

## Human Rights Council, Universal Periodic Review of Human Rights: Observations of Republika Srpska

It is a pleasure to address this distinguished Council and observers on behalf of the Government of Republika Srpska.

As you may know, Republika Srpska is one of the two highly autonomous entities of which Bosnia and Herzegovina is composed, according to the Constitution of Bosnia and Herzegovina.

Three aspects of this Constitution are of particular relevance to the work of this Council:

First, the Constitution of Bosnia and Herzegovina is not only the foundation of domestic law, but is, itself, an international treaty, one of a number of treaties comprising the Dayton Peace Accords, which ended the tragic civil war in 1995 and provided the foundation for a stable and peaceful nation.

Second, the Constitution of Bosnia and Herzegovina provides for a central government of limited competencies each of which is set out in the Constitution. The Constitution provides that all other governmental competencies shall remain with the two entities that make up Bosnia and Herzegovina. By far the majority of the issues with which this Council is concerned fall within the competencies of the two entities and are matters of entity law.

The institutions of Republika Srpska take their responsibilities for the protection of Human Rights and fundamental freedoms of its citizens very seriously. For this reason we welcome the interest of the Council and look forward to working with you in the coming months, during which period we shall carefully study your recommendations and work to address deficiencies if any while benefiting from the positive experience and practices of other members.

Third, the Constitution of Bosnia and Herzegovina in Article II provides that the rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols shall apply directly in Bosnia and Herzegovina and have priority over all other law. All levels of government and institutions in BiH must apply and conform to these human rights and fundamental freedoms.

To that end, and in line with its constitutional competencies, the institutions of Republika Srpska took part in the preparation and development of BiH's report submitted to you seeking to reflect the actual situation with human rights and highlight the progress made in the area of observance of human rights and freedoms while taking into account all recommendations of this distinguished Council.

Republika Srpska pays special attention to aligning its legislation and regulations with international conventions and conforming to international obligations with a view to ensuring, on a continuous basis, enhancement of human rights and fundamental freedoms.

We shall briefly review some of the key activities that have been implemented to that end in individual areas:

In the reporting period, Republika Srpska made **notable progress in fighting corruption** - a strategy for fighting corruption along with an action plan for fighting corruption for the period 2014 - 2019; also, an anti-corruption commission and an expert team for the implementation of the strategy and action plan were set up.

As regards legislation, a major breakthrough in the reporting period were amendments to the RS Criminal Procedure Code introducing special investigation measures and actions, which enable more efficient investigations of corruption cases; also, a law on expropriation of property obtained through commission of a criminal offense was enacted. In addition, the amendments to the Criminal Code introduce new criminal offenses: abuse of authority in public procurement procedures and influence peddling, as well as harsher punishment for the offences of giving or receiving bribes.

Additional activities were implemented, including those implementing the project "Report Corruption" in order to ensure a swift and more efficient manner of reporting suspicious corruption assets and other corruption-like irregularities.

As regards fighting human trafficking, a major step was made by amending the Criminal Code, which is now aligned with international regulations providing for human trafficking. These amendments were introduced also for the purpose of aligning the legislation with the UN Convention against Trans-National Organised Crime by adding new criminal offences as follows: human trafficking, trafficking in minors and organising a group of criminal association for the purpose of committing the criminal offences of human trafficking and trafficking in minors. The police and judicial structures prosecute the criminal offences of human trafficking, and all relevant institutions of Republika Srpska take part in the implementation or monitoring of the Strategy for fighting human trafficking in BiH.

As regards the **treatment of convicts**, the institutions of Republika Srpska undertake measures to ensure that the recommendations of the European Council for the prevention of torture and inhuman or degrading treatment or punishment (CPT) are observed, all with a view to eliminating the observed deficiencies. In addition to the activities aiming to ensure better accommodation of convicts, any abuse of authority or excessive use of force, torture or inhuman treatment by police officers is strictly punished.

