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## **Draft report of the Working Group on the Universal Periodic Review\***

### **Bosnia and Herzegovina**

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## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1–4	3
I Summary of the proceedings of the review process .....	5–89	3
A. Presentation by the State under review .....	6–27	3
B. Interactive dialogue and responses by the State under review .....	28–89	6
II. Conclusions and/or recommendations .....	90–91	14
Annex		
Composition of the delegation .....		22

## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its seventh session from 8 to 19 February 2010. The review of Bosnia and Herzegovina was held at the 16th meeting, on 17 February 2010. The delegation of Bosnia and Herzegovina was headed by the Minister of Human Rights and Refugees, Safet Halilović. At its 17th meeting, held on 19 February 2010, the Working Group adopted the report on Bosnia and Herzegovina.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Bosnia and Herzegovina: Slovenia, Nigeria and Belgium.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Bosnia and Herzegovina:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/7/BIH/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/7/BIH/2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/BIH/3).
4. A list of questions prepared in advance by Denmark, Latvia, Sweden, the Czech Republic, Germany, the United Kingdom of Great Britain and Northern Ireland, Argentina and the Netherlands was transmitted to Bosnia and Herzegovina through the troika. Those questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, 47 delegations made statements. Recommendations made during the dialogue are found in section II of the present report.

### A. Presentation by the State under review

6. In his introductory statement, the Minister for Human Rights and Refugees, Safet Halilović, emphasized the full commitment of Bosnia and Herzegovina to its international obligations in the field of human rights, through constant efforts to ensure that certain issues involving human rights were regulated by means of the adoption of appropriate legislation, but also through the adoption and immediate implementation of international treaties, both multilateral and bilateral.
7. He noted that Bosnia and Herzegovina was perhaps unique because its Constitution was part of a peace treaty known as the Dayton Peace Agreement. The State was established with two asymmetrically arranged entities. One entity, called the Federation of Bosnia and Herzegovina, is extremely decentralized, with 10 cantons, each of which has full legislative power; and another entity, called the Republic of Srpska, is centralized, and legislative powers are only at the entity level. This may be one of the reasons why the process of harmonizing laws with international conventions in Bosnia and Herzegovina is occasionally very complex.

8. Over the past few months, progress has continued in incorporating new international instruments that set out prerequisites and responsibilities in the protection of particularly vulnerable categories of the population. Thus, the Convention for the Protection of Persons with Disabilities was ratified in December 2009. Procedures for the ratification of the European Convention on Access to Official Documents and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights are in progress.

9. Bosnia and Herzegovina has adopted the Law on Prohibition of Discrimination, which created the legislative mechanism necessary for combating discrimination, and efforts are now under way to widely disseminate the Law with a view to its improved implementation. The already established national model for monitoring violence against children, which was implemented on the basis of standards set by the Convention on the Rights of the Child and the Optional Protocols thereto, is a good example. This national model has resulted in the establishment of information software and models, and enables the country to plan priorities for future activities by relevant institutions in combating violence against children.

10. Processes related to transitional justice and activities regarding the drafting of the Law on the Rights of Victims of Torture and Civilian Victims of War have been intensified, and a working draft of the Law has been completed. The Strategy for Transitional Justice is under preparation, which will set out the preconditions for the realization of the right to compensation of damages caused by war and the right to certain social benefits, or, rather, the right of victims to receive financial compensation. This activity is supported by the United Nations Development Programme.

11. An action plan to guarantee the rights of persons with disabilities is currently being prepared, as is the decision to appoint a Council for Persons with Disabilities. The Council will, naturally, include representatives of disabled persons' associations.

12. The functioning of the Council for National Minorities has been secured, not only at the national level, but also at the level of the Entities, with the participation of representatives of all minorities living in Bosnia and Herzegovina.

13. There is a single Ombudsman for the State, together with two other Ombudsman institutions for the respective entities. The Entity Ombudsman has been abolished, and now the process of unifying those institutions into a single entity at the State level is in progress.

14. The Institute for Missing Persons exists in Bosnia and Herzegovina and is fully functional. It provides support for the finding of missing persons. At the same time, a solution for the establishment of a State fund to help families of missing persons in Bosnia and Herzegovina, so as to provide uniform social support for the families of missing persons, is being considered.

15. The process of harmonizing the Strategy for Social Inclusion has been intensified, leading to a comprehensive process of harmonizing social priorities in the areas of social protection for the purposes of employment, education, health care, improvement of the status of families with children, pension policy and the status of persons with disabilities.

16. In collaboration with the United Nations Development Fund for Women, the drafting of a planning document that will address the needs of the survivors of war crimes and sexual violence has been initiated. The plans also include the adoption of new strategies and other planning documents for the period 2010-2014, and planning periods are being coordinated with the National Programme implemented in collaboration with the United Nations Children's Fund.

17. Bosnia and Herzegovina has already adopted the Code of Ethics for Investigations including Children, the Strategy for Prevention of Violence against Children and the Strategy for Combating Juvenile Delinquency.

18. Over the past two years, special protection programmes have been implemented in direct partnership with the non-governmental organization sector, which has secured the sustainable protection of children and women victims of trafficking. The country has managed to secure funding for the implementation of individual integration programmes in the amount of approximately 65,000 euros, and the Council of Ministers has adopted an action plan to monitor the implementation of recommendations made by the United Nations Committee.

19. Judicial reform has been carried out to ensure the independence of judicial and prosecutorial functions, and the High Judicial and Prosecutorial Council has been established. But a real problem lies in the system for financing the judiciary through 13 different budgets, ranging from entity to cantonal budgets. Two entity training centres for judges and prosecutors have been established, and there is also a centre for the education of State civil servants under the State Service Agency.

20. The right to privacy, marriage and family life are guaranteed in the Constitution. In the not-too-distant past of Bosnia and Herzegovina, freedom of movement was a serious problem. But the state of security is satisfactory at this point, and incidents related to threats to freedom of movement are rare.

