

Bosnia and Herzegovina

Mid-term Implementation Assessment



*Promoting and strengthening
the Universal Periodic Review*
<http://www.upr-info.org>

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 24 November 2012

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

http://followup.upr-info.org/index/country/bosnia_and_herzegovina

We invite the reader to consult that webpage since all recommendations, all stakeholders' reports, as well as the unedited comments can be found at the same internet address.

11 stakeholders' reports were submitted for the UPR. 8 NGOs were contacted. 2 UN agencies were contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

5 NGOs responded to our enquiry. 1 UN agency responded. The State under Review did not respond to our enquiry. The domestic NHRI did not respond to our enquiry either.

IRI: 50 recommendations are not implemented, 30 recommendations are partially implemented, and 17 recommendations are fully implemented. No answer was received for 25 out of 126 recommendations (full list of unanswered recommendations is available at the end of this document).

2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Poverty, Development,	page 9	partially impl.
4	Disabilities	page 12	partially impl.
5	Justice	page 19	partially impl.
6	Sexual Orientation and Gender Identity	page 22	partially impl.
7	Minorities, Elections,	page 12	not impl.
8	Minorities	page 13	not impl.
9	Women's rights, Rights of the Child,	page 24	partially impl.
10	Other	page 7	not impl.

rec. n°	Issue	page	IRI
12	Death penalty	page 19	-
13	Special procedures	page 17	not impl.
14	Special procedures	page 17	not impl.
15	NHRI	page 30	fully impl.
16	Human rights education and training	page 9	fully impl.
17	International instruments, Enforced disappearances,	page 18	fully impl.
19	Human rights defenders	page 20	not impl.
20	Women's rights, Trafficking, Special procedures, Rights of the Child,	page 20	partially impl.
22	Corruption	page 21	not impl.
23	Racial discrimination, Human rights education and training,	page 9	fully impl.
24	Justice	page 21	not impl.
25	ESC rights - general	page 10	partially impl.
27	Rights of the Child	page 24	fully impl.
28	Treaty bodies, International humanitarian law,	page 31	fully impl.
29	Rights of the Child	page 25	partially impl.
30	Racial discrimination, Minorities,	page 13	partially impl.
31	Other	page 13	partially impl.
32	General	page 31	not impl.
33	Minorities	page 14	not impl.
34	Civil society	page 7	not impl.
35	Human rights defenders	page 20	not impl.
36	Treaty bodies, Minorities,	page 14	partially impl.
37	Right to education, Minorities,	page 14	not impl.
39	Women's rights, Racial discrimination, Poverty, Disabilities,	page 31	partially impl.
40	Women's rights, Rights of the Child, Minorities,	page 32	partially impl.
41	Death penalty	page 19	not impl.
42	Minorities	page 15	not impl.
43	Human rights education and training	page 10	partially impl.
44	Human rights defenders, Freedom of the press,	page 8	not impl.
45	Internally displaced persons, Asylum-seekers - refugees,	page 15	partially impl.
46	Justice	page 21	not impl.
47	International instruments, Human rights defenders,	page 20	not impl.
49	Disabilities	page 15	fully impl.
50	UPR process	page 18	not impl.
51	Trafficking	page 20	partially impl.
52	Racial discrimination	page 10	partially impl.
53	Torture and other CID treatment, International instruments,	page 21	not impl.
54	Sexual Orientation and Gender Identity	page 23	not impl.
55	Special procedures	page 17	not impl.
56	Special procedures	page 17	not impl.
57	Special procedures	page 17	not impl.
58	Human rights defenders	page 21	not impl.
59	Women's rights	page 25	partially impl.

rec. n°	Issue	page	IRI
60	Civil society	page 8	not impl.
61	Women's rights, Civil society,	page 25	partially impl.
62	Women's rights, Trafficking, Rights of the Child, Impunity, Justice,	page 22	partially impl.
63	Sexual Orientation and Gender Identity	page 23	not impl.
65	Treaty bodies, Rights of the Child,	page 26	not impl.
71	Trafficking, Civil society,	page 22	fully impl.
75	Rights of the Child	page 26	-
77	Asylum-seekers - refugees	page 10	not impl.
79	Freedom of religion and belief, Freedom of opinion and expression,	page 8	not impl.
81	Women's rights	page 26	partially impl.
82	Women's rights	page 27	not impl.
83	Elections	page 8	not impl.
86	NHRI	page 30	not impl.
87	Internally displaced persons, Asylum-seekers - refugees,	page 32	partially impl.
90	International instruments, Disabilities,	page 18	fully impl.
91	International instruments, Disabilities,	page 18	fully impl.
92	International instruments, Enforced disappearances,	page 18	fully impl.
93	Poverty	page 11	partially impl.
94	Minorities	page 16	not impl.
95	General	page 27	-
96	Right to education, Minorities,	page 16	partially impl.
97	International instruments, ESC rights - general, Disabilities,	page 19	partially impl.
98	International instruments, Disabilities,	page 18	fully impl.
99	Women's rights, Technical assistance, Right to education, Poverty, Justice,	page 33	partially impl.
100	Women's rights, Trafficking,	page 27	fully impl.
101	NHRI	page 30	partially impl.
102	Racial discrimination	page 11	not impl.
103	Rights of the Child	page 28	not impl.
104	Minorities	page 16	partially impl.
106	Racial discrimination	page 11	not impl.
107	Sexual Orientation and Gender Identity	page 24	not impl.
108	Minorities	page 16	-
109	NHRI	page 31	partially impl.
110	Women's rights, Rights of the Child,	page 28	fully impl.
111	Women's rights, Treaty bodies,	page 28	partially impl.
112	Women's rights, Rights of the Child, Right to health,	page 29	not impl.
113	NHRI	page 33	fully impl.
114	Sexual Orientation and Gender Identity	page 24	not impl.
115	Freedom of the press, Freedom of opinion and expression,	page 8	not impl.
116	Minorities	page 17	fully impl.
117	Women's rights	page 29	not impl.
118	Justice, Internally displaced persons,	page 33	not impl.

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rec. n°	Issue	page	IRI
119	Women's rights	page 29	not impl.
120	Rights of the Child, Right to education,	page 30	not impl.
121	Death penalty	page 19	not impl.
122	Human rights defenders	page 21	not impl.
123	Internally displaced persons, Asylum-seekers - refugees,	page 34	not impl.
124	Elections	page 8	not impl.
125	Elections	page 8	not impl.
126	Women's rights, Trafficking, Rights of the Child,	page 27	fully impl.

3. Feedbacks on recommendations

CP Rights

Recommendation n°10: *Appoint a new Board and Director General of the Communications Regulatory Authority (Recommended by Italy)*

IRI: *not implemented*

Human Rights House of Sarajevo (HRHS) response:

Because of the lack of political agreement, the Board and the Director General are still not appointed.

Recommendation n°34: *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 (Recommended by Canada)*

IRI: *not implemented*

Child rights Protection Group - Save the Children Norway (CRPG) response:

Civil society organizations in BiH work in atmosphere that is not supportive in terms of governmental attitudes and conditions created for development of the third sector. Some richer cities or communities have developed their cooperation with CSOs, and some ministries have been budgeting funds for NGOs but in small amounts. NGOs in BiH would not be able to sustain the quality and continuity of work without international community support. There are successful examples of cooperation between governmental institutions and NGOs (mostly on local level), but they are not being mainstreamed. The strength of the voice of civil sector is still not high, but as the result of networking we may expect the stronger voice of NGOs in the country. New strategic papers and plans mostly include the element of cooperation with CSOs but the realization of these elements is still not happening on the larger scale.

