

I. Background and Framework

A. Scope of international obligations

1. Bosnia and Herzegovina, hereinafter BiH, has signed and ratified most of the international human rights instruments. Since the Universal Periodic Review in February 2010, BiH has ratified the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol on 12 March 2010 (without reservations). BiH also ratified the International Convention for the Protection of All Persons from Enforced Disappearance on 30 March 2012 and it recognised the competence of the Committee on Enforced Disappearances.

B. Constitutional and legislative framework

2. Annex VI of the Dayton Peace Accords guarantees the protection of fundamental human rights and freedoms, while the BiH Constitution itself contains similar provisions aimed at the protection of those rights. All of the international standards, as well as the BiH Constitution contain the non-discrimination principle, ensuring that rights are granted on a non-discriminatory basis to all individuals in BiH. The non-discrimination principles were appropriately translated into the domestic legislation with the adoption of the 2009 Anti-Discrimination Law of BiH.

C. Institutional and human rights infrastructure and policy measures

3. Mechanisms for the protection of rights stipulated in the international and domestic legislation are in place, namely the BiH Ombudsman for Human Rights and the BiH Constitutional Court (CC). The gender mechanisms and the BiH Ministry for Human Rights and Refugees also receive individual complaints, indicating that human rights monitoring and protection structures in BiH suffer from gaps in coordination, accountability and efficiency caused by the country's administrative fragmentation. Additionally, in a number of cases, CC decisions have not been enforced, which has led to some of the cases being referred to the European Court of Human Rights.

II. Cooperation with human rights mechanisms

4. Bosnia and Herzegovina has not submitted a mid-term report on the implementation of the Universal Periodic Review recommendations put forward during the 1st UPR cycle held in February 2010.

A. Cooperation with treaty bodies

5. BiH is party to all nine UN international human rights treaties and most of their additional protocols. All of the treaty bodies have received State reports from the BiH authorities through their regular reporting cycles, and have responded to them by providing concrete recommendations on how to improve the implementation of the respective treaty through specific steps. Since 2010, a number of treaty bodies have reviewed BiH's periodic reports: Committee against Torture (CAT, 2010); Committee on the Elimination of Racial Discrimination (CERD, 2010); Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC, 2010); Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC, 2010); Committee on Migrant Workers (2012); Committee on the Rights of the Child (CRC, 2012); Human Rights Committee (HRC, 2012); Committee on the Elimination of Discrimination against Women (CEDAW, 2013); Committee on Economic, Social and Cultural Rights (CESCR, 2013).

B. Cooperation with special procedures

6. During the period 2010-2013, BiH was visited by the following special procedures: Working Group on Enforced or Involuntary Disappearances (2010); Independent Expert on Minority Issues (2012); Special Rapporteur on Violence against Women, its causes and consequences (2012); Special Rapporteur in the Field of Cultural Rights (2013); Special Representative on Sexual Violence in Conflict (2013). The reports of these special procedures indicate systematic problems and delays in the realisation of rights of BiH citizens in their respective areas.

III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Equality and non-discrimination;

7. The complex political, economic and social situation in Bosnia and Herzegovina has contributed to the non-fulfilment of human rights for some individuals, particularly those from vulnerable groups. Implementation of the ratified human rights treaties is constrained by the limited accountability mechanisms due to the multi-layered governance frameworks of the country which makes it a challenge to identify the appropriate duty-bearer. The BiH Ombudsman reports an increasing number of discrimination cases, ranging from mobbing to systematic discrimination against certain groups, including returnees and displaced persons, Roma and disabled people.
8. The 2009 Sejdic and Finci verdict of the European Court of Human Rights has still not been implemented by the BiH authorities. Implementation of the Sejdic and Finci verdict would allow BiH citizens, and not only the three constituent people, the opportunity and the right to run for the tripartite National Presidency or the National House of Peoples.
9. The key obstacles to achieving gender equality in BiH are mirrored in the discriminating social norms and the pervasive lack of knowledge and awareness among the general public about the key correlation between gender equality and socio-economic development. BiH has created a legal framework in the context of gender equality. Institutional mechanisms for gender mainstreaming have been created in the executive and legislative branches at the State, entity, cantonal and municipal levels of Government, including Entity Gender Centres in the Federation of BiH (hereinafter FBiH) and in the Republic of Srpska (hereinafter RS) and the State-level Agency for Gender Equality.
10. Since the adoption of the 2009 Anti-Discrimination Law, several discrimination claims have been filed by citizens with the local courts, however, there is no broader understanding of the benefits and protection mechanisms available for ordinary citizens. The lack of harmonisation of the laws regulating issues related to children constitutes a significant obstacle to ensuring the implementation of the Convention on the Rights of the Child. For example, the failure of the BiH Parliament to implement a new law on National I.D. numbers had a negative effect on the human rights of newborn children, with some 4,000 being left without identification documents, health care and other basic services since the end of January 2013.