Significant efforts have been invested in **fighting discrimination** on any grounds and continue to be implemented in Republika Srpska; in that respect, it is worth noting that the RS Criminal Code punishes the criminal offense of incitement to national, racial or religious hatred, discord and intolerance. In that respect, all relevant institutions implement regular activities to prevent and punish such crimes.

Also, with a view to informing and sensitising the public, in particular children and youth, different campaigns, programmes and training courses are organised, such as the campaign "Tolerance", which focuses on hate crimes, racial discrimination, attacks on the places of worship, etc. and the campaign "Republika Srpska's action against hate speech on the internet", which advocate equality, dignity, human rights and diversity and aim to fight against hate speech and any form of discrimination.

The institutions of Republika Srpska **actively participate in programmes for reform of the justice sector**. In the post-civil war period many justice institutions were hurriedly established, some in violation of constitutional requirements. As part of the overall program for accession to the European Union, a structured dialogue on Justice has been underway for the past several years and is the primary mechanism for addressing urgently needed reforms in this sector.

An important aspect of this process has been directed at eliminating **ethnic discrimination**, i. e. problems encountered in the work of judicial institutions at the national level related to prosecution, trial and sentencing of individuals for war crimes.

Analysis of the work of the BiH Prosecutor's Office and Court indicates evidence of serious ethnic discrimination. Obviously such discrimination not only violates human rights of suspects under Protocol 12 to the European Convention on Human Rights but also largely undermines public confidence in the entire justice system.

Moreover, ethnic discrimination is also in direct conflict with the role of war crimes prosecutions as a means of social reconciliation and confidence.

The institutions of Republika Srpska have worked tirelessly with their colleagues in the Federation and with the European Union to find a satisfactory means of compliance for elections in the Federation with the European Court of Human Rights judgment in the Sejdić-Finci case. We anticipate that the new government resulting from our recent elections will continue to support any reasonable proposals acceptable to the Federation. In Republika Srpska, we have agreed to eliminate all provisions of ethnic discrimination in the election of candidates for office from our entity.

There has been another very important judgment Of the European Court of Human Rights during the past 18 months (*Maktouf and Damjanović vs. BiH*), which invalidated sentencing practices used by the Court of Bosnia and Herzegovina in war crimes cases. The Court of Bosnia and Herzegovina imposed sentences under recently enacted laws rather than sentences provided for by the law in effect at the time the crimes were committed despite the fact that the law applicable at the time when the crimes were committed would have resulted in more lenient sentences. Such a practice was a violation of Chapter VI of the European Convention on Human Rights and Fundamental Freedoms. The European Court ordered correction of the sentences and compensation for claimants injured by this practice of the Court of BiH. Unfortunately the Court of Bosnia and Herzegovina has failed to put in place any process for redressing injury to the many persons unjustly affected by the sentencing practice condemned by the European Court in Strasbourg.

The government of Republika Srpska pays special attention to the rights of **minorities and vulnerable categories** and protection thereof, and continues to seek to further develop a legal framework that would help improve their situation.

Republika Srpska guarantees **equality of all ethnic minorities**. Freedom, equality, ethnic equality and gender equality, social justice and respect for human rights are among the highest values of its constitutional order.

No law in Republika Srpska contains discriminatory provisions against the members of any ethnic minority. For example, in the area of education, children belonging to **ethnic minorities** are covered by the regular schooling system and the schools themselves seek to organise classes teaching the languages and cultural heritage of the ethnic minorities. Also, we note that the "two schools under one roof", as a form of ethnic segregation, does not exist in Republika Srpska.

As regards the Roma minority and improvement of their situation, in addition to their active participation in housing and job opportunity programmes for the Roma people, in particular in the area of health care, the Roma people – and we wish to highlight this – who have a civic status in Republika Srpska, are entitled to health care in the same way and conditions as any other citizen of Republika Srpska. Many projects aiming at improving the health status of the members of this ethnic minority are

also in place, such as screening for cervix carcinoma and breast cancer for women and screening for prostate carcinoma and colon cancer for men.