HRHS response:

The Government is not taking strong measures to support the work of civil society, which would allow the country to monitor implementation of the adopted legislation, implement the legislation in some cases, and to lead the country on the path of less discrimination. From the coalition of independent NGOs, coordinated by the Human Rights House Sarajevo, which submitted a joint report to the United Nations Human Rights Council Universal Periodic Review (UPR), only two NGOs were invited by the Government to its UPR implementation meetings. Latest in date, on 9 October 2012, the Government held consultations with civil society on the UPR but did not invite the coalition or representatives of the Human Rights House Sarajevo.

Recommendation n°44: *Ensure that all assaults on human rights defenders, journalists and members of their families are properly investigated and that perpetrators are brought to justice* (Recommended by Netherlands)

IRI: not implemented

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Recommendation n°60: *Fully investigate all allegations of intimidation and violence against civil society actors, and to prosecute those responsible* (Recommended by Canada)

IRI: not implemented

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Recommendation n°115: *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* (Recommended by Switzerland)

IRI: not implemented

HRHS response:

The ruling political structures consider that the human rights defenders are by no means endangered and there is no reason to adopt measures to guarantee their protection.

Recommendation n°79: *Intensify the existing efforts to protect religious freedom and freedom of expression* (Recommended by Italy)

IRI: not implemented

TP response:

From : U.S. Department of State 2011 Religious Freedom Report - There were no reports of abuses of religious freedom; however, entity and local governments generally did not enforce legal and policy protections for religious freedom.

Recommendation n°83: *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* (Recommended by Canada)

IRI: not implemented

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Recommendation n°124: *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* (Recommended by Slovenia)

IRI: not implemented

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Recommendation n°125: *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* (Recommended by Switzerland)

IRI: not implemented

HRHS response:

This issue is regulated by the BH Constitution. The necessary amendments on the Constitution are still not adopted and the problem still exists.

ESC Rights

Recommendation n°1: *Accord special attention to the fight against unemployment and poverty, especially on behalf of vulnerable groups (Recommended by Algeria)*

IRI: *partially implemented*

CRPG response:

Poverty is still one of the main sources of child rights violations in BiH. In times of cuts in the budgets on any level, budgets for socially deprived, children and in general for the social sector are first on the line.

HRHS response:

Concerning the employment of persons with disabilities, the Republika Srpska has adopted a Law on the professional rehabilitation and employment of persons with disabilities that was published in the Official Gazette of Republika Srpska on April 4 2012 but still nothing was done in implementing it. A similar law already existed in the BH Federation.

International Lesbian and Gay Association Europe (ILGAE) response:

Sarajevo Open Centre is unaware of any concrete programmes conducted by the state in order to fight against unemployment and poverty concerning any group.

UNHCR response:

Minority returnee communities continue to struggle with unemployment and poverty, at a level which tends to exceed that of majority, non-displaced populations. The authorities have provided limited income generation support and loans for small business enterprises, largely funded by international donors.

Recommendation n°16: *Consider making further efforts to train law enforcement officials, judges and police officers in the area of human rights (Recommended by Egypt)*

IRI: *fully implemented*

HRHS response:

The agencies for the education of judges and prosecutors exist in both entities. The police officers do have trainings about human rights. Yet, the human rights NGO's consider that the results of these activities are not satisfactory and that further efforts are to be made in that regard.

Recommendation n°23: *Continue its efforts to combat racial and ethnic discrimination, in particular through programmes promoting tolerance in public education (Recommended by France)*

IRI: *fully implemented*

CRPG response:

Educational curriculums in primary and secondary schools in BiH have integrated principles of peace education, human rights education and tolerance principles, but mostly within curriculum for class community classes, which are often not being

realised. One of the reasons that we have discovered is that school staff is not properly prepared to realise these educational contents.

UNHCR response:

The Government adopted the Law on Prohibition of Discrimination in July 2009. However, the law has yet to be fully implemented.

Recommendation n°25: *Continue its socio-economic programmes, reforms and initiatives with a view to enhancing the protection and promotion of fundamental human rights and freedoms* (Recommended by Nigeria)

IRI: *partially implemented*

CRPG response:

Some efforts are being made to help them become more prepared to realise these important contents. More importance must be given to these elements in educational curriculums at all educational level, including university education of future teachers. Segregation in "two schools under one roof" is still existing in the BiH, with no realistic chances to be ended.

HRHS response:

No changes were noticed in this regard.

UNHCR response:

Conferences and debates related to enhancing the protection and promotion of Human Rights are organized at central level

Recommendation n°43: *Enhance human rights education* (Recommended by Jordan)

IRI: *partially implemented*

HRHS response:

The education depends on entities and cantons. The analysis shows that democracy and human rights can be found in various curriculum but it is not related to the Bosnia and Herzegovina reality, being very theoretical. Still, there are extracurriculum activities in schools and universities where additional training is aiming at strengthening the human right culture and a practical approach to human rights in the country.

Recommendation n°52: *Expedite its efforts to adopt the law on the prohibition of all fascist and neo-fascist organizations and the use of their symbols* (Recommended by Pakistan)

IRI: *partially implemented*

HRHS response:

The Government has drafted a law prohibiting the fascist and neo-fascist organizations. Yet, the Parliament did not adopt that draft because the parliamentarians from Republika Srpska were opposing it. They refuse to accept the very fact that the Tchetniks, extreme Serb nationalist during the World War II, were also fascists.

Recommendation n°77: *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 (Recommended by Brazil)

IRI: *not implemented*

CRPG response:

Lack of tolerance is also being identified as one of the causes of discrimination and growing problem of violence among children in school

HRHS response:

Very little was done in order to stimulate the return, especially of those persons that do not belong to the majority ethnic group on the given territory. The funds for the rehabilitation of houses and apartments are poor, there are practically no employment opportunities for returnees, they are victims of discrimination in the field of health care, social care, education...

UNHCR response:

As a result of the implementation of Annex VII, Government puts all its efforts, to close down the Collective Centres still existing in BiH, planning durable solutions for returnees, promoting access to health and welfare system. In June 2010 a revised Annex VII strategy was approved by the Parliament, but so far it has not been implemented.

Recommendation n°93: 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 (Recommended by Malaysia)

IRI: *partially implemented*

CRPG response:

Poverty is still one of the main sources of child rights violations in BiH. In times of cuts in the budgets on any level, budgets for socially deprived, children and in general for the social sector are first on the line.

UNHCR response:

The Government started ensuring funds for Roma housing, health and employment in the amount of 3 million BAMs annually.

Recommendation n°102: Strengthen the competence of the Communications Regulatory Agency to reduce the risk of inciting ethnic or religious hatred (Recommended by Pakistan)

IRI: *not implemented*

HRHS response:

Trainings are taking place in order to strengthen the capacity of the CRA to recognize hate speech and by doing so to reduce the risk of inciting ethnic and religious hatred. Yet, these are the only measures that were undertaken.

Recommendation n°106: Take all steps necessary to remove ethnic segregation from schools, in order to encourage greater understanding among young people of different ethnicities (Recommended by Canada)

IRI: *not implemented*

CRPG response:

Educational curriculums in primary and secondary schools in BiH have integrated principles of peace education, human rights education and tolerance principles, but mostly within curriculum for class community classes, which are often not being realised. One of the reasons that we have discovered is that school staff is not properly prepared to realise these educational contents.

