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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Bosnia and Herzegovina

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.



1. With regard to the recommendations of the third cycle of the Universal Periodic Review of Human Rights, this document is a joint effort of the Ministry of Human Rights and Refugees of BiH, the Ministry of Security of BiH, the Ministry of Justice of BiH, the High Judicial and Prosecutorial Council of BiH, the Ministry of Civil Affairs of BiH, the Communications Regulatory Agency of BiH, the Civil Service Agency of BiH, Entities' government (of the Federation of Bosnia and Herzegovina and the Republika Srpska) and the government of Brcko District of BiH and Entities' Judicial and Prosecutorial Training Centres.

2. Bosnia and Herzegovina has received a total of 207 recommendations in the report of the Working Group. Bosnia and Herzegovina has accepted 204 recommendations, of which 68 recommendations are accepted as recommendations in the process of implementation or already implemented. Bosnia and Herzegovina rejected 3 recommendations (120.73, 120.132 and 120.44).

3. With regard to the recommendations subsequently discussed, Bosnia and Herzegovina makes the following comments.

Institutional capacities and coordination

4. Recommendations: 120.24, 120.26, 120.27 **are accepted.**

5. Recommendations: 120.5, 120.6, 120.7, 120.8, 120.11, 120.28, 120.38 **are in the process of implementation.**

6. The Entities and the Brcko District of Bosnia and Herzegovina have established systems of monitoring of sectoral policies, for which it is necessary to continue the process of alignment with the strategies at international level. Further, there is a different attitude of the Republika Srpska in terms of the adoption of strategic documents in the field of human rights and discrimination so, in the coming period, a mechanism for monitoring the implementation of human rights recommendations will be designed and established.

A. Ombudsmen and OPCAT

7. Recommendations: 120.2, 120.10, 120.4, 120.12, 120.13, 120.14, 120.15, 120.16, 120.17, 120.18, 120.19, 120.72, 120.74, 120.75 **are accepted.**

B. Fight against corruption

8. Recommendations: 120.71, 120.108, 120.109 **are accepted.**

C. Civil and political rights

1. Prohibition of discrimination

9. Recommendations: 120.9, 120.21, 120.22, 120.42, 120.112, 120.113, 120.114, 120.116, 120.117, 120.118, 120.119, 120.120, 120.40, 120.45 **are accepted.**

10. Recommendations: 120.39, 120.48, 120.49, 120.50 **are in the process of implementation.**

11. The authorities of Bosnia and Herzegovina, Entities and Brcko District have adopted and implement persons with disabilities policies and special measures for the protection of older persons. Measures for minority protection, Roma in particular, have also been adopted and are being implemented. When it comes to the protection of LGBT people and women, state and entity gender action plans have been adopted and implemented, on the basis of which measures aimed at protecting LGBTI people and marginalized groups of women are carried out. Actions in this area in the coming period require more effective implementation of the measures set in policies and strategies related to the protection of marginalized groups.

2. Gender equality

12. Recommendations: 120.55, 120.148, 120.149, 120.151, 120.150, 120.153, 120.154, 120.155, 120.158, 120.159, 120.164, 120.158, 120.159, 120.164, 120.167 **are accepted**.

13. Recommendations: 120.37, 120.53, 120.147, 120.152, 120.156, 120.157, 120.160, 120.161, 120.162, 120.163, 120.165, 120.166, 120.168, 120.169 **are in the process of implementation**.

14. State and entity gender action plans containing measures aimed at gender equality and measures relating to the representation of women in government have been adopted and implemented. These measures include awareness campaigns to encourage women to run for public offices. The implementation of the laws in the field of social protection includes family, mother and child protection measures and social measures for improving the position of families with more children. There are good examples of concrete measures carried out for economic empowerment of women and there are proposals for their further empowerment in the future. The line entity ministries have reported that Action Plans for development of women's entrepreneurship are continuously implemented in the Federation of Bosnia and Herzegovina and the Republika Srpska. When it comes to the prevention of violence, authorities in Bosnia and Herzegovina, i.e. entity authorities, implement strategies to combat domestic violence and measures to combat sexual violence that include support to victims of violence. The process of bringing laws of the Bosnia and Herzegovina in line with the Istanbul Convention has started.