Considerable funds from the Republika Srpska budget have been provided for efforts aimed at **improving the status of persons with disabilities**. These funds, along with the funds secured by cities and municipalities, have made it possible to significantly increase the level of cash allowances payable to persons with disabilities introduces new entitlements, which include daily care including different forms of organised daily services and stay outside of one's family, with proper nutrition, nursing, care, health care, education, psychosocial rehabilitation, occupational treatment and other services. As regards the schooling of children with disabilities, we wish to note that Republika Srpska adopted a system of inclusion of such children in primary education in regular schools, and teachers work with these children under special, individually tailored programmes.

Over the past period, Republika Srpska has implemented a series of strategic and operational measures to improve **the status of women** and ensure gender equality in different areas of life and work. Significant progress has been achieved to date. The priority areas in the reporting period included: fight against violence against women, including domestic violence; political and public life; labour, employment and access to resources; gender sensitive budgeting; improving the status of women in rural areas; and media, education, strengthening of institutional capacities at all levels of government to implement the binding gender equality standards.

Significant progress has been made in the area of aligning the labour RS employment legislation with international and domestic norms and legal standards for gender equality, including employment of persons with disability. Also, progress has been made in by providing legal sanctions against minor infractions and more serious offences in in cases of family violence. Related social welfare action and media awareness programs are included in this program.

As regards violence against **women and children**, a number of activities have been implemented. Amendments to the Criminal Code have improved the legislation governing the prevention and combating sexual violence in family, which makes it possible to make a clear distinction between domestic violence as a criminal offence and family violence as an infraction, and there has been alignment with international standards, primarily those enshrined in the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

In addition, in the reporting period, a strategy for preventing domestic violence was adopted, and a bill preventing domestic violence was enacted. The General Protocol on the Actions in Cases of Domestic Violence in Republika Srpska was also adopted for the purpose of ensuring coordinated, efficient and comprehensive work of the authorities responsible for protection, with a view to providing immediate assistance, support and protection of domestic violence victims, and combating and preventing any repetition of domestic violence.

Starting from the fact that the prevention of violence against children is the best form of **protecting children**, and having regard to the impact of domestic violence on a child's growth and development, the relevant institutions of Republika Srpska signed a protocol on actions in cases of violence, abuse or neglect of children, the purpose of which is to improve the social care of children and protection, and to ensure the necessary support in all situations where a child is exposed to any form of violence, abuse or neglect by way of ensuring an adequate and timely response of the relevant institutions and services. The Protocol stipulates a harmonised manner of keeping records on cases of violence, abuse or neglect

of children by using a single form; based on the statistics, a report on the number of children victims of violence, abuse and neglect by sex, age, form of violence and measures undertaken will be produced, all with a purpose of ensuring the necessary indicators based on which it will be possible to further act and design measures to prevent and combat violence against children.

In line with its constitutional competencies, the Government of Republika Srpska set up a council for children as a standing, advisory and coordinating body responsible for the issues in the area of the rights of the child, which meets on a regular basis and reports to the Government and relevant institutions on the situation in the field, issues encountered and activities undertaken in the area of the rights of the child in Republika Srpska and options for addressing problems. Under the 2014 programme of the Council for Children there is provided that an action plan for children will be developed.

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Given the limited time we have, today we have touched upon the major efforts for ensuring protection and improvement of human, civic and political rights in Republika Srpska. Also, we have expressed our concerns as regards certain areas in which human rights have been violated. In addition to the above, we are prepared to provide the Council with additional information pertaining to our continuous efforts to improve human rights and relating to freedoms and individual specific areas we find to be of interest of the Council for deliberation in the coming period. In that respect, we are open to all issues and invite all interested parties to submit their questions about any specific issue in writing to the institutions of Republika Srpska, at any time, in order for them to be informed, in an adequate and timely manner, of all activities implemented in any area of concern in terms of respect for and protection of human rights and freedoms.

Again, I wish to thank you for your attention while pointing out the commitment of the institutions of Republika Srpska to further improvement of human rights and freedoms in Republika Srpska and the implementation of the recommendations of the Council as regards human rights as priorities of utmost importance.