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B. Right to life, liberty, and security of the person;

11. BiH lacks adequate resources and institutional mechanisms to develop a comprehensive victim-witness support network. The Needs Assessment on the topic of Victim/Witness Support (VWS) (2010) set the basis for the work in the areas related to provision of psycho-social support services, in line with requirements set in the Justice Sector Reform Strategy and State War Crimes Strategy.¹ Bosnia has ratified the Convention on the Rights of the Child; however, in relation to the violence against children in BiH, the data confirms that high rates still remain. The percentage of children aged from 2-14 experienced: only non-violent discipline (34 percent); psychological aggression (42 percent); any physical punishment (40 percent); severe physical punishment (4.5 percent); any violent discipline method (55 percent). Furthermore, the data confirmed that male children were subjected to physical discipline (44 percent) to a higher extent than female children (34 percent).²
12. In 2010, the Funding Mechanism for the Implementation of the Gender Action Plan (FIGAP) became operational and in the same year BiH became the first country in the Western Balkans to adopt the National Action Plan on the Implementation of the UN Security Council Resolution 1325 on Women Peace and Security (2010-2013).³ Currently, BiH is finalising the Second National Action Plan for the Implementation of the UNSCR 1325 for the period of 2014-2017.
13. A range of strategies define the measures that authorities should take, in cooperation with civil society organisations, in order to prevent and respond to violence against women and girls: the third National Action Plan for Combatting Trafficking in Human Beings for 2008-2012; the BiH Strategy for Preventing and Combatting Domestic Violence 2009-2011; the Strategy for Combatting Domestic Violence in the RS 2009-2013,⁴ as well as the FBiH and RS Strategies for Prevention and Combatting Domestic Violence (2013–2017) and the BiH Strategy for the Implementation of the Istanbul Convention.
14. During the period 2010-2013, the BiH Country Programme aimed at the improvement of the status of the rights of survivors of conflict related sexual violence in BiH has been finalised by

¹ Given review of current judiciary set-up and the burdens imposed with by the backlog of unresolved war crimes cases from the State level to Entities, and Cantons, as well as an alarming social state of the population in the country, UNDP identified a need for total of 16 support offices across BiH, at in least 11 locations. Each location should have a Witness Support Office (WSO) at the court and prosecutor's office. Lower level courts and prosecutor's offices should formalise arrangements for the use of these offices when appropriate.

² UNICEF, Bosnia and Herzegovina: Multiple Indicator Cluster Survey (2011–2012). Available at: <http://www.childinfo.org/files/MICS4_BiH_FinalReport_2011-12_Eng.pdf>

³ Over the past two years, UNCT has intensified the joint work on gender equality though a number of joint interventions – for example, the joint UNFPA / UNDP project to combat violence against women, supported by the UN Trust Fund to End Violence against Women, within which UNFPA supported the establishment of eight referral mechanisms for survivors of gender based violence in BiH and the joint Gender Scorecard Exercise undertaken in 2009. Most recently, UNCT has developed a joint campaign, with the objective to raise awareness about the negative consequences of gender based violence for victims, families and society, and to facilitate behavioural change in society at the individual, community and institutional levels. See also, the First Prevalence Survey on Gender Based Violence in BiH, available at <http://www.vladars.net/sr-SP-Cyrl/Vlada/centri/gendercentarrs/media/vijesti/Documents/prevalency_study.pdf>

⁴ Bosnia and Herzegovina: UNCT Report to the CEDAW Committee (September 2012).

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the BiH Ministry for Human Rights and Refugees and plans have been made for its grassroots level implementation.⁵ In 2013, minimum standards were developed for provision of psycho-social support for perpetrators of gender based violence in the RS.⁶