21. Although there is no trade union organization at the level of the State, the right of all employees to organize through unions is guaranteed. Over the past few years, significantly more resources for reconstruction and infrastructure have been allocated at the State level. In 2009 alone, with a view to the creation of conditions for the sustainable return of refugees and displaced persons, investments amounted to approximately 70 million euros.

22. A programme has been adopted to resolve the housing problems of the Roma, as the largest minority. The Revised Action Plan for Roma Education envisages measures to increase the presence of Roma children in schools and measures to decrease the school dropout rates of Roma children.

23. Concerning the Sejdić-Finci case, in which the European Court for Human rights found a violation of the applicant's right to run in elections for members of the Presidency and the right to run in elections for the House of Peoples of the Parliamentary Assembly, the general opinion is that the judgment of the European Court must be respected and that the Constitution must be amended to guarantee the rights of national minorities and others. Following such changes in the Constitution, the Election Law should be changed accordingly. A plan of action for the forthcoming changes to the Constitution and the Election Law is under preparation.

24. Regarding the independence of the media and freedom of expression, particularly the independence of the Communications Regulatory Agency, most media are privately owned, and there is little room for discussions about possible threats to freedom of speech and of reporting. The Law on Communications regulates the issue of the structure and management of the Communications Regulatory Agency as an independent regulatory body.

25. The statement highlighting the existence of ethnically segregated schools is correct, although it refers only to some of the cantons in the Federation of Bosnia and Herzegovina (two cantons, in fact). Under the Constitution of the Federation of Bosnia and Herzegovina, education falls within the sole competence of the cantons. In the two cantons with segregated schools, the argument offered is that this is the way to protect the right to language, culture and identity of the smallest constituent people. So far, the country has not been able to find a solution to the problem of two schools under the same roof or the issue of segregation of children by ethnicity.

26. In 2007, the Council of Ministers signed an agreement on cooperation with the non-governmental organization sector.

27. Constitutional amendments are a matter of priority, and the country has also made progress in the protection of human rights, by acceding to a considerable number of international conventions and human rights protection documents, adopting the necessary legislation and other documents related to human rights, drafting and adopting several strategies, and establishing institutions to provide support and protection for its citizens.

## **B. Interactive dialogue and responses by the State under review**

28. During the interactive dialogue, 47 delegations made statements. A number of delegations commended Bosnia and Herzegovina for having cooperated with international human rights monitoring mechanisms and for its efforts to bring domestic legislation into conformity with international human rights treaties.

29. Algeria referred to the scourge of land mines and other explosives of war, which hampered the return of refugees and internally displaced persons to their homes. Algeria requested information about the discrimination referred to in the Constitution, as highlighted by the Committee on the Elimination of Racial Discrimination. It also asked about the case involving six Algerian nationals who had been transferred to Guantánamo in violation of a decision by the highest court on human rights. Algeria made recommendations.

30. Morocco welcomed the commitment to improving the protection of human rights, especially those of vulnerable groups, including in legislative terms. It was pleased at the adoption and implementation of plans and programmes to enhance the promotion and protection of children's rights. It highlighted the efforts in the area of disabilities and inquired about the additional measures that were being taken under the national plan. It raised the issue of domestic violence, especially against women. Morocco made recommendations.

31. Slovenia welcomed the ratification of major human rights instruments and called for sustained efforts to ensure their implementation. It was concerned about incompatibilities between domestic legislation and the European Convention on Human Rights. It requested information about steps to be taken to amend electoral legislation, and an assessment regarding the situation of the media and human rights defenders. It noted that the implementation of the law on minorities should be improved and that constitutional changes should be adopted to ensure access for minorities to all political functions. It regretted the fact that State-level Ombudsmen were not fully operational. Regarding refugees and internally displaced persons, it noted recent achievements and requested information about measures to secure social rights. It highlighted that domestic violence, especially against women, remained widespread. Slovenia made recommendations.

32. France welcomed the announcement made by the delegation that it would take measures, in accordance with the Finzi decision, to ensure access for all citizens, especially those belonging to minorities, to elective functions and to implement the decision in the 2010 election. France asked about the measures taken in general to fight against racial and ethnic discrimination and to guarantee the full enjoyment of the right to freedom of expression. France made recommendations.

33. Belarus welcomed the adoption of numerous strategies and programmes to ensure the protection of women and address gender issues, and in the areas of combating domestic violence, combating human trafficking, and illegal migration. It noted the law banning fascist organizations and the use of their symbols. It noted the obstacles to the protection of children's rights and the difficulties of implementing the recommendations of the

Committee on the Rights of the Child regarding the adoption of children. Belarus asked what legislative measures had been taken to combat human trafficking and whether such crimes were criminally punishable. Belarus made recommendations.

34. Malaysia acknowledged the commitment of Bosnia and Herzegovina to human rights, despite constraints in many crucial areas. It noted with pleasure efforts to improve socio-economic development, poverty reduction, public health care, education and gender equality. Malaysia made recommendations.

35. Poland welcomed the adoption of strategies to fight corruption and organized crime, and looked forward to the adoption by the Parliamentary Assembly of the Law on Combating Corruption. It expressed concern about a number of cases involving violations of journalists' rights and freedom of the media, as well as brutal attacks against them. It requested information about the measures that the Government intended to take to protect freedom of the press and the media. Poland made recommendations.

36. Norway expressed concern about the segregation policy in the school system, especially in the Federation of Bosnia and Herzegovina, where the model of "two schools under one roof" still existed. Norway expressed concern about the continued efforts of the government of the Republika Srpska to try to control civil society. Norway commended the adoption of the Law on Gender Equality. Norway expressed concern about the Government's lack of commitment with regard to ensuring freedom of assembly and association for the lesbian, gay, bisexual and transgender communities. Norway made recommendations.

