roma women are aware of the importance of birth registration and of the procedural requirements to obtain certificates, and ensure their access to registration services and procedures. **(CEDAW 2013, 30 b)**

Promote access for Roma girls to education and their retention at all levels of education, by raising awareness of the importance of education as a human right and as the basis for the empowerment of women, and strengthen the implementation of re-entry policies enabling Roma girls who have dropped out to return to school. **(CEDAW 2013, 32 c)**

The Committee is concerned about the prevalence of the practice of early marriage within Roma communities and about the lack of sustained, systematic and concrete action taken by the State party to address this harmful practice, despite the legal prohibition of such acts. **(CEDAW 2013, 39)**

The Committee recommends that the State party develop comprehensive measures to combat the practice of early marriage and to raise awareness among Roma communities about the legal prohibition of child marriage, as well as its negative effects on girls' health and their

completion of education, notably by establishing cooperation with community leaders. **(CEDAW 2013, 40)**

While on paper Roma action plans in education, employment, health and housing provide excellent aims and expected measures, the implementation of projects has been insufficient to date, resulting in a lack of significant impact on the ground. A heavy reliance on international funding and NGO implementation is evident. While recognizing economic challenges facing the country, commitments must be matched by national and entity level will, resources and concrete activities to implement measures effectively. **(Rita Izsák, 2013, 91)**

Coordinated and strategic approaches must be adopted that recognize the interrelated nature of issues. For example, to be sustainable, progress in housing must be matched by progress in employment and access to social assistance to ensure that Roma can pay rent. In turn, real progress in employment relies heavily on improved education access and outcomes. Adequate housing and security of tenure underpin all efforts to improve education, employment and health outcomes for Roma communities. **(Rita Izsák, 2013, 92)**

Many Roma, including children, continue to lack the documentation they require to fully enjoy their rights as citizens and to benefit from services and social assistance. Full registration should be a high priority of authorities at all levels and existing measures should be intensified. Registration should not entail prohibitive costs or restrictive administrative burdens. Positive practices such as outreach to communities and mobile registration units should be utilized and the full registration of children should be a high priority. **(Rita Izsák, 2013, 93)**

The revised action plan for Roma education was adopted only in 2010 and therefore key issues of education have not yet received the attention required. Urgent and dedicated attention is required to improve access to education and education outcomes for all Roma children, including outreach to Roma communities and schools and enforcement of national law relating to attendance. The situation of low enrolment of Roma girls requires measures to address the unique barriers to girls' education, including those that stem from within communities. **(Rita Izsák, 2013, 94)**

Local authorities with day-to-day responsibility for education at the school levels must fulfil their responsibilities towards Roma communities to ensure that children are enrolled and attending school and that their education is on a par with other children. Efforts should be stepped up to train and recruit Roma teachers and assistants and to ensure a secure and welcoming environment for Roma children in which they have opportunities to learn their languages and about their cultures. **(Rita Izsák, 2013, 95)**

High Roma unemployment reveals systematic discrimination and exclusion from labour markets as well as a failure to provide viable and effective solutions. While efforts have been made, the results demonstrated to date under the action plan on Roma employment have been minimal and efforts should be intensified, including through enhanced outreach to Roma and potential employers. Given the high unemployment rates for Roma, an action plan on social protection would help to ensure safety nets for this vulnerable population. **(Rita Izsák, 2013, 96)**

Government at all levels should play a stronger leadership role in promoting and facilitating the employment of Roma. Stronger affirmative action measures should be adopted to improve opportunities for Roma to gain employment in the public sector. Positive steps in the private sector should also be enhanced, including training and engagement with employment agencies and employers. Initiatives targeting Roma women are essential. The Independent

Expert notes that investing in the inclusion of Roma results in increased productivity, fiscal contributions and economic growth for States. **(Rita Izsák, 2013, 97)**

Recalling its general recommendation No. 27 on discrimination against Roma, the Committee recommends that the State party continue to endeavor to improve the situation of Roma, inter alia, by strengthening the implementation of its national strategy and other action plans for Roma and removing all barriers that may hamper their enjoyment of human rights. The Committee further recommends that the State party:

(a) Facilitate access to mainstream education for Roma children, inter alia, by providing such support as school meals, books, clothing and transportation;

b) Refrain from forcibly evicting individuals and, in cases where eviction or relocation is considered to be justified, ensure that it is carried out in strict compliance with the relevant provisions of international human rights law;

(c) Increase access of Roma to health care by, inter alia, removing registration barriers in accessing health insurance and ensuring that laws and regulations providing for access to free health care are always and fully implemented;

(ci) Increase the number of shelters for women, establish programmes on ending violence against women and girls and place a particular focus on adopting gender-responsive budgets and policies. **(CERD 2015, 8)**

Continue to raise awareness on the needs of the Roma population, in particular children, and establish an adequate system that provides for their social and educational inclusion, including by allocating sufficient resources (Austria). **(UPR 2014, 107. 146)**

Create effective mechanisms for the social integration of Roma (Russian Federation). **(UPR 2014, 107. 160)**

Continue promoting social inclusion by strengthening the protection of ethnic minorities, in particular the Roma (Senegal). **(UPR 2014, 107. 161)**

Pursue vigorously the action plan for the Roma, including ensuring equal treatment and easy access to social services for them (Sierra Leone). **(UPR 2014, 107. 162)**

Ensure the inclusion and consultation of Roma while designing, implementing and evaluating policies, programmes or initiatives that might affect their rights (Austria). **(UPR 2014, 107. 163)**

9.5. LGBTI Persons

Develop a communications strategy to raise the awareness of society of the difficulties faced by groups of LGBTI persons and foster an environment of tolerance (Spain). **(UPR 2014, 107. 52)**

Publicly and unequivocally condemn any attack, verbal or physical, against LGBTI groups and bring those responsible to justice (Sweden). **(UPR 2014, 107. 53)**

9.6. From Reports and Analyses

The lesbian, gay, bisexual, transgender and intersex community continued to be subject to threats and attacks. On the rights of **lesbian, gay, bisexual, transgender and intersex (LGBTI)** persons, the 2015 LGBTI Merlinka festival was held with no incidents and with appropriate police protection. Bosnia and Herzegovina was one of the signatories of the Joint Statement of Ministers of the region at the 2015 IDAHO (International Day against Homophobia) forum. The anti-discrimination law needs to be amended as it does not include a clear definition of gender identity and sexual orientation and refers to sexual expression and/or orientation as grounds of discrimination. The Republika Srpska and Brčko District criminal codes need to be amended to include gender identity and sexual orientation as grounds for hate speech. Despite an increase in violence, attacks and threats towards LGBTI persons and human rights defenders, only a limited number of cases are reported to the police. In September, Bosnia and Herzegovina's Constitutional Court ruled on a violation of the freedom of assembly in the case of the October 2008 Queer Sarajevo Festival when a dozen individuals were attacked, but there has been no criminal prosecution of the attack on the 2014 Merlinka Queer Film Festival. Transgender persons are a particularly marginalised group and no measures are planned for legal gender recognition. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

On the **integration of people with disabilities**, no steps were taken to change the entitlement system for rights and benefits to base it on needs instead of status. Inequalities remain in the level of rights granted by the different Entities and implementation of the legislative framework for social protection remains limited. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

On the **rights of the child**, Bosnia and Herzegovina's Council of Ministers adopted in June the 2015-2018 action plan for children, which provides a mechanism for the overall protection of children and complies with the UN Convention on the rights of the child. Institutionalisation of children with disabilities remains high and only a very low proportion of them are in pre-school education. Use of foster care and alternative solutions needs to be further promoted. No awareness-raising activities on rights of the child were organized. (**'Bosnia and Herzegovina 2015 Report' by the European Commission**)

All national minorities in Bosnia and Herzegovina suffer from constitution-mandated discrimination. But Roma—who have trouble accessing public services in most of Europe due to policies and practices that fail to address their needs and public discrimination rooted in negative attitudes and stereotypes—suffer disproportionately from indirect discrimination because of high unemployment rates and poor education levels and living conditions. In particular, they have trouble accessing housing, health care, employment, and education and other social services. Few work in the public sector. (**'Second Class Citizens: Discrimination against Roma, Jews, and Other National Minorities in Bosnia and Herzegovina' by Human Rights Watch**)

According to informal estimates from civil society organizations, as many as 100,000 Roma live in Bosnia and Herzegovina. The United Nations High Commissioner for Refugees estimates that approximately 10 percent of Roma in Bosnia and Herzegovina are not listed on the birth registries there or elsewhere in the region. Without birth registration and a birth certificate, Roma often cannot access public services, like schools, employment bureaus, or health care services.

The United Nations High Commissioner for Refugees estimates that approximately 10 percent of Roma in Bosnia and Herzegovina are not listed on the birth registries there or elsewhere in the

region. Without birth registration and a birth certificate, Roma often cannot access public services, like schools, employment bureaus, or health care services. (**'Second Class Citizens: Discrimination against Roma, Jews, and Other National Minorities in Bosnia and Herzegovina'** by Human Rights Watch)

Many Roma in Bosnia and Herzegovina live in informal settlements that lack stability and security for their families. Forced evictions are an ever present danger for Roma in these settlements, and there is no policy on providing adequate alternative housing for those who are evicted. For example, Roma evicted (some of them twice) from informal settlements in the southern city of Mostar were not given alternative housing options and have been left to build new informal settlements that put them at further risk of eviction.

The Roma Decade Action Plan for Health Care aims to ensure that all Roma, whether employed or not, have health care. But in reality, current laws and regulations provide free health care only to some vulnerable groups—young children, pregnant women, and the elderly—while allowing others who are unemployed to receive health insurance by registering with employment bureaus, which deal with unemployment issues rather than health care.

Provision of health care is decentralized, with the entities of Republika Srpska, the Federation, and smaller administrative areas within the Federation called cantons (which encompass several municipalities) providing most services and doing most of the monitoring. This decentralization has led to inconsistent delivery. Most Roma still have to pay for their own care, which they cannot afford. As a result, they do without.

Almost all Roma in Bosnia are chronically unemployed, and civil society groups estimate that less than five percent are engaged in formal employment. Among individuals interviewed by Human Rights Watch in Bosnia, only three were employed outside of Roma-led NGOs: one as a social worker in Banja Luka, and two as garbage collectors for the city of Gradiska. Instead, most Roma make their living by collecting and recycling scrap metal and other secondary materials, or begging in cities.

Employment bureaus throughout Bosnia are designed to help individuals find employment and support them with health care and other services. As part of the Roma Action Plan for Employment, these bureaus have been given national government funding to co-finance Roma employment with businesses in their cities. (...) But the reality is that thousands of unemployed Roma are not registered with the bureaus, whose employees report that those who are registered often lack the education and skills to do the work that comes their way. (**'Second Class Citizens: Discrimination against Roma, Jews, and Other National Minorities in Bosnia and Herzegovina'** by Human Rights Watch)

According to the BiH Ministry for Human Rights and Refugees, as of September, there are still 84 500 **internally displaced persons** and 6 795 **refugees** in Bosnia and Herzegovina. Some action was taken to tackle the issue of sustainable return, particularly in connection with employment, education, social protection and healthcare at local level through the initiative of the ministry. The revised strategy for the implementation of Annex VII to the Dayton/Paris Peace Agreement still lacks coordinated implementation and appropriate allocation of resources. The lack of infrastructure, particularly for electricity, needs to be addressed. Returnees continue to face obstacles in access to healthcare and their sustainable return continues to be hampered by the lack of employment opportunities. Over 7 500 people are still accommodated in 45 collective centres across the country. (**'Bosnia and Herzegovina 2015 Report'** by the European Commission)

Ethnic-based discrimination against children in education in Republika Srpska present and constitutes threat to political rights of returnees to RS. (**'Alternative Progress Report for Bosnia and Herzegovina 2015' by the Initiative for Monitoring the European Integrations of Bosnia and Herzegovina**)

10. OTHER

To extend an open standing invitation to all special procedures (Spain). (**UPR 2010, 25**)

To extend an open and standing invitation to mandate holders of special procedures (Chile). (**UPR 2010, 26**)

To consider extending a standing invitation to special procedures (Jordan). (**UPR 2010, 27**)

To consider extending an open invitation to the Human Rights Council special procedures (Ukraine). (**UPR 2010, 28**)

To extend a standing invitation to all special procedures of the Human Rights Council (Latvia). (**UPR 2010, 29**)

10.1. Durban Declaration and Programme of Action

The Committee recommends that the State party take into account the relevant provisions of the Durban Declaration and Programme of Action when implementing the Convention in its domestic legal order, particularly as regards Articles 2 to 7 of the Convention. The Committee also urges that the State party include in its next periodic report information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. (**CERD 2006, 25**)

In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. (**CERD 2010, 14**)

To provide specific information in its next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child implemented by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account general comment No. 1 (CRC/GC/2001/1, 2001). (**CRC 2012, 30**)

In the light of its general recommendation No. 33 on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures

taken to implement the Durban Declaration and Programme of Action at the national level. **(CERD 2015, 14)**

10.2. Implementation, Follow/up, Dissemination and Cooperation

The Committee recommends that the State party increase its level of cooperation with the NGO sector and other sectors of civil society working with and for children in Bosnia and Herzegovina as well as establish a permanent channel of communication to facilitate this cooperation. **(CRC 2005, 21)**

The Committee recommends that the State party increase and strengthen its efforts to disseminate the Convention and to raise public awareness, in particular among children themselves and their parents, about its principles and provisions. **(CRC 2005, 23)**

The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers or the Cabinet or a similar body, the Parliament, and to provincial or State Governments and Parliament, when applicable, for appropriate consideration and further action. The Committee further recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in both Entities, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring. **(CRC 2005, 77-78)**

The Committee recommends that the State party's reports be made readily available to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized, in all official languages of the State party, as well as in the languages of national minorities of Bosnia and Herzegovina. **(CERD 2006, 28)**

The Committee requests the State party to disseminate the present concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement the recommendations contained therein in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report. **(CESCR 2006, 52)**

The Committee urges the State party to disseminate information on the Convention in programmes in the educational system, including human rights education and gender training, with a view to changing existing stereotypical views on and attitudes towards women's and men's roles. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres. **(CEDAW 2006, 24)**

The Committee requests the wide dissemination in Bosnia and Herzegovina of the present concluding comments in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee further requests the present concluding comments to be transmitted to the High Representative for Bosnia and Herzegovina. The

Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century". **(CEDAW 2006, 44)**

The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, which is due in October 2006, and its fifth periodic report, which is due in October 2010, in a combined report in 2010. **(CEDAW 2006, 45)**

The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate. **(CERD 2010, 18)**

In light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated to the general public and among children, and to State officials. **(CRC OPAC, 2010, 7)**

The Committee recommends that the State party develop, in close cooperation with the community and in particular children and child victims, information and education programmers, and long-term campaigns to raise awareness of the preventive measures and harmful effects of the sale of children, child prostitution and child pornography. In addition, the Committee recommends that the State party disseminate the Optional Protocol among all relevant professional groups, especially members of the police, judges, prosecutors, representatives of the media and social workers. **(CRC OPSC, 2010, 15)**

The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations, inter alia, by transmitting them to the Head of State, the Constitutional Court of Bosnia and Herzegovina, the Supreme Court of the two Entities, the Parliamentary Assembly (both the House of Peoples and the House of Representatives), relevant ministries and to State, Entity, cantonal and local authorities, when applicable, for appropriate consideration and further action. **(CRC OPAC, 2010, 25)**

The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring. **(CRC OPAC, 2010, 26)**

The Committee recommends that the initial report and written replies submitted by the State party and related recommendations (concluding observations) adopted be made widely available, including through the internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring. **(CRC OPSC, 2010, 47-48)**

It is recommended that the Human Rights Council should follow up on the implementation of the recommendations made by the Working Group in the present report, in particular on the occasion of the review of Bosnia and Herzegovina during the second cycle of the universal periodic review. **(Working Group on Enforced or Involuntary Disappearances, 2010, 72)**

The Working Group invites the Government of Bosnia and Herzegovina, within 90 days from the date of the presentation of the present report at the sixteenth session of the Human Rights Council, to provide the Working Group with a timetable showing the steps it intends to take to implement these recommendations. **(Working Group on Enforced or Involuntary Disappearances, 2010, 91)**

To strengthen cooperation with the international community and organizations in building capacity in crucial areas, including poverty eradication, justice administration, primary education and gender equality (Malaysia). **(UPR 2010, 123)**

The State party is requested to disseminate widely the report submitted to the Committee and the Committee's concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations. **(CAT 2011, 27)**

The Committee recommends that the State party continue to increase media engagement in raising awareness of the Convention in a child-friendly manner, in particular through greater use of the press, radio, television, the Internet and other media, and the active involvement of children in public outreach activities. **(CRC 2012, 22)**

The Committee recommends that the State party continue cooperating with Migrant Service Centres and civil society organizations in promoting and disseminating the Convention among all relevant stakeholders. **(CMW 2012, 18)**

The Committee notes with satisfaction that the combined fourth and fifth periodic reports of the State party were adopted by the Parliamentary Assembly. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the obligations of the State party under the Convention, the Committee stresses that the Convention is binding on all branches of Government and invites the State party to encourage the Parliamentary Assembly, in line with its procedures and where appropriate, to take the necessary steps with regard to the implementation of the present concluding observations between now and the next reporting process under the Convention. **(CEDAW 2013, 8)**

The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliamentary Assembly and the judiciary, to permit their full implementation. It encourages the State party to collaborate with all stakeholders concerned, including, inter alia, employers' associations, trade unions, human rights and women's organizations, universities, research institutions and media. It also recommends that its concluding observations be disseminated in an appropriate form at the local community level to permit their implementation. In addition, the Committee requests the State party to continue to

disseminate the Convention, the Optional Protocol thereto, the relevant jurisprudence and the Committee's general recommendations to all stakeholders. **(CEDAW 2013, 44)**

Take measures to improve cooperation and coordination of activities among bodies at all levels, which have a role to play in the promotion and protection of human rights (Ireland). **(UPR 2014, 107. 21)**

Implement transparent and inclusive mechanisms of public consultations with civil society organizations on all issues mentioned above (i.e. gender equality, minority rights, redressing wartime crimes, inclusive quality education for minorities and discrimination against LGBT persons) (Norway). **(UPR 2014, 107. 22)**

10.3. Multilateral, Regional, Bilateral Agreements

The Committee welcomes the adoption of the International Assistance Law in 2009, which allows for joint investigation teams, and recommends that the State party increase efforts to strengthen international cooperation, in particular by bilateral agreements with neighbouring countries, to ensure the protection of victims and the prosecution and punishment of alleged perpetrators.

The Committee further recommends that the State party take all appropriate measures to strengthen its bilateral, regional and international cooperation to enhance the tracking system with its Internet Protocol (IP) locator in order to track IP addresses, hosts and websites of offenders of crimes under the Optional Protocol, aiming to use the most accurate IP address location database. The Committee further recommends that the State party take measures to identify the Internet Service Provider (ISP) of such websites with a view to prevent and combat child pornography. **(CRC OPSC, 2010, 44-45)**

The Committee recommends that the State party cooperate with the Council of Europe towards the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States. **(CRC 2012, 79)**

The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented by, inter alia, transmitting them to the members of the Government, the Parliament and regional bodies, and other local governments, when applicable, for appropriate consideration and further action.

The Committee further recommends that the combined second to fourth periodic reports and written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including (but not exclusively) through the Internet, to the public at large, civil society organizations, media, youth groups, professional groups and children, in order to generate debate and awareness of the Convention and the Optional Protocols thereto and of their implementation and monitoring. **(CRC 2012, 80-81)**

10.4. Preparation of the Next Report

To establish an effective and inclusive process to follow up on the recommendations resulting from the present review (Norway). **(UPR 2010, 125)**

The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 10 (a) to (d) and 34 (a) to (h) above. **(CEDAW 2013, 45)**

The Committee invites the State party to submit its sixth periodic report in July 2017. **(CEDAW 2013, 46)**

The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/MC/2006/3 and Corr.1). **(CEDAW 2013, 47)**

The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, particularly among government officials, parliamentarians and judicial authorities, and to inform the Committee on all steps taken to implement them in its next periodic report. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of implementation of the present concluding observations, prior to the submission of its next periodic report. **(CESCR 2013, 38)**

The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate. **(CERD 2015, 19)**

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Annex I: Printed Media Reports on UN Human Rights Recommendations

1. BiH Chairs Liberia Committee

DNEVNI AVAZ, 8 January 2010

By FENA

BiH's activities related to the country's membership in the UN Security Council as from 1 January are taking place at a planned pace, Zlatan Burzić, a spokesman for the BiH Foreign Ministry, said yesterday. The Presidency of the Security Council is held by China for the month of January, he said, adding that the BiH Ambassador to the UN, Ivan Barbalić, had already held consultations with China's Permanent Representative. The Security Council has already approved the January agenda. It has been agreed that BiH will serve as the chair of the Security Council Committee established pursuant to Resolution 1521 concerning Liberia and as the Vice-Chair of two more committees, those concerning Sierra Leone and Lebanon.

2. Dovadžija's Rights Violated

DNEVNI AVAZ, 9 March 2016

NO IDENTIFIED AUTHOR

The Human Rights Committee (UN) has found that Bosnia and Herzegovina violated Sakiba Dovadžija's rights by failing to prosecute those responsible for her husband's disappearance in 1992 from the region of Ilijaš and to pay her reparations. Under the UN Committee's opinion, BiH is obliged to identify and prosecute those responsible to the killing of her husband Salih Dovadžija and to ensure his family members "psychological rehabilitation and adequate reparations".

3. Better Organized in Fighting Terrorism

OSLOBOĐENJE, 13 November 2007

By ONASA

A meeting between BiH's representatives and members of the UN Security Council Counter-Terrorism Committee Executive Directorate began yesterday in Sarajevo. The members of the Executive Directorate arrived in BiH for a seven-day visit, the Onasa news agency reported. The purpose of their visit is to analyse the implementation of the Security Council Resolution 1373. The UN Security Council adopted on 28 September 2001 Resolution 1373 condemning the attacks and calling upon the Member States to join their efforts in preventing and suppressing terrorism. Between 2001 and 2006, BiH submitted five reports to the UN Security Council Counter-Terrorism Committee, the BiH Minister of Security Tarik Sadović reiterated. Since the date of the latest report, the BiH Council of Ministers approved in July 2006 a Counter-Terrorism Strategy, the Minister added. Sergei Karev, head of the delegation of the Counter-Terrorism Executive Directorate, said that the purpose of their visit was to see what BiH had done to implement the UN Resolution.

4. UN Human Rights Committee Rules Against BiH

DNEVNI AVAZ, 18 June 2013

By AZ.D.

"Track Impunity Always" (TRIAL), a civil society organization which is actively involved in fighting against non-punishment of war crime perpetrators, will present at a press conference today in Sarajevo the case of five missing persons from Vogošća whose family members won the case against BiH before the UN Human Rights Committee. This was confirmed yesterday to Dnevni Avaz daily by Una Bejtović, a PR moderator of the press conference. First of all, it was the first international decision against BiH regarding forced disappearances during the war. The families of the five Bosnian citizens from the municipality of Vogošća, who were forcibly made disappear in June 1992, won the case before the UN Human Rights Committee thanks to TRIAL, the organisation which provides legal assistance to the families of victims before both international and national judicial institutions, Bejtović said. As Bejtović explained, TRIAL's human rights coordinator in BiH, Lejla Mamut, will explain at the press conference today the legal aspects of the case, including details of the procedure conducted before the UN Human Rights Committee. She will present everything that the UN Committee established in regard to serious human rights violations and will explain why the decision is a landmark. The Committee ruled that BiH is responsible for failing to investigate in detail the disappearance of Fikret Prutina, Huso and Nedžad Zlatarac, Safet Kozica and Salih Čekić and to arrest the perpetrators and hold them to account, Bejtović said.

5. Support to BiH's Reform Path

OSLOBODENJE, 27 September 2008

By FENA

Chairman of the BiH Presidency Haris Silajdžić met yesterday on the margins of the UN General Assembly meeting with Director-General of UNESCO, Koichiro Matsuura, Turkish President Abdullah Gul and Croatian Prime Minister Ivo Sanader, the Fena news agency reported. Silajdžić met also with former US Secretary of State Madeleine Albright. She expressed her full support for a democratic and multi-ethnic BiH and informed Chairman Silajdžić about her plans to visit Sarajevo after the U.S. election. At the initiative of the American Jewish Committee, Chairman Silajdžić met with the Committee's delegation, Andrew Bauer and Herbert Block, who affirmed support for the reforms in BiH.

6. Selective Approach to Human Rights

DNEVNI AVAZ, 25 June 2010

By FENA

The UN Human Rights Council, which analyses every four years the human rights practices in every Member State of that world organisation, the United Nations, discussed last week the implementation of the UN Human Rights Convention in BiH, the Helsinki Committee for Human Rights in BiH said yesterday. The UN Human Rights Council assessed that the government in BiH had demonstrated again its selective attitude towards the respect for human rights.

7. BiH Implements Obligations Under the UN Convention against Torture

OSLOBODENJE, 2 June 2007

By FENA

The BiH Council of Ministers approved Minister of Human Rights and Refugees Safet Halilović's proposed grounds for signing the Optional Protocol to the Convention against

Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Fena news agency reported. The paper will be submitted to the BiH Presidency for signature. By signing and ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Bosnia and Herzegovina committed itself to signing its Protocols, Minister Halilović's Office said in a press release. In this regard, the UN Committee against Torture recommended that Bosnia and Herzegovina should sign and ratify the Optional Protocol to the Convention against Torture. The proposed grounds for signing the Protocol were developed in agreement with the governments of the entities and the Brčko District and were harmonised with the norms of international law of treaties and international legal standards governing this area.

8. Activities Taking Place at Envisaged Pace

NEZAVISNE NOVINE, 8 January 2010

By FENA

BiH's activities arising from the country's membership in the United Nations Security Council as from 1 January are progressing at an envisaged pace, Zlatan Burzić, a spokesman for the BiH Foreign Ministry, said on Thursday. China holds the Security Council Presidency for January, he said, adding that the BiH Ambassador to the UN Ivan Barbalić has already held bilateral consultations with China's Permanent Representative. "The Council has approved the January agenda, which means that the topics to be discussed are already known. It has been agreed that BiH will chair the Committee established pursuant to Resolution 1521 concerning Liberia and will be the Vice Chair of two more committees, for Sierra Leone and Lebanon", Burzić said. All of Foreign Ministry's activities related to the UN Security Council will be carried out in consultation with the BiH Presidency which is responsible for the country's foreign policy, he said.

9. Insufficient Rights, Health Care and Social Protection...

OSLOBODENJE, 29 October 2005

NO IDENTIFIED AUTHOR

The conference entitled "The National Response to the UN Committee on the Rights of the Child Recommendations", organised by the Council for Children in BiH, took place in Sarajevo on Friday, the Onasa news agency reported. The conference brought together the relevant representatives of the government institutions and authorities responsible for this matter for the purpose of exchanging experiences and opinions on manners in which the relevant government institutions and authorities at all levels could provide the most adequate responses to the challenges and duties contained in the recommendations which obligate the authorities in BiH to undertake 60 actions in various areas. The UN Committee criticised BiH for its level of respect for the views of the child in BiH, insufficient monitoring of the implementation of the rights of the child and a high percentage of children without adequate access to health care and social protection services. BiH should provide, inter alia, alternative forms of care for children without parental care, improve prevention of juvenile offending and adjust the education system to preschool children and children with special needs.