3. The right to life, liberty and security

15. Recommendation 120.73 **is not accepted**; the Constitutional Court of BiH issued a decision repealing the provision of death penalty in the law.

4. Freedom of expression and media

16. Recommendations: 120.3, 120.41, 120.59, 120.60, 120.61, 120.62, 120.63, 120.64, 120.85, 120.86, 120.89, 120.92, 120.93, 120.94, 120.95, 120.97, 120.98 **are accepted**.

17. Recommendations: 120.46, 120.51, 120.84, 120.87, 120.88, 120.90, 120.91, 120.99, 120.100, 120.102 **are in the process of implementation**.

18. In Bosnia and Herzegovina, i.e. at the entity and cantonal levels as well as in the Brcko District of BiH, there are laws governing public assembly, but it is necessary to align them with European human rights standards.

19. The Regulatory Communications Agency (CRA) notes that the use of official languages in the programmes of public broadcasting services is regulated by the Law on Public Broadcasting System and the rules and regulations of the Agency does not contain provisions that regulate the issue of the use of official languages and scripts in media service providers' programmes.

20. A system for the protection of women journalists including judicial protection in cases of threats and violence has been established but still it is necessary to adjudicate these cases in a more efficient manner. The indicators available show that measures are being taken to deal with attacks against journalists and media professionals, but still there is a need to establish a database and monitor all cases of attacks against journalists in Bosnia and Herzegovina. The laws guarantee freedom of expression and access to information and these laws are well aligned with international standards.

5. Religious freedoms

21. Recommendations: 120.106, 120.57 **are accepted**.

22. Recommendation: 120.52 **is in the process of implementation**.

23. We deem this question very significant and in this connection there is a need to continue the work on ensuring multi-ethnic and multi-religious rights and freedoms with a special emphasis on human rights of refugees, displaced persons, internally displaced persons and returnees.

6. The judiciary, including impunity and the rule of law

24. Recommendations: 120.1, 120.20, 120.23, 120.29, 120.30, 120.31, 120.32, 120.33, 120.34, 120.65, 120.66, 120.67, 120.68, 120.69, 120.76, 120.101, 120.103, 120.104, 120.105, 120.107, 120.178 **are accepted.**

25. Recommendations: 120.35, 120.36, 120.96, 120.110 **are in the process of implementation.**

26. The War Crimes Prosecution Strategy (Revised Strategy) at the level of Bosnia and Herzegovina is in the process of adoption but still there is a need to continue strengthening the professional staff and independence of the judicial system. The Republika Srpska has stated that a new RS administrative organization named the RS Centre for Research of War, War Crimes and Search for Missing People, which has a mandate to cooperate on the prosecution of war crimes, was established.

27. At the level of Bosnia and Herzegovina, the 2018-2022 Strategic Framework for Public Administration Reform was adopted and, in the coming period, it is necessary to make great efforts to ensure the harmonization of legislation with the principles of public administration reform and to ensure efficient implementation of the PAR and political reform in support of the system of coordination of public administration reform, as well as adequate funds for its promotion.

7. Trafficking in human beings

28. Recommendations: 120.58, 120.77, 120.78, 120.79, 120.80, 120.81, 120.82, 120.83 **are accepted.**

D. Economic, social and cultural rights

29. Recommendations: 120.47, 120.56, 120.121, 120.122, 120.123, 120.124, 120.125, 120.126, 120.129 **are accepted.**

30. Recommendations: 120.70, 120.127, 120.128, 120.130 **are in the process of implementation.**

31. Bosnia and Herzegovina is implementing strategies and policies aimed at economic development and reducing social exclusion and adoption of a policy framework will be considered in the coming period.

32. The position of the Republika Srpska Government is that adoption of strategies in the field of health care and environmental protection, including the fight against air pollution, is within competence of the Entities.

33. This Government also considers that there is no need for adoption of a "national" action plan on business and human rights.