37. The Czech Republic referred to the fight against discrimination, the protection of the rights of returning refugees and internally displaced persons, and criminal provisions on hate speech and crimes. It made recommendations.

38. Spain asked whether there was a plan to establish an educational system that eliminated segregation and would permit mixed education to integrate all communities. It also inquired about the remedies that the Government intended to apply to the legal situation of Bosnian citizens who were not eligible to run for public office if they did not belong to one of the three constituencies (Bosniak, Croat or Serb). Spain made recommendations.

39. China noted with appreciation the constitution of various cantons in the Federation to promote the rights of its people. It acknowledged efforts to improve the situation of refugees and internally displaced persons and the human rights situation of women, children and the elderly. It noted the efforts made to guarantee the rights of minority groups and the Roma community, and action plans regarding education, health care and housing. China was concerned that children did not enjoy free health care and were exposed to poverty and violence that threatened the right to life. China asked what concrete measures had been taken or would be taken in the future to guarantee the right to education for all children.

40. Austria welcomed Bosnia and Herzegovina's self-critical approach to its human rights situation and acknowledged that the country was undergoing a transition period. It welcomed the progress achieved regarding the protection of minorities and the strengthening of monitoring mechanisms. It requested information about plans to implement the ruling of the European Court of Human Rights calling for full participation by all ethnic groups in political life. It noted the negative impact of the administrative structure on children's rights, which had resulted in inequities in the enjoyment of social rights, and requested information about measures to overcome that situation. Austria made recommendations.

41. Canada welcomed the decision to send the strategy for the implementation of annex VII of the Dayton Peace Agreement into the parliamentary procedures aimed at improving the lives of refugees, displaced persons and returnees. It expressed concern at reports that Bosnia and Herzegovina was a significant transit point for human trafficking. Canada noted that it was troubled by reports of intimidation and violence against human rights defenders and other civil society actors. It also noted with dismay reports that some school administrators were coming under considerable political pressure in their attempts to remove segregation from schools. Canada made recommendations.

42. Brazil noted reports indicating that many of those living in conditions of displacement faced poor conditions. Brazil asked about the main challenge faced by the Government in supporting internally displaced persons and about the Government's plans to address the issue in the near future. Brazil also asked what kind of assistance and cooperation, if any, was needed by the Government. Bearing in mind that Committee on the Elimination of Discrimination against Women had highlighted the importance of reducing maternal mortality and of increased access to information and services regarding sexual and reproductive health, Brazil invited the Government to further enhance its gender policy to fill those gaps. It made recommendations.

43. Mexico welcomed the open manner in which human rights challenges were addressed in the national report. It appreciated that, notwithstanding the serious consequences posed by the armed conflict, the country showed a genuine commitment to improving the protection of human rights, especially those of vulnerable groups. It requested information about measures to ensure a universal civil registry that would guarantee the juridical recognition of minorities. Mexico made recommendations.

44. Pakistan welcomed the entry into force of the Law on Prohibition of Discrimination and requested further details about the upcoming law on the prohibition of all fascist and neo-fascist organizations and the use of their symbols. It appreciated knowing further details about the impact of the Communications Regulatory Agency. Pakistan made recommendations.

45. Nigeria observed the various challenges hampering Bosnia and Herzegovina in continuing its socio-economic programmes, reforms and initiatives with a view to enhancing the protection and promotion of fundamental human rights and freedoms. Nigeria welcomed the establishment of various institutions and specialized agencies and the initiation of various programmes, strategies and reforms to promote and protect human rights, such as, inter alia, the establishment of the Human Rights Ombudsman and the Communication Regulatory Agency, the reform of the judiciary, and the creation of specialized agencies to promote the issues of women, children and persons. Nigeria made one recommendation.

46. Chile noted that the national report described several measures and policies adopted to enhance the promotion and protection of human rights in a complex post-conflict scenario. It acknowledged ongoing initiatives and achievements with regard to reconciliation, and encouraged Bosnia and Herzegovina to continue in that direction. Chile made recommendations.

47. Netherlands expressed its concern about the discriminatory nature of some of the articles in the Constitution, mentioning the fact that only Bosniaks, Croats and Serbs could be elected to the House of Peoples and the Presidency of Bosnia and Herzegovina. It also referred to concerns raised by the reported escalation in the number of assaults on human rights defenders, with the targets reportedly being campaigners for the rights of sexual minorities, activists against human trafficking, and members of non-governmental organizations and journalists investigating corruption and crime, as well as their family members. Netherlands also cited its concerns about the discrimination faced by lesbian,



gays, transgender and bisexual persons in practice and the fact that they were not treated equally under all laws. Finally, it mentioned the so-called “two schools under one roof” that had emerged after the war. Netherlands made recommendations

48. Finland appreciated the adoption of the Disability Policy by the Council of Ministers in 2008 and commended the Government for having established the legal framework in that area. Finland noted the fact that the same social protection was not guaranteed for all citizens throughout the country, and that the preferential treatment accorded war veterans in terms of social benefits had continued to affect other socially vulnerable groups. Finland asked a question about the measures taken to address the inadequacies in the social welfare system, in particular with regard to vulnerable people and persons with disabilities. It made recommendations.

49. Switzerland referred to discrimination, freedom of expression and transitional justice. It made recommendations.

50. Belgium expressed concerns about the physical violence, threats and intimidation to which human rights defenders were subject. As such attacks were rarely sanctioned, it requested information about the number of legal proceedings that had begun and verdicts pronounced in that area. It also referred to the worrisome situation of domestic and sexual violence against women. Belgium made recommendations

51. Sweden noted that the first cultural festival for lesbian, gay, bisexual and transgender people had been held in September 2008. However, Sweden expressed concern at the violence that had taken place at the festival, while noting that there had been no official condemnation by the authorities and that no one had been indicted or prosecuted to date. Sweden asked the Government to provide details about the measures it was taking to ensure the full enjoyment of human rights, including freedom of assembly and association and of lesbian, gay, bisexual and transgender persons, as well as about whether it would be willing to condemn attacks on such persons. Sweden also asked the Government if it could comment about the process of legalizing gay marriages. Sweden also noted that the right to freedom of expression had not always been fully implemented and asked about the measures taken to ensure full respect for freedom of expression.