10. BiH Not Doing Enough for Victims of War

DNEVNI AVAZ, 24 November 2010

By ONASA

The UN Committee against Torture (CAT) issued a set of recommendations for BiH regarding the still pending missing persons, victims of rape and other forms of war-related sexual abuse issues. The CAT does not believe that BiH respects its international obligations under the Convention against Torture, "Track Impunity Always" (TRIAL) in BiH said. The Onasa news agency quotes TRIAL coordinator Lejla Mamut-Abaspahić saying BiH is not providing adequate protection to witnesses or psycho-social support to victims, while perpetrators of war crimes continue to live unpunished and, moreover, they are not even under investigation despite the evidence submitted. TRIAL will call on the BiH Constitutional Court and the BiH Prosecutor's Office to act under those important recommendations as urgently as possible, with the highest seriousness. The CAT set a one-year deadline for the country to take action towards implementing its recommendations and to inform it accordingly.

11. Combating Discrimination against Women

OSLOBODENJE, 20 June 2006

NO IDENTIFIED AUTHOR

The members of the BiH Gender Equality Agency presented Monday in Sarajevo 45 recommendations issued by the UN Committee on the Elimination of Discrimination against Women (CEDAW) for Bosnia and Herzegovina, the Fena news agency reported. The UN Committee issued the recommendations following the presentation of initial periodic reports on the status and rights of women in BiH to this UN body this year in New York. The members of the delegation that represented BiH before the UN Committee, Samra Filipović Hadžiabdić and Spomenka Krunić, emphasized the importance of the UN recommendations for further development of the democratic processes in BiH. The recommendations cover various issues facing the society. Among the most important ones are those that urge the state to step up efforts to fight trafficking in women and girls and to encourage women to report domestic violence cases or the recommendation for women-victims of sexual violence in an armed conflict to be recognised and protected as civilian victims of war through a national law and to be awarded with adequate social assistance. The recommendations emphasize the need to achieve the gender balance, particularly in making political and public decisions and the importance of support to small enterprises that women engage in through their own projects.

12. Talking about Implementation of Convention against Torture

NEZAVISNE NOVINE, 9 November 2005

By SRNA

The BiH delegation, led by Assistant Minister of Human Rights and Refugees Slobodan Nagradić, began to present and defend before the UN Committee against Torture in Geneva BiH's first report on the implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment covering the period between 1992 and 2003. This is an important international obligation which BiH has failed to fulfil and concerns the efforts undertaken by the authorities at all levels in BiH to implement the Convention, Nagradić said. "This refers primarily to the prevention of torture and other cruel treatment and to punishment of the perpetrators of such crimes and to the creation of

conditions necessary for introducing an effective legal system for the prevention and punishment of such criminal offences”, Nagradić explained.

13. It Is Necessary to Form Institutions to Strengthen Rights of the Child

NEZAVISNE NOVINE, 12 October 2005

By S.LEMO

The state should create institutions which will promote and increase respect for the rights of the child in BiH. This is one of the UN Committee’s recommendations for the authorities in our country which Slobodan Nagradić, chairman of the Council for Children within the BiH Council of Ministers, presented yesterday. The UN Committee sent to the national authorities last May around 60 recommendations aimed at protecting the rights of the child in various areas. Parts of the report were presented publicly as late as yesterday. “The UN Committee also criticised the country’s failure to respect the opinions of the child, especially in areas which concern children. Another Committee’s criticism is about a low level of preschool education, especially in rural areas, and also about a high percentage of children without health care or social protection”, Nagradić said. He thinks that a high level of poverty in BiH is the main reason for the lack of social care and health protection. “The UN Committee’s recommendation is that the state should pay more attention to the respect for the child’s right to privacy. Also, it should pay more attention to the children without parental care. The Committee proposes alternative forms of care of such children as a solution”, Nagradić said, emphasising that it was suggested that the BiH authorities should deal with juvenile offending as well. “Three months ago, we sent these recommendations to all domestic authorities and specialized institutions so that they could identify their own responsibilities for the protection of the rights of the child. We have not received their feedback yet”, Nagradić said. Saliha Đuderija, member of the Council for Children, thinks that violence against children should be given special attention. “Children, who are one of the important links of this society, cannot find a mechanism to protect themselves against violence. Unfortunately, we do not have national statistics on violence against children. We have conducted a survey on violence against children over the last three years. We have documented this problem and found out that it is most serious among children aged 11-16. Boys are more exposed to physical violence and girls are more exposed to sexual violence”, Saliha Đuderija said.

14. Compensation to Victims of Torture in BiH

DNEVNI AVAZ, 26 June 2010

By FENA

On the occasion of the UN International Day in Support of Victims of Torture, 26 June, the BiH Ministry of Human Rights and Refugees announced yesterday that in response to the recommendations by the UN Committee against Torture, it had drafted a BiH Victims of Torture and Civilian Victims of War Bill, in cooperation with the civil society. Following a public debate, the Bill will be submitted to the BiH Council of Ministers for approval. The Fena news agency quotes the Office of the Minister saying the Bill regulates the issue of compensation to victims of torture.

15. Protection of Victims of War-Related Violence is Necessary

NEZAVISNE NOVINE, 14 June 2006

By R.C.

The UN Committee on the Elimination of Discrimination against Women (UNCEDAW) ordered BiH to protect female victims of war-related violence, to ensure more women's self-employment projects and to train the judiciary employees in gender equality issues, Samra Filipović-Hadžiabdić, director of the BiH Agency for Gender Equality, said. "It is recommended that we pay particular attention to caring for those women who are the victims of war-related violence and who are unable to return home. This is a problem indeed and should be addressed, and in fighting poverty we need to ensure more projects to support self-employment of women. It is requested that a health system be created in the whole of BiH which will reduce maternal mortality and provide better information on reproductive health and lower abortion rates. Also better training of judges, prosecutors and lawyers in gender equality issues was requested", Filipović-Hadžiabdić said. These are the UN recommendations issued after BiH recently submitted to the UN its national report on the prevention of discrimination against women.

16. BiH Still In Need of UN Assistance and Engagement

DNEVNI AVAZ, 23 May 2007

By S. ŠKULETIĆ

A BiH reception party held two nights ago at the UN HQ to mark the 15th anniversary of our country's accession to that international organisation was the UN's near the biggest ever, with around 250 guests. Our delegation in New York received congratulations for engaging in the UN Mission and for being selected to the UN Human Rights Committee. The BiH delegation, led by BiH Presidency Chairman Haris Silajdžić and Presidency Member Nebojša Radmanović, met on Monday with UN Secretary General Ban Ki-moon. Ki-moon emphasized that the UN will continue to cooperate closely with the BiH institutions and supported the resolve of BiH government to pursue the path of Euro-Atlantic integration, Radmanović told Dnevni Avaz in a phone call. The police reform, the public broadcasting system reform and the public administration reform are crucial and need to be completed as soon as possible, Ban Ki-moon said, adding that he counted on BiH's support for the implementation of the UN reforms and the country's continued participation in peace-keeping missions. During his meeting with Ki-moon, Silajdžić expressed his hope that the ruling of the International Court in The Hague would not go unnoticed at the UN, and emphasized that stability in BiH could be achieved through justice and solutions to pending issues. BiH still needs assistance and engagement of the UN and other international organisations, Silajdžić said.

Differences among Presidency Members

During the reception party in New York, some differences in the views of the Presidency Members, more precisely, between Radmanović and Silajdžić, emerged, Radmanović said. Some dissonant chords were heard at the reception party. The well-known differences already shown in BiH emerged also at the UN, which was not abnormal, although I do not think it is normal to show the same differences at the UN HQ. In short, there was a major difference between Silajdžić's address focusing on the past and my address focusing on the future. The major disagreement is about our assessment of the past, and I would not discuss it now, Radmanović said.

The General Assembly

The BiH Presidency Members met yesterday also with Haya Rashed al-Khalifa, President of the UN General Assembly. Their discussion focused again on the progress in the implementation of the reforms in BiH and the country's progress towards the EU.

17. Zirojević Protests Against Kosovo*'s Customs Duties

NEZAVISNE NOVINE, 30 July 2011

By Z.DRAGOVIĆ

Mladen Zirojević, BiH Minister of Foreign Trade and Economic Relations, sent yesterday a protest letter to Robert Sorenson, the CEFTA Chair-in-Office in 2011 and Special Representative of the UN Secretary General, against a decision of the so-called government of Kosovo* to impose a 10 percent customs duty on the BiH goods. Zirojević is proposing that the CEFTA Joint Committee establish that the decision is in violation of the Agreement establishing a Regional Free Trade Zone and recommend that it should be rescinded as soon as possible. The letter further says that the 20 July decision of the government in Pristina is in contravention of the terms and conditions of the CEFTA Agreement. "The Preamble promotes the creation of favourable conditions for development and diversification of trade among the parties and Articles 1, 3, 4 and 5 of the Agreement explicitly define that all customs duties on imports and exports, including quantitative restrictions, will be abolished and similar new measures will not be introduced. Under Article 42 (2) of the CEFTA Agreement, we request that this case be resolved by the Joint Committee as soon as possible", Zirojević wrote in the protest letter. The BiH Ministry of Foreign Trade and Economic Relations reiterates in a press release that the CEFTA Agreement was signed by the UN Mission in Kosovo*, on behalf of Kosovo*, under the UN Security Council Resolution 1244.

18. Presenting a BiH Report on Status of Women at the UN

OSLOBODENJE, 16 May 2006

By FENA

For the first time after BiH signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), BiH is presenting and defending its initial and periodic reports on the status of women before the United Nations Commission on the Status of Women at the UN Headquarters in New York, the Fena news agency reported. As the BiH Agency for Gender Equality reported, our country's delegation comprises the director of the Agency, Samra Filipović-Hadžiabdić, director of the RS Gender Centre Spomenka Krunić and Elma Spahić, a specialist at the BiH Agency for Gender Equality. The Convention, which resulted from thirty-year long efforts to improve the rights of women, was adopted by the UN General Assembly in 1979. By taking it over by a notification of succession in September 1993, BiH committed itself to ensuring in all areas, particularly in political, social, economic, health and cultural sectors, all appropriate measures, including legislation, to achieve the full development and improvement of the rights of women with a view to guaranteeing the exercise and enjoyment of human rights and fundamental freedoms equally to men.

*This designation is without prejudice to positions on status, and is in line with United Nations Security Council resolution 1244 (1999) and the International Court of Justice Opinion on the Kosovo declaration of independence.

19. No Vulgarly in Parliament

OSLOBOĐENJE, 4 July 2007

By A.T.

The BiH Parliament's working body which is yet to be created and chaired by Member of Parliament Alma Čolo, aims at drafting a Code of Conduct for the members of both Houses, pursuant to the conclusion made on Tuesday by the Joint Committee on Human Rights, Rights of the Child, Youth, Immigration, Refugees, Asylum and Ethics of the BiH Parliament. There are a number of draft versions of the Code of Conduct made by the OSCE, the Centre of Civil Initiatives and the former parliamentary committee, Chairman of the Parliamentary Committee Sadik Ahmetović told Oslobođenje daily. "The Code of Conduct aims at defining a set of rules outlining the norms and responsibilities of, or proper practices for, the members of both Houses. Although we have a number of proposals, it is clear that the final version should define that the members of the legislative authority may not engage in corrupt practices, that their communication and public statements should be free from insulting and vulgar words and that Members of Parliament should be willing to make agreements and be tolerant", Ahmetović said. The Parliamentary Committee approved the launch of the BiH Council of Ministers' nomination procedure for the BiH Council for Children and ordered the state-level Government to draft an action plan and identify institutions responsible for the implementation of the recommendations and conclusions of the UN Civil and Political Rights Committee. The UN Committee said in its reports that our state did not comply with the obligations, particularly those regarding health care and social protection of citizens and sustainable returns.

20. Gender-Sensitive Budgets

OSLOBOĐENJE, 13 March 2009

NO IDENTIFIED AUTHOR

A Memorandum of Understanding was signed yesterday at the Gender Centre of the BiH Federation between the United Nations Development Fund for Women (UNDWF) and the Gender Centre of the BiH Federation for cooperation in the implementation of the "Gender Responsive Budgeting in South Eastern Europe" project. The MoU was signed by Erika Kvapilova, the UNIFEM regional programme director, and Ana Vuković, director of the Gender Centre of the BiH Federation. The Gender Centre of the BiH Federation established in 2008 an expert working group which collected and analysed the legislation governing the budgeting process in the BiH Federation with a view to introducing gender analysis and planning. This marked the beginning of the implementation of the recommendations of the Council of Europe and the UN CEDAW Committee.

21. Marković Appointed Vice Chairman of the Committee on Science

NEZAVISNE NOVINE, 24 September 2009

By B.VU.

Mihajlo Marković, director of the RS Institute of Agriculture, was elected yesterday Vice Chairman of the Committee on Science and Technology for Central and Eastern Europe in a meeting held in Buenos Aires where Marković is participating in the 9th conference of the State Parties to the UN Convention to Combat Desertification, between 22 September and 2 October. He will serve as Vice Chairman for a two-year term, he said. "When it comes to land

degradation, the situation in the RS is not good. The Institute is in the process of developing a land use and management paper for the RS Ministry of Agriculture, Forestry and Water Management which will serve as a guidance in this area”, Marković explained.

22. Child's Views Must be Respected

OSLOBODENJE, 12 October 2005

By S.R.

The UN Committee sent to Bosnia and Herzegovina its recommendations on the rights of the child, requesting that the state take 60 actions in different areas, Slobodan Nagradić, chairman of the BiH Council for Children and Assistant Minister of Human Rights and Refugees, said Tuesday at a press conference. “BiH must ensure the implementation of the rights of the child and strengthen a single body at the state level which will take care of this particular issue. Currently, that body is the Council for Children which comprises 15 members”, Nagradić said. The UN Committee criticized the level of respect for the views of the child in BiH, insufficient monitoring of the respect for the child’s rights and a high percentage of children without an adequate access to health and social protection. “BiH should provide, inter alia, alternative forms of care for children without parental care and improve prevention of juvenile offending and adjust the education system to preschool children and children with special needs”, said the chairman of the BiH Council for Children. The representatives of the Council for Children have announced a conference on “BiH’s Response to the UN Committee’s Recommendations” to take place on 28 October. The conference will be attended by the representatives of the institutions and authorities responsible for this issue. Member of the BiH Council for Children Saliha Đuderija has said that an overall insight into the rights of the child in BiH is not possible as there is no adequate statistical information. “We are trying to address this issue in cooperation with the BiH Agency for Statistics and the Statistical Institutes of the entities. Currently, we maintain cooperation with around one hundred experts in different fields. We exchange the information and include the information in recommendations and reports”, she said. According to her, BiH has made progress in the area of the rights of the child, primarily in the legislation governing the rights of the child.

23. BiH Authorities Must TAKE CHILDREN OUT OF POVERTY

NEZAVISNE NOVINE, 29 October 2005

By S.LEMO

The BiH authorities have to harmonise legislation with the United Nations Convention on the Rights of the Child in order for all children in BiH to have an equal right to education and health, Chairman of the BiH Council of Ministers Adnan Terzić told the press yesterday. The authorities must create conditions for taking children out of poverty and such conditions should be a part of the Mid-Term Development Strategy, he said. By doing so, the BiH authorities will comply with the recommendations for the protection of the rights of the child issued by the UN Committee, he added. “We do not need to wait for 2007 and a new development strategy. If we have a vision of what we should do by 2007, then we should amend the existing strategy through the BiH Ministry of Human Rights by adding a new annex about the protection of the rights of the child in BiH and we should begin to implement it already mid-next year”, Terzić said. The BiH authorities should pay particular attention to the

children with special needs and the minority children, he added. "The Council of Ministers does not have abundant funds to finance activities of the Council for Children in BiH. I believe that we shall be able to provide the necessary funds with UNICEF's support", Terzić said. Slobodan Nagradić, chairman of the BiH Council for Children, says that all authorities in BiH which are responsible for the protection of the rights of the child received recommendations from the UN Committee in July 2005. "We have not yet received a response from anybody. The Council for Children has already formed commissions and got new projects", said Nagradić and emphasized that he was expecting support from the BiH Council of Ministers in the implementation of the recommendations. The BiH authorities received in May from the UN Committee around 60 recommendations in various areas for the purpose of protecting the rights of the child. The Committee criticized the lack of respect for the views of the child, a low rate of coverage of children by early childhood education, a high percentage of children without health care and social protection, lack of respect for child's privacy and care for children without parental care.

24. Gender Imbalance Far Biggest in EXECUTIVE BRANCH

NEZAVISNE NOVINE, 20 June 2006

By R.ČENGIĆ

The largest gender imbalance in BiH exists in the decision-making structures, primarily in the executive branch, director of the Gender Centre of the BiH Federation Ana Vuković said yesterday at a press conference held at the BiH Agency for Gender Equality. "The biggest gender imbalance exists in the decision-making structures, primarily in the executive branch and in businesses", said Vuković. The gender institutions in BiH do not have a special mechanism or an activity plan in place which they could use to force elected officials to ensure more women in the executive branch, the director of the Agency for Gender Equality, Samra Filipović-Hadžiabdić, said. "Post-election talks on the formation of government are held far from the public eye and ethnicity is always placed ahead of gender. The UN experts issued strong criticism of such practices", said Filipović-Hadžiabdić. It was officially released yesterday that the UN Committee on the Elimination of Discrimination against Women (CEDAW) requested that BiH, as its member, should increase training of judicial employees and police in gender equality issues and include Roma women and the women from other marginalized groups in poverty reduction projects, Filipović-Hadžiabdić said. "Gender equality is essential for sustainable development of a country because the arguments of both men and women are important in the process of finding solutions. Unfortunately, the public and the government of BiH are not aware of how important this process is. As a consequence, a whole series of reforms, like the police reform and others, are being implemented without the presence of women", Filipović-Hadžiabdić said, adding that the UN ordered the BiH authorities to approve a gender equality action plan before the next elections. The UN Committee ordered better care for women victims of war, better protection of women witnesses, equal treatment of domestic and foreign victims of human trafficking and better social and health care protection of women from marginalized groups and rural areas, director of the RS Gender Centre Spomenka Krunić said. BiH has already fulfilled all requirements from the resolution recently approved by the European Ministerial Conference on Equality between Women and Men, Vuković said, adding that BiH was taking the leadership role in the region on this matter.

25. Necropolises with *Stećaks* on UNESCO's List

DNEVNI AVAZ, 22 October 2011

By A.NU.

On the occasion of marking the United Nations Day at the BiH Parliamentary Assembly building, an exhibition of photography of necropolises with *stećak* tombstones, jointly nominated by BiH, Serbia, Croatia and Montenegro for inscription on UNESCO's World Heritage List, was set up yesterday. "It is my pleasure to announce that the proposed necropolises with *stećak* tombstones are included in UNESCO's Tentative List. Now we are working hard to prepare a Nomination File. I hope it will be submitted on time to the World Heritage Committee which makes a final decision on inscription of property on the World Heritage List", said Sredoje Nović, Minister of Civil Affairs of BiH. The opening ceremony was attended by numerous guests, among them High Representative Valentin Inzko. Since this year falls 10 years since the International Year of Volunteers, the ceremony to mark the UN Day focused also on the importance of volunteers and volunteerism. The UN helped 600 million people to get out of poverty in the past decade and the post-war countries to take the path of economic stability, social development and peace, UN Resident Coordinator in BiH Yuri Afanasiev said.

26. BiH Government Committed to Counter-Terrorism

DNEVNI AVAZ, 13 November 2007

By A.M.

The delegation of the UN Security Council Counter-Terrorism Committee Executive Directorate began a several days' visit to BiH during which the delegation will visit the institutions responsible for counter-terrorism and review BiH's readiness to respond to those challenges. As it was said during the first meeting in Sarajevo, the Committee had already visited 21 countries and produced country reports. "The purpose of our visit is to take stock with BiH's experts of how far the country has gone in implementing the UN resolution pertaining to counter-terrorism, where progress has been made and what kind of technical assistance is necessary to support national efforts in BiH", said Deputy Executive Director of the Executive Directorate, Sergei Karev. BiH Minister of Security Tarik Sadović has confirmed in a statement that the legislative, executive and judicial authorities of BiH are unreservedly committed to combating every form of this evil. During their visit, the UN delegation will visit the SIPA, the OSA, the BiH Border Police, the BiH Court and the BiH Prosecutor's Office, the Central Bank and a few more institutions. On Monday, the UN delegation will present their initial findings to the BiH Foreign Ministry. Terrorism has no basis in the Quran, 15 years ago, a genocide was committed against Bosniaks, over a thousand mosques were destroyed, the main masterminds behind those crimes are still at large, but "despite these horrible facts, no terrorist acts were committed", Sadović reiterated. Two million Bosnian Muslims chose the European Union and they are not afraid of living together with 450 million Christians but "we are constantly hearing questions whether BiH is a place which poses the so-called Islamic terror threat", he said. Those who coined that syntagm embedded the legacy of guilt in it. Terrorism has no basis in the Quran nor is Islam the religion of terrorism, Sadović emphasized.

27. ALL LOOKS GOOD, BUT ON PAPER

OSLOBOĐENJE, 16 April 2013

By E.KAMENICA

“The disabled people know best what they are encountering as a result of the current Public Procurement Act even when it comes to the procurement of orthopaedic aids. The Institutes set such bidding criteria that the lowest bids offering the lowest quality aids oftentimes win”, Elvira Bešlija, chair of the Council of the People with Disabilities of the BiH Council of Ministers, said yesterday at a press conference of the Council.

Neither black nor white

Bešlija, who represents the Paraplegic and Polio Survivors Association of the BiH Federation, mentioned also protective workshops which do not enjoy the privileges that exist in other countries of the region by reason of the same public procurement law. Three years after the UN Convention was ratified, the situation regarding the rights of the people with disabilities is neither black nor white, said Zoran Dobras, of the Coordinating Board of the organisations of people with disabilities in the RS. BiH is obliged to draft a report on what has been done so far and the report will be presented in New York and Geneva by the end of 2013 or in the first half of 2014, said Saliha Đuderija, Assistant Minister of Human Rights and Refugees of BiH. “Until then, the report may be even amended”, Đuderija said, adding that BiH had approved a strategy for disabled people. Since its implementation has just begun, and moreover, does not include all sections of the strategy, the Assistant Minister is not expecting the UN Human Rights Committee to give a positive assessment of absolutely everything.

Right to education

“Some people with disabilities won medals in the world sports games”, said Đuderija. Asked why the sitting volleyball players, for instance, are not given the same rights as other players, she said the Ministry had never received any request. “Somebody must launch a procedure for equalising their rights”, said Đuderija, adding that six parents who believed their children had the right to inclusive education had sought assistance from the Ministry. “In one case, the parents were right, and of course, it is always possible to file a complaint or address the UN Human Rights Committee directly. Nobody has ever done it”, the Assistant Minister said.

800 employers

Zoran Dobras says 306 people with disabilities were employed in the RS in 2012, and over 800 employers used incentives. “Although this is not too big a number in comparison to the needs, it is still progress”, Dobras said.

28. Rights of Migrant Workers Should Be Respected

NEZAVISNE NOVINE, 19 December 2007

By SRNA

On the occasion of the International Migrants Day observed on 18 December, the Ministry of Human Rights and Refugees of BiH appealed to all institutions, particularly those dealing more directly with migrant workers, that they respect legal and human rights of those individuals and members of their families. “Those rights primarily refer to the rights to work, free movement, accommodation, efficient legal remedy, freedom of thought, conscience and religion, personal freedom and security of person, education as well as other rights which host countries should grant them without any discrimination, and should apply treatment which is no less favourable than that which they apply to their own nationals in respect to

those matters”, the press release said. The Ministry reiterates that BiH, which signed and acceded to the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, is among few countries in Europe which attach importance to the rights and status of migrant workers and have fulfilled their obligations towards the UN Committee that monitors human rights practices in regard to migrant workers and their families.

29. BiH in Security Council

DNEVNI AVAZ, 22 September 2006

By S.N.

Chairman of the Council of Ministers of Bosnia and Herzegovina Adnan Terzić lobbied yesterday in New York at the 61st session of the United Nations General Assembly for our country to become a member of the Security Council in 2010.

UN reform

If BiH gets a sufficient number of votes, it will become a non-permanent member of the Security Council for the 2010-2011 term. Moreover, Terzić held a series of meetings and talks with heads of state. Among others, he met with President of the UN General Assembly Haya Rashid al-Khalifa. They talked about progress made in the UN reform. The BiH Prime Minister met also with the Secretary General of NATO, Jaap de Hop Shefer.

Bilateral meetings

They talked about BiH's prospects of joining NATO's program Partnership for Peace in light of the NATO Summit to take place in Riga this November, reads a press release issued by the BiH Mission to the UN in New York. Terzić held a series of bilateral meetings, among them, with Abdullah Gul, Turkish Foreign Minister, Romano Prodi, Italian Prime Minister, Milo Đukanović, Prime Minister of Montenegro, Alfred Moisiu, President of Albania, Branko Crvenkovski, President of Macedonia, Robert Fico, Prime Minister of Slovakia, and Erkki Tuomioja, Foreign Minister of Finland, the country which holds the Presidency of the European Union.

The Haggadah as a gift

Chairman Terzić met with the representatives of the American Jewish Committee at the premises of the Mission of Bosnia and Herzegovina to the United Nations. He presented them with a special edition of the Haggadah.

Talks with Dervis

Terzić met also with UNDP Administrator Kemal Dervis. They talked about continued cooperation between the BiH institutions and UNDP and the possibility of implementing regional projects.

30. An Umbrella Law TO BE PASSED BY OCTOBER

NEZAVISNE NOVINE, 10 May 2006

By R.ČENGIĆ

Unless BiH passes the Bill on the Rights of Victims of War-Related Torture and Sexual Abuse before October, as the UN Committee against Torture requested, this will be the issue of accountability towards 200,000-250,000 citizens of BiH rather than the issue of relationships with the UN, said acting head of the Office of the UN High Commissioner for Human Rights (UNHCHR) Jasminka Džumhur. “The current laws are not in accordance with international standards, and there is no legal harmonisation within the state. The responsibility for civilian

victims of war is divided between the entities, and between the entity and cantons, but this does not reduce the responsibility of the state to make an umbrella law”, Džumhur said in response to the findings of the analysis of the laws protecting the rights of victims of torture in BiH. It is estimated that there are between 200,000 and 250,000 ex-camp inmates and raped women in Bosnia and Herzegovina. In the Sarajevo Canton, in the BiH Federation, they receive about 35 BAM a month, and even less in some cantons, or nothing in others, while the benefits in Republika Srpska are slightly higher. According to the report presented yesterday, “ex-camp inmates and victims of sexual violence are not recognised or protected by a special law as victims of torture”, and are not equally or adequately protected in both entities. In the BiH Federation, in order for the victim to get the status of a civilian victim of war, he or she must have a disability rated at 60 percent or more, a permanent residence in the BiH Federation and may not enjoy the same entitlements in the RS; in the Republika Srpska, he or she must be a resident of the RS, must have a disability that occurred after 9 January 1990 and “may not be a member or corroborator of hostile forces”. The Association of ex-Camp Inmates supports the law at the state level. “That law could have been made even earlier, but there are many individuals in government who were close to concentration camps during the war and would not discuss it at all”, said chairman of the Croat Association of Ex-Camp Inmates Mirko Zelenika. But the Association “Women Victims of War in BiH” disagrees. “Thank you for the state-level law, but in order to have a state-level law, first the entities must be abolished. Now we want the law at the Federation level, and once we have abolished the entities, we can talk about a state-level law”, said chairwoman of the Association Bakira Hasečić. Minka Smajević of the BiH Ministry of Human Rights and Refugees has said the BiH Council of Ministers has already ordered the formation of an inter-agency group which will draft the Bill on the Rights of Victims of War-Related Torture.