C. Administration of justice, including impunity, and the rule of law;

15. Since 2009, BiH has been implementing the National War Crimes Strategy. The strategy reduces the war crimes case backlog; standardises the legal norms and applications; improves the general environment of victims-witnesses involved in the war crime processes, and it improves the capacities of legal professionals involved in war crime processes. In order to process war crime cases more effectively, the capacity development of the professional staff in the judiciary, at all levels (Court of BiH, Prosecutor's Office of BiH, cantonal/district courts and prosecutors' offices), is of importance.⁷
16. The draft Transitional Justice Strategy in BiH 2012-2016 was presented in April 2012 to the BiH Joint Parliamentary Committee on Human Rights, Rights of Children, Youth, Immigration, Refugees, Asylum and Ethics, and as a result a public dialogue was launched. All other stakeholders endorsed the Strategy and the Action Plan, with the exception of the RS Governmental representatives and Associations of Camp Inmates and Association of War Veterans from the RS. In the second half of 2013, the Government of the RS took a proactive stand and gave room to parliamentarians from the RS to reopen a dialogue on the Transitional Justice Strategy and its endorsement in the BiH Parliament.
17. The adoption of the National Transitional Justice Strategy gained the endorsement of the Council of Ministers, who passed the issue to the Joint Human Rights Committee of the BiH Parliamentary Assembly. The Parliament agreed on the recommendation for an additional step in the direction of an effective transitional justice programme in BiH. This will include a broad-based public hearing in the BiH Parliament, as well as field visits for members of the Joint Human Rights Committee of the BiH Parliament to various areas of interest in order to promote the Transitional Justice Strategy.⁸

D. Right to privacy, marriage and family life;

18. Currently in BiH, marriage before the age of 18 is a reality for many young girls. The data conducted on the marriage of Roma children shows that 15 percent of women and 4 percent of men aged from 15-49 were married before the age of 15. The practice of entry into marriage did

⁵ UNFPA Country Programme Evaluation: Bosnia and Herzegovina (2010 - May 2013).

Available at: <file:///C:/Users/amemisevic/Downloads/Bosnia%20and%20Herzegovina%20CPE%20FINAL.pdf>

⁶ UNFPA provided support.

⁷ UNDP has made efforts to provide capacity development and to support victims and witnesses of war crimes in BiH by developing a comprehensive Victim/Witness Support Mechanism at the cantonal/district levels of judiciary and by establishing Free Legal Aid Mechanisms.

⁸ Supported by UNDP.

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not differ by much across the other age groups, meaning that, marital practices have not changed over the years. Marriage before the age of 18 (aged from 15-49) consists of 49 percent for women and 20 percent for men. These results prove that every other Roma woman was married before the age of 18.⁹

E. Right to social security and to an adequate standard of living;

19. In relation to the enabling environment, evidence-based laws and strategies were adopted with special attention to marginalised children. A robust Gap analysis combined with high level technical assistance and advocacy led to the development of Entity Social Protection Inclusion Roadmaps/Strategic Directions, in line with the Europe 2020 Strategy. The FBiH adopted a Strategy to improve the Early Childhood Development (ECD), a by-law on Early Childhood Interventions (ECI) and a Law on Juvenile Justice.¹⁰
20. Every sixth household (17.2 percent) in BiH is living in relative poverty and more than half (58 percent) are “at risk of poverty and social exclusion” (as per AROPE¹¹ indicator which includes dimensions of poverty, material deprivation and work intensity). Among the most vulnerable are children and persons with disabilities, displaced persons, Roma, families with two or more children, the elderly, unemployed and low-skilled youth. Unemployment stands at a total of 28 percent and 63.1 percent is among young people.
21. The youth unemployment rate in BiH in 2013 was 58.5 percent and it is the highest rate of any other age group in the country. It is almost four times higher than the average rate among the EU countries. In order to address this issue, the Youth Employment and Retention Programme (YERP) project was established, equipped, staffed (20 National United Nations Volunteers were selected and trained) and set up 17 operational Youth Information Counselling and Training Centres (CISO)^{12, 13}.

⁹ UNICEF, Bosnia and Herzegovina: Roma Survey, Multiple Indicator Cluster Survey (2011–2012). Available at: <http://www.childinfo.org/files/MICS4_BiH_RomaSurvey_FinalReport_2011-12_Eng.pdf>

¹⁰ UNICEF has worked closely with governments and facilitates coordination among the different level of governance (State/Entities/Cantons/Municipalities), in particular around social protection and inclusion, education, early childhood development, justice for children and disaster risk reduction. The partnership with the European Union was strengthened for the social protection and inclusion reform (jointly with the World Bank), and for the campaign "It's about Ability" (together with USAID). Partnerships with the civil society were strengthened, particularly to support the networks for elimination of violence against children, child rights monitoring, youth entrepreneurship, child care reform and the rights of children with disabilities.

¹¹ AROPE i.e. at risk of poverty or social exclusion.

¹² During the project, different training programmes were provided for 17.937 people (62 percent female). Direct individual counselling assistance was provided for 9.275 beneficiaries (young people) out of which 5.658 (61 percent) were women. Individual employment plans were developed for 5.304 people (3.362 or 61 percent were unemployed women). In addition, with CISO assistance, 2.987 young unemployed persons obtained work experience, while an additional 424 persons obtained their first work experience through the co-financing scheme with Public Employment Services (PES). IT and language courses were provided for up to 1.712 beneficiaries, out of which 60 percent were women, while 637 people (unemployed youth) had the opportunity to volunteer.