HRHS response:

According to a verdict of the Court in Mostar, on April the 27th 2012, children were divided in different classes according to the ethnicity which the Court considers as an act of discrimination. The Court has fined the Cantonal Ministry of Education and two schools, one in Stolac and the other in Čapljina, to a fine of 12000 KM and has established a deadline - September 1st 2012, when these ethnically based classes should be dismissed. This Court decision has not yet been implemented and the segregated classes continue to exist with different curriculum.

UNHCR response:

Ethnic segregation in schools continues. But in a positive development, a ruled that ethnic segregation in schools violated the Law on Anti-Discrimination. It ordered the Cantonal Ministry of Education to unify ethnically divided schools and curriculum. The judgment has yet to be implemented. De facto ethnic-based separation and discrimination in public schools remain a serious concern. Ethnically based and divided education systems remain an obstacle to sustainable returns.

Indigenous & Minorities

Recommendation n°4: Adopt legislation to protect persons with physical disabilities to guarantee their well-being and their possible rehabilitation, without any kind of discrimination (Recommended by Argentina)

IRI: *partially implemented*

HRHS response:

The Convention on the Rights of Persons with Disabilities was ratified, some laws were adopted in that spirit but concrete steps are still missing.

Recommendation n°7: 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 (Recommended by Netherlands)

IRI: *not implemented*

HRHS response:

The amendments are still not adopted.

Recommendation n^o8: *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 (Recommended by United Kingdom)*

IRI: *not implemented*

HRHS response:

The amendments are still not adopted.

Recommendation n^o30: *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 (Recommended by Austria)*

IRI: *partially implemented*

HRHS response:

Human right NGOs are very concerned with the issue of discrimination generally speaking and especially with ethnically based discrimination including discrimination against Roma. Recently, a Roma woman did not get the medical treatment in Tuzla because she is Roma and her life was endangered. A Roma man was not allowed to enter a cafe in Zavidovići because he was Roma. Yet, the judiciary is still not independent and capable of dealing properly with these issues and these two cases did not get the expected court decision. At the political level, there is a refusal to accept the very fact that ethnically based discrimination does exist and that is reflected in the judiciary. The political authorities consider that it is enough to adhere to the Roma Decade and that the Roma problem is solved by doing so. Another example of discrimination against Roma: before the war in Bosnia in the 90's, 50% of the active Roma population had an employment. Now, there is less than 2% of Roma men and women that do have a job.

UNHCR response:

The Government adopted the Law on Prohibition of Discrimination in July 2009. The law prohibits public authorities in BiH from discriminating on the basis of race, skin colour, ethnic affiliation, national or social origin, sex, sexual orientation and other grounds. Minority returnees and the Roma population suffer widespread discrimination in accessing a variety of rights in BiH. The full implementation of the law would significantly reduce the discrimination currently suffered by these groups.

Recommendation n^o31: *Continue to strengthen its activities to integrate persons with special needs into social life, bearing in mind that need (Recommended by Ukraine)*

IRI: *partially implemented*

CRPG response:

Inclusive education is one of the elementary points of the educational reform in BiH today, but problematic in its realisation, as no sufficient resources and conditions has been provided for successful realisation of inclusion of children with special need in regular educational system.

HRHS response:

The Convention on the Rights of Persons with Disabilities was ratified, some laws were adopted in that spirit but concrete steps are still missing.

Recommendation n°33: *Continue to strengthen, through concrete steps, national unity, tolerance and the peaceful coexistence of representatives of various nationalities and religious groups* (Recommended by Kazakhstan)

IRI: *not implemented*

HRHS response:

Rhetoric is still dominating. Only citizens and NGOs are concerned with these issues and trying to contribute to the atmosphere of tolerance and peaceful coexistence.

Recommendation n°36: *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* (Recommended by Israel)

IRI: *partially implemented*

HRHS response:

Human right NGOs are very concerned with the issue of discrimination generally speaking and especially with ethnically based discrimination including discrimination against Roma. Recently, a Roma woman did not get the medical treatment in Tuzla because she is Roma and her life was endangered. A Roma man was not allowed to enter a cafe in Zavidovići because he was Roma. Yet, the judiciary is still not independent and capable of dealing properly with these issues and these two cases did not get the expected court decision. At the political level, there is a refusal to accept the very fact that ethnically based discrimination does exist and that is reflected in the judiciary. The political authorities consider that it is enough to adhere to the Roma Decade and that the Roma problem is solved by doing so. Another example of discrimination against Roma: before the war in Bosnia in the 90's, 50% of the active Roma population had an employment. Now, there is less than 2% of Roma men and women that do have a job.

UNHCR response:

The government continues to cooperate with UNHCR and relevant non-governmental organizations in BiH to assist vulnerable Roma with birth registration and other civil registration issues. The Government endorsed the Zagreb Declaration at the Regional Conference on the Provision of Civil Documentation and Registration in South Eastern Europe held in Zagreb 26-27 October 2011. The Declaration aims to address civil documentation and registration gaps in Southeastern Europe. The FBiH [editor's note: *Federation of Bosnia and Herzegovina*] Government has taken efforts to establish a new legal framework in FBiH in area of birth registration that would facilitate birth registration of vulnerable categories of persons. The new legal framework needs to be followed by a number of bylaws to ensure its proper implementation. Continued monitoring of implementation of the new legislation is needed.

Recommendation n°37: *Develop a multi-ethnic learning environment in schools, aimed at reconciliation among ethnic groups* (Recommended by Italy)

IRI: *not implemented*

CRPG response:

Multi-ethnic learning environments in BiH are [rare], because of the distribution of population. It is placed between successful multiethnic school environments to the

harsh segregation in "two schools under one roof" practice. National group of subjects in school are contradictory in interpretation of the recent history, making the situation in education in BiH confusing.

HRHS response:

There are still three curriculums in schools that are ethnically based. The issue of reconciliation is absent from the curriculum.

Recommendation n°42: 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 (Recommended by Netherlands)

IRI: not implemented

HRHS response:

According to a verdict of the Court in Mostar, on April the 27th 2012, children were divided in different classes according to the ethnicity which the Court considers as an act of discrimination. The Court has fined the Cantonal Ministry of Education and two schools, one in Stolac and the other in Čapljina, to a fine of 12000 KM and has established a deadline - September 1st 2012, when these ethnically based classes should be dismissed. This Court decision has not yet been implemented and the segregated classes continue to exist with different curriculum.

Recommendation n°45: 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 (Recommended by Algeria)

IRI: partially implemented

HRHS response:

Very little was done in order to stimulate the return, especially of those persons that do not belong to the majority ethnic group on the given territory. The funds for the rehabilitation of houses and apartments are poor, there are practically no employment opportunities for returnees, and they are victims of discrimination in the field of health care, social care, education...

UNHCR response:

The authorities have supported some vulnerable IDPs in collective centres to obtain durable housing solutions, but still some 8600 IDPs remain in collective centres. The authorities have developed a project proposal/loan application of some 60 million Euros, to be submitted to the Council of Europe Development Bank, which would lead to the closure of most collective centres.