31. They Provide Protection to Children Since Government Does Not

NEZAVISNE NOVINE, 13 March 2010

By SELMA VELIĆ

The organisations involved in the protection of the rights of the child, such as the SOS Children’s Village in Sarajevo, can ensure the full protection of the rights of the child and do what the authorities are not doing, said Elisabeth Rhen, President of the International League of Humanists (ILH), during her visit yesterday to the SOS Children’s Village. During her visit to the SOS Children’s Village which accommodates children without parental care, Rhen was informed about the activities carried out by that organisation and the life of a SOS family. “It gives me a wonderful feeling to visit a family at the SOS Children’s Village. It is easy to feel the strong connection between the mother and her two children. I am a mother of four, a grandmother of 13 and a grand-grandmother of 2. In my family, everybody helps everybody. I am happy to see that the situation is just the same in this family and that everybody helps everybody”, Rhen said. During her engagement in BiH in the past, when she served as the UN Special Rapporteur for Human Rights in the former Yugoslavia, she did not visit the SOS, but fixed that mistake this time, she said. “I am focused on the implementation of the UN Convention on the Rights of the Child. Last year, when the 20th anniversary of the Convention was marked, it was said that not all paragraphs of the Convention had been implemented. This is why, such organisations are extremely important”, Rhen said, adding that the failure to comply with the Convention is the practice of nearly all countries. “In Finland, where I come

from, parents often become alcoholics or drug addicts and, as such, they neglect their children. The situation is the same in Bosnia and Herzegovina. In Finland, the social protection system is strong and early childhood education mandatory. This is important also for women as it allows them to work. In BiH it is not the case as there is no law making early childhood education mandatory in BiH”, Rhen said. Amir Omanović, national director of the SOS Children’s Village, said that the SOS Children’s Village is a part of the system which is trying to help implement the Convention. Apart from Rhen, Savo Vlaški, chairman of the Council of the International League of Humanists, Mirjana Vlaški, member of the Organisational Committee of the International League of Humanists, and Mirsada Žutić, chairman of the Committee of the Mothers of Solidarity of the International League of Humanists in BiH, visited the SOS Children’s Village yesterday. The reason for their visit is the congress of unity of humanists devoted to children with wounded childhood, which will take place by the end of October in Zagreb. The SOS Children’s Village will be represented at the congress, organised by the International League of Humanists.

32. Both Law and European Convention Are Violated

OSLOBODENJE, 29 June 2006

By M.K.S.

Despite the Gender Equality Act which explicitly requires equal gender representation, the new BiH Electoral Commission maintains the same ratio between men and women (six to one in favour of men) even after the three international members left. Director of the Woman and Society Centre Nada Ler-Sofronić describes this situation as scandalous even if we ignore the gloomy situation surrounding the process of selecting and appointing new members of the Electoral Commission which has ended recently, one year after the vacancies were announced. “What is even worse, the majority in the BiH Parliamentary Assembly cemented the situation by rejecting our amendments to the Elections Act and voting against equal representation on key decision-making positions. They voted against the Act which they had previously approved”, Sofronić said, asking whether we needed the slap in the face from the UN Committee on the Elimination of Discrimination against Women which had recently warned BiH of the necessity to harmonise its Elections Act with the Gender Equality Act. The gloomy situation, which Sofronić mentioned, refers to the case of Branka Inić, a legal counsel at the Helsinki Committee of BiH, who had applied for the position of Serb member of the Electoral Commission. Her application was rejected and she was told she did not meet the requirements. Even one year later, she did not receive a written decision from an ad hoc Committee of the BiH Parliamentary Assembly for the selection of members of the Electoral Commission, which prevented her from using legal remedies. Meanwhile, she has found out that the procedure was in contravention of the rules of procedure of the Electoral Commission requiring a five-year experience, while such a requirement was made only for the position of a Serb member and, moreover, included the necessary experience in conducting elections. Her appeal in which she requested that the selection process be annulled in view of all irregularities was discussed by BiH Parliament. At Šefik Džaferović's proposal, the Parliament decided that new interviews be held. “This was how I was requested to agree tacitly with the irregularities of the selection and appointment process, which I did not do. Džaferović, although a lawyer, deliberately ignored those irregularities because the Parliament must have noticed them”, Inić said. Now the question is whether the Serb and

Bosniak members of the Electoral Commission (both men), who were recently confirmed by the Parliamentary Assembly, have legally served as members, she said.

Why did the Agency not react?

The selection of the Electoral Commission members was in gross violation of the Gender Equality Act and the European Human Rights Convention, Branka Inić said. She is particularly worried that the BiH Agency for Gender Equality did not react, adding that after she had addressed thousands of cases of human rights violations at the Helsinki Committee in BiH, she had the same experience, although she had fulfilled all the requirements.

33. Half a Million People in BiH Waiting For Jobs

OSLOBODENJE, 10 December 2007

By HELSINKI COMMITTEE FOR HUMAN RIGHTS IN BIH

The Helsinki Committee for Human Rights in BiH has called governments at all levels to take all necessary actions with full responsibility to enable every citizen to enjoy the rights guaranteed under the country's Constitution and international agreements that BiH is a party to, the Fena news agency reported.

Numerous problems

Expressing on 10 December, the Human Rights Day, dissatisfaction and concern over the general situation in which it is getting more difficult for the citizens of Bosnia and Herzegovina to exercise their rights, the Helsinki Committee in BiH wants to draw particular attention to the problems regarding social protection, education and environment. The implementation of the Mid-Term Development Strategy of BiH, which was approved at all levels in March of 2004, should have been completed by the end of this year. Over 50 non-governmental organisations were monitoring in a coordinated manner what the BiH authorities had done to create conditions necessary for self-sustainable and equal development, to reduce poverty and to accelerate the EU integration process. These three goals permeated the entire Strategy. How much the authorities were successful in achieving the set goals is best proven by the review and analysis of the implementation of measures and activities in the areas of social protection, education and environment, especially from the human rights perspective. In short, the civil society has reached a carefully reasoned conclusion that "no progress has been made, not even serious steps have been taken to accomplish any goal" in any segment of the social protection, education and environment. There is no progress in the implementation of the recommendations of the UN Committee on Economic, Social and Cultural Rights from January 2006. The European Social Charter has not been ratified yet. The laws which would define the minimum social security have not been made yet. There is no social map of the population or the initiative of the state to develop projects which would help the state find effective solutions to the needs of around 50 percent of the people who live at risk of poverty or below the poverty line. Around 500,000 people have no jobs, and an estimated official unemployment rate in BiH stands at around 46 percent. The Association of Independent Trade Unions of BiH is warning that the price of an average consumer basket is 2.5 times as high as an average salary and even 5 times as big as a monthly pension.

Discriminatory practices

Discrimination and politicization are still present in education. Education is becoming one of mechanisms to maintain divisions in a multi-ethnic society. Discriminatory practices are still

present, particularly in the so-called two schools under one roof system, access of the Roma children and socially vulnerable children to primary, secondary and tertiary education is not promoted enough. These issues are covered by the recommendations of the UN Committee and the Council of Europe. All this contributes to long-term, systematic strengthening of nationalism and ethnic intolerance in BiH. The Bologna Declaration and the Lisbon Convention should have been implemented a long time ago but the requirement for their implementation was the BiH Higher Education Law which was passed only in August of this year.

Low environmental awareness

The implementation of the existing environmental laws is weak, and environmental awareness is low. The general impression is that the state does not have a clear vision of development of that sector, despite the Mid-Term Development Strategy, the National Plan for Environmental Protection and the review of the Mid-Term Development Strategy. BiH does not have an Environmental Protection Act, which is a requirement for the implementation of a series of other measures and activities.

34. We Paid A High Price for Imperfect UN

OSLOBODENJE, 28 September 2007

By BIH PRESIDENCY

Chairman of the Presidency of Bosnia and Herzegovina Željko Komšić addressed the 62nd session of the United Nations General Assembly, the BiH Presidency said. He reiterated that our country paid in the recent past a high price for the imperfect and ineffective system of the United Nations.

Security reform

“The UN alone have admitted that mistake and underlined in the Report on Srebrenica that the UN experience in Bosnia was one of the most difficult and painful in the history of this organisation and that Srebrenica crystallised the truth which was understood too late. The International Court of Justice ruled that genocide was committed against the Bosniaks in and around Srebrenica. You will agree that this was not an isolated case. It is for these reasons that Bosnia is fully committed to the necessary reform of the UN. My country thinks that only a strong UN can be an efficient instrument for collective regulation of international relations based on the UN Charter and international law. Besides necessary reform of the Security Council, further work is also needed on the revitalisation of the UN General Assembly and its committees, the Economic and Social Council, the Secretariat and other bodies”, Komšić said in New York. He explained that it was about a long list of issues, such as: number and category of the Security Council members, manner of selection of new members, the right to veto and the use of that right, regional representation, working methods and so on, which speaks of the complexity of the ongoing reform.

“I wish to stress that it is the interest of BiH – if the reform results in the increase of the number of non-permanent members of the Security Council – that the East European Group is given one more seat. BiH as a multi-ethnic and multi-religious country with its historic legacy, having survived the failures of the international community, but also positive experiences in the post-war development of peace and in cooperation can significantly contribute to the United Nations becoming an efficient instrument in the regulation of international affairs. My country still stands at the position that the Security Council should

remain an unavoidable body of international cooperation in the field of peace and progress in the rights of all nations. BiH is resolved to step up the activities related to the country's candidacy for a non-permanent seat on the Security Council for the 2010-2012 term, expecting understanding and support from the majority of the United Nations member states", Komšić said.

Organised crime

Our country continues to cooperate closely with the countries of the region in fighting organised crime. "BiH and its neighbours are aware that development can be achieved fully only if we join a unified Europe. BiH believes that a solution to the Kosovo* problem should be sought within a dialogue among interested parties and is ready to help find a solution acceptable to both sides", the chairman said. Komšić informed the UN General Assembly with other international activities that our country is involved in.

35. DW: A Fake List Sent to UN!

DNEVNI AVAZ, 21 March 2010

By T. LAZOVIĆ

A fake list of 45 organisations suspected of "having ties to terrorism" in Bosnia and Herzegovina was sent to the United Nations Security Council, Deutsche Welle reported yesterday, calling upon reliable sources in that international organisation. Dnevni Avaz daily uncovered early last week a scandalous affair in which the BiH Ministry of Security sent on February 5 a letter calling upon a fake list of terrorist organisations foisted on security agencies in BiH.

A diplomatic source

The BiH Ministry of Security's inquiry found that the list was fake and the BiH Prosecutor's Office said that "the list was not corroborated even with intelligence". The list was made by senior officials of the RS Interior Ministry, Vlado Jovanić and Borislav Dujković who illicitly used the insignia of the Counter-Terrorism Task Force of the BiH Council of Ministers. Minister of Security Sadik Ahmetović said publicly that only the information on the list had been sent to New York and that the fake list of numerous organisations had not been sent to the UN. However, DW's sources have denied that saying that also the list was sent. An unnamed high-ranking diplomat of the UN, who is familiar with the details of the case which is still rattling the public in BiH for good reason, confirmed on Friday afternoon to DW Radio that the list had been sent to the Counter-Terrorism Committee (CTC). He said it was done in the early February, virtually immediately, without additional expert analysis by BiH's diplomats at the BiH Mission, the German media reported.

Career promotion

According to DW, the "list 45" was sent to the BiH Permanent Mission in New York from the BiH Foreign Ministry. The fake list of terrorists was sent from the BiH Mission to the UN by a low-ranking diplomat who made her diplomatic stage debut in New York. Despite that, she was entrusted with the task of maintaining cooperation with the CTC of the Security Council, and by the end of last year, she was even promoted, DW reported. What does Alkalaj know? Within an ongoing investigation aimed at finding out where the letter came from and who foisted it on the BiH institutions, Ahmetović asked the BiH Foreign Minister to carry out an internal investigation. However, Minister Sven Alkalaj has not sent him an official response

yet, although the information and, to all appearances, the fake list were sent to the UN through the BiH diplomatic channels under his control.

36. Missing Persons Institute To Become Functional Urgently

OSLOBODENJE, 10 December 2006

NO IDENTIFIED AUTHOR

The International Commission on Missing Persons (ICMP) joined the associations of families of missing persons and directors of the Missing Persons Institute of BiH in their urgent appeal to the Council of Ministers to appoint the Managing and Supervisory Boards of the Missing Persons Institute of BiH in its next meeting and make the Missing Persons Institute functional before the end of the year. The ICMP says that the implementation of the BiH Missing Persons Act has been slow, particularly at the lower levels of government. It defines the rights of the families of the missing people and responsibilities of all levels of government in BiH in clarifying the fate of the missing people. The families are getting frustrated by the fact that the Fund to Support Families of Missing Persons has not been created yet.

The BiH Constitutional Court has issued 14 decisions ordering that the Missing Persons Institute begin to operate, and the UN Committee against Torture and the UN Commission on Human Rights insist that the Missing Persons Institute and the Fund to Support Families of Missing Persons should become fully functioning. Ever since the ICMP signed in August 2005 an Agreement with the BiH Council of Ministers to take over the role of a co-founder of the Missing Persons Institute, the ICMP has been continuously working with the government on the implementation of the agreement, including the selection process for appointments to the Missing Persons Institute's governing bodies. The directors were appointed last March, but the nominations to the Managing and Supervisory Boards, provided by the selection and nomination panel, are still waiting for the BiH Council of Ministers' confirmation.

37. DISCRIMINATION AND VIOLATIONS OF THE RIGHTS OF THE CHILD STILL PRESENT

NEZAVISNE NOVINE, 12 November 2005

By S. LEMO

Discrimination against children and violations of their rights are present in the education system of BiH, Branka Inić, a member of the Helsinki Committee for Human Rights in BiH, said yesterday. Addressing the OSCE's education forum in Sarajevo, she said that the education system in BiH had to be changed. "There are three education systems in BiH. Not everybody has access to education; education is not free and it is too extensive. This is about violations of universal human rights and the rights of the child, contained in the UN Convention", Inić said. Parents, children, non-governmental and governmental sectors must contribute to the education system reform in BiH, she said. "We are aware that education is politicized, that there is segregation in schools. But, if we all make an effort, we will not be far from the education system in the EU", Inić said. Claude Kieffer, Education Department Deputy Director, the OSCE Mission to BiH, reiterated that the primary goal of the education forum was to allow children to have a voice in modelling the future education system in BiH. "Most decisions that politicians make do not reflect needs of students. This is why, students must be aware of their role in shaping both the society and the education system in BiH", said Kieffer, reiterating that the Framework Law on Primary and Secondary Education was passed in 2003

but its implementation has not started yet. The 8th education forum which took place yesterday in Sarajevo entitled "Better Education Is Your Right, It Is Your Responsibility" brought together around 100 students from Sarajevo, Foča, Višegrad, Bugojno, Kiseljak, Travnik and Goražde. The goal of the forum was to encourage citizens to take part in the education reform, recognize the problem and find a solution.

38. To Find a Solution for Unlawfully Dismissed Aluminium Workers

OSLOBOĐENJE, 28 January 2006

NO IDENTIFIED AUTHOR

President of the Helsinki Committee for Human Rights in BiH, Srđan Dizdarević, requested on Friday in an open letter that the CEO of the Mostar Aluminium Mijo Brajković make every effort to find a durable solution which will guarantee rights to former workers who were unlawfully fired on ethnic grounds during the war, including their reinstatement or an adequate compensation and the right to pension, the Fena news agency reported. The right to work, without discrimination, is enshrined in international law and standards, the Dayton Peace Accords and domestic legislation, Dizdarević said. This is why, Dizdarević requests that Brajković ensure equal opportunities and working conditions in the Aluminium, as it is defined in the domestic legislation and the UN labour norms: to eliminate discrimination from employment on any ground and to ensure that the right to work, without discrimination, is fully respected. He expresses his concern in the letter over unlawful dismissals from the Aluminium ever since 1992, especially during the war in BiH, and over continued denial of the right to compensation and damages to workers. The ongoing ethnic discrimination poses huge obstacles to sustainable returns of refugees and internally displaced persons, the letter reads.

39. Governments of RS and Serbia Do Nothing To Locate Karadžić

DNEVNI AVAZ, 7 June 2006

By SENSE

The main factor that prevents the implementation of the ICTY Completion Strategy is the failure to arrest and hand over the remaining six, or rather seven, fugitives from international justice, primarily Karadžić and Mladić, Cara del Ponte said in a report to the UN Security Council. The responsibility for the failure to apprehend them rests with Serbia in the first place, and with Republika Srpska, and also with Russia in one or two cases, the Sense news agency reported. Del Ponte says she has not received any convincing information about Radovan Karadžić's whereabouts, "as if he had disappeared". Particularly worrying is that the governments of Serbia and Republika Srpska are doing nothing to locate him, she said. She warns that Karadžić's support network is in Republika Srpska and also in Serbia where his books are printed and where his support committee is located, as well as in Montenegro where he enjoys support from the "leading church dignitaries". Despite Prime Minister Koštunica's assurances, del Ponte is "not convinced that the Serbian government is making serious efforts to locate and arrest Mladić, rather, it is trying to make him surrender".

40. Inappropriate School Names and Symbols Must Be Removed

OSLOBOĐENJE, 29 July 2006

By OSCE MISSION TO BIH

The OSCE Mission to Bosnia and Herzegovina notes with concern the lack of progress to date in the implementation of the Criteria for School Names and Symbols. As they said on Friday, the Criteria for School Names and Symbols represent an important step in ensuring that all children have access to schools that provide an inclusive and friendly environment. This document, which Ministries of Education endorsed in 2004, mandates the removal of inappropriate school names and symbols with immediate effect. The OSCE reminds that the members of the Coordination Board for the Implementation of the Interim Agreement on Accommodation of Special Needs and Rights of Returnee Children visited on March 30 primary and secondary schools across the whole BiH. Following their visits, they submitted a report to the Education Ministries with clear statements on the failure to implement the Criteria. Also, the OSCE Mission sent a letter to all Prime Ministers and Education Ministers requesting the information on the steps they were planning to take in order to fix this situation. Reiterating that the UN Committee on the Elimination of Racial Discrimination recommended that “the relevant authorities within the state intensify their efforts to remove mono-ethnic or mono-religious symbols and flags from all schools and apply the modern common core curriculum in all schools across BiH which will respect different cultural characteristics of ethnic groups on the territory of the BiH state”, OSCE urges the authorities to ensure that all school names and all school symbols that fail to meet the provisions of these Criteria be changed or removed before the beginning of the 2006 – 2007 school year.

41. Human Rights Violations Day By Day

NEZAVISNE NOVINE, 10 December 2008

By SRNA

Despite noted progress, human rights are being violated on a daily basis in BiH because the country is still living with the consequences of such practices during the war, the Head of the EU Mission, the EU Special Representative, and the Head of Delegation of the European Commission, the Head of EUPM Mission and EUFOR Commander said in their joint statement. “We urge political officials to fulfil their commitments related to human rights and accept the necessary constitutional changes in order to guarantee the same rights before the law to all citizens. Human rights are indivisible, they include obligations which must be taken seriously”, reads a press release issued by the Embassy of France, the country which holds the Presidency of the Council of the European Union. The authors of the statement want to join others in the marking the UN Human Rights Day which this year coincides with the 60th anniversary of the Universal Declaration of Human Rights. “We recognize a unique role of the police and other law enforcement agencies in ensuring the protection of and respect for the rights and freedoms of every individual or groups in the society but the police are obliged to respect fully the norms of the Universal Declaration of Human Rights at all levels”, reads the press statement. On the occasion of the Human Rights Day observed today, the Helsinki Committee for Human Rights in BiH urged the authorities to ratify the Convention on the Rights of Persons with Disabilities which give them dignity, equal opportunities and equal treatment in a society.

42. Working to Remove Causes of Global Terrorism

NEZAVISNE NOVINE, 13 November 2007

By M.TAUŠAN

It is necessary to work much more on removing the root causes of global terrorism fed by injustice and hatred, BiH Minister of Security Tarik Sadović said yesterday in a meeting held between national experts and the delegation of the UN Counter-Terrorism Committee that will evaluate in the next seven days the implementation of the UN Security Council Resolution 1373 and BiH's counter-terrorism capacities. "The purpose of our visit is to assess with your experts the level of implementation of the Resolution, where progress has been made, and where there is room for improving your capacities", said Sergei Karev, head of the delegation. Their assessment will focus on legislation, prevention of money laundering and financing of terrorist activities, law enforcement, international cooperation and border control, he said. Regarding BiH's counter-terrorist activities, Sadović said that all legislative, executive and judicial structures in BiH are unreservedly committed to fighting terrorism. "There are groups of extremists and terrorists from various ethnic and religious groups in BiH, just like anywhere in the world, like neo-Nazi and other organisations. They should not be underestimated and must be under constant surveillance", Sadović said. BiH has an obligation to continually work on strengthening domestic counter-terror capacities and maintaining international cooperation, he emphasized. "If a voice from small Bosnia means something to big states, then let them hear that it is necessary to work much more on removing the root causes of global terrorism", Sadović said, adding that human rights and freedoms may not be a privilege for some and fiction for others. In his opinion, Guantanamo is not a role model for counter-terrorism. At the end of their visit, the members of the Committee, which was established after the terrorist attacks on the U.S. on 11 September 2001, will draw conclusions and issue recommendations. BiH is a 22nd country they are visiting. A fifteen member delegation consists of the representatives of the UN and other organisations. Sadović warned of stereotypes about Muslims. Addressing the UN Committee's delegation, Sadović said that Bosniaks, the largest group in BiH, have lived in the heart of Europe for centuries. "A decade and a half ago, a genocide was committed against Muslims, and 1,000 mosques and religious buildings were destroyed. The international community could have prevented the genocide. It did not. The main masterminds behind the genocide are still at large. Despite these harrowing facts, terrorist attacks were not committed against numerous international troops present here", Sadović said. Two million Muslims in BiH are not afraid of sharing space with 450 million Christians but they are continually hearing whether BiH poses "an Islamic terror threat", he said. "Terrorism has no basis in the holy book, the Quran, nor is Islam a religion of terrorism. Nobody has a right to build stereotypes on the basis of arbitrary and untrue interpretations of ardent fanatics", Sadović warned.

43. When Will SFRY's Millions Be Split Among Successor States?

OSLOBOĐENJE, 19 November 2009

By A. TERZIĆ

The BiH Council of Ministers accepted the brief of the Ministry of Finance and Treasury on the implementation of Resolution Nos. 24 of the Committee for Distributions of Financial Assets and Liabilities of the former SFRY [Socialist Federal Republic of Yugoslavia], under Annex C to the Agreement on Succession Issues. The Ministry of Finance and Treasury is tasked with making additional efforts to implement the remaining part of the Resolution.

Complaints against BiH

An authorised representative of BiH on the Committee for Distributions of Financial Assets and Liabilities of the former SFRY will propose this issue for the next meeting of the Committee. According to the brief, around 83.60 percent of the financial section of the Resolution has been implemented. BiH has received BAM 41,703,453 in various currencies. The amount of BAM 8,162,902.90 – which is still a matter of dispute - is yet to be distributed. The Ministry of Human Rights and Refugees' activity report presenting activities of the BiH Council of Ministers' agent before the European Court of Human Rights over the first six months of the current year was approved. During the reporting period, there were 1,859 cases against BiH before the Court in Strasbourg, of which 1,300 applications refer to old foreign currency savings. Of the total number of cases pending before the Court, the Court sought a response and representation from BiH in 82 cases. The state-level government approved the first periodic report of BiH on the implementation of the Convention on the Rights of the Child. The Council of Ministers reminded all relevant institutions/institutes and bodies in BiH of their obligation to apply the principles of international instruments for the protection of the rights of the child because the UN Convention on the Rights of the Child is a part of Annex I to the Dayton Accords, as well as of all other conventions pertaining to this matter which BiH has ratified and which take precedence over national laws as they have the force of constitutional norms. All relevant institutions/institutes and bodies in BiH are urged to be guided in carrying out their activities by the best interests of the child principle.

Second transaction of a vacation allowance

A decision on the amount of a vacation allowance in the BiH institutions in 2009 has been made. It was proposed by the Ministry of Finance and Treasury in accordance with the Law on Salaries and Allowances in the BiH institutions. The decision sets the amount of a vacation allowance at BAM 586, which is a significant decrease compared to the previous years. This decision creates the necessary mechanisms for the implementation of the principles of fiscal responsibility also in connection with the second transaction in the amount of BAM 86.

Polling places for Croatia's presidential election

The Council of Ministers approved 124 places where citizens of the Republic of Croatia in BiH can vote. They will be open in BiH to allow Croatian citizens to vote for president of the Republic of Croatia in an election to be held on December 27.

44. Will Corporal Punishment of Children Be Forbidden Also in BiH?

DNEVNI AVAZ, 14 February 2015

By M. ZGONJANIN

In Serbia, battles are fought over the preliminary draft civil bill which envisages prohibition of any corporal punishment of children. While some are saying that a patriarchal story about “the beating stick that came out of heavens” is no longer valid, others believe that a few educational slaps in the face “made” numerous people role model citizens.

The substance of the story

Even a petition was launched last month in Serbia against the proposed law, and the signatories have a message for the state: “stop meddling in family affairs of the citizens”. For the time being, BiH is not dealing with this issue. But in the course of this year, and no later than next year, BiH will start harmonising its legislation which, among other things, explicitly refers to the rights, and protection, of vulnerable groups, such as children. This has been recommended by the UN Committee and the European body for the rights of the child. In its

periodic report for BiH, the UN Committee assessed positively the absence of corporal punishment in schools or child care institutions but also expressed concern over a widespread practice of corporal punishment in the family. This was why, the Committee proposed that Bosnia and Herzegovina should prohibit every form of corporal punishment regardless of where it happens or who is practicing it. The European Union agenda is clear. We do not have much choice as it is definitely clear that human rights, and the protection of vulnerable groups in particular, is high on the EU agenda. In order to avoid any confusion, BiH is recognised as the country which has made progress on this matter, although they believe that we can do more and be compatible to them. They will not force us to copy-paste its laws because the EU does not ask you to “buy” everything since it is a different national framework, but it requests structures which can respond to and apply the standards. This is the substance of the whole story, Saliha Đuderija, Assistant Minister of Human Rights of BiH, told our newspaper.

Slippery ground

Nada Grahovac, the RS ombudsperson for children, thinks that it is not about changing the law but about launching a programme for non-violent communication. The legal provisions are often not recognised properly in practice. The goal is to help parents “discipline” their children in a non-violent way. This should not provoke criticism from parents nor should it allow children to do everything they want. This issue is demanding and requires the involvement of experts. The emphasis is put on international organisations which are running a campaign against abuse of children and “discipline” based on understanding, respect, mutual trust, Grahovac said. Jasna Sofović, the psychologist and national adviser for representation of the rights of the child at the SOS children’s villages in BiH, underlines that it is necessary for everybody to understand that violence against children is utterly unacceptable. The prevailing general climate is not in favour of children. The children are the priority by reason of general insecurity, poverty, unhappy and unemployed parents, and the state which is so weak and so unresponsive to the needs of the child. That is a very slippery ground. The attitude towards children and their rights should change generally, it has to be more responsive to their needs. It is not important whether the child will get the best [mobile] phone possible; it is important indeed that the child spends quality time with his or parents and that he or she knows what parental love is, Sofović said. She is advocating the passage of the law only after the climate has been created to support its implementation. The law which prohibits corporal punishment of children exists in 38 countries of the world. BiH is among 161 countries which can still use a slap in the face as an educational tool. Nobody is teaching us good parenting skills. The problems in our culture are a very low awareness about the needs of the child, upbringing and education of children. They teach us to become journalists, teachers...but nobody teaches us to become good parents. That is the most difficult role indeed, especially in a situation in which parents are facing numerous livelihood difficulties. The easiest thing is to take out frustrations and dissatisfaction on the weak, the child, Sofović has warned.