1. Education

34. Recommendations: 120.25, 120.131, 120.139, 120.140, 120.141, 120.143, 120.145 **are accepted.**

35. Recommendations: 120.133, 120.134, 120.135, 120.136, 120.137, 120.138, 120.142, 120.144 **are in the process of implementation.**

36. The competent educational authorities have a different attitude regarding education in the mother tongue. However, the educational authorities have undertaken significant activities related to the harmonization of the common core curricula in schools based on learning outcomes. By constantly improving curricula and by their implementation the educational authorities are trying to eliminate any type of discrimination and segregation in schools. At the same time, quality of education is significantly improved and a system of inclusive education for children with disabilities is being introduced. The number of "two schools under one roof" in the Federation of BiH has been reduced by half.

37. Recommendation: 120.132 **is not accepted** as members of national minorities are provided with equal access to education.

2. Cultural rights

38. Recommendation: 120.146 **is accepted**.

E. Vulnerable groups

1. The rights of the child

39. Recommendations: 120.170, 120.171, 120.172, 120.173, 120.174, 120.175, 120.176, 120.177 **are in the process of implementation**.

40. Given the Action Plan for Children is envisaged on the basis of the new recommendations of the 5th and 6th periodic report on the Convention on the Rights of the Child, governments of Entities, the Brcko District of BiH and cantons are responsible for the protection of children without parental care, children with disabilities and juvenile offenders.

41. The competent authorities of the Republika Srpska have highlighted that they have responsibility for the protection of persons with disabilities, including children, the protection of children from violence, including corporal punishment and sexual abuse of children, the suppression of juvenile delinquency, the support to families and child health and the elimination of child labour and that they actively work to implement strategies and other policies.

2. Persons with disabilities

42. Recommendations: 120.180, 120.181, 120.185, 120.186, 120.187, 120.188, 120.189, 120.190, 120.191 **are accepted**.

43. Recommendations: 120.179, 120.182, 120.183, 120.184, 120.192 **are in the process of implementation**.

44. The process of inclusion of children with disabilities has begun in the Entities and cantons and BiHBD. The Entity governments have developed strategies to improve the situation of persons with disabilities, which requires harmonization of laws with a view to protecting all persons with disabilities, regardless of the cause of disability.

45. In the field of health care, it is necessary to continue strengthening the health care system of refugees, displaced persons, internally displaced persons and returnees, including persons with disabilities.

3. LGBTI

46. Recommendations: 120.43, 120.54 **are in the process of implementation**.

47. The Republika Srpska Government takes the position that there is no need for designing a strategy for this area as the matter has been regulated in the valid gender strategy.

48. The Government of the Federation of Bosnia and Herzegovina has proposed the adoption of a framework action plan in this field.

49. In 2016 and 2017, the Entity Governments adopted operational plans for the implementation of the BiH GAP, which have included measures for improving the rights of LGBT persons and which represent the first institutional plans for improving the rights of LGBT persons in BiH. One of the most important results in the implementation of the plans is the harmonization of criminal laws with international legal standards that govern the rights of LGBTI people.

50. Recommendation 120.44 **is not accepted**.

51. The position of the Republika Srpska Government is that there is no need for designing a special plan for harmonization of national legislation respecting discrimination on the grounds of sexual orientation or gender identity due to the fact that the matter of sexual orientation has been already regulated by the following state laws: the Law on Gender Equality and the Law on Prohibition of Discrimination of Bosnia and Herzegovina.

4. National minorities

52. Recommendations: 120.115, 120.193, 120.194, 120.195, 120.196, 120.197, 120.198, 120.199, 120.200 **are accepted.**

5. Refugees and migrants

53. Recommendations: 120.111, 120.201, 120.203, 120.204, 120.205, 120.206, 120.207 **are accepted.**

54. Recommendation: 120.202 **is in the process of implementation.**

55. In accordance with their capabilities, the authorities in Bosnia and Herzegovina provide humane and statutory conditions for accommodation of migrants which are donor-funded because it is necessary to provide enough accommodation for the increased influx of migrants.
