

INTRODUCORY REMARKS AND INTRODUCTION OF THE BOSNIA AND HERZEGOVINA DELEGATION

**The twentieth session of the UN Human Rights Council Universal Periodic Review
Working Group
Geneva, 5 November 2014**

Miladin Dragičević, HRR Deputy Minister, Head of Delegation

Dear Chairman of the UN Human Rights Council, respected members of the Council, ladies and gentlemen,

It is my honour and pleasure to have been given the opportunity to greet you and convey warm regards from Bosnia and Herzegovina.

On behalf of the delegation of Bosnia and Herzegovina and on my own behalf, I thank you for the warm welcome and compliments. I wish this one-day meeting to be successful and fruitful and to result in conclusions and recommendations of the Universal Periodic Review Working Group as guidelines and direction for appropriate authorities of Bosnia and Herzegovina to further successfully cooperate with UN appropriate bodies. We believe that the cooperation has been constructive and at a high level so far, which is reflected in our effort to fulfil our UN treaty reporting obligations in a timely manner by successful presentation of initial and periodic reports of Bosnia and Herzegovina on the human rights situation in particular fields and, on the other hand, timely recommendations and instructions for further progress of Bosnia and Herzegovina in the field of more consistent protection of human rights of all citizens of Bosnia and Herzegovina and those who stay in its territory.

On this occasion, before opening a discussion, I want to introduce to you members of the delegation of Bosnia and Herzegovina, who will provide, in accordance with their authorities and responsibilities, hopefully, realistic, comprehensive, professional and honest answers to questions that you are going to ask.

The delegation of Bosnia and Herzegovina consists of:

1. **Miladin Dragičević**, HRR Deputy Minister, Head of Delegation,
2. **Draženka Maličbegović PhD**, Assistant Minister of Civil affairs of BiH,
3. **Miloš Prica PhD**, Ambassador, Head of BiH Permanent Mission to UN Office at Geneva,
4. **Željko Bogut**, Secretary General to the Ministry of Justice of Bosnia and Herzegovina,
5. **Veljko Đurković**, Expert Advisor/Inspector for Expert Inspections in the Ministry of Security of Bosnia and Herzegovina,
6. The Government of the Federation of Bosnia and Herzegovina appointed to the Delegation **Jasenko Muharemagić**, Advisor to the Prime Minister of the Federation of Bosnia and Herzegovina,
7. The Government of the Republika Srpska appointed to the Delegation **Mario Đuragić and Rajko Kličković PhD**, Head of Department in the Ministry of Labour, Veterans and People with Disabilities of Republika Srpska.

8. The Government of the Brčko District of Bosnia and Herzegovina appointed to the Delegation **Cvijetin Nikolić**, Advisor to Mayor of the Brčko District of Bosnia and Herzegovina
9. **Saliha Đuderija MSc**, Assistant Minister for Human Rights
10. **Nemanja Pandurević**, Head of Deputy Minister's Office
11. **Sanela Latić**, Head of Department of Cooperation with National and International Judicial Authorities, the Ministry of Justice of Bosnia and Herzegovina
12. **Roksanda Mičić**, interpreter and
13. **Haris Mešinović**, interpreter.

We tried to ensure today's session attendance of representatives of all relevant ministries, both at the level of Bosnia and Herzegovina and from the Entities and Brčko District of BiH, who can contribute to this constructive dialogue.

I would also like to mention that, in accordance with Guidelines 17/119 to Resolution 16/21 of the Human Rights Council adopted at its 35th meeting held on 17 June 2011, the Ministry of Human Rights and Refugees prepared this report through the participation of a large number of state and entity institutions, representatives of civil society, non-governmental organizations and associations that are directly involved in the protection of human rights and fundamental freedoms and collected various reports, analysis, information, and recommendations in order to present the human rights situation in BiH.

Thank you for your attention!

Part II

INTRODUCTION

In the second cycle of the UPR for Bosnia and Herzegovina, for which a report was sent to the UN Human Rights Council in July 2014, we are going to briefly present activities carried out between the two reporting cycle. The report for the second cycle of the UPR provides information on progress made in the country, which is consolidated for the State and compared to the previous reporting period.

I am taking this opportunity to emphasize our commitment to fulfil international human rights obligations through ongoing efforts to improve the BiH legislation and enforcement of treaties of multilateral and bilateral nature.