45. No Women in Leadership Positions

DNEVNI AVAZ, 22 February 2007

By MA.D.

Although it was passed more than three years ago, the Gender Equality Act has never been adequately applied, which is proven by a negligent number of women in the ruling structures, the judiciary, diplomacy...

Non-governmental sector

After BiH presented its first report on the implementation of the "Geneva Convention" to the UN Committee, activities were recommended to allow equal participation of women in the legislative and executive authorities. One of the recommendations was to harmonize the existing Law with the Elections Law, which has not been done to date. In parallel, a report by the non-governmental sector was considered and it was found that the government did not comply with the Gender Equality Law, coordinator of the "Global Rights" organisation, Dijana Šehić, said. The situation is catastrophic if there is not a single woman in the BiH Council of Ministers, and if there is one female minister in the Sarajevo Canton, one female mayor, a few women in the parliaments, while women account for nearly 60 percent of the population in BiH, chairwoman of the LDS party Lamija Tanović said. The reason for a deep-rooted opinion that women are unable to be mothers, housewives and wives if they build their careers for Tanović is the absence of a democratic society and respect for ethnic, not human, rights.

Loyal to their parties

There are fewer and fewer women in public life and those few women who win seats in parliament are not loyal to women but to their parties, says Nada Ler-Sofronić, director of the "Woman and Society" Centre.

Lack of political will

Croatia passed a strategy with which it wants to create a climate conducive to equal participation of women in all segments of life. We are expecting our state to be equally serious. Also the UN recommended that such a plan be made at the national level. That would be an expression of political will which is necessary for improvement of status of women, Šehić said.

46. Also Families of Missing Persons are Victims of War

OSLOBODENJE, 9 July 2005

By S. ROŽAJAC

The International Committee of the Red Cross (ICRC), mandated to support the national authorities in finding the missing persons and providing information to their families, has thus far received 21,374 tracing requests, says the 2005 report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the exercise of the rights by the families of missing persons in BiH. Viktorija Ružičić, a national human rights officer at the OHCHR, said on Friday, during the presentation of the report, that the report contained analyses of the laws pertaining directly or indirectly to issues of concern to the families of missing persons and also to weaknesses of the legal system. "The families of the missing persons should be considered victims and they need special rights because they are a multiply vulnerable group. In most cases, they are internally displaced people who experienced many traumas and among whom women are most often heads of households", she said. Regarding the victim-of-war status, the entity laws are not harmonised, and the laws in the RS discriminate against returnees. However, the situation in the Federation is not much better, she said. "In the entities, the laws treat this issue differently and ignore the special vulnerability of the families of missing persons.

Some activities are left to the non-governmental sector, while its funds are often limited. In the Federation, the protection of the rights varies among the cantons in which the families of missing persons live as not all cantons have the same financial resources, and some cantons do not even have social protection laws in place”, Ružičić said. As the 10th anniversary of the Srebrenica genocide is approaching, releasing its report, the OHCHR wants to support the families of missing persons and their associations and help them exercise their rights and uncover the truth about the fate of their loved ones.

47. Even Social Welfare Centres Are Unable to Protect Children

OSLOBODENJE, 31 May 2005

By S. ROŽAJAC

There was an increase in the number of identified cases of violence against children between 2000 and 2003, BiH wrote in its answers to the questionnaire designed to obtain information from Governments for the UN Secretary General’s study on the question of violence against children. However, as the head of the Division for the Protection of Individual Human Rights of the Ministry of Human Rights of BiH, Saliha Đuderija, told us, these indicators do not necessarily have to mean that violence against children has increased. “Analysts and experts who are dealing with this issue believe there is a possibility that awareness of victims is higher and that the number of cases victims report to the relevant authorities is growing every year, warning them of their situation” she clarified. According to her, most cases involve sexual and physical abuse, trafficking in children, prostitution and begging, and victims are 7-16 years old. “Social welfare centres cannot offer adequate protection to children who are victims of violence since they do not have enough money for their rehabilitation. The report, which will be shared with the relevant institutions in BiH, will be a step forward in finding and investing the money in fighting violence against children”, Đuderija said and added that the recommendations by governmental and non-governmental organisations for a solution to this problem would be sent to the BiH Council of Ministers. The director of the Save the Children Regional Office Senija Tahirović emphasized the importance of the report, and said this was the first post-war paper dealing with violence against children which would be sent to the UN General Assembly. “The report will be used as a basis for developing a national strategy in order to keep violence against children under control. This problem requires systematic and organised approach”, said Senija Tahirović.

48. Central Electoral Commission Doing Harm to Campaign

OSLOBODENJE, 16 September 2006

By FENA

The Helsinki Committee for Human Rights in BiH has assessed that the efforts by politicians to attract votes by needling at their rivals’ weaknesses and trying to discredit them have taken centre stage in the campaign over the last fifteen days. “Besides, they are deliberately raising political tensions in order to homogenise the voters, while raising extremely controversial issues with a view to radicalising and polarising the public. With few exceptions only, there is no mention of the political party programmes, the abilities of candidates whose names are on the ballots, nor are vital issues such as employment, health, education and the visa regime treated seriously”, the Helsinki Committee said. Further, the Helsinki Committee says that it is indicative that the campaign is silent about 12 requirements from the Civic Platform of the

GROZD movement, although the platform was signed by over 420,000 Bosnians and Herzegovinians. "There is the absence of clear and convincing presentation of what the future parliamentarians and their parties are planning to do in an attempt to address major ongoing problems. Hate speech and inflammatory words were heard at some rallies. This campaign too is centred on a war fought with campaign posters. Campaign posters are being plastered over the posters of other parties. Generally, posters are plastered in non-designated areas", the Helsinki Committee warned. Some dissonant chords were heard in statements by the members of the BiH Central Electoral Commission. "It is deplorable that the Central Electoral Commission does not have a unified interpretation of the Elections Act, which is damaging for the campaign. During the first half of the campaign, the candidates focused on presenting themselves through the media rather than through publicly-attended campaign rallies, while it can be expected that the number of campaign rallies will be increasing as the Election Day is approaching", the Helsinki Committee said. The Helsinki Committee for Human Rights in Bosnia and Herzegovina urges one more time all candidates and representatives of political parties, as well as journalists, to restrain from using hate speech and stirring up ethnic, religious or any other form of exclusion and intolerance.

Absence of tolerance

Most broadcasters comply with the law and regulations, the Helsinki Committee in BiH said. "But, some broadcasters, deviating from the principle of impartiality, are favouring some parties and candidates. Of particular concern is the manner in which dialogue during TV duels is moderated. There is evident absence of tolerance and participants more often than not engage in open verbal fights which are not free from insults, sending a message to the public about irreconcilable differences from the war. The print media, which are self-regulated, deviate from professional standards and objectivity", the Helsinki Committee said.

Disabled and handicapped persons launch protest

We are forced to seek our rights on the street. The association of disabled and handicapped persons joined on Friday the protests of farmers and unemployed people which have lasted for months in front of the BiH joint institutions building. "The government's neglect of the most vulnerable part of the BiH population, the disabled and handicapped persons, forced us to seek our rights through protests. We request that the government implement what it committed itself to in 2003 by signing the UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Since these international standards are not implemented in BiH, we have signed an agreement with the People's Party Working for Prosperity which promised to prevent further discrimination against disabled and handicapped persons once it comes to power", Aziz Tafro, chairman of the Association of Disabled and Handicapped Persons in BiH, said on Friday.

BiH Movement for a Change. Subsidies for students

The BiH Movement for a Change (PZP) calls on the Government of the BiH Federation and the governments of all ten cantons in FBiH to find emergency funds to subsidize accommodation and food for students living in the halls of residence Nedžarići and Bjelave in Sarajevo and in Tuzla and Mostar. The BiH Movement for a Change says in a press release that the way the current authorities behave is unacceptable as it leads to a situation in which students have no place to live and learn in at the beginning of every academic year. The BiH Movement for a Change also believes that the funds which will ensure normal accommodation, food and lives of students in dormitories can and must be found and at the same time funds must be

secured for extended student standard related to the replacement of dilapidated equipment and installations in the dormitories.

For those without an ID. Going to a polling place with a CIPS form

The Directorate for the Implementation of the CIPS Project has arranged with the BiH Electoral Commission and issuers of personal documents (Interior Ministries) the way in which the legally guaranteed right to vote will be ensured in the forthcoming election for all citizens who are applying for their first ID during a period between 16 and 30 September. The citizens who are applying for their first ID between 16 and 30 September (who will not be issued IDs before the elections on October 1), the responsible authority, i.e. a CIPS officer in their respective places, will issue them a KL/OI-4 form to be used as an identification document at a polling place, the BiH Ministry of Civil Affairs said.

HNZ BiH began a campaign. Let's vote for a better life together

The Croat People's Community (HNZ) in BiH presented on Friday at a press conference in Mostar the party's campaign poster, five radio and one TV spot, the Fena news agency reported. The party began its campaign with the press conference and its central message for this year's election is "let's vote for a better life together". According to HNZ campaign manager Mate Bandur, HNZ will stand in elections within a Croat electoral coalition of HDZ, HNZ and HSP at the state and Federation levels and within an electoral alliance with HDZ BiH and HSP BiH at the cantonal level.

49. BiH Children on the Market?

OSLOBODENJE, 18 February 2010

By DRAGAN STANOJLOVIĆ

Judging by criticism, questions and requests by nearly all 47 member states of the United Nations Human Rights Committee, the human rights practices in our country did not get yesterday in Geneva a passing grade from this high-level body of the international organisation.

Until parties agree

BiH's intention to implement the ruling of the Court of Human Rights in Strasbourg within a set timeframe attracted most attention of the participants yesterday. The general position even before the UN Human Rights Committee's official findings are released – they are expected to be released most probably next March - is that our country must urgently remove all provisions from its Constitution, Elections Act and other laws which are discriminatory not only on ethnic grounds but also on the grounds of race, sex, even sexual orientation, and harmonise the Constitution and the laws fully with the European Convention on the Protection of Human Rights and Fundamental Freedoms. Deputy Justice Minister of BiH Srđan Arnaut told the UN Committee members that nobody in our country denied the obligation or urgency to implement the Strasbourg Court's ruling but that there was still no common position of the political parties on the constitutional reform. The BiH 12-member delegation was headed by Minister of Human Rights Safet Halilović. Another issue that captured attention was segregation in education. The representatives of Canada, Switzerland, Germany, Brazil, Finland, the Netherlands, Spain and other countries asked what BiH was planning to do to eliminate finally from its education system divisions on ethnic, even religious grounds. The session held at the Palace of Nations in Geneva showed that the members of this international organisation are sensitive to violations of the rights of the

child. For example, Belarus emphasized the practice of illegal intercountry adoption of children from BiH. Other countries openly used the term “trafficking in children” and also in women and human beings in general, and requested a response from BiH to the question when consistent implementation Article 21 of the European Convention was going to begin in our country. Also violations of sexual minority rights in our country raised interest. Norway requested that the rights of homosexuals be equalized with the rights of all citizens, while the representative of Sweden asked directly whether BiH was planning to legalise same-sex marriages. Assistant Minister of Human Rights Saliha Đuderija responded: BiH is a traditional country and first the relevant authorities and religious communities have to take a stand on this matter.

Serbia favours a change

While the head of the US delegation was interested most in human rights practices in prisons and mental hospitals in BiH, Algeria was interested in the fate of its citizens whom BiH had handed over to Guantanamo. Srđan Arnaut responded: only one is still at Guantanamo, others are free, reunited with their families in most cases. The head of the Serbian delegation at the UN Human Rights Committee said yesterday that the protection of the rights of refugees and returnees was a common interest shared by Serbia and BiH. He advocated a stepped up reconciliation process in the region and, within it, further individualisation of responsibility for war crimes in particular.

Media freedoms

The frequent practice of strangulation of the media freedoms and verbal and other attacks on human rights advocates from the civil society in our country embittered the participants of the meeting yesterday and provoked their criticism. The UN requests that all relevant authorities in our country vigorously protect the media freedoms and provide physical security to journalists and human rights advocates.

50. Komšić at the UN With Self-Written Speech

NEZAVISNE NOVINE, 27 September 2007

By NATAŠA KRSMAN

The BiH delegation led by the Chairman of the BiH Presidency, Željko Komšić, attended yesterday the opening of the 62nd session of the United Nations (UN) General Assembly, Komšić's Office reported. Under the address schedule, Chairman Komšić should have addressed the UN General Assembly late last night. Komšić's address was not agreed on at the Presidency of BiH. The BiH Presidency did not approve the Chairman's speech by reason of disagreement over the text drafted by the BiH Foreign Ministry. This was why, Komšić drafted his own speech which as of press time he did not deliver. Komšić attended the reception party organised by US President George Bush for heads of state and government. The Chairman met on Tuesday with Nursultan Nazarbayev, President of the Republic of Kazakhstan, Micheline Calmy-Rey, President of Switzerland, and Nguyen Tan Dung, Prime Minister of Vietnam. Their discussions focused on economic cooperation, particularly on investments by Kazakhstan companies into BiH. In order to intensify cooperation, Komšić invited the President of Kazakhstan to visit BiH and proposed the formation of a mixed commission of the two countries. Details will be arranged by diplomatic chiefs of Kazakhstan and BiH. Komšić said in a meeting with the President of Switzerland that around 450,000 citizens of BiH live in Switzerland and thanked her for her country's warm welcome extended

to those people. After his meeting with Prime Minister of Vietnam, preparations of a series of bilateral meetings is expected, while the BiH manufacturers could get access to Vietnam's market.

Jews are interested in restitution

Presidency Chairman Željko Komšić and BiH Foreign Minister Sven Alkalaj met with the representatives of the American Jewish Committee who supported BiH's path to NATO and the EU and were interested in the restitution process in BiH, particularly in the restitution of the property confiscated from the Jews.

51. Illegally Gained Property To be Confiscated

OSLOBODENJE, 4 September 2009

By A. TERZIĆ

The BiH Council of Ministers approved yesterday the BiH Criminal Code Amendment Bill. As Chairman of the Council of Ministers Nikola Špirić said, by approving the amendments, BiH fulfilled another visa liberalisation requirement and harmonised the legislation in this area with those in the EU states. Comprehensive amendments to the BiH Criminal Code include systemic definition of forfeiture of illegally gained property and amend the provisions regarding financing terrorist activities, recruitment, and organisation of terrorist groups and trafficking in human beings. The state-level government approved also the BiH Criminal Procedure Code Amendment Bill. The amendments define distribution of war crimes cases among the courts in BiH, which will allow a more effective implementation of the national War Crimes Strategy. The amendments include, among other things, mandatory detention in cases in which sentences of 5 or more years have been reached. The return of the previous legal provision into the law aims at enabling more efficient court procedures and preventing persons convicted of serious crimes from committing new crimes or leaving BiH while waiting to serve their sentences. The BiH Gender Equality Act Amendment Bill was also approved. It regulates, promotes and protects gender equality, guarantees equal opportunities and equal treatment of all persons, regardless of their sex in public and private spheres of the society and prohibits gender-based discrimination. With these amendments, the BiH legislation will be harmonised with the EU directives, the Council of Europe recommendations which were issued after the law was made, as well as with the General Recommendations of the UN Committee on the Elimination of Discrimination against Women for BiH. The BiH Public Broadcasting System and Service Act Amendment Bill and the Communications Act Amendment Bill were also approved.

Nearly BAM 24 million for the SIPA building

The BiH Council of Ministers approved the information note from the Ministry of Security regarding the construction of a building of the State-level Investigation and Protection Agency and overall costs. The state-level government approved the cost of the project estimated at BAM 23,901,315.

52. BiH Becomes a Member of UNICEF's Executive Board

OSLOBODENJE, 14 April 2015

NO IDENTIFIED AUTHOR

Bosnia and Herzegovina is elected to the UNICEF Executive Board for the period 2016-2018 in a meeting of the United Nations Economic and Social Council (ECOSOC) in New York on April

8, the BiH Foreign Ministry said. The main task of UNICEF, the United Nations Children's Fund, is to take care of wellbeing of children and youth. The Fund is fully funded by voluntary contributions of governments, foundations and private donors. UNICEF activities are managed by the Executive Board comprising 36 members, each serving a three-year term. Bosnia and Herzegovina continues via its Permanent Mission to the UN in New York the same recognised trend of activities at the United Nations Headquarters, its main bodies and functioning entities and commissions, in the area of human rights. Bosnia and Herzegovina is recognisable by those activities since a long time ago. This year, Bosnia and Herzegovina is a member of the UN Peacebuilding Commission, the UN Entity for Gender Equality UN WOMEN, the UN Commission on the Status of Women and the UN Committee on Conferences, and as from 1 January 2016, the list is expanded by BiH's membership in the UNICEF Executive Board. Bosnia and Herzegovina has also applied for membership in ECOSOC (for the period 2017-2019), which is the UN principle body responsible for economic and social development. That body is actively preparing for an election scheduled to take place in June 2016, in New York. BiH confirms its full preparedness to take an active part in discussions and decision making on all global issues, from issues of peace and security through the UN Security Council to human rights issues through the Human Rights Council, to peace keeping and peace building issues through the Peacebuilding Commission to the global economic development issues through ECOSOC, the BiH Foreign Ministry said in its press release.

53. Tens of Thousands of Disabled People May Sue BiH

DNEVNI AVAZ, 29 March 2014

By V. STEVANOVIĆ

Tens of thousands of persons with disabilities in Bosnia and Herzegovina can sue their state, which signed the binding United Nations Convention on the Rights of Persons with Disabilities in 2009 because there is no secondary legislation yet necessary for its implementation!

Guaranteed rights

Safet Halilović, a former Minister of Human Rights and Refugees of BiH, signed the Convention and its Optional Protocol on 30 July, 2009 in New York. In the following five years, our state ratified the Convention (2010), developed its first report on its implementation (2012) and sent the report to the UN Committee on the Rights of Persons with Disabilities (2013). The BiH legislation, however, has not yet been harmonised with the Convention. Under its Article 4 (first paragraph), "States Parties undertake to ensure the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability". Among guaranteed rights for persons with disabilities are the right to employment, social protection and education, involvement in cultural, social, public, political life, to elect and to be elected...Whether the documents are to be ratified first or conditions for their implementation are to be provided beforehand is a political matter. One thing is certain: by ratifying this Convention, BiH committed itself to introducing truly high human rights standards which we should anyway strive for, said Minister of Labour and Social Welfare of the BiH Federation Vjekoslav Čamber, who claims that his Ministry "is doing everything it can to realise it".

Difficult life

But his Ministry and the Ministry in the RS do not yet have the information on whether any person with disability filed claims with domestic or international courts of human rights seeking damages, and how many such persons seek damages as they are unable to realise their rights guaranteed under the UN Convention. The Development and Support Centre (CRP) and the Landmine Survivor Initiatives (IPM) say that the relevant institutions in BiH should implement the UN Convention as soon as possible. A report on the implementation of the Strategy To Improve Social Status of Persons with Disabilities in the RS is in the process of being drafted, and we are not satisfied with the progress to date, says national coordinator for issues of persons with disabilities in the RS, Olivera Mastikosa, a long-time advocate of the rights of this category of population that she herself belongs to. Persons with disabilities in BiH are functioning through civic associations and the non-governmental sector and their problems are the largest in smaller municipalities and provinces. It is a difficult life and I think that the system often fails to recognise the needs of persons with disabilities. Many of them do not have the basic vital conditions, job, income, necessary conditions to allow them to leave a room or a house, that is, the right to freedom of movement and life in dignity, says chairwoman of the Coalition of Organisations/Associations of Persons with Disabilities in Doboj, Dragica Bikanović.

Đuderija: There is no money

Assistant Minister at the Human Rights Department of BiH Saliha Đuderija, however thinks that the state has implemented numerous requirements, although not at the satisfactory level, she admits. There is a lack of financial resources, the money, for improving capacities and services for persons with disabilities at all levels, she said.

No information on number

Our country, however, does not even know a precise number of persons with disabilities because the results of the census conducted in 2013 are still being awaited. The latest information, from 2010, is in the possession of the BiH Agency for Statistics, under which 60,950 persons with disabilities were registered with the social welfare centres, of which 52 percent are men. On the other hand, the RS Pension and Disability Insurance Fund has 41,225 beneficiaries of disability pensions, and the Federation Pension and Disability Insurance Fund has 82,099 beneficiaries, according to the information as of April 2012.

54. The Biggest Number of Unfortunate People Come From Kosovo*

OSLOBODENJE, 5 March 2006

NO IDENTIFIED AUTHOR

The Kosovo Roma account for the largest number of asylum seekers. Civil records were moved from Kosovo* to Serbia and as from June of 1999, UNMIK is issuing new documents to the citizens of Kosovo*. The problem regarding documents of a country of origin seems unsolvable because the BiH Ministry of Security has not established cooperation with the UN administration in Kosovo*. Those who have been here for the past seven years with the temporary admission status have expressed their dissatisfaction and depression. They are not certain about the prospects of their returns to their original homes. If they want to get donations for reconstruction of their houses in Kosovo*, they have to de-register residence in BiH and sign an affidavit relating to their voluntary return to the country of origin and register a permanent residence there. However, most of them are not ready to do that due to the poor economy and insecurity in Kosovo*. UNHCR claims that there are temporary admitted

persons in BiH (TAPs). They have had that status for as many as seven years. The vast majority of them originate from Serbia and Montenegro with which BiH signed a Dual Citizenship Agreement under which citizens of Serbia and Montenegro with a lawful residence in BiH for a period exceeding three years may file an application for BiH citizenship. Such persons, according to UNHCR, are being discriminated against by BiH institutions as their applications are rejected.

Privacy interfered with

Regarding children, there are violations of the UN Convention on the Rights of the Child and failures to respect the best interests of the child. During their visit to the camp at Rakovica, the representatives of the Helsinki Committee noticed inadequate living conditions. Although they have access to education institutions and most of them go to school and have transportation to school and back to the camp, the children at the Rakovica camp live in prefabricated buildings and share bathrooms and toilets, which largely interferes with the right of the child to privacy and proper development of child's personality. The playroom for preschool children is inside a dirty and musty container smaller than 10 m², without water or toilet. A social worker lives and works, mainly with women, in a similar container. It often happens that the people caught at the border, usually in transit, without the necessary documents, are brought to the camp by the police. They leave the camp and disappear at night or one or two days later. In such cases, the Law on Movement and Stay of Aliens and Asylum is violated as their fate is unknown. It can only be assumed that such persons continue to stay within the territory of BiH illegally or they become victims of human trafficking. The Law on Movement and Stay of Aliens and Asylum defines clearly the expulsion measures and the reasons for ordering expulsion. The Helsinki Committee notices that there is no coordination among the responsible authorities during a period between a date of an expulsion decision or a final decision on an appeal and a date on which such persons have to leave the country.

Rights of women

Regarding the persons whose asylum claims were rejected or those who were issued expulsion decisions, nobody monitors their fate or movement in most cases. The Ministry of Security does not have the information on the number of illegal migrants in BiH. There is no centre for such persons. Thanks to the European Union funding, such a centre should be built this year in East Sarajevo. The state of BiH incorporated in the national legislation a whole set of international instruments relating to human rights and freedoms, among them the Declaration on the Elimination of All Forms of Discrimination against Women. The Beijing Declaration and the Platform for Action were signed. The Law on Gender Equality was passed at the state level (June 2003). Mechanisms for its implementation are defined. The Gender Centres were formed at the state and entity levels. The legislative authorities of the state, entities, cantons and the Brčko District established Gender Equality Committees. Despite all signed documents and laws, the respect for women's human rights is still insufficient. Of the overall population as per estimates by demographers, 51% are women. Around 40% of BiH's citizens of working age are unemployed, of whom 46.8% are women. It should be mentioned that these percentages come from employment offices. Around 20% of citizens of BiH live below the poverty line, and 30% are at risk of poverty. Such an economic and social image of BiH affects most the most vulnerable groups of women, children and the elderly. Access of women to employment, especially if they are over 35, is extremely difficult. New owners of

companies often set the criteria which are unrelated to levels of education and skills. The age of female applicants, their physical appearance and will to give up an idea of motherhood are only some criteria set by employers. Health and social protection is not the responsibility at the state level. It is assigned to the entities, cantons and the Brčko District. Around 59% of women in BiH do not have health insurance. But when they are entitled to health care, technical and human resources in medical institutions vary among institutions or do not meet the basic health-related needs of women. Such examples are numerous. The municipality of Drvar has not had a maternity hospital and pregnant women and mothers in postnatal period had to travel a distance of up to 100 km to receive adequate medical services.

Domestic violence

Domestic violence against women and children in BiH has a growing tendency and is a direct consequence of poverty and economic and social status of the family and post-war traumas. Women as victims of violence most often experience violence from their immediate family members, the husband, the father, the son and quite often they are victims of violence by their environment.

55. Silajdžić Scolds Komšić

NEZAVISNE NOVINE, 28 September 2007

By NATAŠA KRSMAN

The address by the Chairman of the BiH Presidency, Željko Komšić, at the United Nations General Assembly was well-balanced, although he did not have a platform approved by all three Presidency Members, the other two Presidency Members, Nebojša Radmanović and Haris Silajdžić, said yesterday. Radmanović thinks that Komšić's address was a well-balanced speech of a statesman. Silajdžić's Office said that Komšić mentioned the well-known facts from the ruling of the International Court of Justice on the Srebrenica genocide, without specifying who was responsible for the genocide. "Mr. Komšić failed to quote the paragraphs of the ruling where those responsible for the genocide are mentioned: the RS Interior Ministry and the RS Army as the institutions that committed the genocide. Nor did he say that Serbia continues to violate the Court's ruling by refusing to hand over Mladić and Karadžić", said Sanja Bagarić, Silajdžić's media adviser. Addressing the 62nd session of the UN General Assembly on Wednesday evening, Komšić said that also Srebrenica proved the need for the reform of the UN Security Council. "It is widely known that my country paid in the recent past a high price for imperfect and inefficient UN system. The United Nations themselves admitted their mistake and said in their Srebrenica report that 'the UN experience in BiH is one of the most difficult and the most painful experiences in the whole history of this organisation', that 'Srebrenica crystallised the truth which was understood too late by the UN and the world in general' and that 'the Srebrenica tragedy will haunt us forever'", Komšić said. He assessed that apart from the necessary reform of the Security Council, it was necessary to work on revitalisation which implies the reform of the General Assembly and its committees, the Economic and Social Council, the Secretariat and other bodies. Komšić emphasized progress made in BiH as regards the country's cooperation with the tribunal at The Hague and underscored that the criminal tribunal should not be closed before the war crimes indictees Radovan Karadžić and Ratko Mladić were arrested and brought to trial.

BiH in favour of regional cooperation

Chairman of the Presidency reiterated in his speech that over the past year BiH had made significant progress thanks to its membership in the Partnership for Peace and the UN Human Rights Council, among others. Komšić emphasized in particular BiH's commitment to good neighbourly relations, regional cooperation and reiterated that Sarajevo is the seat of the Secretariat of the Regional Cooperation Council.