Recommendation n°49: Establish a Council for Persons with Disabilities in Bosnia and Herzegovina (Recommended by Finland)

IRI: fully implemented

HRHS response:

The Council is established. Yet, the Government of Republika Srpska considers that the issue of persons with disabilities is to be dealt with on the entity level and not on the state level why this body is still not sufficiently active and efficient.

Recommendation n^o94: *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 (Recommended by Switzerland)*

IRI: *not implemented*

UNHCR response:

Minority returnees continue to face obstacles in exercising rights in their places of origin, particularly socio-economic rights such as education, health care, and employment. The government's Strategy for the Implementation of Annex VII of the Dayton Peace Agreement aims to address many of these issues, but it has not yet begun to implement in earnest. Discussions on the adoption of free legal aid in civil matters are on-going at the Entity and Central levels.

Recommendation n^o96: *Review school curriculums to ensure that they are sensitive to the needs of minorities and promote human rights and pluralism (Recommended by Canada)*

IRI: *partially implemented*

CRPG response:

In 2011, for the first time, state expert team was formed to implement the Revised Action Plan for educational needs of Roma children, which will work through unification of data collection from educational institutions. Also, consultancy group was formed to create "Guidelines for improvement and promotion of social inclusion in BiH". Roma children and families are still in a marginalised position in BiH.

HRHS response:

According to a verdict of the Court in Mostar, on April the 27th 2012, children were divided in different classes according to the ethnicity which the Court considers as an act of discrimination. The Court has fined the Cantonal Ministry of Education and two schools, one in Stolac and the other in Čapljina, to a fine of 12000 KM and has established a deadline - September 1st 2012, when these ethnically based classes should be dismissed. This Court decision has not yet been implemented and the segregated classes continue to exist with different curriculum.

Recommendation n^o104: *Strengthen the Roma Council, and to ensure that the Council is consulted in connection with any process that has an impact on Roma rights (Recommended by Austria)*

IRI: *partially implemented*

UNHCR response:

The BiH Government is taking efforts to include Roma representatives and consult them in the process of revision of Roma Action Plans. The Roma Board of the BiH Council of Ministers has still not been elected.

Recommendation n^o108: *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 (Recommended by Norway)*

IRI: -

CRPG response:

In 2011, for the first time, state expert team was formed to implement the Revised Action Plan for educational needs of Roma children, which will work through unification of data collection from educational institutions. Also, consultancy group was formed to create "Guidelines for improvement and promotion of social inclusion in BiH". Roma children and families are still in a marginalised position in BiH.

Recommendation n^o116: *Take the measures necessary to guarantee that the Roma ethnic minority has access to identity documentation, without mentioning their ethnic group* (Recommended by Argentina)

IRI: *fully implemented*

UNHCR response:

The FBiH Government has taken efforts to establish a new legal framework for birth registration. The FBiH Law on Basic Registers was adopted in May 2012 and a number of bylaws related to the law have been drafted. Roma will be assisted through provisions that facilitate registration of vulnerable ethnic minorities and persons in social need.

International Instruments

Recommendation n^o13: *Consider extending a standing invitation to special procedures* (Recommended by Jordan)

IRI: *not implemented*

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Recommendation n^o14: *Consider extending an open invitation to the Human Rights Council special procedures* (Recommended by Ukraine)

IRI: *not implemented*

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Recommendation n^o55: *Extend a standing invitation to all special procedures of the Human Rights Council* (Recommended by Latvia)

IRI: *not implemented*

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Recommendation n^o56: *Extend an open and standing invitation to mandate holders of special procedures* (Recommended by Chile)

IRI: *not implemented*

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Recommendation n^o57: *Extend an open standing invitation to all special procedures* (Recommended by Spain)

IRI: *not implemented*

HRHS response:

The Government of BH has stated that it will accept all the visits within the mechanism of special procedures. Yet, it is not ready to extend a standing invitation to special procedure

Recommendation n°17: *Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, to and accept the competence of the relevant committee* (Recommended by Argentina)

IRI: *fully implemented*

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Recommendation n°92: *Ratify the International Convention for the Protection of All Persons from Enforced Disappearance* (Recommended by Spain)

IRI: *fully implemented*

HRHS response:

The Convention was signed on February 6th 2007 and was ratified on March 30th 2012.

UNHCR response:

Ratified on 30 March 2012.

Recommendation n°50: *Establish an effective and inclusive process to follow up on the recommendations resulting from the present review* (Recommended by Norway)

IRI: *not implemented*

CRPG response:

The government sector is not paying enough attention to realisation of recommendations received within reviews of ratified international documents. They are often not made public through their own resources, not being promoted or even delivered to responsible ministries or bodies that should take care of their realisation. Considering CRC and optional protocols, much more has been done by local NGOs and international NGOs working in the field of child rights, then by responsible governmental bodies, in terms of promotion and transparency of reporting processes.

HRHS response:

The Ministry for Human Rights and Refugees, that is in charge of preparing reports to the UN treaty bodies, including the report within the UPR, is selecting NGOs that are to be involved in the follow up process. The paradox is that the NGO that is the leading one in shadow reporting, that has made the first UPR Shadow report and has gathered a big coalition around it is excluded from the process! Once again, the Government is ready to satisfy formal but not substantive requirements.

Recommendation n°90: *Ratify the Convention on the Rights of Persons with Disabilities* (Recommended by Mexico)

IRI: *fully implemented*

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Recommendation n°91: *Ratify the Convention on the Rights of Persons with Disabilities* (Recommended by Qatar)

IRI: *fully implemented*

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Recommendation n°98: *Sign and ratify the Convention on the Rights of the Persons with Disabilities* (Recommended by Argentina)

IRI: *fully implemented*

HRHS response:

The Convention was ratified on March 12th 2010 and has entered in force on April 11th 2010.

UNHCR response:

Ratified on 12 March 2010.

Recommendation n^o97: *Sign and ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol to ICESCR (Recommended by Spain)*

IRI: *partially implemented*

HRHS response:

The Convention was ratified on March 12th 2010 and has entered in force on April 11th 2010.

Justice

Recommendation n^o5: *Allocate the resources necessary to develop programmes for an effective witness support network (Recommended by Australia)*

IRI: *partially implemented*

CRPG response:

Efforts made to develop Departments for witness support, lead and implemented by UNDP in cooperation with several local courts in BiH, have been providing good results, and they have also included children in this network of support. This practice should be made mainstream and widely spread in the country. It, however, presented new problems as the rest of system in this support network must be adjusted (rehabilitation of victims and witness, reintegration in social surrounding, professional help etc).

Recommendation n^o12: *Consider a moratorium on the death penalty as a step towards its effective abolition (Recommended by Argentina)*

IRI: -

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Recommendation n^o41: *Eliminate the provision of the death penalty from the Constitution of the Republika Srpska (Recommended by Italy)*

IRI: *not implemented*

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Recommendation n^o121: *To Republika Srpska repeal the death penalty from its Constitution (Recommended by United Kingdom)*

IRI: *not implemented*

HRHS response:

The legislation in Republika Srpska, including the Penal Code, are in compliance with international standard and the death penalty is abolished. However, because of political disputes, the Parliament of RS cannot adopt constitutional changes.

Recommendation n°19: *Continue adopting measures to guarantee the protection of human rights defenders* (Recommended by Chile)

IRI: *not implemented*

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Recommendation n°35: *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* (Recommended by Belgium)

IRI: *not implemented*

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Recommendation n°47: *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* (Recommended by Slovakia)

IRI: *not implemented*

HRHS response:

The ruling political structures consider that the human rights defenders are by no means endangered and there is no reason to adopt measures to guarantee their protection.