Last spring Bosnia and Herzegovina was affected by natural disasters – floods that engulfed the most of the country. In addition to problems in terms of economy and development, Bosnia and Herzegovina anyway faces a host of political, economic and developmental

issues. This significantly affects the process of democratization of society and the human rights situation.

With regard to the recommendations that were sent to Bosnia and Herzegovina following the first UPR, a number of activities have been launched and carried out.

The progress in the adoption of new international instruments has been continued and Bosnia and Herzegovina has acceded the following:

- the European Convention on the Protection of Children against Sexual Exploitation and has prepared the initial report on the implementation of the Convention, which has been submitted to the Lanzarote Committee.
- Ratification of the Council of Europe Convention on Contact concerning Children for facilitation of contacts with children, as a large number of refugees from Bosnia and Herzegovina resides in European Union countries;
- Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights has enabled citizens of Bosnia and Herzegovina to file communications with relevant committees with a view of protecting human rights.

Protecting the rights of persons with disabilities is of particular interest to the authorities in Bosnia and Herzegovina, so, based on the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol, BiH has produced and submitted reports on their implementation to the relevant committee. In the implementation of the Convention, several activities have been carried out, the most important being the adoption of policies and Entity strategies in the field of disability, which means structured addressing the protection of people with disabilities.

The BiH Council of Ministers has recognized caring for people with disabilities in the area of social welfare, so Bosnia and Herzegovina has joined activities of the Council of Europe to improve the persons with disabilities situation. The starting point for our activities is the Recommendation of the Committee of Ministers on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015. We strive to monitor and coordinate the implementation of the Recommendation in the coming period and to continuously take activities to promote the Recommendations in BiH, and, in this respect, to further intensify cooperation with the Council of Europe, the relevant Entity institutions and authorities of the Breko District of BiH.

Efforts are still made to balance human rights of persons with disabilities: the Council of Ministers have decided to establish the Council for People with Disabilities of Bosnia and Herzegovina as an advisory and coordinating body in charge of monitoring the implementation of the UN Convention and initiating amendments to persons with disabilities legislation.

Bosnia and Herzegovina ratified the International Convention for the Protection of All Persons from Enforced Disappearance, which entered into force in 2012. Pursuant to the provisions of this Convention, Bosnia and Herzegovina has recognized the competence of the Committee for the Enforced Disappearances.

The competent authority for the issue of missing persons is the Missing Persons Institute of Bosnia and Herzegovina, which is operational, although we still strive to find a common ground in establishing a new management structure and a fund to help families of missing persons in BiH and to offer a solution that will provide a uniform social support for families of missing persons, which support is now provided in the Entities.

In Bosnia and Herzegovina efforts are made to achieve solutions in the field of transitional justice.

Human Rights Institutions Capacity Building

The Anti-Discrimination Law has created a mechanism necessary for combating discrimination, and now efforts are being made to get as many people to know and be trained in better enforcement of the Law. We are trying to expand the circle of trained officials at the Entity level and improve the monitoring system of discrimination at the national level by establishing an information system for collecting data on discrimination cases. In the coming period we will continue improving this Law with the aim of improving the system of protection against discrimination and better coverage of all vulnerable groups in Bosnia and Herzegovina.

Entity institutions of ombudsman for human rights have been unified in the Institution of Human Rights Ombudsman of Bosnia and Herzegovina and in the coming period we will work to improve the Law in terms of strengthening the independence of these institutions and the establishment of national preventive mechanisms as recommended by the UN Committee.

Child Protection

The Council for Children was established in 2013 as a professional, inter-agency, advisory and coordinating body of the Council of Ministers in charge of monitoring the International

Convention on the Rights of the Child (CRC) and designing a new action plan for children, with a view to permanent promoting and advocating better protection of human rights of children.

Great efforts have been made to fulfil the international commitments, so the Action Plan for Children and to combat violence against children and the following policy documents have been designed: the Policy Framework for improving early growth and development of children in Bosnia and Herzegovina (2012), the Strategy and Action Plan for the improvement of the social situation of persons with disabilities (2010-2015), the National Action Plan for Combating Drug Abuse in Bosnia and Herzegovina (2009-2013), the Action Plan for the Protection of Children and Prevention of Violence against Children through Information and Communication Technologies in BiH by 2015, the Strategy for Combating Human Trafficking in Bosnia and Herzegovina and AP (2013-2015), the Strategy in the field of immigration and asylum (2012-2015).