Radmanović: never again without a platform

Member of BiH Presidency Nebojša Radmanović said that he had never been against quoting paragraphs of the Srebrenica genocide ruling in the platform. "Problematic were comments on the ruling, those from the letter which the other Presidency Members sent to Ban Ki-moon, the UN Secretary General", Radmanović said, adding that it should never happen again that BiH is represented without a platform.

56. A Hundred Women Victims of Rape During the War To Become Homeless

NEZAVISNE NOVINE, 10 April 2006

By R. ČENGIĆ

Around 100 women who currently live in the Sarajevo Canton and who were victims of rape, abuse or other forms of torture during the war, could end up on the street in mid-May when the implementation of the Law on Allocation, Repossession and Sale of Apartments in the BiH Federation is due to begin. This was confirmed by Bakira Hasečić, chairwoman of the Association "Women Victims of War". "The enforcement of this law, which refers to abandoned apartments for which no claim were filed for repossession or purchase, puts an end to alternative accommodation and around 100 women will remain without home. We have appealed to the municipal authorities that will manage such apartments as from that date to allocate them to those women who cannot return to their pre-war homes because the perpetrators of the crimes they survived still live in their pre-war communities", Hasečić said. There are around 1,000 raped women in the BiH Federation who cannot return to their pre-war homes and who live in inappropriate facilities, she said. She claims that their housing issue could be easily solved if they are accommodated in those apartments. Regarding the enforcement of this law, the Sarajevo Canton's Government, the Government of the BiH Federation and the BiH Council of Ministers have received a letter from Madeleine Rees, Head of the Office of the UN High Commissioner for Human Rights in BiH, saying that "evictions of these groups would amount to a violation of the European Human Rights Convention and the BiH Constitution". Rees reiterates in her letter that the authorities in BiH were warned by the Committee on Economic, Social and Cultural Rights that "the Committee is concerned about the lack of social housing, particularly for persons with low income, the poor and marginalized groups". The Committee recommends that "the authorities should develop and implement a coherent strategy at the state level in order to protect economic, social and cultural rights of victims of sexual violence and their family members". Hajrudin Ibrahimović, Minister of Refugees and Displaced Persons in the Sarajevo Canton with the largest number of cases that could be affected by the law, has announced that the cantonal government will ask the BiH Federation government to postpone the enforcement of this law only for the most difficult cases from this group. "There are 164 cases of persons displaced from the RS who use alternative accommodation in the apartments covered by this law, among them women victims of violence. Along with the request to postpone the implementation of the law for the most difficult cases, pressure should be put on the RS

government to make more efforts to enable returns”, said Ibrahimović. The BiH Ministry of Human Rights has reiterated that under the Dayton Peace Agreement, refugees may choose a place of residence, and the victims of rape and torture are given a priority and should be allowed to exercise that right.

57. Around 19,000 Bodies Exhumed To Date

OSLOBODENJE, 30 August 2008

By SANITA ROŽAJAC

The fate of several thousand missing persons in the region and the agony of their families over many years should be a warning to all states on the territory of the former Yugoslavia that they should engage in uncovering the truth about the crimes committed in the 1990s. The fact that thirteen thousand missing people are still unaccounted for in BiH should be a wake-up call for domestic politicians who should finally unite and commit themselves to addressing the problem which is key to ethnic reconciliation in this region, instead of obstructing this process for so many years.

Slow judiciary

The families of the missing persons in BiH requested yesterday, on 30 August, the International Day of the Disappeared, that the BiH Parliament, Council of Ministers and Presidency approve a national strategy as soon as possible to help discover the truth about the fate of the missing people. The representatives of the associations of families of missing persons said in a special meeting organised in Sarajevo by the Joint Committee on Human Rights, Rights of the Child, Youth, Immigration, Refugees, Asylum and Ethics [of the BiH Parliament] to mark the International Day of the Disappeared that out of 30,000 missing persons in BiH, 13,000 are still unaccounted for. “The investigative authorities and institutions are not engaged enough in the process of collecting the information on locations of mass graves and finding the facts about the killings of victims. The judicial institutions are very slow in prosecuting war criminals, bringing satisfaction and serving justice”, the representatives of the associations of families of missing persons said and emphasized the importance of signing agreements with Croatia and Serbia to exchange the information in the search process. The chairman of the Missing Persons Institute, Amor Mašović, has said that to date, around 19,000 bodies have been exhumed from more than 400 mass graves and several thousand individual graves and that between 9,000 and 11,000 bodies are still in mass graves. On the occasion of the International Day of the Disappeared, the Association “Mothers of Enclaves of Srebrenica and Žepa” expressed their dissatisfaction with the BiH authorities' treatment of the families of missing persons. “We hope that knowing where our loved ones are is the most desired minimum of justice we deserve. However, we do not have even that minimum. Probably amid an election campaign, our politicians will be skilfully using the problem of missing persons only to score a few more political points”, reads the Association’s press release.

Moral duty

The Association of the Families of Missing Persons in Vogošća warned of the same fact. The Humanitarian Law Fund (HPF) reminded the institutions in the Republic of Serbia and other countries in the region that finding the truth about the fate of missing persons is their

civilisation, legal and moral duty towards the victims, their families and the society. The HPF said that in December 2006, the UN General Assembly adopted the International Convention for the Protection of All Persons from Enforced Disappearance. However, none of the countries on the territory of the former Yugoslavia has signed it.

BiH HAS THE LARGEST NUMBER OF THE DISAPPEARED

According to the latest information provided by the International Committee of the Red Cross, 17,160 persons are still held missing in the former Yugoslavia. In Bosnia and Herzegovina, 12,817 persons are still unaccounted for; in Croatia 2,374, and in Kosovo* 1,969.

58. Returnees to RS Remain Without Disability Allowance

OSLOBODENJE, 2 November 2010

By A.B.

Our interlocutor, a woman from Prijedor, enjoys the rights of a civilian victim of war. This means that she receives a monthly income. Recently, she has received a donation for the reconstruction of her pre-war house in the Republika Srpska (RS). But if she opts for return, she will lose her income, her personal disability allowance. Under the legislation in the BiH Federation, i.e. the Law on Social Protection, the Protection of Civilian Victims of War and the Protection of Families with Children, the right to personal disability allowance is not transferrable if the beneficiary returns from the BiH Federation to the RS.

UN says one thing, Council of Ministers says another

This law plays into the hands of those who carried out ethnic cleansing on the RS territory. Returnees to the RS or the Brčko District, the civilian victims of war, are unable to exercise their entitlement to disability allowance. This is why, many of them have not opted for return to the RS. Moreover, demobilised veterans of the RBiH Army who returned from the BiH Federation to the RS may continue to exercise their entitlements, said Murat Tahirović, chairman of the Union of ex-Camp Inmates of BiH (SLBiH). He wonders why civilian victims of war who have returned from the BiH Federation to their pre-war homes in the RS cannot exercise their entitlements, unlike demobilised veterans. And why only 10,000 civilian victims of war enjoy all rights, if we are talking all the time about 100,000 victims of war. Somebody who wants to prove that it was a civil war in BiH, Tahirović is afraid. He warns that the United Nations Commission on the Protection of Victims of Torture issued in November 2005 a conclusion which makes it incumbent on BiH, regardless of its internal organisation, to pass a law on the rights of victims of torture in BiH, in the course of 2006. The conclusion was made thanks to the joint report of the Union of ex-Camp Inmates of BiH, the RS Union of ex-Camp Inmates and the Croat Organisation of ex-Camp Inmates during the War of Independence in BiH, sent to the UN Commission in 2004. "In addition to passing a law on the rights of victims of torture, the UN Committee ordered BiH to harmonise laws, enforceable judicial, administrative and other measures for the purpose of harmonising norms and practices in suppression and prevention of torture and other cruel, inhuman or degrading actions. It also ordered compensation to all persons who were victims of such actions. The BiH Council of Ministers (CoM) has not done anything. Various groups were formed to draft the law. On occasions they complete their task, but the Council of Ministers would not lift a finger. Instead, various commissions for justice, transition, truth...are established and they have never gone deep into the substance of the problems nor are they mandated to do that", said Tahirović.

Victim and criminal

At the same time, he says, some laws and some pieces of secondary legislation, from the law on the rights of veterans to decrees on support to families of war crime indictees, make it possible for many individuals to be rewarded for the crimes they committed. Victims are left to such individuals who continue to torture them, this time in a more perfidious way. Tahirović asked, how would the German society look like if a German institution was run by somebody from the office or immediate surrounding of Adolf Hitler?

59. Fog On A Road

OSLOBOĐENJE, 29 June 2010

By DRAGAN STANOJLOVIĆ

The BiH Council of Ministers approved on 10 June a document entitled “Abridged Answers of BiH to Recommendations of the UN Human Rights Council Working Group regarding the Universal Periodic Review of Human Rights Practices – a new text”. With this, our country has formally fulfilled one of the most important commitments to the UN. The complete answers of the state-level government to very serious, even alarming remarks about human rights practices in our country are accessible only to a very small group of people at the top of the executive branch.

Deprived of their rights

But nobody needs to tell millions of Bosnians and Herzegovinians deprived of their rights how they feel as they bear the brunt of the Council of Ministers’ unserious and irresponsible treatment of these duties. This is precisely why the BiH citizens have every right to know why those whom they elected are not doing their jobs and why they are all on top of the world list of those deprived of their rights. Also the United Nations insist on the respect of the right of citizens to know how their government is planning to stop human rights violations, but...The Council of Ministers informed the world organisation about the laws regulating the protection of witnesses, saying that “the protection of witnesses in criminal procedures before the Court of BiH is secured”. However, the truth is that the protection of witnesses is not functioning anywhere in BiH. On the contrary. The allegedly protected witnesses have their identity revealed without any consequences for those who reveal their identity; they are threatened publicly, even in a courtroom. Perhaps, the most serious accusations made by 47 members of the UN Human Rights Council refer to massive violations of the rights of the child. In this context, the system of two schools under one roof was particularly criticized and even called “apartheid”. Instead of providing detailed responses to specific accusations, the Council of Ministers informed the UN that “education authorities in BiH are continually implementing the activities to improve the environment for the development of multi-ethnic learning in schools”.

Answer

The BiH authorities have provided the best answer to the question of how they respect human rights of their citizens with their own actions: they have ignored the need to respect the recommendation by the UN Council regarding the Sejdić & Finci case or the ruling of the Court in Strasbourg itself, which is unprecedented in the whole world.

Concealment

To corroborate their direct insight and analysis by their experts, the United Nations sought a report from the civil society and the BiH ombudsmen, in parallel to the report they sought

from the Council of Ministers. "I think that the Council of Ministers should inform the BiH public in the first place about the recommendations issued by the UN Human Rights Council. Non-governmental organisations will monitor how the government treats the recommendations it accepted and also those which it did not accept, and which imply the implementation of the UN Convention in the area of respect for, and promotion of, human rights", said the former president of the Helsinki Committee in BiH Srđan Dizdarević, who led the Coalition of non-governmental organisations. BiH Ombudsman Jasminka Džumhur has said that her institution has not yet received an official document specifying the UN recommendations that the Council of Ministers accepted and those which it did not accept and that they have received only an incomplete version through internal channels. "We can agree with the assessment that the budget of the BiH ombudsmen is independent. However, it was not realistic, and, as a consequence, some basic activities of our institution could be called into question, such as monitoring the implementation of the Anti-Discrimination Act", said Jasminka Džumhur.

60. Discrimination Stems From Constitution

OSLOBOĐENJE, 23 August 2009

By DRAGAN STANOJLOVIĆ

The United Nations Human Rights Council comprising representatives of 47 states will consider and approve next February a report on human rights practices in our country. The report will be one of the key documents which will affect the overall treatment of our country within that world organisation, including its treatment by other organisations, among them the UN financial funds and the most powerful UN members. It is the document of extreme importance for BiH's future. The report to be submitted by the Council of Ministers to the UN Human Rights Council will serve as a basis for discussion and its finalisation. However, based on their experience with state governments, including the government of our country, which are painting only rosy pictures of human rights practices on their respective territories, the Council has introduced a practice of seeking separate reports on human rights practices from the civil society and the ombudsmen, to be submitted separately from a government report.

National mould

For that purpose, an informal coalition of 18 non-governmental organisations from all over BiH has drafted and agreed on a final text of the report. This comprehensive and succinct written report is currently being translated, and will be sent to the UN High Commissioner for Human Rights on 8 September, who will send the report to the Council. There is no doubt that the chapter of the report dealing with discrimination will capture most attention of the Council. The reason is the fact that discrimination is one of the most serious generators of human rights violations in BiH and discriminatory provisions are contained also in the state's Constitution written at Dayton and have not been removed for the past fourteen years. Srđan Dizdarević, president of the Helsinki Committee for Human Rights in BiH, who coordinated the development of the report by the non-governmental organisations in our country, told *Oslobođenje* daily: Article 2 of the Constitution guarantees the enjoyment of human rights to all persons, without discrimination on any ground, while Articles 4 and 5 of the same Constitution contain discriminatory provisions. Article 4 deprives the possibility for anybody who is not a Bosniak, a Serb or a Croat to perform a leading role in either House of the Parliament, which amounts to discrimination. Equally, Article 5 defines the composition of

the BiH Presidency. This Article discriminates against not only those who do not identify themselves as Serbs, Croats or Bosniaks but also those Croats and Bosniaks who do not live in the BiH Federation and Serbs who live outside the Republika Srpska.

Almighty Prime Minister

Dizdarević reminds that, among others, the Venice Commission and the UN Human Rights Committee assessed these provisions as contrary to the European Convention on Human Rights, but they have not been amended and harmonised with the Convention yet. This is why, it is no wonder that discriminatory provisions are included in some laws. This is the case with the Law on the Rights of Veterans and their Family Members at the BiH Federation level. The Constitutional Court of the BiH Federation declared the law unconstitutional on the ground of these discriminatory provisions which affect members of the army of the autonomous province of Western Bosnia and members of their families. But the Prime Minister of the BiH Federation, who is obliged to implement the Constitutional Court ruling, is persistently refusing to do that, says Dizdarević. The non-governmental sector in our country has assessed extremely positively the passage of the Law on Gender Equality and the Law on the Rights of Members of National Minorities over the past few years and, as of late, the Anti-Discrimination Law. However, a widespread practice of discrimination on the ground of political affiliation or sex still persists, he says. Members of the so-called vulnerable groups are targeted by the majority. Apart from women and sexual minorities, also persons with disabilities, national minorities and families of missing persons, victims of war, elderly people, children and returnees are particularly discriminated against.

Dire consequences

Srđan Dizdarević is drawing attention to the consequences of discrimination in some vital areas such as employment, education, health care and social protection and pension insurance. Only 0.8 percent of the people of working age who have returned to the territories where they are a minority are employed; only 1.5 percent of Roma people of working age are employed, compared to 50 percent of Roma population employed before the war. Discrimination is still present in regard to tenancy right holders in nationalised apartments. In the Republika Srpska and the Brčko District, the tenancy right holders have the right to purchase the apartments they occupy, while the tenancy right holders in the BiH Federation do not have that right. Discrimination on the ground of a place of residence is also widespread and it refers to access to the rights related to social protection and health care, education, the rights of the child, the rights of the elderly and the infirm.

The role of international community

In view of its role in Bosnia and Herzegovina since the signing of the Dayton Peace Agreement, the international community is among those who are violating human rights. The case involving 598 decertified police officers is just one example.

Constitutional Court decisions

The absence of the rule of law, which makes room for violations of human rights, is illustrated by the fact that even 20 percent of decisions of the BiH Constitutional Court are not implemented!

Hate speech

The use of hate and inflammatory speech is widespread. But it is not punished, which relieves the instigators of gross violations of human rights of any responsibility, while only direct executioners of criminal offences, if any, are held to account.

61. DOGS HAVE A LAW, EX CAMP INMATES DON'T!

OSLOBOĐENJE, 18 November 2013

By E. GODINJAK

Ex-camp inmates in BiH, the victims of torture during the war (1992-1995) seem to be left on the fringes of society and politics. As many as 18 years after the war, they do not have legal rights and entitlements. The BiH Association of ex-Camp Inmates claim that this huge failure should be blamed on the BiH Ministry of Human Rights and Refugees which, the Association says, turned a deaf ear to the problems facing the victims of torture. Jasmin Mešković, chairman of the BiH Association of ex-Camp Inmates, which was established in 1996, says that BiH had a duty to solve this issue back in 2005 but it did not. The law was passed at the state level. The Ministry's excuses? The UN Committee against Torture requested that BiH solve this problem. Then, the BiH Council of Ministers ordered the BiH Ministry of Human Rights and Refugees to solve the issue as a matter of urgency. However, Minister Damir Ljubić and his team have not done anything to address legal rights and entitlements of this population group, said Mešković. It is interesting that there is the Animal Protection and Welfare Act, while there is no law to protect the rights of victims of torture in BiH, he said. It is deplorable that stray dogs are protected in this country, while ex-camp inmates are left to their own resources, Mešković said. Saliha Đuderija, Assistant Minister of Human Rights, denies these allegations, and explains that the bill did not go through the BiH Council of Ministers but through the BiH Parliament. It is before the parliament right now. This means that a bill can be proposed by the BiH Council of Ministers and also directly by the BiH Parliament or a parliamentary committee, Đuderija explained. She, as assistant minister, was involved in drafting the bill. The Rights of Victims of Torture Bill at BiH's level was drafted in July 2012 and was submitted to the Ministry. Four months later, the BiH Association of ex-Camp Inmates claims, nobody from the Ministry, despite pressure, has done anything about the bill. We waited for the Ministry to say whether the bill was good or not. Last November, we managed to meet with some people from the Ministry. Ms. Saliha Đuderija was among them. They were impudent to the bone, if I may say so. They said that they had not had time over the last four months to look at the bill, Mešković said. After that, they met with Minister Ljubić and it was not before December that they agreed on the bill. When we asked them to submit the bill to parliament, the Ministry deliberately came up with another excuse: addressing problems of victims of torture and ex-camp inmates was not in the Ministry's work plan, the chairman of the BiH Association of ex-Camp Inmates said.

RS blockades

This proved the lack of will at the Ministry, at least when it comes to dealing with this issue, the Association said. Or, the Ministry is under pressure from some political parties, they suspect. The representatives of ex-camp inmates met with all political parties in the BiH Federation, which are represented in the BiH Parliament. They also visited the RS-based parties. The bill to be passed at the state level was supported by the Federation-based parties, while the RS-based parties were against it. They have been saying since the beginning that the law should be made at the entity level. Those parties blocked the process, Mešković said. Member of Parliament at the state level Beriz Belkić, of the Party for BiH, is the only one who was willing to help ex-camp inmates, Mešković said, and submitted the bill to the heads of caucuses of the Parliamentary Assembly. The RS umbrella association of ex-camp inmates

refused to participate in the drafting procedure, although the representatives of all peoples and victims were involved.

62. POLITICS IN SCHOOLS

NEZAVISNE NOVINE, 9 September 2015

By VANJA STEVANOVIĆ

The beginning of the school year in BiH is marked by the issues related to the rights of pupils to their national language in schools and communities in which they are educated. In the Republika Srpska, around 160 Bosniak children in Vrbanjci, Konjević Polje and Kotorsko will not go to school with other schoolchildren. Instead, they will attend instructive courses elsewhere. In the BiH Federation, a large number of Serb and Croat children do not learn a national group of subjects. Over the past months, some other ways of insisting on an ethnic identity have been noticed, like the situation in Brčko where a Serb parent was against having his child taught by a teacher of a different ethnicity. Non-respect for the constitutional rights, on the one hand, and putting collective or ethnic identity ahead of linguistic and other professional issues, on the other, obviously make room for politicization and political manipulation. Berina Ceribašić, executive director of “Our Children”, a Sarajevo-based NGO, told Nezavisne Novine daily that children are subjected to political manipulation and discrimination, emphasizing that parents have a right to choose the language for their children, while politics may not impose a language. “For the past three years, we have been saying that it is in the interest of all in BiH to allow children in both the RS and FBiH to exercise their right to language and a national group of subjects. We have talked to everybody, including responsible individuals regardless of their past or present political affiliation and we have explicitly forbidden their political interference in our activities. There have been no results. This situation is damaging to children in the first place. Instead of allowing them to exercise their rights, they are exposed to political manipulation and their agony is prolonged, said Nedžad Smajlović, a parent from Vrbanjci. Member of the Assembly of the Livno Canton Slavica Mihajlović, of SNSD, has told the media that the pupils in that canton, with the largest concentration of Serb pupils in the BiH Federation, have been discriminated against for many years. The same is claimed by chairman of the Croat People’s Council in Tuzla, Slavko Peričević. Dane Malešević, RS Minister of Education and Culture, says that under the RS Constitution it is the language of the Bosniak people, not the Bosnian language which parents insist on. Sociologist Slavo Kukić says that over the past 25 years political philosophy has become dominant, and since the 1990s manipulation has been based on the same principles, only objects or groups are changing. “From the working class to pensioners to children, and each time echo is the same. They pose a threat to us, we have to be united; otherwise we may disappear. The professional or linguistic issue of language is not raised in BiH. Only the issue of ethnic identity is raised. In developed communities, parents are interested in teachers’ competences, not their ethnic background. Various attacks are the consequence. However, we have to change the logic if we are to get rid of such conflicts. Those in power do not have will or competences to work on it and they become irrational, if necessary – I prefer having nothing to eat than giving up my collective identity – which is certainly manipulation, the way not to deal with economic sustainability or the choice of children to leave the country forever”, Kukić told Nezavisne Novine. BiH Human Rights Ombudsman Jasminka Džumhur says that under such circumstances it is not easy to be a

child in BiH. “The state, which signed numerous international treaties, committed itself to implementing international standards under which parents may choose the form of education for their children. When the government prevents that, there is room for political manipulation”, she said.

Third Protocol

“Adults have a duty to act and make decisions in the best interests of the child, not to manipulate children for daily political purposes, to the detriment of their education. If our country or politicians who run the country are unable to make a proper decision for the benefit of children, assistance should be sought from the European Court of Human Rights, and if our country signs soon the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, there will be a possibility for submitting communications to the UN Committee on the Rights of the Child”, said Berina Ceribašić, executive director of “Our Children” NGO based in Sarajevo.

63. Forty Five Citizens of BiH Seek Four Million Marks From Their State

OSLOBODENJE, 17 March 2007

By EDINA KAMENICA

Milan Dupor, member of the RS Government’s Commission established to investigate the killing of Avdo Palić, and the RS Government’s legal representative before the Constitutional Court of BiH’s smaller entity, was not hiding last week his concern over the applications filed by the BiH citizens with the European Court of Human Rights in Strasbourg. The reason why we want to talk to him is the deadline, 4 April, by which BiH should send the Court a report on activities undertaken to uncover the truth about the fate of Žepa’s wartime commander Avdo Palić, whose wife Esmā sought protection from that Court since her husband’s body had not been found 12 years after he was forcibly taken from the so-called UN “safe haven” of Žepa. Not only was his right to life violated, but also the RS, Esmā said, treated her and Avdo’s family inhumanly by failing to implement two decisions of the Human Rights Chamber regarding his “disappearance”.

Proving to the contrary

Only time will tell whether visits to locations claimed by witnesses to be Palić’s gravesite were organised rashly only to prove to the contrary. One thing is certain: after the excavator bucket tore into soil for the hundredth time to dig up only chunks of soil, it definitely became clear that the searchers had gone off on the wrong track. But Dupor will amend his report, thereby somewhat relieving his concern for the smaller entity’s budget if the European Court reaches a negative decision in this case. Monika Mijić, aged 33, a former employee of the Municipal Court in Split and of the BiH Government Attorney’s Office, who currently serves as a representative/agent of the BiH Council of Ministers before the European Court of Human Rights, is the first person to hold that position in our country. Even before her Office was established, Mijić and her deputy Zikreta Ibrahimović, as the BiH government attorneys, did the same job. This is why, only the two of them have that experience in BiH. It sounds almost incredible that they have been working at the Office without any legal assistance since 1 July 2006. “I sent a request to the Council of Ministers seeking at least four lawyers, but for the time being, nothing has happened”, said agent Mijić, adding that the recruitment procedure began at the state-level Civil Service Agency but it is a long process. In 2002, BiH ratified the Convention on the Protection of Human Rights and Fundamental Freedoms and thereby

became a party before the Court in Strasbourg. As such, the state must have an agent. Since we are different in every respect, the government attorneys served as agents for more than four years. They represented the state, took care of enforcement of decisions, and thirdly, they initiated legal harmonisation of the domestic legislation with the European Convention.” “For, the ultimate goal is that decisions are respected at the national level”, said Mijić. Ruža Jeličić was the first citizen to win the old foreign currency savings case against BiH on 31 October 2006. Under an agreement reached between the Council of Ministers and the entities, the damages will be paid by the entity which created the debt, in this case, the RS. The decision became final on 31 January, and has to be enforced within the next three months. In order for this to happen, Monika Mijić will remind the relevant authorities of their obligation before the deadline expires and will inform the Council of Europe and its Ministerial Committee of the outcome. “It is paradoxical”, said Mijić, “that the Council of Europe is more concerned about the Office than the state, the interests of which the Office defends, is. It is true that we began to work during an election season, amid the changing of government, but still, the indolence on the part of many officials cannot be understood”, the agent said. Around 300 procedures launched by the BiH citizens are still pending before the Strasbourg Court. Of that number, the Court has sought a response from BiH in 45 cases, like in the Palić case. However, individual claims against Bosnia and Herzegovina total around BAM 4 million in those 45 cases alone!!! Of course, this does not mean that this amount will be awarded by the Court, if the Court awards anything, but we should not forget all other cases or those which are yet to be launched at the Court in Strasbourg. Many citizens of BiH are not aware that they may seek their rights and justice at the Court in Strasbourg. Mijić says that some applications are dismissed straight off, usually by reason of the applicants’ failure to submit an application within a period of six months following a date of the final judicial decision issued by the highest national court, the Constitutional Court. When the Court in Strasbourg considers whether or not an application is admissible, like in the Palić case, the Court seeks a response from the state”, said Monika Mijić, who thinks that the Court will consider simultaneously the admissibility of Esma’s application and the merits of her case.

Jurisdiction over the case

For, according to her, the problem is that some events happened before the Human Rights Convention came into force, and the other problem is jurisdiction over the case: “A domestic body found a violation of Esma’s rights and partly fixed the problem”, the agent said. But what Esma gets if there is no body, if there are no Avdo’s killers! Finally, the Constitutional Court of the Federation, with the Human Rights Chamber/Commission under its roof in the past, complained recently about non-enforcement of its decisions. “We do not have mechanisms to ensure enforcement”, a senior official complained. The treatment of the decision in the Ruža Jeličić case will show how much BiH takes seriously its obligations towards the Council of Europe. The plaintiff should be paid EUR 163.460 in damages, and EUR 4000 for mental anguish. “Otherwise, we would send a bad message about ourselves...For, if something like that, which is not disputed at all, cannot be done, what we can expect from the EU integration process”, said Mijić. To date, in addition to the decision in this case, the Court in Strasbourg has declared two applications inadmissible, one application has been found to be groundless, one application has been declared admissible, and one application is only party admissible.