¹³ Official records of CISO centers and were subsequently verified by the regular monitoring by joint UN Youth Employment and Retention Programme, YERP and Public Employment Offices.

F. Right to health;

22. The Policy on Sexual and Reproductive Health was adopted in 2012¹⁴ by the Council of Ministers of BiH and the Governments of the FBiH, the RS and the Brcko District BiH.

G. Right to education;

23. Care for the early development of every child and the provision of a good quality preschool upbringing and education are fundamental for the development of an individual and of a society as a whole. However, preschool education in Bosnia and Herzegovina has been marginalised for a number of years, and although the country shows progress since the last MICS (from 6 percent in 2006 to 13 percent in 2012 and 1.5 percent for Roma), this is still unsatisfactory and is the lowest rate in Europe. In 2012/13 there were 243 pre-school institutions in Bosnia and Herzegovina attended by 18,817 children. Compared to the previous school year, the number of preschool institutions increased by 8.2 percent¹⁵, the number of children in preschool institutions increased by 8.8 percent and the number of employees increased by 4.2 percent.¹⁶
24. The Framework Law on Preschool Care and Education in BiH was adopted in October 2007¹⁷ and regulates principles, aims, objectives, and standards for preparation of common core curriculum of preschool education and care. Article 16 of the Law underlines that *in the year before starting school* the preschool upbringing and education is *obligatory* for all children of that age. Furthermore, the article specifies that the compulsory programs of preschool upbringing and education *are free of charge*.¹⁸ Regarding the implementation and the competencies of the government authorities, the situation differs quite dramatically between the two entities, which causes lack of systemic approach, standardisation and significantly hinders access to a harmonised education system.
25. Inclusion as a concept in education exists in theory, but no infrastructure and appropriate by-laws, standards, monitoring and quality control have been put in place. Overall, the availability and accessibility of Early Childhood Education (ECE) services is hindered by uneven economic development in different parts of BiH. Preschool education largely remains inaccessible to children with disabilities. It remains hardly available and accessible to children from rural areas. Families of children with disabilities are facing the issue of not being able to sign up their children at the preschool programmes, due to the fact they are stigmatised and the teaching cadre does not have the capacity and is not trained how to work with such children (depending

¹⁴ United Nations Development Assistant Framework (UNDAF) 2010 – 2014, Progress Report for 2012 (January 2013).

¹⁵ According to the State Agency for Statistics, as a comparison, in 2006 there were 197 preschool institutions, with total of 13,384 children enrolled.

¹⁶ BHAS (2013) Education Statistics, First Release 24.05.2013.

¹⁷ Official Gazette of BiH no. 88/07, 2007.

¹⁸ Article 16 of the Framework Law on preschool education in BiH, Official Gazette of BiH no. 88/07, 2007.

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on the disability these children require different learning techniques). Apart from this, there is a lack of physical access for children who are in wheelchairs, since most preschool facilities do not have the necessary ramps.

26. One of the biggest problems represents the inconsistency between elementary and secondary education. As a result, the children who attended inclusive classes in elementary school are not able to continue inclusive education, and can generally attend only the 'special secondary school', which again in turn leads to their stigmatisation. After the completion of secondary school, the children/adolescents with disabilities cannot easily find employment and the possibility of further education does not exist, thus they find themselves socially excluded.
27. The public opinion towards inclusion is divided between those who believe that all children with disabilities should go to specialised institutions and those who believe that the inclusion of all children into the mainstream education system is the solution. The parents of the children with disabilities, who faced the issues of non-functional inclusion, are frequently insisting that their child returns to the special school. Another obstacle towards the inclusion of children with disabilities into the educational system is related to physical access, as majority of the schools in BiH do not provide ramps, toilets and didactic material for children with disabilities. Secondary schools lack physical access for disabled students and there are no transport facilities for disabled people.