Inclusive education

Measures under the Revised Action Plan for Roma Education are aimed at increasing enrolment of Roma children in primary, secondary and higher education. The percentage of drop-outs in primary and secondary education is already noticeably smaller. 95% of Roma children who attend primary and secondary education are provided with free textbooks, transportation and school meals by the relevant educational authorities and local communities. In some communities, with the support of NGOs, Roma assistants are hired by schools to help Roma children in learning. Incentive measures are reflected in seminars, campaigns, meetings and workshops held for Roma parent, which are aimed at raising awareness of the need for regular attendance and school completion. According to the Report of the Ministry for Human Rights and Refugees (2012/13) there are 10 Roma university students and they all have scholarships. Based on framework laws for preschool, primary, secondary and higher education in BiH, the Roma are not segregated at any level of education.

Inclusive education in primary and secondary schools has been prescribed as a legal obligation, which means obligatory access to school by all categories of children with special needs, while respecting their objective abilities and especially with identifying and applying the best interests of each individual child. Further, pedagogical standards and norms set forth teaching conditions in schools and provide for a larger number of classes per grade in

comparison with the previous period and for a smaller number of students per class, which enables better performance and the inclusion of all children in the educational process.

Bosnia and Herzegovina has an adequate legal framework in the field of education but in practice there are problems with the enforcement. Article 8(7) of the Framework Law on Vocational Education and Training in BiH determines that the education of children with special needs is implemented according to the adapted programmes of vocational schools, adopted by the relevant educational authorities. In accordance with Article 35 schools may not discriminate children in their access to education or in the educational process on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, the fact that they are children with special needs or on any other grounds. For the purposes of paragraph (1) of this Article, the competent authorities and institutions, together with schools, are particularly responsible for providing functional premises and supporting infrastructure for access and participation in education for children, young people and adults with special needs.

Referring to the claim that "The authorities neither hear nor understand the initiative to modify curricula so that, in schools, young people can be taught to accept differences, to better know and understand each other with a view to overcoming gaps between ethnic and religious groups", we emphasize that the legal and strategic documents governing education have created preconditions and obligations for the development of a tolerant, multi-ethnic environment in schools in Bosnia and Herzegovina.

Designing annual and long-term development plans, educational institutions at all levels define and implement programs to promote tolerance in public education.

In the framework of their activities, the Conference of Ministers of Education and the Council for General Education of BiH, as an advisory and coordinating body in the field of education, contribute to the development of tolerance, mutual respect, understanding, trust and respect for diversity in schools in Bosnia and Herzegovina.

Minority Protection

The operation of the Council for National Minorities, not only at the level of BiH, but also at the Entity level, has been ensured and representatives of all minorities in Bosnia and Herzegovina sit on them.

In order to better implement the valid laws, BiH has designed and adopted the BiH Strategy for Roma and Revised Action Plan for Addressing Roma issues in the areas of employment, housing and health care in 2013. A strategic platform to address the issues of national minorities in BiH is in process of developing.

With a view to more specifically intervening and implementing the policies adopted in the previous period, budget funds in the amount of EUR 1.5 million per year for the support of the Action Plan for Roma are appropriated, which has brought about significant achievements in the implementation of the Programme for Roma housing and improving health care and employment of Roma across the country. There are significant IPA funds intended for Roma programmes in BiH. In addition, specific activities on the education of Roma and increasing the number of Roma children in the education system have been carried out. Information campaigns and programmes that are implemented to reduce prejudices and stereotypes about the Roma in BiH are very important.

Social inclusion

Bosnia and Herzegovina continuously and timely reports on the problems of vulnerable groups and, in relation to that, proposes various programmes aimed at minorities, children and women victims of violence and trafficking, which provide additional funds from the budget and donor programs of UNFPA, UNDP, UNHCR, UNICEF, Save the Children and the OSCE. I want to emphasize that, through MHRR and direct partnerships with local NGOs, special protection programmes ensuring a sustainable programme for the protection of children and women victims of trafficking have been regularly implemented and funds for the implementation of individual integration programs have been provided.