64. Parading Does Not Solve Problems

OSLOBODENJE, 9 June 2008

By MUJO KAFEDŽIĆ

A group of 1,216 retired members of the former JNA (before May 1992), who stayed to live on the territory of the F BiH, are discriminated against by the provision of Article 139 of the 1998 Law on Pension and Disability Insurance of the FBiH. This legal discrimination was instituted against people who went to retirement having fully met the legal requirements with regard to the required years of service, which means they did not receive any benefits as such, but went to regular old age retirement, the status of which is equal to private property. Notorious Article 139

Average pensions amount to 436.33 BAM, which, taken as a monthly aggregate, is 530,597.30 BAM. The discriminating Article 139 of the Law on Pension and Disability Insurance reads: "Military insurees who were members of the former JNA and who are citizens of BiH (hereinafter: former JNA insurees) and who have a permanent residence on the territory of the Federation of BiH shall receive pensions amounting to 50 percent of the pension amount specified in accordance with the regulations on pension and disability insurance of military persons, which were applicable before the day of this Law taking effect". This Law leads to a conclusion that the State is borrowing from us, without a signed bill of exchange or contract. The State owes 50% of their pensions to the citizens from whom it took them. This Law has been in force since 1998. With regard to the economic situation in this country, these citizens will be happy if they are paid the arrears as of the day of the ratification of the Succession Agreement. In June 2001, the BiH Government, under the auspices of the Peace Conference and High Representative, signed a Succession Agreement for the property of the Former SFRY, in Vienna. An integral part of this Agreement is Annex E – pensions. The Parliamentary Assembly and the Presidency of BiH ratified this Agreement on 2 June 2004, when it took effect as an obligation of the state, but the state has not taken any measures in terms of its implementation so far. I quote Article 2 of the Annex E to the Agreement: "Each State shall assume responsibility for and regularly pay pensions which are due to its citizens who were civil or military servants of the SFRY irrespective of where they are resident or domiciled, if those pensions were funded from the federal budget or other federal sources of the SFRY". (Official Gazette V/I No. 10). Therefore, there are no legal obstacles to the unjustly denied rights being restored to this group of humiliated citizens and the amounts of earned pensions paid to them, as well as to the notorious Article 139 of the Law on Pension and Disability Insurance being erased, because it sets apart a whole group of citizens. As for the attitude of the authorities towards this population, I regard it as unconstitutional and obstructive. In order for the reader to have a full insight into our efforts to fight for our civil rights, I will list the institutions that we addressed: the Helsinki Committee, Federation President Borjana Krišto, Ministry of Labour and Social Policy Dr. Perica Jelečević, BiH Presidency Member Željko Komšić, FBiH Prime Minister Nedžad Branković, president of the Expert Commission Sulejman Garib and Minister of Civil Affairs of BiH Sredoje Nović. On our behalf, the People's Representative Muhamed Moranjković posed a Representative's Question to the Federation Parliament twice, and after this the Ministry of Labour cynically swamped us with a pamphlet of about 50 pages of phrases, which came down to a simple rejection of a solution to our problem. And, at the end, we were received by the Principal Deputy High Representative Raffi

Gregorian, who promised that he would initiate implementation of the Succession Agreement through responsible authorities.

Key ministries

Two ministries are key in this case. The Ministry of Civil Affairs of BiH and Ministry of Labour and Social Welfare of BiH. Because they are several hundred meters away from each other and cannot collect per diems for visiting each other, it has been four years now that they have not launched the issues within their competencies, which is proof of their pharisaic attitude towards vulnerable citizens, for whose troubles they are responsible. All who received us acted as if they understood us, shrugging their shoulders that they could not do anything either, and at the end, it turned out that everyone was afraid of everyone else. As citizens, we are wondering to whom we have given our sovereignty, because the image of the people in these state functions without statesmanship is devastating. Tireless poseurs Silajdžić, Špirić and Branković should encourage their authorities to meet government obligations towards their citizens and protect their rights. The signed Succession Agreement has a status of an international document because it was signed on the basis of Article 102 of the UN Charter, and is registered in the International Agreements Register, which gives it primacy over domicile documents, because it treats human rights. Surely, the OHR cannot be amnestied either, as a sponsor, i.e. a guarantor of the Succession Agreement. For now, we do not blame them, because we did not address them before June 4 this year.

65. The State Must Start Fighting Corruption Seriously

DNEVNI AVAZ, 5 July 2008

By TARIK LAZOVIĆ

The State of BiH should seriously start dealing with the prevention of corruption in the society and institutions, an expert of the Ministry of Security of BiH for corruption and organized crime, Damir Vejo, said in an interview to our paper. He pointed out that formation of a special institution was required, tasked with fighting corruption, not by repressive but by preventive and educational methods.

Earlier omissions

The Ministry of Security has a responsibility to deal with strategic issues in the field of fighting corruption. Our task is to ensure the necessary documents such as strategies, action plans and, of course, legislation. This would create a framework for law enforcement agencies, and other institutions, to do their work effectively. We are trying to identify all loopholes in the laws and omissions made earlier, Vejo said.

How widespread is corruption in BiH at all: the NGO sector often presents data that are not encouraging at all, and the citizens themselves meet with examples of corruption almost daily?

All research on corruption in BiH was conducted by NGOs. There is reliable data on this repressive part, in which we have clear statistical data on how many offences were processed by the prosecutors, how many were reported, etc. But, this does not give a reliable picture. We do not have strategic analyses which would paint a picture of corruption or perception of corruption. We do not have a picture about which institutions are most prone to it either. There is no clear indicator, except the data on the processing of the offence. That is why we need this agency and this is also the practice in the world. It should find answers to the

corruption, not only from the prosecutors, and about the general presence of corruption, too.

How much do you trust organizations such as “Transparency International” or others doing similar work?

I could not give you a clear assessment; their reports are linked to the citizens' perception of corruption. They have samples and methodology, but these are the only data they have. I would not want to question them or confirm them, but the state, as a serious factor, should conduct its own research by means of a specialized agency and have its own data. It is not a matter of competition, but responsibility and seriousness of the state. The NGO sector helps the state here, but it is the state that needs to lead this work more effectively than in the past. That is why we received messages from international organizations such as the Council of Europe and the UN. The state must finally start doing this work.

Working group

Why do we not have the agency yet?

The Ministry of Security made repeated initiatives for adoption of a law in the Council of Ministers, but the Council did not make a decision even on establishment of a working group to draft the law. Simply, this would not be put on the agenda. Ok, someone can always ask why we need yet another agency on top of all police forces and other law enforcement agencies. Can't they do the job? We do not need a body of a repressive character. It is true we have many police forces and prosecutors. But, we do not have an agency to respond to the phenomenon of corruption by researching what is going on before a criminal offence is committed, by prevention and education and filling in legal loopholes and problems in the work of other bodies working on the prevention of corruption. The state must not become hostage to corruptive behaviour of its citizens.

Sceptics say that it is the only type of crime that is well organized in BiH. What is your comment?

Organized crime has not bypassed any country in the world. BiH has certain problems due to its internal setup and communication between police agencies. Organized crime is as much organized as the state is disorganized. According to statistical data, the police are working and carrying out certain activities. Take the Federation MUP. I think police reform will bring better results. It is a fact that we had better cooperation with other countries than within BiH. It is not rare that two agencies in BiH sign a protocol on cooperation, which is absurd. Political will here is the basis and I believe that the politics will understand the scope of the problem in this field. But, I will mention another very important project of the Ministry of Security, which has to do with corruption and organized crime. The question of witness protection. A good witness protection law is a key for dealing with these issues.

Can you be more specific? Because, BiH does have a Law on Witness Protection.

The Ministry of Security of BiH has prepared a new law which will offer better protection to protected witnesses and regulate the whole field better. It is true that we have a law, but we have initiated amendments and it proved in the end that many things should be changed and it is better to make a completely new law. It will enable effective protection for witnesses before BiH courts, which is different to the current law which only provides protection before the Court of BiH.

Devaluation of the process

What is it that was bad in the current law?

The current law was a response to the structure at the time, but the infrastructure in law implementation agencies and prosecutor's offices improved. We analysed this law and found many insufficiencies and non-functionalities. Due to procedural omissions and loopholes in the law, there were many cases in which the identity of the protected witnesses and the particulars of the protection were revealed, which devalued the whole process. Now we want a commission to decide about the entering into the protection program, not one person, and we want a clear funding source for the program. The law is currently in the procedure in the Council of Ministers of BiH and we expect it to be adopted.

Trained by the FBI

Damir Vejo has been in the position of Assistant Minister of Security for Organized Crime for several years now. He obtained his master's degree from the University "La Sapienza" in Rome after graduating from the Faculty of Criminalistics in Sarajevo and he also completed the American program of the American Federal Police – FBI. He is a member of the Steering Board of the World Police Association and member of the European Committee on Crime Problems (CDPC) of the Council of Europe.

66. Prisons in Foča and Banja Luka Overcrowded

NEZAVISNE NOVINE, 23 February 2009

By DRAŽEN REMIKOVIĆ

The prison in Foča has become overcrowded because the capacities have been filled 100 percent, while the Banja Luka prison nearly filled up all its capacities. In Foča, the capacity of which is 270 prisoners, prison sentences are being served by nearly 30 prisoners over the capacity, while in the Banja Luka prison, which has 330 places, only six places remain for potential prisoners. Duško Šain, Head of the Department for Prison Oversight within the Ministry of Justice of Republika Srpska said that they did not have the data about how many persons were waiting for serving their sentences due to insufficient capacities, adding that these were mainly persons who were convicted for milder criminal offences. "We currently have 1,085 beds, of which about 800 for prisoners serving a prison sentence, and 285 beds for pre-trial detention. European standards specify four square meters per prisoner, but because of differences in categories of prison institutions, the number of prisoners is distributed unequally", Šain said. According to the data from the past three years, the number of prisoners was constantly about 900. Šain emphasized that the capacities would be expanded in Foča first, where a maximum security ward was being built with 38 beds, and that it would be functional before the end of the year. "In the Penal and Correctional Facility in East Sarajevo, adaptation of the space in which some institutions were accommodated is now in progress and the capacities will be considerably increased. Construction of a prison in Bijeljina is also planned", Šain added. He also pointed out that they were working on expanding prison capacities because the number of detained persons was getting relatively higher and "it would be ideal if each prisoner had his or her cell". The Court of BiH and the Court of the Brčko District do not have their own prison facilities, and, in his words, the services of executing detention and prison sentences are carried out in the prisons in the RS and FBiH. "Maintenance of one prisoner costs 40KM a day. The budget for penal and correctional facilities in 2008 amounted to 20 million, and this is insufficient for such high prices", Šain concluded. He pointed out that there were about 750 people employed in RS prisons, of whom 450 were guards. Convicts are not like they were before, Šain said, because

they are more resourceful and dangerous today. "In the past, when a farmer killed someone it was because of land, or a neighbour. Today, the convicts are much more dangerous, and the offences for which they are imprisoned are most often theft, aggravated theft, robbery and drugs", Šain explains, adding that the average age of the prisoners is between 25 and 35. Ljubmir Sandić, BiH Ombudsman, said that they were addressed by many detainees and prisoners claiming that they were stripped of certain rights. He emphasized that they had received information from prisoners in East Sarajevo about certain irregularities and that they were going to visit this institution soon. Pero Dunjić, Warden of the Penal and Correctional Facility of Banja Luka, said that there were currently 250 convicted persons in this institution, 60 detainees and 14 persons who were pronounced a correctional measure. "The conditions in the prison are good. Food is at a high level, heating and hot water are always available, and the educational staff is also very good. There are many groups that the prisoners attend and their free time is planned carefully. The IT group is the most popular because it helps the prisoners write complaints, appeals and other documents which they send to courts", Dunjić said. He added that, apart from the IT group, there were also the sports group, language and art groups. The payroll of the Penal and Correctional Facility of Banja Luka has 160 prisoners and their monthly incomes are between 40 and 120 KM. 910 persons serve in six prisons in the RS – Doboј, Trebinje, Foča, Banja Luka, East Sarajevo and Bijeljina. Of this number, 752 persons serve prison sentences, 152 persons are in detention, 14 persons are in the Correctional Ward, 13 are women and three are minors who serve prison sentences in the Penal and Correctional Facility of East Sarajevo.

Selman: No riots

Džerard Selman, RS Minister of Justice, said that the situation in the prisons was satisfactory and that there were no riots. "Today, we have a completely different situation in comparison to that of the previous year because in 2008 the RS Government approved considerable funds to improve the conditions in which prison sentences are served in Srpska. This is surely one of the reasons that we have a better situation now. Currently, we are making preparations because in 2009 we will have an intensive reconstruction of prisons and will expand the capacities", Selman said.

Penalties and violence

According to European prison rules, the UN established a Committee for the Prevention of Torture (CPT) which inspects prisons. Šain said that the CPT was carrying its inspection at the time of the riots in the Penal and Correctional Facility Doboј in 2006, and had raised objections with regard to treatment of a number of prisoners. "This Committee determined that this Penal Facility had a number of inmates who should be paid special attention. However, we have many requests for extradition by prisoners serving sentences in European prisons, on account of violence, which is much more evident there than here", Šain concluded.

67. All Equal Before the Law, But In Practice, It Is A Bit Different

OSLOBOĐENJE, 5 December 2015

By BRANKO MAJSTOROVIĆ

Since October 1992, December 3 has been marked as the International Day of Persons with Disabilities. It was then that a resolution declaring December 3 International Day of Persons with Disabilities was adopted in a general session of the General Assembly of the United

Nations. Let us recall that the history of this International Day goes back to 1956 when a mining accident occurred in Belgium, which was remembered as an accident with the largest number of human casualties in a coalmine. After the adoption of this resolution, the UN's Human Rights Commission called member countries to promote the observance of December 3: "with a view to achieving full and equal enjoyment of human rights and participation of persons with disabilities in the society". Namely, the goal of observing the International Day of Persons with Disabilities is to achieve better understanding of the problem of disability in wider society and enjoyment of all rights which the persons with disabilities have and their full inclusion into the society in which they live.

Exact number unknown

This is quoted in all documents and this day is observed solemnly around the world, and also here where we live, particularly in associations and unions of persons with disabilities. This was the case on Thursday, but, unfortunately, every year it gets repeated and said that persons with disabilities have not yet been given their place in the society which belongs to them under all valid laws. The exact number of persons with disabilities in BiH is unknown because there are no reliable demographic data yet. It is assumed, on the basis of the data of the World Health Organization, that on average 15 percent of the population of a country are persons with disabilities, and that there are about 568,000 persons with disabilities in our country. According to the data of the Helsinki Parliament of Citizens obtained on the basis of various analyses performed during several past years, about 70 percent persons with disabilities live near or below the official poverty line, and the condition of disability increases a chance for poverty by 18 percent. Also, due to non-implementation of laws, children with disabilities do not have equal access to education. Persons with disabilities over 65 do not have a right to nursing care and help; the right to speech-software for blind persons and persons with vision impairment is available only to persons up to 35 years of age, and 95 percent of the legislation at all levels of government in BiH is not aligned with the UN's Convention on the Rights of Persons with Disabilities. BiH ratified this UN Convention on the Rights of Persons with Disabilities in 2010, but human rights guaranteed by the Constitution of BiH and international and domestic documents still remain unavailable to persons with disabilities who are still "invisible" members of the society in BiH, the Helsinki Parliament of Citizens says.

Sport and recreation

But, how then can we, in this general shortage of money, include persons with disabilities into many aspects of everyday life? Numerous studies have been done on the necessity and positive effects of sport and recreation on the whole population, which particularly refers to the persons with disability. From day to day, we recognize more and more the value of physical activity for persons with disabilities. They are all classified into one big family of the Paralympic movement, and the games in London in 2012 made a great contribution to the promotion of sport and physical activity among persons with disabilities. We all remember with pleasure when our national team in sitting volleyball returned from London to Sarajevo with gold medals around their necks. This was the second gold medal won in Paralympic games. They were the best in Athens in 2004, in Peking they were defeated by Iran, and then Mirza Hrustemović's team reclaimed a victory after a terrific turnabout. Very little was needed for Sanela Redžić, a shot putter, to return with a medal. But, fourth place is also great success. Thanks to success in all big sporting competitions, the sitting volleyball has found its

place in the society, although they could always use more financial help. Others are yet to fight for their status. Our sportsmen and sportswomen took part in the Winter Paralympic Games in Sochi. The BiH colours were defended in Alpine skiing by Senad Turković and Ilma Kazazić. Even though none of them completed the races, we should point out that we had the oldest and youngest competitors in Sochi. Ilma Kazazić was only 15, and after the first giant slalom run she was at the excellent 19th place. Unfortunately, the run was extremely hard, so she fell in her second run, but we must remember that she has cerebral palsy and was the only one in this category of sportswomen with such a degree of damage to organism. But, she showed a great heart and that she represented the future of the Paralympic sport. Senad Turković was the oldest in Sochi with his 46 years. This was his second participation in the most important assembly of Paralympians, because he also took part four years previously in Vancouver in 2010. The recent president of the Paralympic Committee of BiH, Mustafa Demir, expressed hope that in the next Paralympic Games to be held in 2018 in South Korea, our country would have five participants who would obtain even better results regardless of the fact that BiH does not have a tradition in winter sports. We have no doubts that this ambition was also inherited by the new president of the Paralympic Committee Sabahudin Delalić, the famous captain of our gold team – sitting volleyball national team.

Success of wheelchair basketball players

These successes surely had an awareness-raising effect, albeit insufficiently, that it was necessary to strengthen support to associations and unions of persons with disabilities to exercise their basic human rights. We should remember that persons with disabilities are extremely persistent and organized when it comes to sports. The leader of many activities is the BiH Federation of Sport and Recreation for Disabled Persons, but we should also know that there is nearly no sport branch that does not have its association for the disabled. We must also mention the successes achieved by our wheelchair basketball national team. In July this year, they took part and won in the European Championship C-Division in Lisbon, and we all know how expensive the special wheelchair for this sport is. Thanks to this success, the basketball players promptly ran for candidacy for hosting the next championship. So, the BiH Wheelchair Basketball Association and the City of Sarajevo will host the European Championship for wheelchair basketball of the B-Division in June next year. This was decided in late November at a meeting of the International Wheelchair Basketball Federation (IWBF). It was said then that Sarajevo and BiH had offered the best conditions and the City of Sarajevo won the organization against the Lithuanian Vilnius and Czech Brno. We hope we will not disgrace ourselves and that the organization of this competition will go in the best possible way and that the preparations for this event will be supported by the state of BiH. One should know, for example, that the Council of Ministers allocated 937,000 KM in this year to co-fund sports events and disabled sport was allocated 58,000, the Paralympic Committee of BiH 25,000, the Sitting Volleyball Association 25,000 and the Table Tennis Club "Sarajevo Youth" 8,000. We do not know what amount the Council of Ministers will allocated in the coming years, but there are various budget items from which the money for this purpose can be allocated. It is only important that the ministers understand the importance of this event.

Equal in chess

Speaking about physical activities and recreation of persons with disabilities, one should bear in mind the type and degree of damage to the organism. So the Association for the Blind and Visually Impaired Persons points out that sports, chess and recreation play an important role

in the life of the blind. These activities contribute to their physical and mental health as well as to their general assertion and socialization. In Paralympic Games, blind and visually impaired persons can compete in five-a-side football, a game intended for sport persons with impaired vision. A special ball with an imbedded bell produces sound. All players are blindfolded to ensure that they are competing on the same basis. The court is walled in. There is no throwing the ball from aside and there is no off-side. There is also the goalball, a combination of volleyball and handball. It is played in a court similar to that of volleyball, but the goal is behind the final line. The ball is the size of the basketball, and is twice heavier and has a bell inside used for orientation of the players who are blindfolded. Bulging lines on the floor help the players orientate themselves when they throw the ball to the goal or when they try to block opponents' moves. The Association is trying to pay more attention to promotion of chess among blind persons, because it contributes very much to their assertion. Namely, chess is one of rare sporting activities where blind persons can achieve the same results as persons with unimpaired vision. However, in the recent period, not much attention has been paid to chess play among blind persons. Starting from this, there is a requirement to organize chess schools in municipal and cantonal associations and federations and clubs and sports organizations, and ensure other preconditions (chess literature, chess equipment, etc.) to promote chess among blind persons. The older ones among us surely remember Safet Mehidić, one of the best blind chess players, whose successes were admired by everyone in Yugoslavia.

Sport disciplines in Paralympic Games

In Paralympic Games the participants are classified in six categories on the basis of their disabilities: wheelchair, amputations, cerebral palsy, mental handicap, vision impairment and others, including dwarfism, multiple sclerosis and hereditary diseases. In running disciplines, the winner is the competitor who finishes the race the fastest. In athletic technical disciplines, such as shot put, javelin and discus throw, the results are calculated taking into consideration the degree of physical disability of each competitor. For example, in javelin throw, competitors win points after each throw, which are a combination of the achieved result and the degree of physical disability and the winner is the competitor with the highest score of points. Wheelchair fencing includes three disciplines: Foil, Epee and Sabre. The sport was developed by wounded British soldiers in Stoke Mandeville Hospital – birthplace of the Paralympic Games. The wheelchair is fixed to the floor in a way which allows the competitors to perform quick body movements. Canadian quadriplegic sportsmen, looking for an alternative to wheelchair basketball invented wheelchair rugby in 1970s. Sitting volleyball appeared in the Netherlands in the fifties of the last century as a sport available to wounded soldiers. It is a combination of volleyball and the German game named *sitzbälle*. The player's pelvis must always be in contact with the floor. The net is just over one meter high. Since Iran made its debut in the Paralympic Games in 1998 in Seoul, its sitting volleyball national team has won five of seven possible gold medals. The national team of Bosnia and Herzegovina won gold twice. They are current Olympic winners, world and European champions. We hope that they will defend these medals in the Paralympic Games scheduled between September 7 and 18 next year in Rio de Janeiro.

Key words: UN Committee, 01/01/2005 – 19/05/2016, weekly press, results - 108

68. Towards New Work Feats Next Year

DANI, 18 December 2015

By DARKO OMERAGIĆ

After December 11 and the first meeting of the BiH – EU Stabilization and Association Council held in Brussels, Bosnia and Herzegovina made another step towards meeting its ultimate goal – implementation of the Conclusion of the Parliamentary Assembly of BiH from 2003 that “membership in the EU is our highest possible priority”. On December 11 the BiH – EU Stabilization and Association Council welcomed entering into force of the SAA on June 1 2015 and commended BiH for the progress made in this year on its way towards the EU. The European Union pointed out that the SAA was an important step for the BiH integration process and it offered a wide framework within which the EU and BiH would strengthen their cooperation along the political and economic criteria, in trade and harmonization of the EU Acquis.

Application in a month or two

We could see the first concrete result of the Brussels meeting in January or in February at the latest, announced the Chair of the Council of Ministers of BiH Denis Zvizdić, who was at the head of the delegation to Brussels, which also comprised Mirko Šarović, Deputy Chair of the CoM of BiH and Minister of Foreign Trade and Economic Relations and Igor Crnadak, Minister of Foreign Affairs of BiH. “I expect we will submit an application for membership in a month or two”, Zvizdić said. But, for this to happen, Bosnia and Herzegovina must continue implementing the Reform Agenda, continue with the adaptation of the SAA (in light of the fact that Croatia has been a full member since 2013) and find an agreed solution to the advanced mechanism of coordination of the European integration process. The optimism shown by the European commissioners for foreign affairs and security policy, Federica Mogherini, who is also Vice-President of the European Commission and for enlargement, Johannes Hahn and BiH politicians on the eve of the Brussels meeting was even more visible after the meeting, which was confirmed by the statements after the meeting. On BiH's way to the EU, the focus of both the EU and BiH, in the next two years, will be the adaptation of the SAA and implementation of the Reform Agenda, Mogherini said. “BiH has returned on the reform track, needed for the state to progress on its way to the EU. So far, encouraging early results have been achieved with the adoption of key reforms. On this basis, the EU Council called BiH to maintain the positive momentum continuing to implement reforms, in cooperation with the civil society. Considerable progress in the implementation of the Reform Agenda is necessary for the EU to consider the membership application submitted by BiH. The Council calls BiH to focus on the improvement of the socio-economic situation in order to make further progress in the European integration and avoid being distracted by a discussion about a potential referendum on the state judiciary at the entity level”, the common statement by BiH institutions and the EU reads after the Brussels meeting. The Council reminded that the SAA would help BiH to harmonize its legislation and policies with the EU Acquis in key areas, creating a new impetus for the economy and economic benefit for the citizens of this country, as well as additional opportunities for BiH and EU companies.

Report to European officials

It was concluded in Brussels that the SAA would strengthen the advantages of the Interim Agreement, in particular in trade. Improvement of internal coordination on the issues related to the EU will enable BiH to fully enjoy the opportunities offered by the Agreement,

especially when an effective and efficient coordination mechanism is established, which will be functional and adjusted to reflect the entering into force of the SAA.

What does the EU, in fact, want of Bosnia and Herzegovina so that we can submit a credible application and how has our country begun showing that it is ready for the EU?

Some of these questions were answered in Brussels by the Chair of the CoM of BiH Denis Zvizdić, “reporting” to the first meeting of the Council. “The Document – Principles of Development of the Second Action Plan of the Public Administration Reform Strategy is in the procedure of adoption and has already been adopted by the Council of Ministers of BiH and Brčko District Government. BiH has become the 65th member of the Initiative – Open Government Partnership. The Justice Sector Reform Strategy for 2014-2018 is also adopted and the development of an action plan for the implementation of the Strategy is currently in progress. A new Strategy for Fighting Corruption in BiH 2015-2019 has been adopted and an action plan for its implementation. We have established a strategic framework in the field of fighting terrorism and organized crime. The Criminal Law of BiH has been aligned with the recommendations of the MONEYVAL Committee in terms of fighting money laundering and financial terrorism. The Council of Ministers of BiH confirmed its strategic commitment to the fight against terrorism and all forms of organized crime and corruption by means of increasing its financial support to law enforcement institutions in the 2015 budget”, Zvizdić said. The leading man of the CoM of BiH reported to Mogherini and Hahn that the CoM of BiH defined in September a proposal of an agreement on operational and strategic cooperation between BiH and the European Police Office (EUROPOL) and that activities were launched to strengthen coordination of the work of police bodies in the Federation of BiH. Further, activities were initiated to form a working group for monitoring the implementation of the measures from the Action Plan of the Financial Action Task Force (FATF). Zvizdić also said that BiH was working continuously on the improvement of the situation in the field of human rights; that the Convention on Preventing and Combating Violence against Women and Domestic Violence was ratified and the Framework Strategy for the implementation of the Convention 2015-2018 was adopted. “Action Plan for Children in BiH 2015-2018 has been adopted and a Council for Children has been established. The National Action Plan for implementation of the Resolution 1540 of the UN Security Council on Non-Proliferation of Weapons of Mass Destruction and manners of its delivery has been adopted. BiH is committed to the membership of the World Trade Organization and continues its full engagement within CEFTA. We continuously implement the reforms arising from the Road Map for Liberalization of the Visa Regime. A new Asylum Law has been adopted, which incorporated a number of EU directives and in November, a new Law on Aliens was also adopted”, Zvizdić said. Besides, BiH authorities tasked all institutions and agencies to implement the measures defined by the Plan of Urgent Measures for Providing Additional Capacities, Control and Management of the Influx of a Massive Number of Refugees into BiH. Sejdić, Finci and Zornić

In the field of economy, which was addressed by the European Commission's Progress Report for BiH 2015, progress was also recorded, of which Zvizdić was speaking in the first meeting of the Council, saying that BiH had adopted the Economic Reform Agenda which included considerable reforms required for BiH's progress in the accession process and was closely linked to the goals of the new EU approach in economic management. The Agenda, in his words, represents a response to legitimate requests and interests of the citizens and civil

society. "A draft of amendments to the Law on Electronic Signature has been prepared, as well as three accompanying by-laws, which will enable introduction of e-services for VAT and income tax. A Department for E-Service Introduction for VAT and Income Tax has been established. Activities on the drafting of the Law on Managing Illegally Acquired Property and Law on Civil Service in BiH are in progress and amendments for the Law on Excise Tax are being prepared. The F BiH adopted the Labour Law, Law on Business Companies, Law on Internal Payment Operations, Law on Direct Foreign Investment, Decree on Employment and Self-Employment, amendments to the Law on FBiH Budget, revision of the 2015 budget and the Strategy for Managing Public Debt. Republika Srpska adopted a revision of the budget for 2015 and Law on Fiscal Responsibility of the RS", Zvizdić said. Apart from the adaptation of the SAA and implementation of the Reform Agenda, another obstacle Bosnia and Herzegovina is also faced with on its way to prove that it is ready to submit a credible application is the so-called "coordination mechanism". The Coordination Mechanism should define the procedures, modalities and ways within which BiH will take over the directives and the EU *acquis* efficiently, within its constitutional structure. "The European Commission's Communiqué published after the first meeting of the SAA Council indicated that the coordination mechanism must be defined respecting three basic principles – compliance with constitutional responsibilities, alignment with the SAA and efficiency of making decisions and accepting the EU *acquis*. On the basis of these principles for the coordination mechanism, agreement is expected between the Council of Ministers of BiH and entity governments to meet one of the conditions for submitting an application for EU membership", Amela Mulavdić, media advisor to the Chair of the CoM BiH, told Dani. Apart from the adaptation of the SAA, an efficient coordination mechanism and Reform Agenda, the way towards the EU which will not be short also requires that we implement the Sejdić-Finci judgment. The document the Position of BiH, with which Chair Zvizdić went to Brussels, states that the CoM of BiH, on September 8, adopted an Action Plan for Implementation of the Judgments of the European Court for Human Rights in Strasbourg *Zornić vs. BiH* and *Sejdić-Finci vs. BiH* and tasked the Ministry of Justice of BiH to prepare a proposal of a decision to establish a working group for preparation of an amendment to the Constitution of BiH and adjustment of the Election Law of BiH. Several days after the first meeting of the SAA Council Mogherini and Hahn encouraged our country to make faster steps towards the EU, saying that what was done in this year was encouraging. But, these two European officials gave BiH politicians another two or three difficult tasks saying that BiH citizens, too, must feel the positive results of the Reform Agenda and the SAA must be adjusted in the field of trade to Croatia as quickly as possible and the reform of the judiciary must continue. So, despite great optimism shown these days, many unfinished tasks are still before BiH authorities.