ILGAE response:

No appropriate legal framework guaranteeing the rights of human rights defenders and ensuring that violence, threat and intimidation against them are prosecuted was created in BiH.

Recommendation n°20: *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* (Recommended by Kazakhstan)

IRI: *partially implemented*

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Recommendation n°51: *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* (Recommended by Israel)

IRI: *partially implemented*

UNHCR response:

The Law on the Movement and Stay of Aliens and Asylum that entered into force on 14 May 2008 contains few provisions relating to the protection and assistance for victims of trafficking in general. Since the introduction of the BiH law governing trafficking related issues, the authorities have been successful in controlling sexual exploitation and trafficking. The European Convention on Action against Trafficking in Human Beings entered into force in BiH in 2008. It was signed on 19 January 2006, ratified on 11 January 2008 and entered into force on 1 May 2008. The victims of trafficking currently do not have access to permanent residency. The only protection for trafficking victims in the law is temporary residence on humanitarian grounds which grants only adequate accommodation, health care, limited legal counselling and repatriation. Foreign victims of trafficking do not have right to work. The only travel document victims of trafficking have is a one-way travel document. In order to ensure meaningful international protection to foreign victims of trafficking they need

to have access to permanent residency if it is unsafe to return to their country of origin.

Recommendation n°22: *Continue its efforts to combat corruption, in particular corruption involving law enforcement authorities* (Recommended by Poland)

IRI: *not implemented*

CRPG response:

Corruption, of the "state capture" kind, is extremely present in BiH, creating problems also for children. No serious efforts were made in reporting period to fight corruption in the county. From Transparency International, data are pointing on, not only lack of progress in realization of anticorruption reforms, but also on blocking of realization of obligations taken over by the BiH through ratification of international documents and instruments, which also presents a great obstacle in BiH -EU accession process.

Recommendation n°24: *Continue its efforts to ensure the independence of the judiciary* (Recommended by Pakistan)

IRI: *not implemented*

HRHS response:

The debates about the judiciary, including the so called "structural dialogue" is still ongoing. Yet, no decision or concrete measures did take place in this period.

Recommendation n°46: *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* (Recommended by Australia)

IRI: *not implemented*

HRHS response:

The judiciary is under political pressure and is influenced by political leaders and cannot be considered as independent.

Recommendation n°53: *Expedite the establishment of its National Preventive Mechanism, in keeping with its obligations under the Optional Protocol to the United Nations Convention against Torture* (Recommended by United Kingdom)

IRI: *not implemented*

HRHS response:

The National Preventive Mechanism is still not established. The debate about it is ongoing.

Recommendation n°58: *Forcefully denounce attacks against human rights defenders, and to ensure State authorities give human rights defenders legitimacy and recognition through supportive statements* (Recommended by Norway)

IRI: *not implemented*

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Recommendation n°122: *To the government of the Republic of Srpska effectively investigate and prosecute violations against human rights defenders* (Recommended by Norway)

IRI: *not implemented*

HRHS response:

The ruling political structures consider that the human rights defenders are by no means endangered and there is no reason to adopt measures to guarantee their protection.

Recommendation n°62: 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 (Recommended by Malaysia)

IRI: *partially implemented*

HRHS response:

BiH does not have reliable methods for data collection and consequently it has no reliable statistics on domestic violence. However, available statistics show obvious discrepancy between numbers of reported cases when comparing with number of police reports on domestic violence directed in procedure. Courts granted only small number of protective measures. State does not have adequate institutions to implement compulsory psychosocial treatment protective measure. There are still discrepancies in two Entities' *lex specialis* legislation regulating domestic violence as solely as criminal offence (FBiH) and both criminal offence and misdemeanor (RS). However, despite of legislative solutions in the most of the court cases outcome was a suspended sentence and / or fine, and in only few number of cases imprisonment and other criminal sanctions.

Recommendation n°71: 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 (Recommended by Belarus)

IRI: *fully implemented*

UNHCR response:

In May 2008, the BiH Council of Ministers adopted the third National Action Plan to combat trafficking for the period 2008-2012. The Action Plan supports relevant institutions to achieve better success in prosecution of traffickers and improve standards of protection of victims of trafficking based on the latest international standards for the protection of human rights. The Action Plan includes three segments: criminal prosecution, protection of victims of trafficking and prevention, with an emphasis on the activities related to the protection of the victims of domestic trafficking.

SOGI

Recommendation n°6: Amend laws that still contain provisions that discriminate against lesbians, gays, transsexuals and bisexuals (Recommended by Netherlands)

IRI: *partially implemented*

HRHS response:

After the adoption of the Anti-discrimination Law, the laws on birth register books were adopted in both entities creating possibilities for transgender persons to change their gender. Although the Anti-discrimination Law contains provisions according to

which all the laws were supposed to be harmonized with that piece of legislation, only in the fields of employment and education such changes did occur but in the field of health care, family legislation and social care there were no changes.

ILGAE response:

The Anti-discrimination law prohibits discrimination on the grounds of sexual orientation and gender identity and all other laws must be applied according to it, the only laws still containing provisions that discriminate LGBT persons are the family laws which [prevent] them from getting married and adopting children.

Recommendation n°54: 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 (Recommended by Norway)

IRI: not implemented

HRHS response:

The authorities did not commit themselves to protect human rights of members of groups that gather sexual minorities. Not only that: the state and the official authorities did not undertake anything to condemn violence against the LGBT population or to undertake judicial procedures in these cases. Nothing was done in that regard even after serious violation of human rights of the participants of the First Queer Festival in Sarajevo in 2008 when many of the participants were victims of violence.

Recommendation n°63: 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 (Recommended by Switzerland)

IRI: partially implemented

HRHS response:

The authorities did not commit themselves to protect human rights of members of groups that gather sexual minorities. Not only that: the state and the official authorities did not undertake anything to condemn violence against the LGBT population or to undertake judicial procedures in these cases. Nothing was done in that regard even after serious violation of human rights of the participants of the First Queer Festival in Sarajevo in 2008 when many of the participants were victims of violence. The same goes for the phone threats against the Sarajevo Open Center, an NGO that works on the protection of sexual and gender minorities; the reactions of competent authorities were slow and inefficient and the perpetrators were never brought to justice.

ILGAE response:

Everyone can report discrimination and whether they will get effective protection and the case be prosecuted further on depends on the police and the courts, however there was no public condemnation of acts of violence connected with discrimination based on sexual orientation and gender identity.

Recommendation n°107: *Take all the measures necessary to ensure full respect for existing legislation for lesbians, gays, transsexuals and bisexuals* (Recommended by Netherlands)

IRI: *not implemented*

HRHS response:

[See response to recommendation n° 6]

ILGAE response:

Sarajevo Open Centre is unaware of any measures or policies taken specifically to ensure full respect for existing legislation for lesbians, gays, transsexuals and bisexuals.

Recommendation n°114: *Take the measures necessary to combat discrimination based on sexual orientation or gender identity* (Recommended by France)

IRI: *not implemented*

HRHS response:

[See response to recommendation n° 6]

ILGAE response:

Except for the measures such as reporting to the police and Ombudsperson of BiH which are all done by individuals suffering discrimination, no specific measures are taken by the state in order to combat discrimination based on sexual orientation or gender identity.