Global economic trends and making appropriate business environment to the maximum extent affect the right to work and just and adequate conditions of work, the process of privatization and economic recovery of Bosnia and Herzegovina,

For many years after the war, Bosnia and Herzegovina has been facing growing poverty, huge needs for ensuring sufficient funds for housing reconstruction and sustainable return, i.e. the provision of social security and adequate standard of living,

The right to travel documents....

The right to an identity card or passport of Bosnia and Herzegovina is exercised by BiH citizens who fulfil requirements provided for in the Law on Identity Cards of Citizens of Bosnia and Herzegovina, which provides that an identity card is a public document proving identity, place and date of birth, place of residence or temporary residence for displaced persons and citizens of BiH. Further, the Law provides that a citizen of BiH older than 18 years residing in BiH and displaced persons residing in BiH are obliged to have an identity card issued in their place of permanent residence. A BiH citizen can have only one identity card. Travel documents of BiH are governed by the Law on Travel Documents, which provides that a travel document is a public document proving identity and citizenship of BiH, which includes: passport, diplomatic passport, official passport, group passport, travel sheet, seaman booklet and other documents which enable BiH citizens' travelling abroad in accordance with international agreements.

In the previous period, two situations could be considered to bring about some problems in BiH. The first situation was due to a failure to pass the Law on Amendments to the Law on Single Personal Identification Number, when citizens could not get a passport, because they did not have a "SPIN" and it was a technical issue. That law was adopted in 2013. Certain problems were encountered in issuing passports for displaced persons (*persons who do not permanently live in BiH, but just stay for a while*) due to misinterpretation of the provisions of the law. There were no formal complaints regarding this issue, but all dilemmas were solved by passing the Law on Amendments to the Law on Travel Documents of Bosnia and Herzegovina in 2013. A prerequisite for obtaining identification documents is that a person has been registered in the register of births and register of citizens of Bosnia and Herzegovina. Civil registration is the responsibility of the Entities and Brcko District. The Ministry of Civil Affairs has been actively involved in all activities related to the implementation of the so called Zagreb Declaration. In this area, significant progress was made.

Security

In the last 15 years, since the presence of trafficking was observed in BiH first, plans and comprehensive measures have been taken seeking to prevent and suppress this phenomenon. In a relatively short time and in very difficult circumstances BiH has achieved significant results in the fight against human trafficking. This is evidenced by a number of indicators

given in international monitoring reports which were consistent in assessing that this problem persists in BiH but to a much lesser extent than in previous years, though.

The Council of Ministers has adopted a Strategy for Countering Trafficking in BiH and Action Plan for the period 2013-2015, which is based on an innovative approach that involves the full participation of civil society in the preparation of the Strategy for Countering Trafficking in BiH 2013-2015, as a comprehensive process of consultation between all the domestic and foreign and international entities involved. The leading stakeholder in the development of the Strategy was the State Coordinator for Combating Trafficking in Human Beings and Illegal Immigration in BiH.

The strategy is designed on a realistic basis and on internationally accepted principles of respect for human rights and fundamental freedoms. It contains five primary objectives and 33 strategic measures that the competent institutions, 69 in total, should carry out to reduce the number of these cases. One of the strategic objectives relates to the prosecution of trafficking crimes with a view of improving the system of detection, proving and prosecuting of all forms of this type of offences.

When it comes to the protection of trafficked victims, it is reflected in the provision of adequate psychological, medical, social and legal assistance, while the protection and assistance in the rehabilitation and return to the country of habitual residence is envisaged, too. Foreigners having been victims of trafficking are placed in shelters where they receive: adequate and safe housing, health care, information, legal status and counselling, legal assistance in criminal and other proceedings.

In early 2010, BiH passed amendments to the Criminal Code of BiH, which brought the criminal offence of "Trafficking in Persons" (Article 186) in line with relevant international standards. This is noticeable from the amended provisions of this article within which the concept of human trafficking is redefined, the aggravating circumstance of committing this crime are set forth, the forms of complicity in crime are specified and the use of services of victims of trafficking is criminalized, the grounds for seizure of articles and transportation means used for commission of crimes of human trafficking are defined and the possibility of temporary or permanent closure of establishments used for the purpose of trafficking are provided for.