69. Who Manipulates Civilian War Victims

DANI, 29 October 2010

By DŽ.K.D.

In its latest report, IFIMES - International Institute for Middle-East and Balkan Studies, from Ljubljana, which regularly analyses events in the Middle East and the Balkans, researched manipulation with civilian war victims in BiH, then, who benefited from the confrontation and division among the victims and their associations and non-adoption of a state-level law on the rights of torture victims and civilian war victims. In its inception, the report indicated that

general principles of international law defined the position and status of victims, irrespective of race, ethnic background, religion or gender. However, generally accepted international conventions in BiH, divided and separated on these very principles – ethnic, religious and political affiliation, should actually be the cohesive and linking factors in the realization and exercise of the rights of all civilian victims of war. Although the relevant UN bodies long ago issued conclusions and recommendations to BiH authorities to urgently adopt a law on the rights of victims of torture and civilian victims of war, the Council of Ministers of BiH and Parliament of BiH stopped an initiative of the victims and did not carry out the required procedure to adopt this law crucial for the victims. BiH is a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, or Punishment, adopted on December 10 1984 by a Resolution of the UN General Assembly. After the very first report on BiH, sent to the UN, on the implementation of this Convention, the UN, through its relevant Committee against Torture, in charge of monitoring and compliance with the Convention, in the 667th and 670th sessions on November 8 and 9, 2005, sent conclusions and recommendations that BiH should urgently proceed to establishing legal definitions and ensure compliance with the Convention. Apart from the request for BiH to implement and comply with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, or Punishment, the UN Committee also instructed BiH to urgently “harmonize laws, executive, judicial, administrative and other measures for the purpose of aligning norms and practices to combat and prevent cases of torture and other cruel, inhuman or degrading treatment with the provisions of the Convention, as well as insure indemnification of all persons who were victims to such treatment”. There are more than 12,000 so-called NGOs registered in BiH, of which more than half represent victims or work on the protection of the rights of the victims. By the rule, the organizations in BiH working for the victims are divided into those working in the Federation of BiH and those working in Republika Srpska, and they are divided also on the ethnic principle. In the RS, Milorad Dodik, the newly-elected president of the RS, has control over the whole NGO sector (exceptions are rare) and victims' organizations are sponsored directly and/or funded by Milorad Dodik's government. Through the presidents of various victims' associations such as Branislav Dukić, Nedeljko Mitrović and Slavko Jovičić Slavuj, several years ago, the current Dodik and Serbian authorities started a broad-based campaign of “spreading the truth about the killings of Serbs between 1992 and 1995”, trying to relativize the genocide committed in Srebrenica in 1995 and stopping and obstructing adoption of legislation at the level of BiH to regulate the rights and protection of war victims. The most prominent person to obstruct the adoption of the law at the state level is Slavko Jovičić Slavuj, who was again rewarded by Dodik by being placed on the list and (again) elected Representative to the Parliament of BiH for SNSD. Although Serb victims would also get a better position with the adoption of the state-level law in terms of more effective and long-term solutions, Dodik and his political followers are not interested in any legislation at the level of BiH, not even when it comes to interest of (Serb) victims. In the F BiH, the Bosniak political elite, as usual, is not only on the defensive, but is even complementary to Dodik's politics not to adopt the so-called umbrella law at the level of BiH for all war victims. There are many reasons for this, and the common reason is that Bosniak elites, too, wish to have direct control over the victims' associations because it is a universally known fact that nearly the whole NGO sector leans on state budgets: from the state, to the entity and cantonal to the municipal. Different to Dodik's model, where Dodik is the sole

controller of all RS victims' associations, in the F BiH, the divided political elites carried on their political divisions to the associations as well and classic Bosniak political blocks are now established among the civilian war victims in the F BiH. So, the victims in the RS and in the F BiH became classic hostages of political elites. HDZ is nearly in total control of the victims' associations in the F BiH as well as the majority of NGOs with Croat affiliation in the FBiH. Although the activities and the number of international NGOs in BiH are on a constant decline since 2000, BiH is still one of the centres of the activities of these organizations. A question arises as to the role of these organizations in the non-adoption of the state-level law and what concretely they have done to comply with the recommendation and instructions of the UN for urgent adoption of the law. The goal of the international organizations should be to work towards overcoming the fragmentation and division among the associations on any basis, as well as their financial dependence on the relentless and cruel BiH politics, including by the adoption of such a state-level law, which would guarantee unconditional protection to the victims and financial independence of the victims of all political elites. Is that so? The example of the Society for Threatened Peoples (Gesellschaft für bedrohte Völker) from Göttingen, Germany, which is active in BiH through its section, can illustrate best the lack of concern and irresponsibility of the international NGO sector when it comes to the care for the victims of war in BiH. The director of this Society, Tilman Zülch, takes credit for launching a campaign at the international level on spreading the truth about the war in BiH and the fate of BiH victims. The contribution of Tilman Zülch to the international promotion of BiH victims is extremely positive.

70. Sixty Years of Fighting

SLOBODNA BOSNA, 11 December 2008

By MAJA RADEVIĆ

On December 10 this year, it will be exactly 60 years since the General Assembly of the United Nations adopted in Paris the Universal Declaration of Human Rights. Three years after the ending of World War II, at a time when the world just began discovering the extent of monstrous Nazi crimes, thanks to the predominant opinion that the current Charter of the United Nations was not specific enough on the issues of the protection of the rights of man, the UN decided to draft a document of 30 articles based on the tradition of civil law, which one of its creators, the former first lady of the USA Eleanor Roosevelt, called symbolically the Magna Carta of humanity. The Declaration, however, had a big "fault" from the very beginning: it was not binding as part of international law. Still, in the past six decades, this document served to UN member countries as a basis for adoption of hundreds of legal norms and court decisions in the field of human rights.

AT THE END OF THE LIST

Despite an optimistic statement of BiH Presidency member Željko Komšić, who met with the UN SG Ban Ki-Moon in October during an official visit to New York, and informed him that the "situation in BiH is much better than represented by some – domestic politicians and representatives of the international community", when it comes to (non)compliance with elementary human rights, Bosnia and Herzegovina has been falling deeper and deeper during the last several years. In an analysis of the condition of human rights in BiH in 2007, the Helsinki Committee reports, among other things, that the responsible ministry in this field sent to the parliamentary procedure only 13 percent of stipulated and planned laws.

According to the data of Transparency International, last year, BiH was at the 84th place on the Corruption Perception Index. This year, among 180 countries included in the research, our corrupt country took the 93rd place. "Despite some insignificant progress made in the previous years, BiH again regressed on the list and it is now the most corrupt country in the region, and is also at the very end of the list of the European countries. Corruption penetrated all levels and structures of the state, from small, local proportions, through the business sector and to the very top of government", Transparency International concluded. President of the Helsinki Committee for Human Rights in BiH Srđan Dizdarević said at the annual assembly of the Helsinki Committee held in March this year that the situation based on the perpetuation of fear of others and on the maintenance of ethnic homogeneity was an extremely unfavourable framework for human rights in Bosnia and Herzegovina. "Aggressive nationalism, non-tolerance and inaction in the field of human rights by the government are the basic elements which have a negative impact on the condition of human rights. Paralysis in the transformation of the institutions which should be "specialized" for protection of human rights is also something that damages and harms the condition of human rights in BiH. And finally, non-institutional action and decisions takes the process away from public scrutiny and far from the NGO sector, which then has no possibility to respond adequately to the decisions and commitments of the government", Dizdarević said. Discrimination in employment, access to health care, exercise of pension and welfare rights, as well as education for our youth are everyday occurrences in Bosnia and Herzegovina.

IN A SPORTING SPIRIT

This is best illustrated by the recent example of the always smiling Federation minister of education, Meliha Alić, who stammered out the following anthological sentences last week on the occasion of laying the foundation stone for a sports hall in the Primary School Hamdija Kreševljaković in Gradačac: "Firstly, I wish to congratulate the newly-elected Mayor. I really wish him success in his work together with all his staff present here. I hope – and here, you have begun your mandate in the best possible way with the construction of a big hall, a hall, in which, hopefully, children who are descendants of famous beys, as you say, bey children, err., will display a sporting spirit, wisdom and knowledge, which they have, so that we can offer them a possibility to be raised, these children of ours, in these sport halls, not on the streets and where we do not want them to be". If we disregard this evident rhetorical confusion of Minister Alić, which was brought forth from an intention to speak spontaneously to the citizens, without a prepared written speech by PR experts, Adolf Hitler himself would not be ashamed of this oratorical skill. While in any country in which elementary human rights are respected to the smallest degree and in which every form of segregation is excluded, a person who delivers such sentences as quoted above would automatically be eliminated from state institutions, minister Meliha Alić remains in her office, smiling as ever. Article 1 of the Universal Declaration of Human Rights reads: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. What unreal sound these words have!

DOMESTIC VIOLENCE – BURNING ISSUE

Violence by children over the elderly is becoming a more frequent occurrence in BiH. Director of the Agency for Gender Equality of BiH, Samra Filipović-Hadžiabdić told SB that domestic violence was one of the burning issues in our country: "Last year, there were about 1,500 reported cases of domestic violence, of which 600 were processed. Thanks to various

campaigns, the victims have recently begun feeling more encouraged to report such violence, because, over here, this stereotype of victim's guilt is still very strong. A new form of violence appears more and more often, and it is violence of children over the elderly". One of the biggest problems when it comes to gender equality is participation of women in government. Bosnia and Herzegovina, for example, does not have a single woman minister in the Council of Ministers.

71. Islamic Community's Lawyer against a UN Resolution?!

DANI, 22 June 2007

By ESAD HEĆIMOVIĆ

"Property of the Saudi humanitarian organization Al Haramain Islamic Foundation, frozen by UN resolutions and decisions of the USA government, Saudi Arabia and Federation BiH, because of links with terrorists and terrorist organizations, is being sold in Sarajevo. The property, valued at least at 902,000 KM, originating from the deposits from the coffers of Al Haramain, was presented as property of a Saudi citizen and was then fictitiously sold. This is not the only example of sale of property belonging to banned organizations. Many other properties in Sarajevo belonging to individuals from the list of financiers of terrorism are sold", Dani was warned by the financial and legal bodies of the government who tried to prevent these transactions of property and money, but without success. All UN member states are bound by many UNSC resolutions to freeze funds and financial assets of individuals and organizations linked with terrorist organizations. The consolidated list compiled by the UNSC contains individuals and organizations with considerable property in BiH. Among them is the former Saudi humanitarian organization Al Haramain Islamic Foundation, which, in the meantime, was banned in BiH and in many other countries and was then dissolved by the decision of the government in Saudi Arabia. The governments of the USA and Saudi Arabia asked the United Nations on 11 March 2002 to place the Office of Al Haramain in BiH on the banned list.

House on UN's list

The UN Sanctions Committee accepted the request and placed Al Haramain on the list of banned organizations on 13 March 2002. Then, in the beginning of June 2002, a number of buildings, associated with this organization, were searched in Sarajevo and Travnik. The FBiH Financial Police, after an inspection, determined many irregularities and they blocked the organization's accounts. Finally, in November 2002, the Financial Police issued a Decision on Temporary Closure of the office of Al Haramain in Sarajevo, at Bihaćka 14 (Municipality of Novo Sarajevo, Hrasno) and initiated a permanent ban of work. In accordance with the Decision of the Ministry of Displaced Persons and Refugees of the FBiH dated 16 April 2003, Al Haramain ceased operating on the territory of the Federation of BiH and was taken off the register of foreign humanitarian organizations. Upon a request by the USA and Saudi Arabia, in December 2003, the association Vezir from Travnik was also placed on the list of banned organizations, as the successor of Al Haramain. Then in June 2004, Saudi Arabia declared that this organization, which had branches in more than 50 countries around the world, was dissolved. Among others, the address Bihaćka 14 is now on the lists of banned terrorist organizations published by governments around the world. According to the explanation given jointly by the USA and Saudi Arabia, the Bosnian office of Al Haramain is linked with the banned Egyptian terrorist group Al-Gama'at al-Islamiyya. This explanation was repeated

several times in various statements by the USA Ministry of Finance and public appearances of its officials. In BiH itself, the inspectors of the Financial Police submitted a number of criminal and civil reports against this organization, persons who worked for it and companies and individuals who had business with it. But, the key question to which the BiH authorities did not know or did not wish to give an answer were the questions whose property it was that remained after a banned humanitarian organization. We are talking, primarily, about the Education Centre of this organization at Bihacka 14. According to the existing documentation, a sales contract was signed in Sarajevo on 22 November 1999 between Vitomir Perić as the seller and Abdul Wahab from Saudi Arabia as the buyer of the house at the address Bihacka 14. This small, non-asphalted street, is situated near the Villa Park shopping centre, next to the Meša Selimović Boulevard. According to this contract, the house with the garden was sold for 270,000 KM. The buyer, it turned out later, had just arrived in BiH. Abdul Wahab, A.N. Al Shaibi, in a subsequent investigation, was identified as a citizen of Saudi Arabia, born in 1968 in Riyadh. He obtained a status of a resident foreigner by a Decision of the Ministry of Civil Affairs and Communications in June 1999, on the basis of which, two months later, an identity card for foreigners was issued to him under No: 68/99. He has residence in Sarajevo, at Hamdije Kreševljakovića 82. A number of sources confirmed that Abdul Wahab worked for Al Haramain in Sarajevo.

Help from Riyadh

On the same day when Vitomir Perić and Abdul Wahab signed the sales contract, Sultan al Suliman withdrew in cash 277,359 BAM from the account of the humanitarian organization Al Haramain with the PBS d.d. Sarajevo. "The withdrawal slip stated that the money was withdrawn for an official trip, although the money was used for the purchase of the house at Bihacka 14. The documentation and records of this organization show all this", legal and financial sources which controlled the operations of Al Haramain explain. The amount of 270,000 BAM was recorded and presented in analytical records for buildings under construction as an obligation towards the supplier Vitomir Perić. The payment to Perić, according to the records of Al Haramain, was effected in cash on 31 January 2000. All other payments, including tax and other expenses, were also recorded in the accounts and books of Al Haramain. In mid-January 2000, the humanitarian organization Al Haramain concluded a contract of adaptation of the purchased building. The contract was signed by the director of Al Haramain Sultan Al Suliman and Sabrija Bilalić, as a representative of the El Iksir Company, which was the contractor. Subsequently, a contract for reconstruction of the building was also signed. With the 31 December 2001, after two years of investment and works, the General Ledger of the humanitarian organization Al Haramain showed the value of building at Bihacka 14 as 902,152 BAM. Abdul Wahab authorized Sultan Al Suliman, director of Al Haramain, on 9 January 2001, to use the property in the next 20 years at the address Bihacka 14.

72. Drawers Full of Court Decisions

DANI, 11 February 2011

By DRAGAN STANOJLOVIĆ

DANI: How many cases are there currently before the European Court of Human Rights in Strasbourg and for what?

MIJIĆ: There are currently about 1,350 cases open before the European Court of Human Rights in Strasbourg against BiH. The majority of these cases are proceedings related to enforcement of decisions of domestic courts, and there are very many cases which refer to non-implementation of decisions of the Constitutional Court of BiH and Human Rights Chamber of BiH, there are also cases of old foreign currency savings, in particular with regard to the savings in branches of Ljubljanska and Invest banks in BiH, then for prison conditions, expulsion of foreigners, return of property, right to a fair trial, etc.

DANI: What is happening in the Sejdić-Finci case, since Dervo Sejdić announced another application by himself and several hundred applications against BiH on the same grounds?

Pilav case forgotten

MIJIĆ: Unfortunately, the judgment in the Sejdić-Finci case is not implemented yet in the sense of amending the relevant provisions of the Constitution and Election Law. This case was re-considered within the Committee of Ministers of the Council of Europe, which reiterated its regret that BiH has not achieved political consensus in this matter and we informed the Committee of Ministers that this would be a priority of the new government. As the government is not formed yet, nothing concrete has been done. Concerning the new applications, I think that, unless they are rejected as impermissible, it is a question when the court will start working on them because, in my judgment, the Court will probably wait first for the implementation of the Sejdić-Finci judgment and when the Constitution and the Election Law are changed all other cases in this group will automatically be resolved.

DANI: And the Pilav case?

MIJIĆ: The case of Mr Pilav vs. BiH has not yet been delivered to the Representative Office although it was submitted close to the timing of the Sejdić and Finci's submission. So, it is very questionable what will happen to other cases in this matter.

DANI: What sort of financial obligations are in store for state and Federation authorities arising from the judgment of the Court of Human Rights in Strasbourg when they are formed? Budget for implementation of the judgments?

MIJIĆ: It is hard to make an accurate estimate of financial obligations because it will be known only when the European Court returns a judgment and specifies a certain amount of money. However, according to the complaints sent to our office, these claims amount to about four million and eight hundred thousand marks.

DANI: Some ten days ago, information was published that former camp inmates massively withdraw their cases against the RS. What do you know about that?

MIJIĆ: We at the Office have no such information.

DANI: The case of Branimir Đokić, as far as the payment of the compensation is concerned, is a finished story. How many such cases are there still in Strasbourg and in what stages of resolution are they?

MIJIĆ: From a legal point of view, the judgment in the case of Branimir Đokić is in the process of implementation and all measures should be undertaken to remove the identified violation in relation to all similar situations.

DANI: I say "finished story", thinking of the payment of the compensation...

MIJIĆ: According to the information from Strasbourg, there are between fifty and sixty of these cases related to repossession of the apartments of the former JNA before the European Court, and these are all complaints that were submitted earlier, not after the judgment in the Đokić case. But, none of these complaints have ever been sent to us.

DANI: When is BiH going to win a case in Strasbourg, or when will it not lose one?

MIJIĆ: BiH has already won several cases. For example, so far, the Court rejected 40 applications which were sent to us for representation. So, 40 complaints against BiH were rejected, it is only that this is not mentioned publicly. Of these won cases I would single out three as the most important. They are the case of Dušan Berić and Others vs. BiH. In this case, 25 applicants sued BiH because of the Decisions of the High Representative removing certain officials from public office and banning them to run for office. However, in this case, the European Court concluded that BiH cannot be held responsible because of the decisions of the High Representatives who acted on the basis of UN's authority. The case of the Algerian group is also well-known, in which the position of BiH was defended, and the European Court stated in its decision that BiH had done everything to protect the rights of the applicants, while they were imprisoned in Guantanamo. And another very important case – Suljagić, related to the old currency savings. In this case, we managed to defend the whole legislation which regulates return of old currency savings in BiH. In this judgment, the Court clearly stated that the laws in BiH regulating the return of old currency savings were in line with the European Convention. After this judgment, the Court rejected the majority of the cases, more than 1,200 cases against BiH. Before this judgment, there were 2,500 old currency savings cases in Strasbourg. In the judgment to Suljagić, the Court identified a violation of the right to the applicant's property, but only because the Federation was late with the implementation of the old currency savings legislation and the Federation was instructed to issue bonds, pay the remaining instalments and commit to paying default interest in case of late payments in the future. The Court also instructed that the verification deadlines for old foreign currency savings should be extended by six months in the whole of BiH, to allow all those who had been sceptical about the implementation of the law and who did not want to verify their savings, to verify their savings and meet the legal deadline for payment of the savings. In this meeting, the Committee of Ministers of the CoE stated that BiH, or the Federation Government, implemented all the measures issued in the Suljagić case.

DANI: What is your cooperation like with the responsible government bodies and how much is it affected by the fact that BiH and the Federation of BiH still do not have the governments elected in October last year?

MIJIĆ: Cooperation can always be better, because the quality of the statements prepared for the European Court depends on the cooperation between the state institutions and the Representation Office. However, I would like to point out that the government institutions in the whole of BiH have a rather passive attitude towards the implementation of the judgments of the European Court.

73. And What about Other Weeks?

REPORTER, 14 October 2009

By ALKESANDRA KUKOLJAC

Last week we marked the Week of the Child. If you did not notice, do not worry, it is not your fault and it was not really shouted from the rooftops. Other things were shouted from the rooftops: murders, political bickering, financial crisis, Big Brother and Farm shows, and scandals of popular players... Here and there someone remembered to mark the Week of the Child and I must notice with pleasure that there are more and more of us every year. But then again... this was not shouted from the rooftops and it should have been, because at times of

elections and in programs on TV screens, everyone swears that nothing is more important than children. How do the children live in BiH today? The answer that follows is completely true and shocking: Nobody knows that for certain. Nobody knows how many children with developmental difficulties we have, nobody knows how many children who do not go to school we have (assumption is about 6,000), nobody knows how many children do not have a name and do not exist legally (assumption is about 4,000), nobody knows how many children live without the basic living conditions, nobody knows how many children are exposed to domestic violence, nobody knows how many children beg ... and, unfortunately, so on and so forth. The data on children that are available and that you can get are most often incomplete, old, fragmented or are what we most often do – assessments. Statistical data on using social or health care refer to the children which are part of those systems, and about those that are not and should be there, we do not know anything. Considering that children under 18 make up one third of the population, this attitude towards them is everything but responsible. This year, BiH is due to send a report on the implementation of the Convention of the Rights of the Child to the UN Committee on the Rights of the Child. When the first such report was submitted in 2005, this Committee gave BiH clear recommendations for improvement of the situation and expectations that they should be implemented before the next reporting period. Out of a multitude of specific recommendations, in a four year period, we can record only a couple of steps forward: free health care for all children up to 15 years of age in the RS and up to 18 in the F BiH, progress in promotion of children's participation through establishment and work of the Pupils' Council, many strategic documents that were drafted, but we are still waiting for their full implementation with regard to the issue of protection of children against violence, delinquency, care of children without parents, standardization of services for children in social care. These steps forward testify that something can be done after all, when one wants. The problem seems to be the lack of will. There are, of course, other problems as well. The permanent problem is the lack of money, because it is chronically in short supply. There is no money for psychologists or social workers, no money for other teachers, no money for social care, no money for free medicines, for assistance to families, for new kindergartens, and now no money for schools, either. Instead of evaluating schools by how much the children know and how much the school helps them to become better people, we count them by how much they cost us per pupil, we declare them non cost-effective, unprofitable and close them down, etc. I have not heard a sadder statement in a long while that a school is not profitable... Priorities: I remember well a conversation long ago with the now late professor Jovan Savić, when he told me about Sweden. What he told me then changed forever my view on education and it was a story about how Sweden, only 150 years ago, was a very poor country, with an enormous inflation and emigration of the population, on the brink of hunger. And the people sat down to see what they needed to do and agreed on a course of action. Everything they had at that moment they invested into the education of their people. And here is where they are 150 years later. Excuse my mentioning Sweden but what story about rights would this be if this country was not mentioned. We, however, are smarter and we save on education. And on top of this, the education reform does not produce appropriate results because not enough is invested into it; inclusion of the children with developmental difficulties creates chaos that mobile teams cannot resolve, and instead of helping children with developmental difficulties, it exposes them often to additional problems. Peer violence in schools is on the increase, juvenile delinquency has

increased by 15 percent in relation to last year, but the schools do not have the money for psychologists, speech-therapists and social workers because these are not priorities. And this is what we can say about how children here live. They are simply not a priority. And of course there is no money for education, social care, assistance to families, because the children are not a priority when money is planned. In the Children's Week we boast that the RS Fund for Child Protection spent 33 million BAM on children, in one year. For the sake of comparison, only twenty identified companies stole 110 million BAM from the RS budget (and there are more than twenty), the government building cost 174 million, without mentioning all budget items for all sorts of administration and formations. In 2008, 14.3 percent of the GDP was spent on the entire social care in the RS, and the European average is about 19 percent (with far less need than we have here). In the Federation of BiH, more than a half is spent on administration. In the meantime, whole generations of children grow up with a feeling that they are not a priority to anyone except their parents (and there are also children who are not priorities to their parents either). The other day I found a statement in an evaluation of a children's workshop by a high-school school student: "I found out that someone is thinking of us FINALLY!" That is how they feel. And how about those who sit at home sick and poor, those who are rejected by their peers because they have an ugly name, because their dad is no-one important, because they do not have a Facebook profile, because they are chubby, because they have inexpensive shoes, because they have a different skin colour, because no-one taught their friends that we are not all the same but are worth the same. How about the children who live in the country and who are denied access to high quality medical care, cultural events, play? If you ask them, they will tell you.

74. Strasbourg's Ban on Deportation

DANI, 12 February 2010

By B.B.