Women & Children

Recommendation n°9: *Amend the criminal code in order to include the definition of sexual violence, in accordance with international standards* (Recommended by Spain)

IRI: *partially implemented*

CRPG response:

Changes of the Criminal Code in BiH are in the phase of preparation in sense of realization of recommendations from UN Committee on Children's rights review of the OPSC report, prepared by the BiH Ministry of human rights and refugees. The new laws on protection and treatment of children in contact with law are adopted in Republika Srpska and Brčko District, while the similar law is in procedure of adoption in Federation of BiH for quite some time

Recommendation n°27: *Continue the implementation of comprehensive strategies aimed at the protection of children's rights* (Recommended by Belarus)

IRI: *fully implemented*

CRPG response:

The state has made some progress regarding social protection of children and ensuring equity, mostly in cooperation with international organizations. Also, efforts have been made to revise or start the process of revising social protection legislation

in both entities. However, education is still one of the issues in BiH, in terms of quality, access and diversity management

UNHCR response:

On 13 July 2011, the BiH CoMs passed the Decision on adoption of the Bosnia and Herzegovina Action Plan for Children for the period 2011 - 2014.

Recommendation n°29: *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* (Recommended by Libya)

IRI: *partially implemented*

CRPG response:

When it comes to the protection of children deprived of parental care and families at risk of separation, both entities have adopted relevant policies for the reform of child protection sector that foresee deinstitutionalization, development of family forms of care, and strengthening of prevention programmers for families at risk of separation. FBiH has created a two-year Action Plan that accompanies its Policy and is in the process of adopting it. However, no comprehensive overhaul of the system has yet been initiated by the state/entities and limited progress achieved thus far is mainly thanks to projects of international organisations. Children continue to be placed in institutions and currently around 1000 children deprived of parental care are institutionalized in BiH.

Recommendation n°59: *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* (Recommended by Australia)

IRI: *partially implemented*

HRHS response:

Some progress was achieved in implementation of GAP. Strategies for prevention and fight against domestic violence, as well as Protocols that imply a certain level of coordinated response were adopted at level of BiH, Entities and locals' level. However, differences in policy solutions and its implementation causing level of protection and support depend on the Entities where victim lives, or different between rural and urban areas. Adequate care particularly psychosocial and legal aid support are still in the majority of cases provided by the NGOs. Both financial and social costs of domestic violence are still a burden on victims of domestic violence. Violation of other human rights in relation to case of domestic violence, such as violation of right to employment, housing, child care and access to justice are still not properly addressed by the government at all level. The BiH Gender Agency announced plan to draft a new GAP.

Recommendation n°61: *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* (Recommended by Belgium)

IRI: *partially implemented*

HRHS response:

Both Entities drafted new legislation against domestic violence and directed into parliamentary procedure. Strategies for prevention and fight against domestic violence were adopted at level of BiH, Entities and locals' level. However, differences in policy solutions and its implementation causing level of protection and support depend on the Entity where victim lives, or differentiate between rural and urban areas. Adequate care particularly psychosocial and legal aid support are still in the majority of cases provided by the NGOs. All shelters for victims are still NGOs' provided with limited financial support of the government.

UNHCR response:

Government maintains some shelter centres through BiH for victims of domestic violence

Recommendation n°65: 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 (Recommended by Austria)

IRI: *not implemented*

CRPG response:

Majority of street children are Roma children, majority of local centers for social work do not have information on number of these children. There are only few stations/shelters for these children working with limited services and capacities. There are several NGOs working to provide services and support for these children locally.

Recommendation n°75: Intensify efforts to implement the country's international commitments, as well as the corresponding national strategies and plans of action regarding children's rights (Recommended by Slovakia)

IRI: -

UNHCR response:

The Centres of Social Welfare lack human and financial resources to meet all their obligations related to protection of children. In particular, the Centres of Social Welfare showed unwillingness to assess best interest of children who seek asylum or who were granted international protection in BiH (refugees and those granted status of subsidiary protection). The newly adopted FBiH Law on Personal Name envisages a right and obligation of every person to have a name which is done through birth registration. However, the law does not include foreigners.

Recommendation n°81: Make the fight against violence against women a priority in its strategies, and to seek as much international assistance as needed in that regard (Recommended by Morocco)

IRI: *partially implemented*

HRHS response:

Gender Action Plan is adopted and integrates fight against domestic violence as an area of concern. Strategies for prevention and fight against domestic violence, as well as Protocols of coordinated institutional response were adopted at level of BiH, Entities and locals' level. However, differences in policy solutions and its implementation causing level of protection and support depend on the Entities where

victim lives, or it is different between rural and urban areas. Adequate support particularly psychosocial and legal aid support to victims of violence are still in the majority of cases provided by the NGOs. Both financial and social costs of domestic violence are still a burden on victims of domestic violence. Violation of other human rights in relation to case of domestic violence, such as violation of right to employment, housing, child care and access to justice are still not properly addressed by the government at all level. There are no specific measures that address vulnerability of certain groups of women, e.g. Roma women, women with disability, rural women, etc.

Recommendation n°82: *Monitor the effective implementation of laws preventing violence against women* (Recommended by *Belgium*)

IRI: *not implemented*

HRHS response:

All levels of Governments in BiH missed to establish mechanism for permanent monitoring and evaluation of adopted laws and policies preventing violence against women. Despite of different efforts BiH has not established mechanism to collect detailed statistics on violence against women, particularly domestic violence and other forms of discrimination against women e.g. sexual harassment. Although there are only basic data on law enforcement and judiciary system responses on violence against women cases and that for it is hard to evaluate impacts of adopted laws and policies, NGOs emphasize lack of laws/policy implementation particularly in granting and implementing protective measures (e.g. compulsory psychosocial treatment) and widespread impunity in cases of violence against women.

Recommendation n°100: *Strengthen its efforts in the fight against women trafficking, a phenomenon that remains of concern* (Recommended by *France*)

IRI: *fully implemented*

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Recommendation n°126: *Work on long-term preventive programmes targeting the trafficking of persons, especially women and children* (Recommended by *Germany*)

IRI: *fully implemented*

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Recommendation n°95: *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* (Recommended by *Pakistan*)

IRI: -

UNHCR response:

In May 2008, the BiH Council of Ministers adopted the third National Action Plan to combat trafficking for the period 2008-2012. The Action Plan supports relevant institutions to achieve better success in the prosecution of traffickers and improve standards of protection of victims of trafficking based on the latest international standards for the protection of human rights. The Action Plan includes three segments: criminal prosecution, protection of victims of trafficking and prevention, with an emphasis on the activities related to the protection of the victims of domestic trafficking.

Recommendation n^o103: *Strengthen the role of and provide the necessary resources to the National Council of Children* (Recommended by Austria)

IRI: *not implemented*

CRPG response:

Council for Children is still not formed. There were some efforts made by the BiH Ministry of human rights and refugees to initiate formation of the Council. The new Strategy for combating violence against children 2011-2015 foresees the re-establishment of the national council of children. However, the strategy has not yet been adopted and the idea of a national council is at risk of being politicized.