52. Serbia noted with appreciation that the national report had been prepared in broad consultation with national stakeholders. It stated that resolving the problems of refugees and internally displaced persons was a common goal for Bosnia and Herzegovina and Serbia, and encouraged Bosnian authorities to continue in their commitment to the Sarajevo Declaration. It offered its cooperation regarding reconciliation, including through the role of the International Criminal Tribunal for the Former Yugoslavia and domestic courts in individualizing responsibilities. It welcomed efforts to combat human trafficking and requested further information about that subject.

53. Reacting to questions raised by certain delegations and regarding the judgment of the European Court for Human Rights related to the constitutional provision that violated election rights, Bosnia and Herzegovina indicated that that provision was, in fact, a very successful attempt to stop the war and establish a kind of order that would guarantee peace. Today, no one questioned the need to harmonize the legislation, but problems had arisen with regard to how the Constitution should be amended, because there were several options.

54. The issue related to the so-called “Algerian group” had been largely resolved, in collaboration with the United States of America.

55. Concerning education in the judiciary, institutional preconditions had been established for the implementation of training programmes through the two judicial training centres and the training centre for civil servants.

56. Bosnia and Herzegovina thanked numerous donors that had helped the country to resolve the problem of mine clearance, which remained an enormous problem for the country and its populations.

57. The judiciary was fully independent when it came to the appointment or removal of judges. The country had a plan to resolve all war crimes cases within a reasonable period of time; there were 1,500 court cases, involving 10,000 suspects related to war crimes. The process of reforming the Criminal Code had been completed two months previous, and the issue related to harmonizing the definition of rape and sexual violence would be considered.

58. Bosnia and Herzegovina was deeply involved in the process of acceding to the European Union. Much work had been done to improve the judiciary and to build the administrative framework, but there were still areas in which efforts had to be consolidated. The representative of the entity Republic of Srpska stated that the Republic of Srpska respects freedom of expression, but that some of the media deviated from elementary responsibility towards the truth and the public. He stated that the Prime Minister of the Republic of Srpska had been attacked by an FTV journalist without any evidence and that the representatives of the Republic of Srpska in common State bodies were characterized as members of the Third Reich. There were omissions in the national report regarding the law on the termination of the Ombudsman of the Republic of Srpska. In fact, the law had been adopted by the National Assembly of the Republic of Srpska. Another fact that was not mentioned in the national report was that the Republic of Srpska had invested 40 million KM in the sustainable return of Srebrenica. Concerning minorities' rights, the capital of the Republic of Srpska, Banja Luka, had been given an award by the Council of Europe for social inclusion and for the status of national minorities.

59. The issue of hate speech and tolerance was very sensitive in Bosnia and Herzegovina; fortunately, there were several institutions to follow up on and monitor such cases.

60. Gender equality agencies at the State and Entities levels followed up on the implementation of the law on gender equality.

61. In acceding to the Roma Decade, Bosnia and Herzegovina had decided to take a serious step in developing a national system for the protection of the most vulnerable category of the population. Several civil society organizations, as well as Roma associations, were part of that project. The programme for the registration of Roma children at birth was ongoing, with the assistance of UNICEF. The country was currently preparing a national methodology to facilitate the monitoring of all cases involving discrimination, which included racially motivated incidents. In recent years, the courts had prosecuted at least 30 cases related to incitement or racial or ethnic intolerance.

62. The plan to combat violence against children had been identified as a successful strategy. There were similar programmes related to combating domestic violence and the trafficking in human beings. Specific actions were carried out to fight the phenomenon of children forced into street begging.

63. Regarding the recent events involving discrimination against sexual minorities, the Ministry of Human Rights and Refugees had been responding from the very beginning, seeking to ensure an effective end to any form of condemnation of differently oriented persons. Parliament would have to address the question of legalizing gay marriage. The law on the prohibition of discrimination set out an adequate approach to the prohibition of discrimination.

64. Very concrete action had been taken to tackle the problem of displacement. The revised national strategy for the implementation of annex VII of the Dayton Agreement had

been submitted to Parliament. It was a strategy providing for comprehensive solutions to unresolved issues related to the return of refugees and displaced persons. Considerable funds, approximately 17 millions euros annually, had been invested to address issues related to returnees. Since the Dayton Agreement had been concluded, the number of displaced persons had declined from 1.1 million to some 130,000. The country was determined to completely resolve that issue by 2014, through the implementation of several initiatives and the support of partners. Bosnia and Herzegovina was also committed to maintaining the Sarajevo Declaration.

65. Bosnia and Herzegovina had one of the best legal and regulatory frameworks in Europe concerning freedom of the media; what was missing was true implementation. There was a press code and a free help line. The priority was to develop an inclusive project to strengthen media freedom. In addition, the Communication Regulatory Agency was working for the protection of minors, in particular against violence on television. There was also a press council, with a self-regulatory body responsible for printed media.

66. The United States of America commended Bosnia and Herzegovina's commitment to good human rights practices. It expressed concern about the conditions in prison and detention centres, which were below international standards in several areas. It expressed concern about reports of ethnically motivated violence among inmates, particularly the formation of prison gangs based on ethnicity or region of origin. It also expressed concern that respect for religious freedom had been limited through selective legal enforcement and the indifference of some Government officials. It made recommendations.