The Republika Srpska and BD have made their substantive criminal legislation consistent with the Criminal Code of BiH that is in full compliance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to the Convention ("Palermo Protocol"), the Convention on Action against Trafficking in Human Beings as the first European agreement on this matter and the new EU Directive (EU 2011/36). In the Federation of Bosnia and Herzegovina, the process of harmonization is before the Parliament. The BiH criminal legislation at all levels ensures that victims can file a claim for damages in criminal proceedings as a form of compensation.

The protection of foreign victims of trafficking is governed in the 2008 Law on Movement and Stay of Aliens and Asylum which was amended in 2012. The law is in line with international and EU standards. When defining policies and their implementation, BiH was guided by, *inter alia*, the international standards set out in the Council of Europe Convention on Action against Trafficking in Human Beings and the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons.

In 2013 the Council of Ministers adopted the Decision on the establishment of a coordinating body for migration issues in BiH, which is mandated to monitor the implementation of migration and asylum policy in the period 2012-2015.

The Migration and Asylum Strategy and Action Plan for the period 2012-2015 envisage the following activities: cooperation with law enforcement agencies at the international level, improving the legal and institutional framework for the protection of victims of trafficking in accordance with international standards, the promotion of cooperation between BiH governmental and non-governmental organizations.

Corruption is a serious social problem and organized crime is inseparably connected with corruption. BiH has established a legislative framework in line with relevant international standards, which is one of the key systemic requirements for an effective fight against organized crime. The Law on the Whistleblowers Protection in the Institutions of Bosnia and Herzegovina was passed in late 2013. The 2009-2014 Anti-Corruption Strategy and an action plan for the implementation of the 2009-2014 Anti-Corruption Strategy were adopted, individual Integrity Plans of Action against Corruption were adopted in the institutions, agencies, offices of BiH and bylaws on the internal reporting of corruption and the whistleblowers protection in the institutions of Bosnia and Herzegovina were enacted. Public

awareness raising and motivational processes stemming from increased activities of police agencies are also a key element in the fight against organized crime.

Gender Issues

Bosnia and Herzegovina has signed and ratified some international conventions dealing with the prohibition of violence against women and domestic violence and harmonized national laws and facilitated their implementation. At the entity level, a host of laws and bylaws necessary for the prevention of and protection from domestic violence have been enacted. A multidisciplinary approach by various stakeholders in the protection of victims of various forms of violence has created the essential prerequisites for effective protection of victims and procedural treatment of the offender. All stakeholders undergo various forms of training and there are ongoing activities of the relevant institutions, international and national non-governmental organizations to overcome these problems. In accordance with new laws, women have access to all the three levels of health care in family planning, during pregnancy, childbirth and motherhood, regardless of their health insurance status.

As part of the Gender Action Plan as a basic strategic document for achieving gender equality, specific sectoral strategies such as the 2014-2017 Action Plan for the Implementation of UNSCR 1325 of Bosnia and Herzegovina, the 2013 -2017 Strategy for Preventing and Combating Domestic Violence of FBiH, the 2014-2019 Strategy for Combating Domestic Violence of RS. The 2014 - 2018 Strategy for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence of BiH is in the process of adoption.

Among the many activities on prevention of and protection from violence against women, the Parliamentary Assembly of BiH has adopted the "Resolution on combating violence against women," confirming that any form of violence against women, including domestic violence against women, is a violation of rights and fundamental freedoms and that it prevents or hinder the exercise of those rights and freedoms.

In order to increase women's capacity to participate in decision-making, gender institutional mechanisms and non-governmental organizations of BiH have carried out a number of activities, such as workshops focused on the preparation of candidates, and analysis, researches, conferences, seminars and round tables on the topic of how to increase the number of women in decision-making positions. These activities are particularly intense in the pre-election periods for general and local elections. The Gender Equality Agency of BiH

and Entity Gender Centres have implemented projects to promote women's representation in political and public life, through the signing of the "Declaration of Commitment of Political Parties for Gender Equality", "Choose Equal! 2014" Campaign and "Appoint in the Executive without Prejudice".

At the entity level, the Women's Parliamentary Caucus of FBiH has been established to overcome political differences and work to improve the daily lives of all citizens, especially women. From its inception in March 2013, this Caucus of female politicians belonging to different political parties has made a significant effort in organizational development and influence in Parliament.

I believe that other members of the BiH delegation will provide additional information and address the specific fields systematically answering the advance questions in thematic groups.

THANK YOU FOR YOUR ATTENTION