Recommendation n^o110: *Take further activities to improve the situation of women and to secure children's rights* (Recommended by Slovenia)

IRI: *fully implemented*

HRHS response:

Government/s in BiH adopted whole range of laws and policies targeting discrimination against women, e.g. Gender Equality Law, Gender Action Plan, Law on Protection against Domestic Violence in both Entities, Strategy for prevention and fight against domestic violence on the level of BiH and Entities. Latest Governments draft policy documents such as BiH Employment Strategy, or BIH Inclusion Strategy mainstream measures against discrimination of women. However, all levels of Government in BiH missed to monitor and evaluate impacts of adopted laws and policies. Despite of different efforts BiH has been missing to establish permanent mechanism collecting detailed statistics on different forms of violence against women, particularly domestic violence and other forms of discrimination against women e.g. sexual harassment. Lack of laws/policy implementation should be emphasized. Women are facing violation of their rights to education (Roma girls, girls in rural areas), employment (raising number of sexual harassment or mobbing cases toward women, or discrimination of women on the base of their age, gap in salaries between men and women), protection from violence (particularly domestic violence), political participation, etc.

Recommendation n^o111: *Take measures to fulfill recommendations made by the Committees CEDAW and CERD in respect of the lack of measures aimed at eliminating discrimination against women* (Recommended by Ukraine)

IRI: *partially implemented*

HRHS response:

Government/s in BiH adopted whole range of laws and policies targeting discrimination against women, e.g. Gender Equality Law, Gender Action Plan, Law on Protection against Domestic Violence in both Entities, Strategy for prevention and fight against domestic violence on the level of BiH and Entities. Latest Government/s drafts policy documents such as BiH Employment Strategy, BIH Inclusion Strategy, etc. mainstream measures against discrimination of women. However, all levels of Government in BiH missed to monitor and evaluate impacts of adopted laws and policies. Lack of laws/policy implementation should be emphasized. Women are continuing to face violation of their rights to education (Roma girls, girls in rural areas), employment (raising number of sexual harassment or mobbing cases toward women, or discrimination of women on the base of their age, gap in salaries between men and women), protection from violence (particularly domestic violence), political

participation, etc. State does not elaborate measures to address particular vulnerability of marginalized women, e.g. Roma women, women with disability, etc. either in women's rights policies or specific policies on position of Roma, persons with disability, etc.

Recommendation n°112: *Take measures to guarantee effective access for women and girls to information and services regarding sexual and reproductive health* (Recommended by *Brazil*)

IRI: *not implemented*

CRPG response:

[...] Reproductive health is also one of the topics that is neglected in educational curriculums and integrated in the class community plans, for which teachers are often not educated for.

Recommendation n°117: *Take the measures necessary to improve the level of representation of women* (Recommended by *Albania*)

IRI: *not implemented*

HRHS response:

There are still no harmonization of BiH Election Law that impose obligation to all political parties to integrate 33% of women's politicians at election lists with the BiH Gender Equality Law that calls to ensure equal representation of 40% of underrepresented sex in all branches of government. Women are still underrepresented in executive and legislative bodies. There are no woman Minister in the BiH Government, only one in the FBiH Government and 5 in the RS Government out of 16 Ministers in total. Within legislative bodies there are from 16 to 21,69% of women in 14 BiH parliaments. NGOs continue to undertake different educative and promotional activities advocating toward greater representation of women. However, those activities should have greater institutional and political support of government and particularly political parties.

Recommendation n°119: *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* (Recommended by *Norway*)

IRI: *not implemented*

HRHS response:

Regardless of the Gender Agency, Gender Equality Committee in BiH Parliament and NGO's years of efforts, including establishment of the Interagency Working group, BiH Election Law is not yet harmonized with Gender Equality Law. Moreover, there are no woman Minister in the BiH Council of Ministers, only one in the FBiH Government and 5 in the RS Government out of 16 Ministers. No women prime minister in the State and Entities' Governments. In average 18% of women are members of different BiH Parliaments after the last elections in October 2010. NGOs continue to undertake different educative and promotional activities advocating toward greater representation of women. However, those activities should have greater institutional and political support of government. There are little to be done without legislative measures directed to and supported by political parties.

Recommendation n°120: *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 (Recommended by Norway)*

IRI: *not implemented*

CRPG response:

There are still “divided schools” in BiH, with marginalized groups and national minorities being deprived of their right to quality education. Despite a recommendation from the Council of Ministers that all forms of discrimination should be addressed, there is a general lack of sensitivity amongst students and teachers to discrimination in schools, especially in areas where the majority population belongs to a single ethnic group.

UNHCR response:

Separation of children within schools along ethnic lines and the existence of '2 schools under 1 roof' in three Cantons and mono-ethnic schools continued. Challenging this obvious segregation, local NGO, Association “Vasa prava BiH”, acting as plaintiff, submitted first class action lawsuit against Ministry of Education in Mostar Canton and two schools in Capljina and Stolac. After lengthy proceedings, Mostar Municipal Court reached the decision in favour of plaintiff, ascertaining discrimination-segregation based on ethnicity in the schools in Mostar Canton, as well as violation of the Anti-Discrimination Law. The Ministry of education is ordered to unify ethnically divided schools and curriculum. De facto ethnic-based separation and discrimination in public schools remain a serious concern. Ethnically based and divided education systems remain an obstacle to sustainable returns.

Other

Recommendation n°15: *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 (Recommended by Slovakia)*

IRI: *fully implemented*

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Recommendation n°86: *Provide to the Ombudsman the material support necessary to ensure its effectiveness and independence (Recommended by Poland)*

IRI: *not implemented*

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Recommendation n°101: *Strengthen the capacity and improve effectiveness of the State-level human rights Ombudsman, ensuring adherence to the Paris Principles (Recommended by United Kingdom)*

IRI: *partially implemented*

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Recommendation n^o109: *Take further activities to improve the situation of the State-level Ombudsmen (Recommended by Slovenia)*

IRI: *partially implemented*

HRHS response:

A national human rights institution was established and the BH Ombudsman has that role. The human rights NGOs consider that this institution has not sufficient means to achieve the requests that it is facing. For instance, only two employees are working in the department dealing with discrimination which is absolutely insufficient, knowing to what extent the discrimination is spread in the country. HR NGOs also consider that the Ombudsman institution is not dealing with some key issues that are generating human rights abuses, such as ethnically and politically motivated human rights violations. In these circumstances, we are afraid that this institution will lose its conditional accreditation according to the Paris principles.

Recommendation n^o28: *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 (Recommended by Israel)*

IRI: *fully implemented*

CRPG response:

Within celebration of the International Day of fighting landmines, promotion was held in Sarajevo of anti-mines projects supported by EU. These projects are supported with IPA funds with 2,9 million euro, and additional 330.000 euro from local communities. These works are mostly performed by local NGOs "STOP Mines" Pale, "Pro Vita" Mostar and "Udruženje za eliminaciju mina" Sarajevo, which will clean about 3,8 million square meters of terrain.

Recommendation n^o32: *Continue to strengthen its institutional mechanisms for the protection of human rights and freedoms (Recommended by Egypt)*

IRI: *not implemented*

HRHS response:

There are two main reasons why, generally speaking, there is very little or nothing that is being done in BH on improving the state of human rights:

1. the lack of political will due to the fact that the political elites are still more concerned with collective rights of ethnic and religious groups that with individual rights;
2. the fact that the BH Government was only named 16 months after the elections which means that not only in the field of human rights but in all areas the paralysis was total and no action did take place during that long period.

Recommendation n^o39: *Effectively regulate and implement the norms in force regarding the prohibition of discrimination on the basis of race, gender, disability or social condition (Recommended by Argentina)*

IRI: *partially implemented*

CRPG response:

Law against discrimination is not being fully implemented, primarily because of the low awareness about it and lack of trust in legal system. People are discouraged and

feel powerless in situation when they are being subject of discrimination, without power, support, legal advice and financial means to use this law. Free legal help is available but not sufficient to satisfy all needs.