H. Persons with disabilities;

28. The entire issue of inclusion of children with disabilities is rather complex and the BiH system has no previous experience in this respect. In addition, no specialised curricula have been developed, even though some of the children could be included in mainstream preschool groups. During the past two years, the idea of inclusion has started taking hold through an increased awareness of its significance.
29. The FBiH and the RS authorities have tried to introduce the concept of inclusive education for students with disabilities by supporting their inclusion in mainstream schools. However, in reality there are no school assistants available that would be able to work with the children with disabilities and serve as teacher aids. The reason for not having this type of assistance has always been "lack of funds" by the responsible government authorities. The whole system is teacher-centred and teachers themselves are over-burdened by the administration. Children with developmental delays and disabilities enter an education system that is outdated, in which methodologies and support do not meet the current international standards.
30. There continues to be a lot of stigma and discrimination with regards to children with disabilities. The level of acceptance of children with disabilities by their peers and especially by the parents of typical children is largely pending on the nature of the disability. Children with physical disabilities are more accepted than those with mental or behavioural disabilities. The nature of disability is also an important factor for determining the type of assistance in education.

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31. The institutions involved in the child care system have very limited capacities in promoting the fostering concept. A direct consequence of that is the fact that only 3 percent of the general population is actually interested to become a foster caregiver. What is disturbing is that almost none of the respondents showed an interest to become a foster caregiver of a child with a disability, while at the same time the children and adolescents with disabilities represent 67 percent of all children and adolescents in the institutions.¹⁹

I. Minorities and indigenous peoples;

32. Although poverty and social exclusion influence the lives of a large group of people, the situation of Roma population is even worse. The probability of a Roma child not reaching his or her first birthday is three times higher than for another child. The probability of Roma child to be protected against preventable diseases through appropriate vaccines will only be 4 percent compared to 68 percent among the majority population. It is also three times more likely for a Roma child to live in poverty. When a Roma child gets older, chances to go to a preschool or another early childhood programme are almost inexistent. His/her chances to go to a primary education are higher, but still not at a satisfactory level, at only 6 percent. One out of three Roma school aged children still does not attend primary education. When she/he continues to grow, chances to attend secondary school drop, as only one out of four will have access to education. If the Roma child is a girl, the probability that she drops out of education is even higher. Additionally, one out of three girls will give birth before the age of 18, which puts her own and the baby's health at risk and jeopardises her capacity to continue her education.

33. Domestic violence will be another burden as almost half of the Roma women that believe a husband or a partner has the right to hit or beat his wife/partner. This clearly shows a deep equity gap that exists between Roma and the rest of the population. There is, therefore, a need to address these gaps through appropriate targeting of policies and programmes in order to break this vicious cycle of exclusion.

34. In 2008, BiH joined the Decade of Roma Inclusion 2005-2015 and adopted the Action Plan for the Solution of the Issues of Housing, Health Services and Education for the Roma and established a coordination committee to monitor the implementation. However, the BiH government authorities did not provide the funds to adequately implement the Decade for Roma Inclusion (2005-2015).

35. The revised Roma Action Plan in the domains of employment, housing and health protection was finalised and adopted at the BiH level. There was an engagement of Roma NGOs (covering an area of 50 municipalities) to increase awareness of tuberculosis, screen suspect cases, ensure access to health services, etc. Engaged and trained Roma coordinators and outreach workers were provided in order to offer health mediation among the Roma communities in order to improve access to health services.

¹⁹ UNICEF Study on Knowledge, Attitude, Practice (KAP): Study on Children in Institutions (2013).

J. Migrants, refugees and asylum- seekers;

36. In November 2013, the BiH Citizenship Law was amended with a provision enabling facilitated naturalisation for refugees and stateless persons. In order for the law to take effect, the harmonisation of legislation at the entity level is necessary.
37. The “Sarajevo Process” is a regional initiative, jointly set off by the Governments of BiH, Croatia, Montenegro and Serbia, and it is supported by key international stakeholders – UNHCR, the European Union, and the OSCE – to find lasting solutions for the remaining refugees displaced by the 1991-1995 conflicts in the Western Balkans. The Regional Housing Programme (RHP), an integral part of this project, will provide housing assistance for vulnerable refugees in the region and IDPs in BiH through grants disbursed by a number of donors. The implementation of the RHP, in conjunction with other initiatives in the country is expected to contribute significantly to the resolution of the remaining problems of wartime displacement in BiH. In line with the framework set out in the Revised Strategy, the Regional Process and the Council of Europe Development Bank (CEB) loan project will facilitate housing solutions via return or local integration for some 21,000 refugees, returning refugees, and IDPs throughout the country from 2013 to 2017.

K. Internally displaced persons;

38. The Revised Strategy for the Implementation of Annex VII of the Dayton Peace Agreement, adopted in June 2010, sets out a number of measures to strengthen economic, social and cultural rights for IDPs and returnees. On 5 July 2013, UNHCR, the European Union, the UN, the RS and the FBiH signed a Joint Declaration on Resolving Protracted Displacement in BiH. The signatories expressed their mutual commitment to solve the problem of protracted displacement in BiH.