A few days ago, the European Court of Human Rights in Strasbourg issued a decision to ban deportation of a person of Afro-Asian origin, detained in the Lukavica Immigration Centre. The judgment reads that Ammar Al-Hanchi, citizen of Tunisia, detained on the grounds of suspicion of being a threat to national security, must not be forcefully deported to his native Tunisia because of a possibility that he would be exposed to torture and inhuman treatment. Namely, Tunisia, together with Syria, is one of the countries which, according to UN's reports, Amnesty International and Human Rights Watch, violates human rights of political prisoners in the most drastic way, including persons who went to fight in foreign armies – prisoners are often exposed to inhuman torture. The Court also warned the BiH authorities that they should not be looking for diplomatic guarantees of Tunisia to facilitate the deportation. Namely, as the special UN rapporteurs of torture recognized, the CoE and many other international human rights bodies, diplomatic assurances are never effective protection in cases of apparent risk of torture or bad treatment. This is the second positive judgment of the Strasbourg Court concerning denaturalized citizens of BiH of Afro-Asian origin – Imad Al Husin, Omar Frendi, Abdullah Ba Awr, Al-Hanchi and Fadhil Al Hamdani –who have been held in the Immigration Centre for over a year. Let us remember that the same judgment was made in the case of Abu Hamza (Imad Al Husin) who was detained on 6 October 2008. In the last couple of years, cases have been transferred from the Court of BiH through the Constitutional Court and then again to the Court of BiH through Strasbourg, without a final

decision. This time again, the decision will have to be made by the Court of BiH, which delays again the detention of these persons indefinitely, and makes the fate of their families uncertain. Even more obvious is the arbitrariness of the representatives of the Service for Foreigners' Affairs, who are in charge of this case, and who refuse at any cost to release the detainees at least until the completion of the case before the Court of BiH. Even the urgencies of the director of the Helsinki Committee Srđan Dizdarević did not help, who said on several occasions, mentioning the concrete case of Imad Al-Husin, that at this moment "there are no legitimate grounds for his detention". "The deportation procedure was suspended because of his trial for asylum or temporary residence permit. It is unlikely that there is a risk of flight because of his family situation, and he also complied with the obligation of regular reporting to the Service". Besides, the rule book itself was violated, which specifies clearly that the Immigration Centre was just "temporary accommodation" in which no-one must stay longer than 60 days! Considering that the Centre does not have prison conditions adjusted to longer stay, the claims of the lawyers that the basic rights of the detainees are violated are not without foundation. However, the Service director, Dragan Mektić, re-stated his arbitrariness when he officially commented that "there are no obstacles or reasons why Amar Al-Hanchi should not be deported to Tunisia". "There will be no deals made with the Court in Strasbourg"! On the other hand, it is not clear why the authorities need so much time to prove what the five detainees are charged with – that they are really a threat to national security. A number of decisions of the Court of BiH, like in the case of Jilal Rafaq, confirmed that quite often deportation decisions are made under very suspicious circumstances. "The data in the file do not provide a clear basis that the defendant represents a potential threat to national security of BiH. In order to conclude reasonably that someone represents a threat to national security, the fact that a person is placed on the list of persons who represent a threat to security is not sufficient". However, the Service for Foreigners' Affairs finds justification in the Law on Protection of Secret Data. This legislation offers unlimited possibilities to police-intelligence agencies: under Article 1, the majority or nearly all information related, in the assessment of state bodies, to "public security, defence, foreign affairs or intelligence or security activities" can virtually be declared secret and the person concerned does not have access to secret data and by analogy the legal representative authorized to act on behalf of the party. NGOs criticized this law on several occasions claiming that it was in contravention of all human rights conventions which specify that everyone has a right to freedom and security of person and they guarantee a fair and correct treatment of the citizens by the government. The opinion is that this law was abused in the case of the so-called Bosniantanamo prisoners and that the mistake committed with the deportation of the Algerian Group to the concentration camp in Guantanamo is being repeated: "This is an example of what happens when the international community sends a message to BiH that human rights and rule of law can be put aside for the sake of national security", Dizdarević said.

75. Children on "Waiting Lists"

REPORTER, 27 May 2009

By IRENA KNEŽEVIĆ

Constant warnings about the falling birth rate and a higher number of deaths than births do not stop. The problem is that it stays at that. At various campaigns, warnings, pamphlets...

And while the state calls for reproduction, VAT on children's things firmly stays on its feet, children's nannies are more and more expensive, private kindergartens have always been expensive and there is no room in government-run kindergartens. Although the price of the government-run kindergarten is appropriate to the incomes of families, the waiting list for them can be wound round a small residential building. Currently, there are 1,135 children on the list. Waiting lists: there are 2,100 children in kindergartens in Banja Luka and this number is already 20 percent over the capacities, and one half of this number or to be precise 1,135 children are waiting for enrolment. Director of the Centre for Pre-School Education and Upbringing, Nataša Radulović, says that it is the quality that the Centre offers that is crucial for such a long waiting list. Without going into the quality that the Centre offers, it is certain that the price of 130 BAM contributes to the decision made by the parents. Nannies, obviously affected by recession, form their prices according to the market. So those who minded the children for 300 BAM suddenly increased their prices, and judging by the advertisements we called, fewer and fewer people accept to mind the children for that amount. Everything is a matter of the market, and the parents are blackmailed. To be honest, not all nannies are the same, and calling them we could also find those who would accept the engagement for 250 BAM. Quality unknown. Just like of those expensive ones. The condition of our society will confirm that the children on the waiting list come from families with smaller incomes, because those with good incomes are either well-connected or can pay a private kindergarten. So, along the lines of pure statistical data of the smaller BiH entity, or the average salary of 700 BAM, we can see that the government-run kindergarten is the only solution that the majority of parents can afford. But, there is no room, and when is there going to be room – no-one knows. “My husband and I applied for a kindergarten a month ago, and we hope we will get a call by September. If this does not happen, I really do not know what we are going to do. Our joint income is 1,500 BAM and we pay rent and there is no way that we can afford a nanny or a private kindergarten. Our elder son already goes to a playschool, and I must go back to work. But, I do not want to think about it in this way, I hope the kindergarten will call us”, a mother of a two-year old says. Children’s right to pre-school education: a psychologist in the NGO “Zdravo da ste” /May You Be Healthy/, working on children's rights, Aleksandra Kukoljac points out that the organization of pre-school education serves the function of children's development and, according to the evident waiting list, it can be seen that all children do not have the same rights, i.e. they cannot exercise these rights. “I can tell you that the number of children included in pre-school education in the RS is very small”, she says, emphasizing that it was particularly worrying that the coverage of children in rural areas was critically low, which was discriminating against the children who lived in rural areas, denying them an equal right to support their development and learning to which they were entitled. The data shows that the coverage of children by pre-school education was about 8.8 percent last year. In the Federation of BiH this percentage is even smaller, about 6.6 percent, which, together, makes up a sad average which is among the lowest coverages by pre-school education in Europe. After BiH submitted its first report on the implementation of the Convention on the Rights of the Child in 2005, the UN's Committee on the Rights of the Child gave a clear and binding recommendation to ensure access to pre-school education in the whole of BiH, including rural areas. The National Action Plan for Children 2002-2010 plans to increase coverage by pre-school education in BiH by 2010 at least to 20 percent.

Without problem: Despite the situation in the field which is not optimistic at all when it comes to the number of children covered by pre-school education, in particular the number of those waiting for kindergarten, the Centre for Pre-School Education and Upbringing does not believe that there is such a big problem in this area. Director Nataša Radulović says that a problem is when someone parks their car in front of the kitchen, and the van with food cannot drive close. Call the traffic wardens is the solution for that, but not for 1,135 waiting children. While she poses to a photographer in front of a large picture of the RS Prime Minister she says she managed, after 60 years, to unify eighteen city kindergartens in three years she has been in the Centre. Some of the things we need to point out are the adoption of the appeal of paediatricians that children diseased with the flu or with children's contagious diseases, for example, should not be accepted to kindergartens on a temporary basis and that the children should not bring in their own food. Radulović claims that this area is now in order from the time she came to the head of the institution. The Centre for Pre-School Education and Upbringing also adopted the appeals on healthy food and Deputy Mira Galić says they are working on introducing organic nutrition in the kindergartens. For now they have organic vegetables and fruits on the menu. "It is vegetables and fruits for the time being, but in the next year we are planning to introduce juices and spread stuffs of organic origin". We need to point out that government-run kindergartens meet about 70 percent of daily nutrition for the child. Quality: Radulović emphasizes a good organization of public kindergartens in which children are educated, including various groups such as a national dance club: "The time of only minding the children is behind us. These are now educational and cultural institutions. The emphasis is on young people who leave their children in a safe place, with good food and educational program. Government-run is government-run. Who leaves their children in our kindergartens does not think about it. They know the children will be safe. Our teachers are working very hard and deserve double salaries", Radulović says. If we can judge by what we saw in the private kindergarten "Kolibri", the quality is not a problem when it comes to kindergartens which are not in public ownership. From the angle of a parent with average incomes, what is a problem is the price which probably had an overwhelming effect on the fact that this kindergarten was not full to capacity. We found the children in this kindergarten running around their teacher showing her their drawings.

76. KATHRYNE BOMBERGER, DIRECTOR GENERAL, ICPM

SLOBODNA BOSNA, 1 September 2011

By MIRSAD FAZLIĆ

International Commission for Missing Persons (ICMP) is planning to hold a conference in October 2011, to which, apart from the Presidency Members of BiH, Bakir Izetbegović, Željko Komšić and Nebojša Radmanović, the President of Serbia Boris Tadić, Croatia Ivo Josipović and Montenegro Filip Vujanović will also be invited. In essence, out of some hundred things we have tried to achieve in the past two weeks, a dozen proved successful and worthy. Therefore, we will ask the conference participants to sign a Declaration on Practical Principles which proved to be the most successful in tracing and identifying missing persons", the Director General of the ICMP, Kathryn Bomberger, says in an interview with SB, indicating that when it comes to tracing and identifying missing persons in this region what was achieved here was not achieved anywhere in the world.

NO RETURN TO THE OLD

In this process, BiH has done the most and the model designed and applied in BiH will be a model for other countries to follow around the world, which are faced with the problem of missing persons. "Out of 30 thousand missing persons in BiH, so far 22 thousand have been found, of which over 12 thousand were identified, which is a great achievement. At the same time, BiH is the first country in the world which adopted a Law on Missing Persons in October 2004, and in August 2005 an Institute for Missing Persons was established, which was a sort of demonstration of political will that missing persons in BiH would be traced regardless of their ethnic, religious and national identity", Bomberger says, stating that the priorities, apart from the tracing and identification of missing persons would be full implementation of the Law on Missing Persons and assistance and unconditional help to the Institute for Missing Persons in its further work. "The conference to be held in October this year is a meeting at the highest political level, with the topic of the missing persons in the region. Apart from the signing of a joint Declaration, the conference should answer the question what else can be undertaken to promote this process further", says Amor Mašović, Chairman of the Missing Persons Institute. On the other hand, the political climate in BiH, in Kathryn Bomberger's opinion, makes the achievement of designed goals much harder. "If we tried to establish the Institute for Missing Persons in today's political climate, as we did in 2005, I do not think we would succeed", Bomberger says, adding that creation of parallel institutions only makes the work of the Institute harder and destabilizes its work, contributing in this way to the creation of mistrust and divisions between family associations which should act together. This primarily refers to the establishment of the Operational Team of Republika Srpska for Tracing Missing Persons, headed by Goran Krčmar. Let us recall that, justifying this dissatisfaction of the families of missing persons from Republika Srpska, the RS Government, in mid-2008, made a decision to establish an Operational Team, funded from the budget of the smaller BiH entity. "If we return to ethnic segregation in the process of tracing missing persons, it will be extremely stupid and technically unworkable", Bomberger says. According to her words, the most damaging scenario for the process of tracing missing persons in BiH would be the case of Macedonia. In that country, the ICPM traced the fate of 21 persons gone missing during the ethnic conflicts in Macedonia in 2001. "We gave our results to the local authorities who should have continued with the work. However, to form the government in Macedonia, different ethnic groups made an agreement that they should suspend further investigations and grant amnesty to the perpetrators of the crimes, which devastated the families of the missing", Bomberger says,

RECTIFYING MISTAKES

However, despite obstructions, pressure, misunderstandings, mistakes... BiH has done excellent work when it comes to tracing and identifying missing persons. "What remains to be done is finding another 8 thousand missing persons, which is not a small number, but when you compare it to any other country in the world, faced with a similar problem, we are far ahead of them all. This is the view of the people who are UN professionals and who are relevant for this field", Mašović says. In February this year, a Central Register of Missing Persons was established, which represents a turning point in the future work of the Institute for Missing Persons. The Central Register consists of 12 lists and databases, which include ICMP's databases, International Committee of the Red Cross (ICRC), former Federation Commission for Missing Persons, former Office for Tracing Missing and Captured Persons of Republika Srpska, and former State Commission for Tracing Missing Persons. "Now comes the

process of verification of names on the lists of Central Register of Missing Persons; each name will be verified. When this process is completed, BiH will be in position for the first time to give exact and reliable information on the cases of missing persons. We hope that the verified database will contribute to the completion of political manipulation with the number of missing persons“, Bomberger says. Apart from the verification and checks of the names in the Central Register of Missing Persons, the ICMP intends to make an initiative for creating forensic organizations at the state level with the Ministry of Justice of BiH, and solutions will also be sought for the problem of wrong identification of victims. „We are talking about eight thousand victims, mainly from the area of Bosanska Krajina and Eastern Bosnia, identified before the introduction of the DNA analysis. The Missing Persons Institute has formed working groups which will resolve the problem of wrong identification“, Bomberger says, adding that the problem of wrong identification was abused for political purposes, which is absolutely unacceptable.

ŠPIRIĆ AVOIDS THE TRUTH

Payment of 250,000 BAM to the Prosecutor's Office for resumption of exhumations disputed: “We have obstruction in the decision-making by the CoM of BiH concerning a transfer of 250 thousand BAM to the Prosecutor's Office of BiH, which is now responsible for exhumations. This document has been through the whole procedure, Ministry of Finance, Legislation Office, but Nikola Špirić simply will not put it on the agenda”.

77. Poverty Is the Most Frequent Excuse For State's Insufficient Care for Children

REPORTER, 15 June 2011

By I. KNEŽEVIĆ

Much is being said about children's rights, but they are violated daily. Sometimes they are violated by the parents themselves, by the environment or the state. It is evident that institutions address them most often for the purposes of petty politics, and long-term goals are addressed rarely. The organization “Zdravo da ste” is one those rare ones. This organization has been dedicated solely to children's rights for over fifteen years. Executive Director Nada Uletilović says that the goal of their work is “creation of a conducive environment for optimal development of each individual and society”.

In what way did the Organization “Zdravo da ste” contribute, with its work in the past, to the respect of children's rights?

Uletilović: Projects of implementation of children's rights began in 1999. Five years later, together with the organization “Naša djeca” (Our children) from Sarajevo, we defended the Alternative Report on the Condition of Children's Rights in BiH before the UN Committee. This was also the beginning of our work on the monitoring and reporting on the rights of the child. During these 15 years, we worked on education of professionals who work with children and for children about the rights of children (teachers, students of pedagogy, psychology and teacher training colleges, social workers, journalists, police officers, judges). Beside the basic program of education on the Convention on the Rights of the Child we developed special programs on the prevention of socially unacceptable forms of behaviour, rights of children to participation and training programs for NGOs about children's rights and monitoring the implementation of the rights at the local level. Apart from this training, we also worked directly on the protection of certain rights, so that we are particularly proud of our work on the implementation of rights of Roma children, primarily their right to education.

In Roma communities Modrički lug and four local communities in Modriča, we provided direct assistance to Roma families and supported the children to enrol into the primary school and finish it. Reacting to the continuous growth of violence against children and peer violence, we developed and piloted a prevention program, and with a parallel cost-benefit analysis we proved that every mark invested into prevention saves seven marks for redressing the consequences of the violence. Our direct contribution to the respect of the rights of the child reflects in our direct work with the children and youth. In the last 15 years, we have achieved this through the Youth Centre in Banja Luka, and in the last year through the Centre for Youth at Srbac and Youth Centre in Čelinac.

What would you single out as the biggest success of this organization?

The biggest success of our organization is that, together with our beneficiaries, we have survived all these years with a clearly pronounced identity. It has been fifteen years since the formal registration, and nineteen since the inception of work of the group of experts, who had a need to respond to human suffering with action and ease refugee troubles at least a little. This group of people were volunteers until April 1996, when the organization was registered and we got first donations for our work. Our success is also that we work directly with people, primarily with children and, through our activities, we promote human or children's rights. It is also our success that our organization does not consist only of employed professionals as dozens of collaborators and volunteers work on implementation of our programs. Some of our beneficiaries stayed in our programs for years and when they reached a certain maturity they became our volunteers and collaborators, resuming this circle of personal development, giving and social responsibility. It also means a lot to us that the name of our organization is recognizable and appreciated in schools and circles working on the support to children and youth, and among children and young people themselves.

How can someone with a problem address you and how can you help?

If the problems are within the domain of our work, then we organize ourselves to help as efficiently as we can the person who needs help, and if the problem falls out of our competency we inform the parents, children or someone else about the person who is looking for help and refer them to the addresses that can and should help them. In order to inform the people better about the rights of the child and where they can go to seek enjoyment of their rights, we distribute the Guidelines, printed by UNICEF in BiH, and we also have a website of the organization and another website fully dedicated to protection of children against violence. Through activities in youth centres, we are trying to listen carefully to the voices of the children and organize activities which they want to have and which we think correspond to their current needs, of course, in accordance with our capabilities.

What are the problems identified by your organization with which the children were faced most often?

When it comes to children, we are most concerned with regard to the question of children's protection. They are today exposed to various risks from neglect, sexual harassment and abuse, violence to all kinds of other forms of abuse. These problems are more and more pronounced and the children exposed to them are younger and younger. The media, as the most deadly weapon, running after profits and circulation, totally lose all criteria. Recommendations that certain programs should not be viewed by children of a certain age do not mean much, because adults are often out of the house and cannot know or do not know how to prevent the media's bad influence. Of course, the media have the same power

when it comes to positive influence, only it is not used enough. We are only going to deal with the Internet and its positive and negative aspects on the development of the child. A special problem is the lack of capacity in the family and school to tackle all these problems properly.

How much are children's rights respected in Republika Srpska?

When we look at the laws we can be satisfied about how much care is taken of the rights of the child in this entity. However, when we look at the real life then the situation is considerably different. This can be illustrated with examples from all the spheres of children's lives, but as an example – let's take education. Under the Convention and our legislation, all children have a right to free primary education, but such education which will stimulate optimal development of every child.

78. Online Child Abuse

DANI, 30 May 2014

By AMILA KAHROVIĆ-POSAVLJAK

DANI: Mr Rizvo, how pronounced is the problem of human trafficking and abuse of children through the Internet in BiH?

RIZVO: With the development and spreading of the use of information technologies grew its abuse as well. We can say freely that BiH has not been bypassed by this evil, which is confirmed by the relatively modest number of revealed cases. But, on the other hand, if we are to follow the world's average, the scope of abuse is much broader because a large number of cases remains unidentified and unregistered.

DANI: How is trafficking in children organized over the Internet?

RIZVO: Although there are things in common, human trafficking and abuse of children through information and telecommunication technologies are different things. In the classic human trafficking, the Internet is used to allure the victims and also to keep them in the victim's position by means of threats and blackmail, for the purpose of sexual abuse, work exploitation, organized criminal activities, organ trade, etc. A particularly serious form of human trafficking is trafficking in children. The Internet is used in these instances to order the services of the victims of this trade and communication between organized criminal groups. Human trafficking is in the second place according to the scope of illegal gain for criminal organizations, and, according to assessments of UN's Office for Drugs and Organized Crime, it amounts to 32 billion dollars a year. Abuse of children for paedophilia and pornography is a particular phenomenon, but is carried out in the recent period mostly through information and telecommunication technologies, particularly the Internet. Human traffickers have found their interest in this and use this technology to approach the children victims, and produce and distribute pornographic content made through abuse of children. So, these children are abused and they are victims of trafficking. Quite often, paedophilia, sexual abuse of children, child pornography and child trafficking merge into one case.

DANI: What forms of online violence are most frequent in BiH?

RIZVO: Some 5 or 6 years ago, we began working on this problem, because, dealing with the problem of human trafficking, we noticed the cases where victims were lured through the Internet and blackmailed by threats to publish some explicit content if the victims did not obey the traffickers and did not do what they wanted them to do. Quite often the victims in these cases were minors. We started from the fact that the Internet was used for attracting

and using girl minors for the purpose of sexual exploitation. We also encountered some other forms of the abuse of the Internet and online child abuse, such as grooming, cyber bullying and similar things. In the meantime BiH became a member of international organizations and networks fighting child abuse on the Internet, such as Inhope, Insafe and Global Alliance against sexual abuse of children online.

DANI: This includes the problem of child pornography? We recently had a case in which even civil servants were accused of such things.

RIZVO: Of course, one of them was arrested. Within BiH, the most frequent form of abuse is accessing and viewing child pornography on the Internet. In large global operations against paedophile networks and persons dealing in child pornography, access and activities from BiH were regularly recorded. Our police agencies participated regularly in these operations. The best known of these global operations was the operation "Sledge Hammer" conducted by the Interpol and in which a global network of child pornography was broken up.

DANI: What are the legislative solutions in BiH concerning this problem?

RIZVO: Speaking about the legislation, it is like everything else in BiH – complex and in disorder. In BiH, there are four criminal laws. The Criminal Law of BiH does not contain any criminal offences related to this problem. This is regulated in entity and Brčko District criminal laws. Criminal offences we are talking about are "using minors or children for pornography" in the Federation Criminal Law, we have "using children and minors for child pornography" in the RS law as one criminal offence and "production of child pornography" as another criminal offence, in the District – "using a child or a minor for pornography" or "introducing pornography to a child". This is a disorderly and non-harmonized situation. So, one cannot be satisfied with the amount of pronounced punishment which was up to one year of prison as a rule, and most frequently they were conditional penalties. On many occasions we tried to launch activities from the state level to reform these laws, but we did not receive positive answers from the entities and the Brčko District. We will try again. Recently, the Council of Ministers adopted an Action Plan for Protection of Children and Prevention of Violence against Children By Means Of Information and Communication Technologies in BiH, and one of the planned activities in it is harmonization of criminal legislation in this field. There are also the international standards, primarily the Council of Europe Convention on Cybercrime which regulates this matter. We would have to do a great deal to meet the obligations we have committed ourselves to joining this Convention.

DANI: Since, as you say, this matter is at the entity level for the time being, what is the function of the state coordinator?

RIZVO: We are very limited because the coordination itself means ensuring political will and full contribution of other levels of government to make progress. We cannot order anyone to do anything, but we can, through many activities of raising awareness on the presence and scope of the problem and necessity of coordinated action, ensure commitment and activities of responsible institutions.

DANI: Without the law, your activities are similar to an NGO.

RIZVO: Well, that is not really the case, because now when we plan the activities, like when we planned the action plan, we go through a long process of planning and aligning. Before we proceeded to the first draft of the action plan, we first made an analysis, then we planned the activities and harmonized them together with all the institutions from all levels. It was only when we finished this that we went to the Council of Ministers and when it was adopted on

the Council of Ministers it became an obligation for the state and entity bodies. As a coordinator, I was tasked by the Council of Ministers to monitor and evaluate the implementation of the action plan. It is a mechanism through which I can exert some influence and through which state institutions can have an influence. If the adopted measures are not implemented there are mechanisms of reporting to the Council of Ministers and international organizations, and nobody wants to be mentioned in reports of international organizations for the lack of activity.

DANI: Do the entities and the Brčko District meet the obligations?

RIZVO: Yes, We now have a new strategy and action plans for fighting human trafficking and prevention of abuse of children by ICT. This time, the Council of Ministers decided to establish a monitoring team tasked with coordination of the implementation and with monitoring and evaluation. Apart from the state institutions, the team includes representatives of entity and Brčko District governments. There are also politically sensitive questions which we cannot resolve at the expert and technical levels, such as the questions of state and entity legislation.

DANI: Do you have the data on the number of processed cases?

RIZVO: They are very modest. In 2013, we had one pronounced verdict, and in the same year, the police reported three cases. This conviction was pronounced in the Brčko District and it was one and a half years in prison. This was a criminal offence of using a child for pornography. Data for the previous years are very similar. It is our impression that our police agencies, prosecutor's offices and courts do not pay enough attention. On the other side, we must keep in mind that these cases are not easy to investigate because this concerns high technological crime. The people involved in this crime try to cover their tracks and in the virtual world, this is a constant fight between those who run and those who trace them. Thanks to the understanding of the international donors, a couple of years ago, we managed to equip our police with appropriate equipment for investigating these cases and it instantly yielded results. But, a very small number of cases come to an end.

DANI: Why?

RIZVO: This requires a deeper analysis but such a small number of finished cases is certainly worrying. We must keep in mind that investigations into these sort of cases take a long time, they require very expert investigators, the activities are made in a virtual world in which some parts of the equipment, network and devices used are located in various parts of the globe and quite often evidence must be collected through the mechanism of international legal aid.

DANI: What kind of assistance have you received from international organizations and the EU?

RIZVO: So far, we received the greatest help from the Save the Children. Their mission includes protection of children and children's rights. The assistance was given in technical assistance, training of police officers, NGOs and prosecutors. They also provided equipment for police agencies, funded implementation of information campaigns and a series of preventive activities with the children in schools. They helped the NGO sector, too, with which we implemented a large number of information campaigns, we created a web page the goal of which is to warn and help parents and children, and even cases of harassment can be reported through the page. It is also a helpline because the reporting can be made anonymously. And this webpage forwards this to the police. The European Commission, through the CBGI project and the implementing agency Cronauer Consulting, supported a

broad-based consultancy activities of the government and non-government sectors in defining new policies in BiH in this area, and in the monitoring of the implementation of the decisions. We have some announcements that UNICEF could soon get involved in this activity. DANI: What forms of preventive action do you use?

RIZVO: Apart from this webpage, we organize lectures for children and parents, and try to disseminate them through large information campaigns. We include a large number of well-known persons, Frankie was our face in the campaign. We have cooperation with schools where the directors, pedagogues and ITC teachers helped us a lot. We try to animate everyone. Activities are particularly numerous on every February 11 when we mark the international day of safer internet organized by the joint committee composed of representatives of government institutions, NGOs and private sector such as Microsoft. Unfortunately, we still do not have a formalized and institutionalized training for this kind of criminal offences for police officers and prosecutors. This can be understood to a certain extent because of technological demands. It is very hard for the police and prosecutor's offices to keep such staff because persons with such knowledge are in high demand and they easily find much better jobs. We tried to fill in the gap in the Ministry of Security by organizing ad hoc trainings for police staff and we always succeeded thanks to the understanding of international partners, primarily the European Commission and Save the Children. We managed to bring to BiH the best world educators, such as the British CEOP, who is the best in the world in this field. They perform very demanding and closed trainings for these cases, and even I as the national coordinator, could not attend such training, only police officers and prosecutors working on the cases directly. Such trainings cost a lot. We do what we can, and still, there is a problem to ensure a sustainable solution. I can only appeal to your higher education institutions for IT and similar sciences to try to introduce a specialized course of study which will contain the topic of fighting cybercrime. For the time being, only the RS MUP has established a unit for fighting high technological crime and they have made a great deal of progress in this field, other police agencies have not succeeded in this.

DANI: And SIPA?

RIZVO: No, because these criminal offences are not regulated by the Criminal Law of BiH.

DANI: There was recently the case of the Facebook group that published photographs of girl minors.

RIZVO: It turned out that the boy who organized this was from Croatia. His responsibility is unclear, because everyone accessing Facebook agrees with the conditions which imply public sharing of the published content. A question arose whether that was voluntary or not, or authorized or unauthorized publishing. It turned out in the end that, except that there was no explicit content, there was no unauthorized publishing of these pictures because all these girls, unfortunately, agreed themselves that the photographs could be posted. But, this is a good opportunity for children to realize what responsibility is required here and what can happen and what problems they can cause for themselves by posting things recklessly.