67. Germany commended the Government on the improvements made in recent years in the area of human rights. Germany asked about the measures taken to improve the exercise of the freedom of expression and to enable human rights activists to carry out their mission. It expressed concern about the issue of impunity for crimes of sexual violence related to the armed conflict, as non-governmental organizations had noted the inadequate legal definition of such crimes, which had led to an insufficient legal framework and scant protection for witnesses, and that efforts to prosecute the perpetrators had not been completed to date. Germany asked for clarification regarding impunity for sexual violence. Germany also asked which measures had been undertaken to find a solution for the internally displaced, especially women and children, who were sometimes victims of internal trafficking or trafficking to other countries. Germany made recommendations.

68. Japan noted the multi-ethnic character of the population and efforts aimed at ethnic reconciliation. It requested information about measures to eliminate the practice of "two schools under one roof". Regarding the Roma, it also noted prevalent problems and hoped that further measures would be taken to improve the exercise of their social rights. It was concerned about the high number of internally displaced persons and about the fact that the Republic of Srpska had reduced its budget concerning refugees and the internally displaced. Japan made one recommendation.

69. The United Kingdom of Great Britain and Northern Ireland noted that further work was necessary to strengthen the Ombudsman office at the State level and that the current situation continued to impede the implementation of human rights legislation. It regretted the fact that Bosnian authorities were unable to agree on an extension to the mandates of international judges and prosecutors. It requested information about how the authorities planned to address the outstanding cases of 10,000 to 16,000 untried war criminals. The United Kingdom expressed its concern at the current Constitution, which was in breach of the European Convention on Human Rights, as it discriminated against minority groups. It made recommendations.

70. Jordan commended the establishment of the Human Rights Ombudsman and the adoption of various laws seeking to ensure effective protection, such as the Law on the

Protection of National Minorities; the Law on Basis of Social Protection, Protection of Civilian Victims of War and Protection of Families with Children; and the Law on Protection from Family Violence. It made recommendations.

71. Kazakhstan acknowledged improvements in the situation of refugees, internally displaced persons and other vulnerable groups. It encouraged the Government to redouble its efforts to improve the situation of those groups. It acknowledged underlying challenges, such as a lack of financial resources, to the full implementation of social and economic rights. It welcomed the ratification of core human rights treaties, as well as the adoption of the law on minorities. Kazakhstan made recommendations.

72. Turkey referred to the Law against Discrimination, adopted in 2009, and requested further information about it. It also asked about the new mechanism for collecting and monitoring data related to human rights, as one of Bosnia and Herzegovina's priority objectives. It inquired about the Plan of Action 2010-2015 to promote the full participation of persons with disabilities in society.

73. Bearing in mind the need to integrate persons with special needs into social life, Ukraine asked the Government to elaborate about the measures being undertaken in that respect. Ukraine asked two further questions about the decision of the European Court of Human Rights, issued on 22 December 2009, which held that the Constitution discriminated against minorities. Ukraine made recommendations.

74. Latvia noted with satisfaction the fact that human rights and fundamental rights were guaranteed under the Constitution, as well as the high level of the ratification of core human rights treaties and the good level of cooperation with special procedures. It made one recommendation.

75. Hungary posed three questions: the first regarded the specific achievements accomplished thus far in developing a relevant action plan after joining the Decade of Roma Inclusion (2005-2015); the second concerned the positive results produced by the mechanisms established to prevent gender-based discrimination; and the third related to the success of Bosnia and Herzegovina in promoting reconciliation among war victims.

76. The Russian Federation noted with appreciation the readiness of all parties in the country to eliminate the shortcomings referred to in the judgment of the European Court of Human Rights on a case concerning discriminatory provisions of the Dayton Agreement. It noted that solutions regarding that issue should be found by Bosnians and within the Dayton Procedures. While the presence of internationals in the judiciary might have been justified in the early stages, the Russian Federation considered that all the authority within the justice system needs to be transferred to the Bosnians.

77. Italy noted ongoing challenges, mainly arising from persistent ethnic and religious tensions. It commended the continued cooperation of Bosnia and Herzegovina with the International Criminal Tribunal for the Former Yugoslavia and the adoption of a national war crimes strategy. Italy made recommendations.

78. Montenegro commended the commitment to the promotion and protection of human rights and fundamental freedoms set out in chapter 5 of the national report.

79. The Libyan Arab Jamahiriya commended Bosnia and Herzegovina for having adopted various strategies and national plans to enhance the promotion and protection of children's rights. It made one recommendation.

80. Slovakia noted the commitment of Bosnia and Herzegovina to contributing to the promotion of human rights in the country, with a particular focus on building confidence among its communities.

81. Australia welcomed the Government's progress in the prohibition of discrimination and on gender issues. Australia noted with concern reports of political pressure and criticism related to the work of judges and prosecutors, particularly those in the Court of Bosnia and Herzegovina and the Prosecutor's Office, which addressed the most sensitive cases. Australia also noted with concern the failure of authorities to provide adequate institutional support services for witnesses and victims of war crimes cases in courts. Australia made recommendations.

82. Albania welcomed the commitment to combating domestic violence and the adoption of a national plan to that end. While noting that the principle of gender equality was guaranteed in law, it was concerned about the lack of equitable representation of women in the political, social and economic life of the country. It made one recommendation.

83. The former Yugoslav Republic of Macedonia asked about the current state of affairs regarding children's health and education, more specifically the child victims of anti-personnel landmines. It welcomed further details about the process of implementing the National Strategy for Combating Violence against Children (2007-2010), the National Strategy on Early Child Development, the Mine Action Strategy and the Strategy on Inclusion of Children with Special Needs. It inquired about the fight against child trafficking and child pornography and about the prohibition of corporal punishment at home and in institutions.

84. Croatia commended the adoption of several strategic documents in the areas of combating domestic violence, combating trafficking and illegal migration and, notably, the accession to the Decade of Roma Inclusion 2005-2015. Croatia noted that gender equality principles must be much more visible in order to eliminate discrimination against women and to include them in the political, social and economic processes in the country. Croatia expressed concern that internally displaced persons remained a significant problem and called on authorities to appropriately address that problem, especially with regard to Roma children.