HRHS response:

A huge discrepancy exists between the legal framework and the practice in BH. The authorities have adopted a legislation, including the anti-discrimination legislation, that is to a big extent in harmony with UN and European norms. But, in practice, very little is done in implementing these standards. Politicians still have a nationalistic approach and they did not embrace the culture of human rights.

Recommendation n°40: *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* (Recommended by Czech Republic)

IRI: *partially implemented*

CRPG response:

Law against discrimination is not being fully implemented, primarily because of the low awareness about it and lack of trust in legal system. People are discouraged and feel powerless in situation when they are being subject of discrimination, without power, support, legal advice and financial means to use this law. Free legal help is available but not sufficient to satisfy all needs. Birth registration is still problematic area, as there is no accurate or even indicative data on number of children without birth registration in BiH. Some activities have been made to register Roma children identified through several projects, by BiH Ministry for human rights and refugees in cooperation with Centers for social work from 10 communities in BiH, and registered significant number of Roma (about 40% of which were children).

HRHS response:

Amendments on the BH Constitution that are supposed to abolish discrimination are still not adopted. Yet, the adoption of the Anti-discrimination Law, Gender Equality Law and some other pieces of legislation have created a better legal environment for the fight against all forms of discrimination. But, in practice this has a very poor impact.

UNHCR response:

In relation to birth registration see [recommendations 36 and 116].

Recommendation n°87: *Provide, as a matter of priority, support to ensure the sustainable return of refugees and internally displaced persons* (Recommended by Czech Republic)

IRI: *partially implemented*

HRHS response:

Very little was done in order to stimulate the return, especially of those persons that do not belong to the majority ethnic group on the given territory. The funds for the rehabilitation of houses and apartments are poor, there are practically no

employment opportunities for returnees, and they are victims of discrimination in the field of health care, social care, education...

UNHCR response:

In April 2012 BiH together with the other Regional Countries (Montenegro, Croatia, Serbia) chaired a Donors' Conference for getting funds for the regional housing project in order to close the chapter of displacement in Balkans. Programme will provide housing to 5,400 vulnerable families, or 14,000 internally displaced persons, returnees and refugees.

Recommendation n^o99: Strengthen cooperation with the international community and organizations in building capacity in crucial areas, including poverty eradication, justice administration, primary education and gender equality (Recommended by Malaysia)

IRI: *partially implemented*

CRPG response:

International organizations have been very important in BiH in terms of realization of the CRC and its protocols. Through cooperation with state actors and local NGOs, significant improvements have been achieved, but it remains to be the fact that BiH stakeholders, on all levels of organization, are not sufficiently interested in providing the society fit for children and to put children higher on their priority lists. This support was providing results in area of social protection of children on local level (inclusive policies for children), protection from violence and prevention of juvenile delinquency, advocacy and support to strategic planning and policy creation in domain of social issues, health etc., providing support for independent monitoring of child rights, reporting processes etc.

Recommendation n^o113: 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 fulfillment of human rights (Recommended by Mexico)

IRI: *fully implemented*

HRHS response:

The unification of the three ombudsman institution is achieved.

Recommendation n^o118: 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 to create favourable conditions for the return of internally displaced persons to their places of origin (Recommended by Japan)

IRI: *not implemented*

UNHCR response:

The BiH authorities have undertaken very limited initiatives to prevent a worsening of IDPs' human rights situation and to create favourable conditions for return. For example social housing was constructed for some IDPs living in collective centres. But note that some 8600 IDPs still remain in collective centres across the country. There have also been efforts to create more favourable conditions for return.

Recommendation n^o123: *Undertake further activities to improve the socio-economic integration of those who have returned refugees and internally displaced persons (Recommended by Slovenia)*

IRI: *not implemented*

HRHS response:

Very little was done in order to stimulate the return, especially of those persons that do not belong to the majority ethnic group on the given territory. The funds for the rehabilitation of houses and apartments are poor, there are practically no employment opportunities for returnees, they are victims of discrimination in the field of health care, social care, education...

UNHCR response:

The BiH authorities have undertaken limited initiatives to improve socio-economic (including housing) integration of returnees. However, the needs are far greater than the programmes currently in place.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.
4. UN Agencies which sent information for the UPR were contacted.

We posted our requests to the States and NHRI, and sent emails to NGOs and UN Agencies.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Disclaimer

The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.

Uncommented recommendations

Hereby the recommendations which the MIA does not address:

rec. n°	Recommendation	SMR	Response	A	Issue
2	Adopt appropriate measures to widely disseminate and ensure full observance of the Declaration on Human Rights Defenders	Norway	Accepted	4	International instruments, Human rights defenders,
3	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	Accepted	5	Right to health, Justice,
11	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	Accepted	5	Technical assistance, International instruments, International humanitarian law, Human rights education and training,
18	Consider the possibility of seeking international assistance to eliminate anti-personnel mines	Algeria	Accepted	3	International humanitarian law
21	Continue investigating crimes of sexual violence arising from the armed conflict, to prosecute those responsible and to provide reparations to victims	Chile	Accepted	2	Women's rights, Rights of the Child,
26	Continue the fight against impunity, and to provide justice for victims of crimes	Germany	No Response	2	Impunity
38	Develop support measures for women victims of sexual abuse committed during the war	Spain	Accepted	4	Women's rights
48	Establish a comprehensive witness protection scheme for cases involving war crimes, with sufficient safeguards including a identity protection system and psychological support	Spain	Accepted	5	Justice
64	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	Rejected	5	Rights of the Child, International instruments,

66	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	Rejected	4	Minorities, Justice,
67	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	Accepted	4	Human rights defenders, Freedom of the press, Freedom of opinion and expression,
68	Improve training for police and detention centre personnel, and to modernize its facilities to meet the needs of all prisoners	United States	Accepted	4	Detention conditions
69	Improve weak administrative and judicial systems that pose obstacles to safeguarding the rights of members of religious minorities	United States	Rejected	4	Minorities
70	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	Rejected	4	Women's rights, Treaty bodies, Right to health,
72	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	Accepted	5	Women's rights, Rights of the Child, Impunity,
73	Increase its policing capacity and enhance judicial reforms to enable it to better fight organized crime and human trafficking	Canada	Rejected	4	Trafficking, Public security,
74	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	Rejected	5	Justice, Human rights education and training,
76	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	Accepted	4	Freedom of the press, Freedom of opinion and expression,
78	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	Rejected	4	Treaty bodies, Rights of the Child,
80	Make efforts to do a way with imbalances in approaches to disability, depending on the geographic area and the cause of disability	Finland	Accepted	4	Disabilities
84	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	Accepted	4	Justice
85	Proceed without delay in effectively implementing the law against discrimination adopted in 2009	Switzerland	Accepted	4	Other

88	Put in place a national plan to effectively combat the trafficking in human persons, and to cooperate with neighboring countries	Qatar	Rejected	5	Trafficking
89	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	Rejected	4	Rights of the Child
105	Strictly apply criminal provisions on hate speech and hate crimes, and to conduct awareness-raising campaigns to promote tolerance	Czech Republic	Rejected	4	Human rights education and training

A= Action Category (see on our website)

SMR = State making recommendation

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