85. Egypt commended the adoption of plans and programmes to ensure the more effective prevention of discrimination against women, such as the Gender Action Plan and the action plan for combating domestic violence; plans and programmes to combat human trafficking; and the adoption and implementation of plans and programmes to improve children's rights. It welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the drafting of an action plan for promoting their participation in society. Egypt made recommendations.

86. Argentina noted the cooperation of Bosnia and Herzegovina with the International Criminal Tribunal for the Former Yugoslavia and its continued efforts to maintain that cooperation. Argentina referred to the written questions submitted prior to the interactive dialogue regarding children, women and the protection of minorities. It also mentioned the reports concerning discrimination against the Roma. Argentina made recommendations.

87. Qatar expressed satisfaction at the progress made through the constitutional and legislative protection of human rights and expressed appreciation for the fact that its legislation had been brought into conformity with the international human rights law set out in the instruments to which it had acceded, especially with regard to refugees, displaced persons, asylum seekers, women and ethnic minorities. It noted the efforts to eliminate discrimination and to guarantee the right to education. It made recommendations.

88. Israel acknowledged the efforts made by Bosnia and Herzegovina to improve the human rights situation in the context of the post-war transition. It applauded steps taken to combat discrimination through the adoption of a law on minority rights, under which all 17

minorities were recognized, as well as its efforts to incorporate the Roma population into society. Israel made recommendations.

89. In concluding remarks, Bosnia and Herzegovina indicated that it would intensify its efforts to initiate and implement effective activities to resolve the problems noted by the Working Group. The delegation emphasized that Bosnia and Herzegovina was committed to its accession to Euro-Atlantic integration processes, which were aimed at fulfilling conditions for accession to the European Union. Those processes also led to stronger institutions and greater capacity to ensure the full observance of human rights and fundamental freedoms for all the citizens of Bosnia and Herzegovina and all residing therein.

## **II. Conclusions and/or recommendations**

90. The following recommendations will be examined by Bosnia and Herzegovina, which will provide responses in due course, but no later than the fourteenth session of the Human Rights Council, to be held in June 2010. The responses made by Bosnia and Herzegovina to the recommendations will be included in the outcome report adopted by the Council at its fourteenth session.

1. To sign and ratify the Convention on the Rights of Persons with Disabilities and the Optional Protocol to ICESCR, and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);
2. To ratify the Convention on the Rights of Persons with Disabilities (Mexico);
3. To consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, to and accept the competence of the relevant committee (Argentina);
4. To sign and ratify the Convention on the Rights of the Persons with Disabilities (Argentina);
5. To ratify the Convention on the Rights of Persons with Disabilities (Qatar);
6. To implement the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and to incorporate it into the criminal justice system (Qatar);
7. To amend the criminal code in order to include the definition of sexual violence, in accordance with international standards (Spain);
8. To expedite its efforts to adopt the law on the prohibition of all fascist and neo-fascist organizations and the use of their symbols (Pakistan);
9. To take further activities to improve the situation of the State-level Ombudsmen (Slovenia);
10. To provide to the Ombudsman the material support necessary to ensure its effectiveness and independence (Poland);
11. To strengthen the capacity and improve effectiveness of the State-level human rights Ombudsman, ensuring adherence to the Paris Principles (United Kingdom of Great Britain and Northern Ireland);
12. To consider in a timely manner the establishment of a national human rights institution, with accreditation status granted by the Intentional Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Slovakia);

13. To take the measures necessary to accelerate the unification of the three national human rights institutions, which should have been completed at the end of 2006, in order to help avoid fragmented policies and administrative structures that hinder the fulfilment of human rights (Mexico);
14. To strengthen the role of and provide the necessary resources to the National Council of Children (Austria);
15. To strengthen the competence of the Communications Regulatory Agency to reduce the risk of inciting ethnic or religious hatred (Pakistan);
16. To appoint a new Board and Director General of the Communications Regulatory Authority (Italy);
17. To expedite the establishment of its National Preventive Mechanism, in keeping with its obligations under the Optional Protocol to the United Nations Convention against Torture (United Kingdom);
18. To continue to strengthen its institutional mechanisms for the protection of human rights and freedoms (Egypt);
19. To intensify efforts to harmonize its national legislation with international standards, including by providing more training for judicial and law enforcement officials for the effective application of international standards (Malaysia);
20. To establish a comprehensive witness protection scheme for cases involving war crimes, with sufficient safeguards including a identity protection system and psychological support (Spain);
21. To continue to strengthen, through concrete steps, national unity, tolerance and the peaceful coexistence of representatives of various nationalities and religious groups (Kazakhstan);
22. To develop a multi-ethnic learning environment in schools, aimed at reconciliation among ethnic groups (Italy);
23. To intensify its efforts to progressively implement the recommendations of the Committee on the Rights of the Child, in collaboration with the relevant United Nations agencies (Morocco);
24. To implement the recommendation of the Committee on the Rights of the Child to improve support for street children, in particular shelter, nutrition, health care and educational opportunities (Austria);
25. To extend an open standing invitation to all special procedures (Spain);
26. To extend an open and standing invitation to mandate holders of special procedures (Chile);
27. To consider extending a standing invitation to special procedures (Jordan);
28. To consider extending an open invitation to the Human Rights Council special procedures (Ukraine);
29. To extend a standing invitation to all special procedures of the Human Rights Council (Latvia);
30. To continue its efforts to combat racial and ethnic discrimination, in particular through programmes promoting tolerance in public education (France);
31. To eliminate discriminatory provisions from the Constitution; to adopt comprehensive anti-discrimination legislation including, inter alia, protection against

discrimination based on sex or gender; to strengthen the protection of persons against statelessness; and to adopt measures to guarantee universal birth registration under all circumstances, including for Roma children (Czech Republic);

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

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

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

35. 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);

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

37. To take the measures necessary to improve the level of representation of women (Albania);

38. To take further activities to improve the situation of women and to secure children's rights (Slovenia);

39. To continue the implementation of comprehensive strategies aimed at the protection of children's rights (Belarus);

40. To continue to enhance its efforts to take into account the needs of children, and to continue to take the measures necessary to guarantee children's rights in the field of social protection and education (Libyan Arab Jamahiriya);

41. To intensify efforts to implement the country's international commitments, as well as the corresponding national strategies and plans of action regarding children's rights (Slovakia);

42. To make efforts to do a way with imbalances in approaches to disability, depending on the geographic area and the cause of disability (Finland);

43. To establish a Council for Persons with Disabilities in Bosnia and Herzegovina (Finland);

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

45. To proceed without delay in effectively implementing the law against discrimination adopted in 2009 (Switzerland);

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

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



48. To take the measures necessary to combat discrimination based on sexual orientation or gender identity (France);
49. To express a strong commitment to protecting and advocating the fundamental human rights of members of the lesbian, gay, bisexual and transgender communities as equal citizens, in keeping with the country's commitments to international conventions (Norway);
50. To take all the measures necessary to ensure full respect for existing legislation for lesbians, gays, transsexuals and bisexuals (Netherlands);
51. To amend laws that still contain provisions that discriminate against lesbians, gays, transsexuals and bisexuals (Netherlands);
52. To (Republika Srpska) repeal the death penalty from its Constitution (United Kingdom);
53. To eliminate the provision of the death penalty from the Constitution of the Republika Srpska (Italy);
54. To consider a moratorium on the death penalty as a step towards its effective abolition (Argentina);
55. To make the fight against violence against women a priority in its strategies, and to seek as much international assistance as needed in that regard (Morocco);
56. To monitor the effective implementation of laws preventing violence against women (Belgium);
57. To further invest in the fight against domestic violence by, inter alia, establishing shelters for victims and providing support to non-governmental organizations working in that field (Belgium);
58. To put in place adequate channels for the reporting of child abuse, with a view to criminal persecution, and to provide physical and psychological assistance for the victims of such violence (Brazil);
59. To fully implement the Gender Action Plan, to develop a more coordinated response to authorities, and to protect victims of domestic violence and provide them with adequate care (Australia);
60. To strengthen its efforts in the fight against women trafficking, a phenomenon that remains of concern (France);
61. To increase efforts to combat the trafficking in human beings, including through the development of international cooperation with interested Governments, international organizations and non-governmental organizations (Belarus);
62. To increase its policing capacity and enhance judicial reforms to enable it to better fight organized crime and human trafficking (Canada);
63. To work on long-term preventive programmes targeting the trafficking of persons, especially women and children (Germany);
64. To continue efforts to prevent internal trafficking and trafficking from the country to other countries, in accordance with the recommendation of the Special Rapporteur on the trafficking in persons, especially women and children (Kazakhstan);
65. To put in place a national plan to effectively combat the trafficking in human persons, and to cooperate with neighboring countries (Qatar);

66. To expand its efforts to establish and implement a sustainable and uniform system to assist in data retention, direct aid and assistance to victims in trafficking (Israel);
67. To continue investigating crimes of sexual violence arising from the armed conflict, to prosecute those responsible and to provide reparations to victims (Chile);
68. To develop support measures for women victims of sexual abuse committed during the war (Spain);
69. To consider the possibility of seeking international assistance to eliminate anti-personnel mines (Algeria);
70. To continue to carry out mine-awareness campaigns and undertake, as a priority, demining programmes to demine the approximately 30,000 minefields throughout the country, as well as lend psychological and social assistance to the children affected, as recommended by the Committee on the Rights of the Child (Israel);
71. To further strengthen the law enforcement and judicial system in the effort to address impunity, and to prevent the incidence of trafficking and domestic violence, as well as the sexual abuse of women and girls (Malaysia);
72. To increase its efforts to fight impunity for war crimes, in particular sexual violence, by, inter alia, including a definition of sexual violence in the criminal code (Austria);
73. To adopt further measures to provide victims of war crimes with effective remedies, including improved access to and affordability of health services and the establishment of psycho-social support centres (Austria);
74. To implement the reforms necessary to improve the effectiveness of the justice system in order to guarantee the right to a fair trial, in particular to guarantee court access for and adequate court utilization by linguistic minorities (Mexico);
75. To conduct a standing information campaign to disseminate international obligations under international human rights law and international humanitarian law, and to intensify the training of law enforcement officials to ensure that they are aware of their obligation to apply in practice the principles of those international instruments (as acknowledged in the national report), with the assistance of OHCHR (Mexico);
76. To continue its efforts to ensure the independence of the judiciary (Pakistan);
77. To proceed to implement, as soon as possible and effectively, the national strategy regarding war crimes, and to formulate and adopt a national strategy regarding transitional justice (Switzerland);
78. To improve training for police and detention centre personnel, and to modernize its facilities to meet the needs of all prisoners (United States of America);
79. To improve weak administrative and judicial systems that pose obstacles to safeguarding the rights of members of religious minorities (United States of America);
80. To continue the fight against impunity, and to provide justice for victims of crimes (Germany);
81. To ensure that the relationship between the executive and the judiciary is based on mutual trust and respect for non-interference in their respective prerogatives and functions (Australia);

82. To allocate the resources necessary to develop programmes for an effective witness support network (Australia);
83. To consider making further efforts to train law enforcement officials, judges and police officers in the area of human rights (Egypt);
84. To continue its efforts to combat corruption, in particular corruption involving law enforcement authorities (Poland);
85. To intensify the existing efforts to protect religious freedom and freedom of expression (Italy);
86. To intensify its efforts to ensure the full and unhindered exercise of the freedom of expression, particularly in the context of freedom of the press and the media (Poland);
87. To take the measures necessary to ensure freedom of expression, promote diversity of opinion and prevent all interference with freedom of the press and, inter alia, systematically investigate aggression or threats against journalists and bring to justice those responsible (Switzerland);
88. To (the government of the Republic of Srpska) effectively investigate and prosecute violations against human rights defenders (Norway);
89. To forcefully denounce attacks against human rights defenders, and to ensure State authorities give human rights defenders legitimacy and recognition through supportive statements (Norway);
90. To adopt appropriate measures to widely disseminate and ensure full observance of the Declaration on Human Rights Defenders (Norway);
91. To continue adopting measures to guarantee the protection of human rights defenders (Chile);
92. To ensure that all assaults on human rights defenders, journalists and members of their families are properly investigated and that perpetrators are brought to justice (Netherlands);
93. To create an appropriate legal framework to guarantee the rights of human rights defenders, and to ensure that violence, threats and intimidation against them will be prosecuted (Belgium);
94. To ensure the protection of human rights defenders operating in the country, in accordance with the United Nations Declaration on Human Rights Defenders, to spare them intimidation and harassment (Slovakia);
95. To improve the working conditions of human rights activists, to take all steps necessary to strengthen freedom of expression and freedom of the press and, in particular, to rigorously prosecute cases of intimidation against media representatives (Germany);
96. To contribute to an atmosphere supportive of a free and vibrant civil society, including by ensuring positive public communication and enhanced police capacity to provide protection and conduct investigations (Canada);
97. To fully investigate all allegations of intimidation and violence against civil society actors, and to prosecute those responsible (Canada);
98. To undertake significant further activities to amend electoral legislation regarding the members of the Bosnia and Herzegovina Presidency and the delegates

of the House of Peoples, to ensure full compliance with the European Convention on Human Rights (Slovenia);

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

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

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

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

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

104. To accord special attention to the fight against unemployment and poverty, especially on behalf of vulnerable groups (Algeria);

105. To redouble its efforts in the areas of wealth distribution and poverty eradication by allocating adequate human and financial resources to the vulnerable segments of society (Malaysia);

106. To take measures to guarantee effective access for women and girls to information and services regarding sexual and reproductive health (Brazil);

107. To continue its socio-economic programmes, reforms and initiatives with a view to enhancing the protection and promotion of fundamental human rights and freedoms (Nigeria);

108. To continue to strengthen its activities to integrate persons with special needs into social life, bearing in mind that need (Ukraine);

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

110. To enhance human rights education (Jordan);

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

112. To strengthen the Roma Council, and to ensure that the Council is consulted in connection with any process that has an impact on Roma rights (Austria);

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

114. To take the measures necessary to guarantee that the Roma ethnic minority has access to identity documentation, without mentioning their ethnic group (Argentina);
115. To create and implement public information programmes to combat anti-Roma prejudice, as recommended by the Human Rights Committee, and to harmonize civil registration procedures, as indicated by the United Nations High Commissioner for Refugees (Israel);
116. To review school curriculums to ensure that they are sensitive to the needs of minorities and promote human rights and pluralism (Canada);
117. To re-enforce the promotion and protection of the civil and political rights and economic, social and cultural rights of persons who have returned to their regions of origin and are now minorities in those places (Switzerland);
118. To ensure that measures are taken to accelerate the sustainable return of refugees and internally displaced persons to their places of origin, by improving their reception conditions (Algeria);
119. To undertake further activities to improve the socio-economic integration of those who have returned (refugees and internally displaced persons) (Slovenia);
120. To provide, as a matter of priority, support to ensure the sustainable return of refugees and internally displaced persons (Czech Republic);
121. To intensify its efforts to ensure the sustainable return of returnees to their home communities, by ensuring their equal enjoyment of their social, economic and cultural rights, especially in the field of social protection, health care and education (Brazil);
122. To take the steps necessary to ensure all that 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 (Japan);
123. To strengthen cooperation with the international community and organizations in building capacity in crucial areas, including poverty eradication, justice administration, primary education and gender equality (Malaysia);
124. To request and be extended all its assessed needs, including all possible technical, human and financial resources, to complement its efforts to strengthen the human rights infrastructure in accordance with its Constitution and international standards (Pakistan);
125. To establish an effective and inclusive process to follow up on the recommendations resulting from the present review (Norway).
91. All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Bosnia and Herzegovina was headed by the Minister of Human Rights and Refugees of Bosnia and Herzegovina, Safet Halilović, and was composed of 15 members:

- Srdjan Arnaut, Deputy Minister of Justice of Bosnia and Herzegovina;
- Emina Kečo Isaković, Ambassador, Permanent Representative of Bosnia and Herzegovina;
- Nevenka Savić, Director of the Directorate for European Integration;
- Perica Jelečević, Minister of Labour and Social Policy of the Federation of Bosnia and Herzegovina;
- Safet Omerović, Minister of Health of the Federation of Bosnia and Herzegovina;
- Rade Ristović, Minister of Labour and Issues of Veteran and Disabled Veteran Care of Republic of Srpska;
- Ismet Trumić, Secretary of the Government of the Federation of Bosnia and Herzegovina;
- Zorica Garača, Assistant Minister;
- Ljubo Lepir, Assistant Minister;

Technical support:

- Saliha Djuderija, Assistant Minister of Human Rights and Refugees of Bosnia and Herzegovina;
- Mario Nenadić, Assistant Minister;
- Dunja Mijatović, Communications Regulatory Agency;
- Ljubica Perić, Counsellor to the Permanent Mission of Bosnia and Herzegovina at Geneva;
- Ines Sužnjević, First Secretary to the Permanent Mission of Bosnia and Herzegovina at Geneva.